

NEW RULE

863-014-XXXX (perhaps 863-014-0067)

Alternative Name Registration

- (1) "Alternative name" means a name a licensee is known by that is not the licensee's licensed name.
- (2) A registered alternative name shall contain at a minimum one first name and one last name or surname.
- (3) A licensee may apply to register an alternative name for the purposes of advertising under OAR 863-015-0125 by submitting to the Agency:
 - (a) An online alternative name registration application available through the Agency's website; and
 - (b) Documentation showing that the licensee is commonly known by the alternative name.
- (4) The Agency may refuse to register an alternative name for a licensee if the alternative name:
 - (a) Is misleading or would constitute false advertising;
 - (b) Constitutes an unlawful use of a trade name; or
 - (c) Is deceptively similar to a name under which any other individual is lawfully conducting professional real estate activity.
- (5) A licensee may only have one active alternative name registered with the Agency at a time.

Advertising

(1) As used in this rule, "advertising" and "advertisement" include all forms of meaningful communication by or on behalf of a real estate broker or principal broker designed to attract the public to the use of services related to professional real estate activity. This includes, but is not limited to:

- (a) Print, including, but not limited to mail, publications, brochures, postcards, business cards, and stationery;
- (b) Signs, including but not limited to lawn signs, displays, and billboards;
- (c) Phone, including but not limited to mobile phone, text messaging, cold calling, and outgoing voicemail messaging;
- (d) Broadcast media, including but not limited to radio, television, podcasts, and video; and
- (e) Electronic media, including but not limited to multiple listing services, websites, email, social media, mobile apps, and other online marketing.

(2) Advertising shall:

- (a) Be identifiable as advertising of a real estate licensee;
- (b) Be truthful and not deceptive or misleading;
- (c) Not state or imply that the licensee is a principal broker or is responsible for operating the registered business if the licensee is a real estate broker;
- (d) Not state or imply that the licensee is responsible for operating the registered business if the licensee is a principal broker but not the authorized licensee for the registered business name as defined in OAR 863-014-0063;
- (e) Not state or imply that the licensee is qualified or has a level of expertise other than as currently maintained by the licensee; and
- (f) Be conducted only with the written permission of the property owner(s) or authorized agent of the owner(s) if for the purpose of offering real estate for sale, exchange, or lease.

(3) Advertising that includes the licensee's name shall use one of the following:

- (a) The licensee's licensed name;
- (b) A common derivative of the licensee's first name and the licensee's licensed last name; or
- (c) An alternative name registered with the Agency per OAR 863-014-XXXX and the licensee's license number.

(4) The registered business name, as registered with the Agency, shall be immediately noticeable in all advertising.

(5) Advertising in electronic media is subject to the following requirements:

- (a) Advertising shall comply with all other requirements of this rule;
- (b) Advertising by a real estate broker or principal broker shall include on its primary or home page:
 - (A) The licensee's name as required in section (3) of this rule; and
 - (B) The registered business name as registered with the Agency.
- (c) Sponsored links, which are paid advertisements located on a search engine results page, are exempt from the requirements contained in subsection (b) of this section if the first page following the link complies with subsection (b).
- (d) An email or text message from a licensee is exempt from the requirements of subsection (b) of this section if the licensee's initial communication contained the information required by subsection (a).
- (e) Advertising on social media is exempt from the requirements contained in subsection (b) of this section if the advertising links to the account profile page or a separate page that complies with subsection (b).
- (6) No advertising may guarantee future profits from any real estate activity.
- (7) A licensee may use the term "team" or "group" to advertise if:
 - (a) 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;
 - (b) The team or group includes at least one active real estate licensee;
 - (c) The licensee members of the team or group are associated with the same principal broker;
 - (d) The licensee member uses the licensee's name as required under section (3) of this rule;
 - (e) If any non-licensed individuals are named in the advertising, the advertising shall clearly state which individuals are real estate licensees and which ones are not; and
 - (f) The advertising complies with all other applicable provisions of ORS Chapter 696 and its implementing rules.

Real Estate Transactions Involving a Licensee as a Principal to the Transaction

(1) If a real estate broker or principal broker, whether active or inactive, either directly or indirectly offers or negotiates for the sale, exchange, lease option, or purchase of real estate within this state and the licensee is a principal to the transaction, the licensee shall disclose to the other party to the offer or transaction that the licensee is a real estate licensee:

(a) On all advertising; and

(b) In writing on at least the first written document of agreement concerning the offer or transaction.

(2) The disclosure set forth on the first written document of agreement also shall state that the real estate licensee is self-represented as either the buyer or the seller in the transaction.

