

GMAR Updated Advertising Policy and the “One Click Rule”

When advertising real estate listings and services on social media, there must be consideration to Wisconsin State Law and the Realtors Code of Ethics.

License Law Disclosure Requirements (Including Social Media)

452.136 Advertising by licensees.

(1) FALSE ADVERTISING. A licensee may not advertise in a manner that is false, deceptive, or misleading.

(2) DISCLOSURE OF NAME.

(a) Except for advertisements for the rental of real estate owned by the licensee, a licensee shall in all advertising disclose the firm's name exactly as printed on the license of the licensed individual broker or licensed broker business entity or disclose a trade name previously filed by the firm with the department and shall in either case clearly indicate that the firm is a business enterprise and not a private party.

(b) Except for advertisements for the rental of real estate owned by the licensee, a licensee associated with a firm shall advertise under the supervision of and in the name of the firm. The firm's name as used in advertising shall be clear and conspicuous. This paragraph does not apply to a licensee engaged in independent practice as provided in s. 452.30 (6).

(c) Notwithstanding pars. (a) and (b), a licensee may advertise the occasional sale of real estate owned by the licensee or may engage in the occasional solicitation of real estate for purchase by the licensee without complying with pars. (a) and (b), provided that the licensee clearly identifies himself, herself, or itself as a real estate licensee in the advertisement.

Under Wisconsin real estate license law, all advertising of real property for sale, rent, or exchange in Wisconsin must contain the name of the real estate brokerage.

This includes all social media posts, or any other posts or ads on social media.

While the National Association of REALTORS® Code of Ethics [Standard of Practice 12-5](#) provides that brokerage disclosure has a “one click away” safe harbor provision for digital advertising, that “one click away” may not satisfy Wisconsin law.

This means all posts advertising real property for sale or rent in Wisconsin by a real estate licensee -- whether it's a post on your personal page, in a Facebook group, or on your Facebook business page -- must identify your real estate brokerage on the post itself.

To comply with the Code of Ethics, advertisements must include:

- Your firm's name, in a reasonable and readily apparent manner. (SOP 12-5).
- Your status as a real estate professional.
- On websites, the state where you hold a real estate license in a reasonable and readily apparent manner. (SOP 12-9).

- On websites, these disclosures may be made available via a link to a website that displays the required information. (SOP 12-5).

Article 12 of the Code of Ethics Code of Ethics

REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations.

REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional.

Standard of Practice 12-5

Realtors® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that Realtor's firm in a reasonable and readily apparent manner either in the advertisement or in electronic advertising via a link to a display with all required disclosures. *(Adopted 11/86, Amended 1/16)*

Standard of Practice 12-9

REALTOR® firm websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner.

Websites of REALTORS® and non-member licensees affiliated with a REALTOR® firm shall disclose the firm's name and that REALTOR®'s or non-member licensee's state(s) of licensure in a reasonable and readily apparent manner. *(Adopted 1/07)*

In summary

The Code of Ethics, via Standard of Practice 12-5 allows for you to include your required disclosures after one click. This is how the GMAR will review advertising in the future to determine if a citation is warranted. However, the once click rule will likely not satisfy required disclosure requirements under state law.