



GRADUATE,
REALTOR®
INSTITUTE

GRI 406:
Tips, Tools, and Technologies
For Your Business
Student Manual

TREEF

TENNESSEE
REAL ESTATE
EDUCATION
FOUNDATION

Chapter 1: The Technology Laws of Real Estate

State Laws:

TN Real Estate Commission Statutes and Rules stipulate that you cannot be fraudulent, false or deceptive in business practices and that you have to disclose certain information in all advertising and communications. Reference: TREC Rule 1260-02-.12

This includes:

- Your name as it is registered with the real estate commission
 - See this Clarification issued by TREC concerning name usage:
https://www.tn.gov/assets/entities/commerce/attachments/REC-Name_Guidelines_Rule_1260-2-12__10-1-2015.pdf
- The entire name of your firm, as registered with the real estate commission
- The telephone number of your firm, as registered with the real estate commission

The TN Real Estate Commission has defined advertising to include, but is not limited to “sources of communication available to the public such as signs, flyers, letterheads, email signatures, websites, social media communications and video or audio recordings transmitted through internet or broadcast streaming”.

It is further stated in TREC Rule 1260-02-.02(3)(b)(1 & 2): “The firm name must be the most prominent name featured within the advertising whether it be by print or other media; and The firm’s telephone number shall be the same size or larger than the telephone number of any individual licensee or group of licensees.”

False, misleading and/or deceptive advertising as described in the TREC Rules includes, but is not limited to, “any licensee advertising that includes only the franchise name without including the firm name (as registered with the Commission)”. (See Appendix for complete Rule.)

E-Mail Signatures:

In all business related emails, you are required to disclose :

- Your name as registered with the real estate commission
- The entire name of your firm, as registered with the real estate commission
- The telephone number of your firm, as registered with the real estate commission

EXERCISE: Creating your email signature block -





Web Sites:

Exercise: Self-Check: Go to your web site and make sure requirements.

From your observations, make note of items you need to address.

Items I need to address on my web site:

Social Media & Text Messaging:



TREC has defined social media as _____.

NAR's "Short Message Exception" policy does not apply in Tennessee. (See TAR Digests from August 1 and August 8, 2016.)

All posts on all types of social media must include ALL advertising requirements of TREC.

Exercise: Currently I have accounts with the following social media platforms:

Federal Laws:

Can-spam Act of 2003

Check it out here: www.ftc.gov/bcp/online/pubs/buspubs/canspam.shtm

The Controlling the Assault of Non-Solicited Pornography and Marketing or CAN-SPAM Act of 2003

Establishes requirements for those who send commercial e-mail, spells out penalties for spammers and companies whose products are advertised in spam if they violate the law, and gives consumers the right to ask emailers to stop spamming them & the ability to opt out of future communications.

The law, which became effective January 1, 2004, gives DOJ & FTC ability to enforce criminal sanctions & \$11,000 fine per instance for e-mail sent without consent for the purpose of advertising/commercial purposes.

It bans:

- False or misleading header information & deceptive subject lines.

- "Harvesting" e-mail addresses from Websites or Web services without permission

- Generating e-mail addresses using a "dictionary attack"

- Using scripts or other automated ways to register for multiple e-mail or user accounts to send commercial e-mail

- Relaying e-mails through a computer or network without permission

It requires:

- That your e-mail give recipients an opt-out method which must be processed within 30-days.

- That commercial e-mail be identified as an advertisement and include the sender's valid physical postal address.

Junk Fax Prevention Act

You Can't Fax People Without their Permission or it is a fineable offense.

Copyright

Copyright infringement is a **legal** issue. Copyright infringement occurs when works protected by copyright are used without consent. A common misconception is that that registration is required to obtain copyright.

Copyright is secured **automatically** upon creation.

Copyright is the Fastest, Easiest Way for You to Get Sued These Days! It is very easy to get caught because of readily available tools like Google Image Comparison Search or TinEye which can quickly scan the Internet and find any picture that looks like another image and then you have companies like Getty Images and Colaris who together file over ½ million copyright suits in 2013. So assume that **everything** you see on the Web is copyrighted, unless you have reason to believe otherwise and make sure that any image, media (music, video, audio, etc.) text content you put on your site is not safe to take/use and if you are going to put anything on your site, make sure you get it from a safe source.

Safe Sources in order:

1. If you produce it (artist, photographer, musician, etc.), you are safe in almost all situations. But even when you are the creator, there is a situation that is not safe and that is when it is someone else's property (in this case we are not using the word property to denote a real estate property, but instead as someone else's possessions). If you are the creator and it is someone else's property (ex. their car, child, dog, etc.) it would be in your best interests to get their permission.