(3) Transactions described in section (1) of this rule of a principal broker shall be processed in the same manner as the licensee's other professional real estate activities and comply with the records requirements under OAR 863-015-0250.

(4) Each transaction described in section (1) of this rule of a real estate broker associated with a principal broker shall be conducted under the supervision of the licensee's principal broker and all documents and funds shall be transmitted through the licensee's principal broker.

(5) If the licensee holds an inactive license while an offer or transaction described in section (1) of this rule is being effected:

(a) The licensee shall place all funds received in or necessary to effect the offer or transaction into a neutral escrow depository within this state; and

(b) The licensee shall maintain documents concerning the matter as required of a principal broker under OAR 863-015-0250.

(5) This section applies to offers and transactions entered into by corporations, partnerships, limited partnerships, or other legal entities in which any real estate licensee, active or inactive, is an owner and where the licensee at any time participates in negotiations concerning the offer or transaction on behalf of the entity. As used in this rule, "owner" means an individual having an ownership interest equaling more than five percent of the total ownership interest in the legal entity.

NEW RULE

863-024-XXXX (perhaps 863-024-0067)

Alternative Name Registration

- (1) "Alternative name" means a name a licensee is known by that is not the licensee's licensed name.
- (2) A registered alternative name shall contain at a minimum one first name and one last name or surname.
- (3) A licensee may apply to register an alternative name for the purposes of advertising under OAR 863-025-XXXX by submitting to the Agency:
 - (a) An online alternative name registration application available through the Agency's website; and
 - (b) Documentation showing that the licensee is commonly known by the alternative name.
- (4) The Agency may refuse to register an alternative name for a licensee if the alternative name:
 - (a) Is misleading or would constitute false advertising;
 - (b) Constitutes an unlawful use of a trade name; or
 - (c) Is deceptively similar to a name under which any other individual is lawfully conducting professional real estate activity.
- (5) A licensee may only have one active alternative name registered with the Agency at a time.

NEW RULE

863-025-XXXX (perhaps 863-025-0125)

Advertising

(1) As used in this rule, "advertising" and "advertisement" include all forms of meaningful communication by or on behalf of a property manager designed to attract the public to the use of services related to the management of rental real estate. This includes, but is not limited to:

- (a) Print, including but not limited to mail, publications, brochures, postcards, business cards, and stationery;
- (b) Signs, including but not limited to lawn signs, displays, and billboards;
- (c) Phone, including but not limited to mobile phone, text messaging, cold calling, and outgoing voicemail messaging;
- (d) Broadcast media, including but not limited to radio, television, podcasts, and video; and
- (e) Electronic media, including but not limited to multiple listing services, websites, email, social media, mobile apps, and other online marketing.

(2) Advertising shall:

- (a) Be identifiable as advertising of a real estate licensee;
- (b) Be truthful and not deceptive or misleading;
- (c) Not state or imply that the licensee is a principal broker or is responsible for operating the registered business if the licensee is a real estate broker;
- (d) Not state or imply that the licensee is responsible for operating the registered business if the licensee is a principal broker or licensed property manager but not the authorized licensee for the registered business name as defined in OAR 863-024-0063;
- (e) Not state or imply that the licensee is qualified or has a level of expertise other than as currently maintained by the licensee; and
- (f) Be conducted for the purpose of offering real estate for rent or lease under a property management agreement with the property owner.

(3) Advertising that includes the licensee's name shall use:

- (a) The licensee's licensed name;
- (b) A common derivative of the licensee's first name and the licensee's licensed last name; or
- (c) An alternative name registered with the Agency per OAR 863-024-XXXX and the licensee's license number.

(4) The registered business name, as registered with the Agency, shall be immediately noticeable in all advertising.

(5) Advertising in electronic media is subject to the following requirements:

(a) Advertising shall comply with all other requirements of this rule;

(b) Advertising by a property manager shall include on its primary or home page:

(A) The licensee's name as required in section (3) of this rule; and

(B) The registered business name as registered with the Agency.

(c) Sponsored links, which are paid advertisements located on a search engine results page, are exempt from the requirements contained in subsection (b) of this section if the first page following the link complies with subsection (a).

(d) An email or text message from a licensee is exempt from the requirements of subsection (b) of this section if the licensee's initial communication contained the information required by subsection (a).

(e) Advertising on social media is exempt from the requirements contained in subsection (b) of this section if the advertising links to the account profile page or a separate page that complies with subsection (b).

(6) No advertising may guarantee future profits from any rental real estate.