

ADD/CANCEL SALESPERSON OWNED FICTITIOUS BUSINESS NAME

RE 247 (Rev. 7/18)

DRE USE ONLY

DRE RECEIVED DATE

DRE USE ONLY

GENERAL INFORMATION

- *Complete in full. Read instructions on reverse side before completing.*
- *Attach copy of filed Fictitious Business Name Statement.*
- *The employing Broker's or Corporation's principal place of business as listed on the Fictitious Business Name Statement must match the employing Broker's or Corporation's main office address.*
- *This form can be used for Salesperson or Broker Associate owned fictitious business names.*
- *Type or print clearly in blue or black ink.*
- *All signatures must be original signatures.*

1. BROKER OR CORPORATION DRE LICENSE NUMBER 2. BROKER OR CORPORATION NAME - DO NOT LIST DBA or Fictitious Business Names

ADD/CANCEL FICTITIOUS BUSINESS NAME (DBA)

3A. FICTITIOUS BUSINESS NAME (DBA) -- PRINT AS IT APPEARS ON FILING FROM COUNTY CLERK.

- ADD
 CANCEL

3B. FICTITIOUS BUSINESS NAME (DBA) -- PRINT AS IT APPEARS ON FILING FROM COUNTY CLERK.

- ADD
 CANCEL

3C. FICTITIOUS BUSINESS NAME (DBA) -- PRINT AS IT APPEARS ON FILING FROM COUNTY CLERK.

- ADD
 CANCEL

Salesperson/Broker Associate Certification

I hereby certify that I have read and am aware of the requirements set forth in Business and Professions Code Section(s) 10159.5 through Section 10159.7, and that a written contract has been signed by me and my responsible broker permitting me to file an application on behalf of my responsible broker with a county clerk to obtain a fictitious business name. Additionally, I understand that I may apply and pay for, obtain, and maintain ownership of a fictitious business name that may be used subject to the control of my responsible broker. I further understand when I use a fictitious business name that meets these conditions, I must include my responsible broker's identity in marketing and solicitation materials, in a manner required by the Real Estate Law. Furthermore, I understand that any issues or disputes between myself and the employing broker or broker officer, identified below, regarding the ownership and/or use of such fictitious business name is a civil matter and would not fall under the purview of the Department of Real Estate.

4. PRINTED NAME OF SALESPERSON **OR** BROKER ASSOCIATE

5. DRE SALESPERSON **OR** BROKER ASSOCIATE LICENSE NUMBER

6. SIGNATURE OF SALESPERSON **OR** BROKER ASSOCIATE (MUST BE ORIGINAL SIGNATURE)

7. DATE



Employing Broker/Broker Officer Certification

I hereby certify that I have read and am aware of the requirements set forth in Business and Professions Code Section(s) 10159.5 through Section 10159.7, and that a written contract has been signed by a salesperson operating under my supervision and myself allowing him or her to file an application with a county clerk to obtain a fictitious business name on my behalf. Additionally, I understand that this salesperson, may apply and pay for, obtain, and maintain ownership of a fictitious business name that may be used subject to my control as the responsible broker. I further understand when allowing a salesperson to use a fictitious business name, that meets the conditions set forth above, my identity must be displayed in marketing and solicitation materials, in a manner required by the Real Estate Law. Furthermore, I understand that any issues or disputes between myself and the salesperson, identified above, regarding the ownership and/or use of such fictitious business name is a civil matter and would not fall under the purview of the Department of Real Estate.

8. PRINTED NAME OF SIGNING EMPLOYING BROKER **OR** BROKER-OFFICER

9. SIGNATURE OF EMPLOYING BROKER **OR** BROKER-OFFICER (MUST BE ORIGINAL SIGNATURE)

10. DATE



DRE ONLY	PROCESSOR #	DATE PROCESSED	SENDER'S #	DATE SENT

INSTRUCTIONS

General Information

- "Broker Associate" means a broker acting in the capacity of a salesperson for another broker under written agreement who performs acts for which a license is required on behalf of the employing broker.
- This form is to be used only to add a salesperson owned fictitious business name, as specified to the employing broker's or corporation's record pursuant to Business & Professions code section 10151.5 — 10159.7. Business & Professions Code Sections 10159.5 — 10159.7 states:

Business and Professions Code Section 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.

Business and Professions Code Section 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.

Business and Professions Code Section 10159.7

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

- (1) "Responsible broker's identity" means a name and the associated license identification number 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. 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.

Fictitious Business Name (FBN)— To add a Salesperson owned FBN, as specified to the employing broker's or broker officer's license, enter the name exactly as it appears on the Fictitious Business Name Statement (FBNS) as filed with the County Clerk. The FBN must be filed in the county of the employing broker's or broker officer's main office address. Submit a copy of the FBNS with the "filed stamp" from the County Clerk's office. The Salesperson must complete and sign line #6 to add the FBN, and the employing broker or broker officer must sign line #9.

- Proof of Publication is not acceptable, unless it bears the County Clerk's "filed stamp."
- Photocopies are acceptable, if they are clear and legible.
- To cancel a salesperson owned FBN, complete lines #1 through #10, with the salesperson signing on line #6 and the broker signing on line #9. Please note however, that **ONLY** the employing broker or broker officer's signature is required on line #9 to cancel a salesperson owned FBN.

Mailing Information

This application may be submitted in person at any district office or mailed to the Sacramento office.

Mail To: Department of Real Estate
P.O. Box 137004
Sacramento, CA 95813-7004

PRIVACY INFORMATION:

Section 1798.17 of the Civil Code requires this notice be provided when collecting personal or confidential information from individuals. Each individual has the right to review personal information maintained by this Agency, unless access is exempted by law.

Department of Real Estate Assistant Commissioner
1651 Exposition Blvd. Licensing & Administration
Sacramento, CA 95815 Telephone: 877-373-4542

General powers of the Commissioner, Sections 10050, 10071, and 10075 of the Business and Professions Code authorizes the maintenance of this information.

Business and Professions Code Sections 30, 31(e) and 494.5(d) require each real estate licensee to initially provide to the Department of Real Estate his or her social security number which will be furnished to the Franchise Tax Board. The Franchise Tax Board will use your number to establish identification exclusively for tax purposes. These code

sections also require that each application for a new license or renewal provides notification on the application, that the Board of Equalization and the Franchise Tax Board will share taxpayer information with the Department of Real Estate, and that failure to pay tax obligations may result in a suspension or denial of a license. The Board of Equalization and Franchise Tax Board require the Department to collect social security numbers and federal taxpayer identification numbers for the purposes of matching the names of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Your social security numbers and federal taxpayer identification number shall not be deemed public records and shall not be open to the public for inspection.

The Real Estate Law and the Regulations of the Commissioner require applicants to provide the Department with specific information. If all or any part of the required information is not provided, processing may be delayed. In addition, the Commissioner may suspend or revoke a

license, or in the case of a license applicant, may deny the issuance for misstatements of facts (including a failure to disclose a material fact) in an application for a license.

The information requested in this form is primarily used to furnish license status information to the Department's Enforcement Section, and to answer inquiries and give information to the public on license status, mailing and business addresses and actions taken to deny, revoke, restrict or suspend licenses for cause.

This information may be transferred to real estate licensing agencies in other states, law enforcement agencies (City Police, Sheriff's Departments, District Attorneys, Attorney General, F.B.I.), and any other regulatory agencies (i.e., Department of Business Oversight, Department of Insurance, Department of Consumer Affairs, California Bar Association).