FEDERAL LAWS



2. You are not the creator, but want to use someone else's work and get their written permission. This typically is safe, but in some cases can be problematic as well because you might not be talking to the right person (i.e. the actual creator or person who owns the rights to that work). For example, if you get written permission from your local chamber of commerce to use a picture on their site, you could still potentially get sued if the photographer who took the picture for the chamber comes after you, because they didn't have the permission or rights to extend the permission to you. So getting written permission is only safe if you know you are dealing with the right person (the owner/rights owner of that work).
3. Make sure you get it from a website that is a safe source.
 - A. [Search.CreativeCommons.org](https://search.creativecommons.org/) – the largest website on earth where everything in it is free, but in order to use anything you find on this site you just have to make sure you follow the instructions of the 6 logos/icons that are displayed on any work found on the site.
 - A. www.pixabay.com
 - B. www.fotolia.com
 - C. www.istockphoto.com



Electronic Signatures - “Uniform Electronic Transaction Act”

This law provides legal status to paperless online transactions. Electronic signatures have the same legal authority as written signatures in pen and ink on paper as long as both parties mutually agree to accept the e-signature before the transaction occurs. If one party refuses to do an electronic signature, all parties involved would have to revert to traditional wet signatures. Note: All states have statutes in place to accept faxed signatures.

List 3 digital signing tools that you are aware of:

1. _____
2. _____
3. _____

Your Listings

TAR listing forms have the appropriate language concerning photos, videos, etc.

Check your MLS Rules & Regulations for more pertinent information.

Chapter 2: National Association of REALTORS® Policies

Code of Ethics:

Article 1 -

Article 9 -

Article 10 -

Article 11 -

Article 12 -

Article 15 -

Article 16 -

IDX:

For any listing you promote online that is not yours, you have to disclose these three items:

1. The name of the listing company (ex. Listing provided by X). Note: No contact information for the company or any information about the listing agent is required.
2. A legal disclaimer specifically provided by your local association or MLS division.
3. A date & time stamp indicating when the last time the listing info was updated on your site. Note: The legal disclaimer (#2) basically indicates that you are not responsible for the accuracy of the listing information on your site. But that is only true if your site is updating properly which is why the date and time stamp is required. If a consumer can prove that the listing information is incorrect and outdated or that your disclaimer is not the right one, it would be a violation and you would be in line for a fine.

Computer & Internet Usage Policy:

Does your company have one?

Have you read it?

Chapter 3: Digital Etiquette

Remember the Grandma Rule, before you hit send or submit think if you would be ashamed or what the consequences would be if you showed it to someone in your life who you loved, feared and respected all at the same time and that should keep you out of trouble.



Managing Your Online Reputation:

Step 1: Start thinking like a criminal.

Step 2: Realize that EVERYTHING can be visible to others, even if you think it is private.

Step 3: Use privacy settings in your social media accounts

Tools to help in managing your online:



Exercise: go to www.google.com/alerts and set up a Google alert for yourself



Exercise: go to www.socialmention.com and search your name

User Review Sites: Zillow, Yelp, Realsatisfied, Testimonial Tree, Realtor.com

Klout - tracks your online activity

Reputation.com - a paid service to manage your online reputation and potentially help get information removed.



Exercise: Facebook Lists - open Facebook, scroll down and look on left side and find Friends, click on More beside friends - you can set up lists and post only to particular people. Also used in prospecting and contacts .

Chapter 4: Data Security & Technology

Risk Management

Data Security:

Everyday _____ new viruses hit the internet.

According to TREC , you are responsible for the collection and storage of all communications and information between you and your clients for a minimum of _____ years.

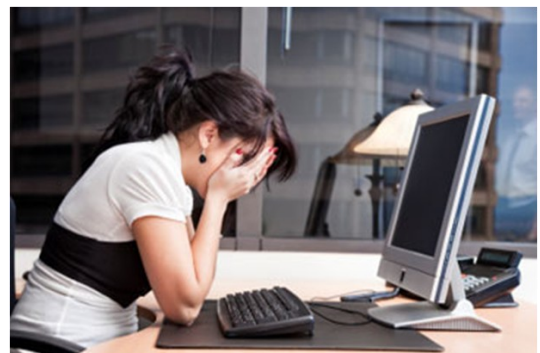
Computer Virus - Kinds & Malware:

A Virus is a type of malware that, when executed, replicates by inserting copies of itself (possibly modified) into other computer programs, data files, or the boot sector of the hard drive; when this replication succeeds, the affected areas are then said to be "infected".

** See Appendix for complete description/explanation of types of viruses and malware.

Signs of a Virus or Malware:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



How to Avoid Getting Viruses:

****See Appendix for detailed information**

1. Anti-virus Program

2. Using Outdated Programs

Exercise: Check your device and see if you have it set-up to complete automatic updates. For PC's - Open the Control Panel, click on System and Security, click on Windows Update

3. Weak or Outdated Passwords

4. Encrypting Files & Folders

5. Encrypting Mobile Devices

6. Encrypting Emails & Attachments



**DO NOT KEEP CUSTOMERS AND CLIENTS PERSONABLE IDENTIFIABLE
INFORMATION IN YOUR EMAILS OR COMPUTER FILES**

General Tech Tooltips:

If just one person in your company does not utilize safe computer practices and their computer devices are compromised, it could be a breach that affects your entire company. Every person in your office should be up-to-speed on the following:

Email Safety:

