

## Social Media Advertising

Dear Code-E,

I love all forms of social media, from Facebook to Snapchat and I want to advertise my listings on all my social media channels. Do I REALLY need to have my brokerage name in the post? Is social media exempt from any advertising rules?

Signed,  
Socially Confused

Dear SC,

No, social media is not exempt from Nevada Real Estate Advertising law. It is a requirement by NRS 645.315 and NAC 645.510 that the name of a brokerage firm under which your license is associated be clearly identified in any advertisement. Further, NAC 645.610 includes "electronic means" as a form of advertising which encompasses social media. The easiest way to comply is to simply post Open House Flyers that clearly show your office name as pictures or "tag" your office so that the brokerage name shows up in the post.

Sincerely,  
Code-E

### **NRS 645.315 Conditions and limitations on certain advertisements; required disclosures; prohibited acts.**

1. In any advertisement through which a licensee offers to perform services for which a license is required pursuant to this chapter, the licensee shall:

(a) If the licensee is a real estate broker, disclose the name of any brokerage under which the licensee does business; or

(b) If the licensee is a real estate broker-salesperson or real estate salesperson, disclose the name of the brokerage with whom the licensee is associated.

2. If a licensee is a real estate broker-salesperson or real estate salesperson, the licensee shall not advertise solely under the licensee's own name when acting in the capacity as a broker-salesperson or salesperson. All such advertising must be done under the direct supervision of and in the name of the brokerage with whom the licensee is associated.

(Added to NRS by [1999, 92](#); A [2003, 932](#))

### **NAC 645.610 Restrictions on advertising; use of name under which licensee is licensed. ([NRS 645.050, 645.190](#))**

1. In addition to satisfying the requirements set forth in [NRS 645.315](#):

(a) An advertisement of the services of a licensee for which a license is required under [chapter 645](#) of NRS must not be false or misleading.

(b) Except as otherwise provided in this paragraph, a licensee shall not use his or her name or telephone number or the name or telephone number of another licensee of the brokerage firm with which the licensee is associated in any advertisement which contains the words "for sale by owner," "for lease by owner" or similar words. A licensee may use his or her name or telephone number in an advertisement for property if the licensee has an ownership interest in the advertised property and the advertisement contains:

(1) If the licensee is a real estate broker, the words "for sale by owner-broker," "for lease by owner-broker" or substantially similar words; or

(1) If the licensee is an agent, the words "for sale by owner-agent," "for lease by owner-agent" or substantially similar words.

(c) The name of a brokerage firm under which a real estate broker does business or with which a real estate broker-salesperson or salesperson is associated must be clearly identified with prominence in any advertisement. In determining whether the name of the brokerage firm is identified with prominence, the Division shall consider, without limitation, the style, size and color of the type or font used and the location of the name of the brokerage firm as it appears in the advertisement.

(d) A licensee shall not publish or cause to be published any advertisement or place any sign that makes any reference to the availability of a specific property which is exclusively listed for sale by another broker unless the licensee obtains the prior written consent of the broker with whom the property is listed. Such

consent must not be given or withheld by the listing broker without the knowledge of the owner of the property.

(e) A licensee shall not advertise or otherwise conduct business under a name, including a nickname, other than the name under which he or she is licensed to engage in business.

2. If advertising under the name of a franchise, a broker shall incorporate in a conspicuous way in the advertisement the real, fictitious or corporate name under which the broker is licensed to engage in business and an acknowledgment that each office is independently owned and operated.

3. In addition to the provisions of paragraph (a) of subsection 1, a licensee who represents a seller or lessor under an exclusive agency listing agreement or an exclusive right to sell or lease listing agreement shall not advertise any property that is subject to the agreement as "for sale by owner" or otherwise mislead a person into believing that the licensee does not represent the seller or lessor.

4. As used in this section, "advertisement" includes, without limitation:

(a) Any unsolicited printed material and any broadcast made by radio, television or electronic means, including, without limitation, by unsolicited electronic mail and the Internet, billboards and signs; and

(b) Business cards, stationery, forms and other documents used in a real estate transaction.

[Real Estate Adv. Comm'n, § VII subsecs. 2 & 3, eff. 10-31-75] — (NAC A by Real Estate Comm'n, 8-21-81; 12-16-82; 4-27-84; 12-27-91; A by Real Estate Div., 3-1-96; A by Real Estate Comm'n by R186-99, 1-21-2000; R111-01, 12-17-2001; R031-04, 11-30-2004; R165-07, 4-17-2008)

**NAC 645.611 Advertisement of services: Use of terms "team" and "group."** (NRS [645.050](#), [645.190](#)) A licensee may use the term "team" or "group" to advertise the services provided by the licensee if:

1. The use of the term does not constitute the unlawful use of a trade name and is not deceptively similar to a name under which any other person is lawfully doing business;

2. The team or group is composed of more than one licensee;

3. The members of the team or group are employed by the same broker;

4. The name of the team or group contains the last name of at least one of the members of the team or group; and

5. The advertising complies with all other applicable provisions of this chapter and [chapter 645](#) of NRS.

(Added to NAC by Real Estate Comm'n by R031-04, eff. 11-30-2004)