

LICENSE DISCLOSURE REQUIREMENTS FOR ADVERTISING

RE 559 (Rev. 7/18)

The following chart shows the required disclosures of licensure for real estate-related advertisements. For a chart showing the required disclosures of licensure for mortgage loan-related advertisements, please refer to License Disclosure Requirements for Mortgage Advertising, form RE 858. Pertinent Real Estate Law referred to includes Business and Professions Code (B&P) and Regulations of the Real Estate Commissioner (Regulation).

Questions?

If you have questions, please call the Enforcement section at (877) 373-4542.

Advertising		Required Disclosures			Display Requirements	Pertinent Real Estate Law
Ads and Solicitation Materials	Media	Name(s)/Designation/ Phrasing	CalBRE License Number	NMLS Unique Identifier*		
Related to Government Lands	All***	Name of broker -AND- state that the broker is licensed as a real estate broker by the State of California	8-digit license number of each licensee in the advertisement	Unique identifier of each licensee disseminating the materials* (unique identifier of the employing broker or corporation <i>not</i> required)	Font size of the license number must not be less than the smallest font size used in the advertisement and solicitation materials	B&P 10140.5, 10140.6(b); Regulation 2773
Print Ads**	Newspapers, periodicals, mail	Broker, agent, Realtor, loan correspondent or abbreviations bro., agt., or other similar terms or abbreviations	Note: Please see "First Point of Contact Solicitation Materials" guidance below, as well as footnote ** below, re: additional required disclosures			B&P 10140.6(a); Regulation 2770.1
First Point of Contact Solicitation Materials (Including Print Ads)	Business cards, stationery, flyers, television ads, print ads (newspapers, periodicals, etc.), electronic media ads (internet, radio, cinema, video, audio, etc.), brochures, leaflets, etc., mail (regular & email), for sale, rent, lease, open house, and directional signs	Licensee name **** -AND- broker's name	8-digit license number of each licensee in the advertisement**** ----- 8-digit license number of the broker (optional)	Unique identifier of each licensee disseminating the materials* (unique identifier of the employing broker or corporation <i>not</i> required)	Font size of the license number must not be less than the smallest font size used in the advertisement and solicitation materials	B&P 10140.6(b); Regulation 2773
Contain a Salesperson-Owned DBA	All***	Fictitious business name -AND- salesperson's name -AND- broker's name	8-digit license number of the salesperson ----- 8-digit license number of the broker (optional)	N/A	Broker's name (and license number, if included) must be equally as prominent and conspicuous as the DBA -AND- salesperson's name and license number must be conspicuous	B&P 10159.5, 10159.7
Contain a Team Name	All***	Team name -AND- salesperson's name -AND- broker's name	8-digit license number of the salesperson ----- 8-digit license number of the broker (optional)	N/A	Team name and salesperson's name and license number must be conspicuous and prominent -AND- broker's name (and license number, if included) must be as prominent and conspicuous as the team name	B&P 10159.6, 10159.7

*Only applies to residential mortgage loan originators, as defined in Section 10166.01 of the Business and Professions Code.

** Print ads must contain a designation, pursuant to 10140.6(a) of the Business and Professions Code and Section 2770.1 of the Commissioner's Regulations. **Print ads are also first point of contact solicitation materials and must disclose, in addition to a designation, the licensee's name and license number and the broker's identity, pursuant to Section 10140.6(b) and Regulation 2773.**

*** Refers to any advertising and solicitation materials, including first point of contact materials.

**** Does not apply to "for sale", rent, lease, "open house", and directional signs that display the responsible broker's identity only and does not identify or reference an associate broker or licensee. Note: This exception does not apply, if using a team name or salesperson-owned dba or the advertising and solicitation materials are related to government lands.

PERTINENT CODES & REGULATIONS

Business and Professions Code

Disclosure of Name

10140.5. Each advertisement or other statement which is published by a real estate broker or salesman offering to assist persons to file applications for the purchase or lease of, or to locate or enter upon, lands owned by the State or Federal Government shall, when published, indicate the name of the broker for whom it is published and state that he is licensed as a real estate broker by the State of California.

