



## **Legal Information Line:** **September's Frequently Asked Questions on Advertising Issues**

*Christal Park Keegan, Esq.*

First, a brief introduction. I am the new Nevada REALTORS® staff attorney and will be the friendly voice on the receiving end of your calls in to the legal information line. Here is a list of the burning questions I received on the hot topic of advertising during my first month on the job. Your questions were intriguing, and I share them with our community because if a few of you had the same question, surely others do. Thank you for your calls, it is a pleasure to provide this member benefit and I look forward to your future questions into the

**Legal Information Line: (800)748-6999.**

***Q: I am forming a team and I have a really long last name. With the newly adopted law (SB230) allowing nicknames, can I use a nickname (a shortened version of my last name) for my team name?***

A: With respect to the new nicknames law and its impact on team names, the advertising requirements of teams pursuant to NAC 645.611 remains in full force and effect and requires the name of the team or group to contain the last name of at least one of the members of the team or group. In the instance of the broker of the team having a very long last name, another option to consider is using the last name of another member of the team who has a shorter last name.

***Q: Do I have to have a business license for my team? Does each individual on my team have to register with the Secretary of State as well?***

A: Yes and yes. Pursuant to NRS 602.010,

“Every person doing business in this State under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business must file with the county clerk of each county in which the business is being conducted a certificate containing the information required by NRS 602.020.”

The broker can consider listing members of the team within the contents of the certificate as appropriate (agent, office, manager, etc.). Each team member should file a Doing Business As (dba) with the Secretary of State under their business license. You may want to consult with your own attorney that can help guide you through the specifics, as every business is set up different.

***Q: What information needs to be included on a yard For Sale sign?***

A: Pursuant to NRS 645.315 and NAC 645.610, the yard sign needs to clearly identify the name of the brokerage with prominence. Further, if the home is broker or agent owned, the yard sign needs to indicate so (“for sale by owner-broker,” “for lease by owner-broker,” “for sale by owner-agent,” “for lease by owner-agent,” or substantially similar words). SB230 extends to yard signs, and licensees license numbers need to be included. In the meantime, consider a cost-



effective measure of adding a sticker or magnet to existing sale signs to ensure compliance until the Commission adopts regulations on this subject.

***Q: Is a license number required on self-branded promotional items, such as pens or calendars?***

A: The rule is that all marketing materials including signs, flyers, business cards, social media and billboards need to include the licensee's license number. Pens, calendars, and any other promotional items intended to promote the licensee's business are considered marketing materials and should include the license number.

***Q: Another agent is using my photos, help!***

A: REALTORS® magazine just published an in-depth article that discusses how brokers address photography, photo liability gray areas, and issues surrounding MLS and copyright laws. View the article here:

[https://magazine.realtor/technology/feature/article/2019/09/wait-that-s-my-listing-photo?AdobeAnalytics=ed\\_rid%3D6749521%26om\\_mid%3D1399%7CMembersEdgeNews\\_2019\\_09\\_19\\_Agents%26om\\_ntype%3DMEMBER%27S%20EDGE%20%28news%29](https://magazine.realtor/technology/feature/article/2019/09/wait-that-s-my-listing-photo?AdobeAnalytics=ed_rid%3D6749521%26om_mid%3D1399%7CMembersEdgeNews_2019_09_19_Agents%26om_ntype%3DMEMBER%27S%20EDGE%20%28news%29)

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