

LISTINGS ON REALTOR® WEB SITES NEED LISTING AGENTS APPROVAL

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The Professional Standards Committee of the National Association of REALTORS® has developed interpretations of the Code of Ethics to help REALTORS® understand the ethical obligations created by the Code of Ethics. The case interpretations are hypothetical allegations of unethical conduct by a REALTOR®. Each case

interpretation reviews the facts presented by the parties and provides a rationale for the decision for application in the real world. However, our ethics system does not recognize the legal concept of *stare decisis*, so these case interpretations do not represent binding precedent, and each “real life” complaint is determined on a case by case basis.

Case #12-16, Copying and Publishing other Brokers’ Advertisements (Adopted April, 1998.)

Wanting to take advantage of the Web, REALTOR® Johnson decided to design his own Web site.

Understanding that his site would be greatly enhanced by providing as much information as possible, he decided he would offer two pages of listings: his own and some choice listings of his competitors. Careful not to present a misleading picture in his advertising, he was careful to list the company names and phone numbers of the listing companies with each ad.

When REALTOR® Buchanan found one of her listings on REALTOR® Johnson’s new Web site, she filed an ethics complaint with the local Association of REALTORS® complaining that Johnson “blatantly and without authorization had advertised my listing on his Web site and in so doing was clearly in violation of Article 12 of the Code of

Ethics as interpreted by Standard of Practice 12-4.”

At their next meeting, the Grievance Committee decided that the alleged conduct, if taken at face value, could possibly violate Article 12. In response, they scheduled a hearing before the Association’s Professional Standards Committee.

At the hearing,

been contacted by Johnson for permission to advertise her listing.

When Johnson presented his case, he showed the hearing panel several examples of REALTORS® providing links to sites with ads for other REALTORS®’ listings. He said he saw no fundamental difference between providing such links and actually

any objection to giving their properties the additional exposure they received on his Web site.

Upon conclusion, the Hearing Panel decided that while providing a link to other REALTOR® listings did not violate Article 12, by actually publishing Buchanan’s listing on his Web site, Johnson was not linking to, but instead advertising (by copying, as opposed to simply providing a link) without authority. In their findings, the Hearing Panel also noted that even if Buchanan’s clients might not object to such advertising, the lack of objection could not be assumed and would not relieve Johnson of the obligation to obtain Buchanan’s specific authority and consent to advertise her listings.

The Hearing Panel found REALTOR® Johnson in violation of Article 12 of the Code of Ethics.

**The names in this case are fictional and are based on the names of past presidents.*

Buchanan produced a copy of her listing agreement and a photograph of the property, which matched the information in the ad and Johnson’s Web site. She testified that she had never

advertising other listings on his Web site, especially when he was careful to also give the listing company’s name and phone number. He argued that Buchanan’s clients wouldn’t understand