Disclosure of Licensed Status in Advertising

10140.6. (a) A real estate licensee shall not publish, circulate, distribute, or cause to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that he or she is performing acts for which a real estate license is required.

(b)(1) A real estate licensee shall disclose his or her name, license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Licensing System and Registry, if that licensee is a mortgage loan originator, and responsible broker's identity, as defined in Section 10159.7, on all solicitation materials intended to be the first point of contact with consumers and on real property purchase agreements when acting as an agent in those transactions. The commissioner may adopt regulations identifying the materials in which a licensee must disclose a license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Licensing System and Registry, and responsible broker's identity.

(2) For purposes of this section, "solicitation materials" include business cards, stationery, advertising flyers, advertisements on television, in print, or electronic media, "for sale," rent, lease, "open house," and directional signs, and other materials designed to solicit the creation of a professional relationship between the licensee and a consumer.

(3) Nothing in this section shall be construed to limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

(c) This section shall not apply to "for sale," rent, lease, "open house," and directional signs that do either of the following:

(1) Display the responsible broker's identity, as defined in Section 10159.7, without reference to an associate broker or licensee.

(2) Display no licensee identification information.

(d) "Mortgage loan originator," "unique identifier," and "Nationwide Mortgage Licensing System and Registry" have the meanings set forth in Section 10166.01.

(e) This section shall become operative on January 1, 2018.

Fictitious Name

10159.5. (a) (1) Every person applying for a license under this chapter who desires to have the license issued under a fictitious business name shall file with his or her application a certified copy of his or her fictitious business name statement filed with

the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(2) A responsible broker may, by contract, permit a salesperson to do all of the following:

(A) File an application on behalf of a responsible broker with a county clerk to obtain a fictitious business name.

(B) Deliver to the bureau an application, signed by the responsible broker, requesting the bureau's approval to use a county approved fictitious business name that shall be identified with the responsible broker's license number.

(C) Pay for any fees associated with filing an application with a county or the bureau to obtain or use a fictitious business name.

(D) Maintain ownership of a fictitious business name, as defined in paragraph (2) of subdivision (a) of Section 10159.7, that may be used subject to the control of the responsible broker.

(b)(1) A salesperson using a fictitious business name authorized by subdivision (a), shall use that name only as permitted by his or her responsible broker.

(2) This section does not change a real estate broker's duties under this division to supervise a salesperson.

(c) A person applying to a county for a fictitious business name pursuant to subdivision (a) may file his or her application in the county or counties where the fictitious business name will be used.

(d) Advertising and solicitation materials, including business cards, print or electronic media and "for sale" signage, using a fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the responsible broker's identity, as defined in paragraph (1) of subdivision (a) of Section 10159.7, in a manner equally as prominent as the fictitious business name.

(e) Notwithstanding subdivision (b) of Section 10140.6, advertising and solicitation materials, including print or electronic media and "for sale" signage, containing a fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the name and license number of the salesperson who is using the fictitious business name.

(f) Notwithstanding Section 10185, a violation of this section is not a misdemeanor.

Team Name - Requirements

10159.6. All of the following apply to use of a team name, as defined in paragraph (5) of subdivision (a) of Section 10159.7:

(a) Notwithstanding subdivision (b) of Section 10140.6, advertising and solicitation materials that contain a team name, including print or electronic media and "for sale" signage, shall include, and display in a conspicuous and prominent manner, the team name and the name and license number of at least one of the licensed members of the team.

(b) The responsible broker's identity, as defined in paragraph (1) of subdivision (a) of Section 10159.7, shall be displayed as prominently and conspicuously as the team name in all advertising and solicitation materials.

(c) The advertising and solicitation materials shall not contain terms that imply the existence of a real estate entity independent of the responsible broker.

(d) Notwithstanding Section 10185, a violation of this section is not a misdemeanor.

