

July 2019

COMMISSION CHECK IN



The Real Estate Commission prepared this information to provide an overview of common violations.

Question

According to The Kansas Real Estate Brokers' and Salespersons' License Act, are each of the following statements about advertising true or false?

- A. A licensee may advertise a property listed for sale through another brokerage with permission from the listing agent.
- B. A licensee conducting advertising is solely responsible for compliance with Kansas law.
- C. Licensees must include any information the broker considers necessary in their advertising.
- D. Social media advertising has different requirements than print advertising.

Answer

- A. **True.** A licensee from a different company may offer a property for sale with permission from the listing agent. The advertising must be conducted according to the terms authorized and cannot be misleading or inaccurate. K.S.A. 58-3062(a)(8) and K.S.A. 58-3086.
- B. **False.** All advertising must be conducted under the direct supervision of the supervising broker. The licensee conducting the advertising and their supervising broker are both responsible for compliance.
- C. **True.** The supervising broker may require affiliated licensees to include certain information in advertising.
- D. **False.** All advertising has the same requirements. For example, advertising must include the broker's trade or business name in a prominent and conspicuous manner and cannot misrepresent any property, terms, values, policies or services of the business conducted. For more requirements, see K.S.A. 58-3086.

Social media is the most common form of non-compliant advertising. If you are posting about real estate, real estate services or anything related to a real estate license on social media, it most likely falls under the advertising requirements. If you are not sure, consult your broker.