

Case #4:

REALTOR[®] Quinn was a licensee with ABC Realty and specialized in buyer representation. A headline on her website titled “I sold these and I can help you buy or sell to”. Under the headline was a list of over 100 property addresses that REALTOR[®] had found buyers.

REALTOR[®] Quinn decided to leave ABC Realty for personal and professional reasons and transfer her license to XYZ Real Estate. During the transfer, Quinn was careful to disclose the name of her new firm in a readily apparent manner on her website. Her website also continued to display the list of properties she had found buyers for during her time with ABC Realty. REALTOR[®] Quinn’s exit had been amicable, so she was surprised when a complaint was filed against her from REALTOR[®] Carl, her Broker at ABC Realty alleging a violation of Article 12, as interpreted by Standard of Practice (SOP) 12-7. The complaint was based on Quinn’s website display of sales made while with ABC Realty.

At the ethics hearing, REALTOR[®] Carl, the complainant, noted that SOP 12-7 states in part: *“Only REALTORS[®] who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property.”*

REALTOR[®] Carl added that it was ABC Realty that was the selling broker for those properties, not REALTOR[®] Quinn and that her advertising their sales under the umbrella of her new brokerage (XYZ Real Estate), is confusing and potentially misleading to consumers who may get the impression that XYZ was involved in the transactions when that is not the case. REALTOR[®] Quinn defended herself and her website arguing the fact that she had found the buyers for each of the properties listed on her website was still true and that the only thing that had changed was her firm affiliation. She stated, “if it was true when I was licensed with ABC, then it is still true now I’m licensed with XYZ.”

1. How do you think the hearing panel ruled? State your reasoning:

Case Study #4 ANSWER: The hearing panel agreed that REALTOR® Quinn had, in fact, sold the properties while licensed with ABC Realty. The website, however, suggested that the sales were made while she was licensed with XYZ Real Estate, which is not the case. REALTOR® Quinn was found in violation of Article 12.