Fictitious and Team Names - Definitions

10159.7. (a) For the purposes of this article, the following definitions shall apply:

(1) “Responsible broker’s identity” means the name under which the responsible broker is currently licensed by the bureau and conducts business in general or is a substantial division of the real estate firm, or both the name and the associated license identification number. Responsible broker’s identity does not include a fictitious business name obtained pursuant to paragraph (2) of subdivision (a) of Section 10159.5 or the use of a team name pursuant to Section 10159.6.

(2) “Fictitious business name” means a professional identity or brand name under which activity requiring a real estate license is conducted and the use of which is subject to approval by the bureau pursuant to Section 10159.5.

(3) “Ownership of a fictitious business name” means the right to use, renew, and control the use of a fictitious business name obtained in accordance with Section 10159.5.

(4) “Responsible broker” means the broker responsible for the exercise of control and supervision of salespersons under Section 10159.2, or a licensee subject to discipline under subdivision (h) of Section 10177 for failure to supervise activity requiring a real estate license. The supervision of a salesperson required under this part or any other law is limited to regulatory compliance and consumer protection.

(5) “Team name” means a professional identity or brand name used by a salesperson, and one or more other real estate licensees, for the provision of real estate licensed services. Notwithstanding any other law, the use of a team name does not require that a separate license be issued for that name pursuant to Section 10159.5. A team name does not constitute a fictitious business name for purposes of this part or any other law or for purposes of filing a fictitious business name statement with an application as required by subdivision (a) of Section 10159.5 if all of the following apply:

(A) The name is used by two or more real estate licensees who work together to provide licensed real estate services, or who represent themselves to the public as being a part of a team, group, or association to provide those services.

(B) The name includes the surname of at least one of the licensee members of the team, group, or association in conjunction with the term “associates,” “group,” or “team.”

(C) The name does not include any term or terms, such as “real estate broker,” “real estate brokerage,” “broker,” or “brokerage” or any other term that would lead a member of the public to believe that the team is offering real estate brokerage services, that imply or suggest the existence of a real estate entity independent of a responsible broker.

(b) Nothing in this section changes a real estate broker’s duties under this division to supervise a salesperson.

Commissioner’s Regulations

2770.1. Advertising - License Designation.

Use of the terms broker, agent, Realtor, loan correspondent or the abbreviations bro., agt., or other similar terms or abbreviations, is deemed sufficient identification to fulfill the designation requirements of Section 10140.6(a) and (c) of the Business and Professions Code.

Use of the terms and abbreviations set forth above does not satisfy the requirements of Sections 10235.5 and 17539.4 of the Code.

2773. Disclosure of License Identification Number on Solicitation Materials – First Point of Contact with Consumers.

(a) A real estate broker or salesperson, when engaging in acts for which a license is required, shall disclose its, his or her eight (8) digit real estate license identification number on all solicitation materials intended to be the first point of contact with consumers. If the name of more than one licensee appears in the solicitation, the license identification number of each licensee shall be disclosed. The license numbers of employing brokers or corporate brokers whose names or logos or trademarks appear on solicitation materials along with the names and license numbers of licensed employees or broker associates do not need to appear on those materials.

Solicitation materials intended to be the first point of contact with consumers, and in which a licensee must disclose a license identification number, include the following:

(1) Business cards;

(2) Stationery;

(3) Websites owned, controlled, and/or maintained by the soliciting real estate licensee; and

(4) Promotional and advertising fliers, brochures, email and regular mail, leaflets, and any marketing or promotional materials designed to solicit the creation of a professional relationship between the licensee and a consumer, or which is intended to incentivize, induce or entice a consumer to contact the licensee about any service for which a license is required.

The type size of the license identification number shall be no smaller than the smallest size type used in the solicitation material.

(b) For the purposes of Business and Professions Code Section 10140.6, solicitation materials do not include the following:

(1) Advertisements in electronic media (including, without limitation, radio, cinema and television ads, and the opening section of streaming video and audio);

(2) Print advertising in any newspaper or periodical; and

(3) “For Sale” signs placed on or around a property intended to alert the public the property is available for lease, purchase or trade.