Set up a _____ e-mail account just for your online activity and SPAM

Only open e-mail from _____ sources

_____ all e-mail notifications on social media sites

Never provide any _____ data over E-Mail

Internet Safety:

Pay attention to your Anti-Virus Programs while online especially if you go to an _____ site

Avoid any _____ site

Avoid any site that asks your permission to install any software or _____ unless necessary

Be careful when downloading files, especially packed or folders (.exe, .zip, .rar, etc.) as they can contain _____

On the page you are about to provide private data (ex. credit card number) you should only do so if the site has a Secured Socket Layer (SSL) certificate which you can identify 2 ways:

- The domain will start with https:// instead of http://
- There will be a closed yellow lock icon in the status bar of the browser

Computer:

Be careful & use some common sense when opening files & avoid anything illegal online (pornographic material, bootleg software, pirated music/movies, etc.).

If it seems to be good to be true, it usually is!



Always have a Back-Up/Disaster Plan in Place – Carbonite

Carbonite is an online backup service, available to Windows and Mac users, that backs up documents, e-mails, music, photos, and settings.

Chapter 5: Understanding the Tech Usage of Today's Real Estate Consumer

When you think of how the real estate industry has changed or evolved over time, typically there is a new technology that enters the marketplace that radically changes the game.

Even though people have been buying and selling property since the advent of recorded history, most experts trace the origins of the real estate industry in the United States with organized associations to 1923. But for the next 35-years, it remained essentially a private transaction business where consumers would enlist the help of a real estate agent, but agents really weren't and didn't have a way to share listing information amongst each other.

Listing Cards - Circa 1940

Listing Books - Circa 1950 and beyond

Dumb Terminals - Circa 1960-1970

Personal Computers - Circa 1980

Internet 1.0 - Circa 1990

Internet Data Exchange - Circa 2000

Internet 2.0 - Circa 2000's

Internet 3.0 - the rise of mobile, social media and listing portals - Circa 2010...

The Consumer & their Real Estate Research Process:

The Internet is now the #1 Source used by a consumer during their real estate search process:

Internet	- 92%	Real estate agent	- 87%
Yard sign	- 48%	Newspaper	- 21%
Open house	- 45%	Home Magazine	- 12%

- Source: 2015 NAR® Profile of Homebuyers and Sellers

The Mobile Explosion:

In 2015, mobile Internet usage surpassed that of usage on computers (desktops and laptops). And that trend held true in real estate as well. In fact, in real estate mobile traffic is actually preferred. Google & NAR did a joint study called The Digital House Hunt and the Zero Moment of Truth (ZMOT) and one of the main findings of that study was you can often tell how serious an online user is based on the device they are using. . When consumers are using computers, they are typically very early in the 13-month period of their real estate transaction, in other words they aren't very serious yet. But once they start using mobile devices they are typically within 3-months of doing the transaction and are very serious. Mobile has also changed the way consumers search for properties as it has allowed them to shop anywhere and anytime they want (31% while at work, 28% while waiting in a line, 27% at a restaurant, etc.).

Exercise: How has technology changed your role as a Realtor® , the tools you use, customer behavior and their expectations?

Chapter 6: Finding Real Estate Consumers Online

The traditional way of marketing to reach new or keep in front of existing real estate customers still work, but they aren't as effective as they used to be. To be successful in today's real estate world and to reach today's consumer, you need to embrace online marketing and some of the newer forms of traditional marketing vehicles.

Why is a web site important?

Check out this article:

<http://realtormag.realtor.org/for-brokers/network/article/2016/08/are-agent-websites-dying-breed>

The Property Search:

What is important to have available in your property search?

What other “perks” can you make available to consumers who do register on your web site?

Tips on Finding a Good Real Estate Web Site Vendor:

Will you have the Ability to....

- Edit the Website Yourself (Content Management System)
- Customize the IDX YOURSELF to make pre-built search or drill down pages

Assess the Sites for....

- Good Search & Tools
- Good Lead Capture & Follow Up Tools

Determining Factors....

Customer Relationship Management (CRM) – System on the back of your website that allows you to track, communicate and follow up with leads/users of your site.

Mobile – 50% of all users of real estate sites are coming from a mobile device. So if you website doesn't look good on mobile, you've lost half the traffic/potential leads. You need to make sure your site looks good and performs on small screens like phones.

Mobile Websites from Worst to Best:

- Standard HTML = Pinch & Zoom
- App = Not in app stores, link to download
- Mobile Version = Stripped down version of site, but Automatically works on Mobile Devices
- Responsive Design = Full version of site on mobile, automatically reformatted to work on any device

Online Marketing Options:

Banner Advertising -

Re-Direct Advertising -

Real Estate Portal Site Upgrades -

Listing Syndication -

Pay Per Click -

Social Media Advertising -

Email & Video Email Marketing -

Direct Mail -

Video -

Mobile Advertising -

Are you doing any of these?



Chapter 7: Social Media

Over the last few years, nothing has changed our world than social media.

Concepts to Consider:

Consider Your Time Availability

Create and then Operate by Your Own Personal Code of Conduct

Tracking & Adjust

Set Up a Social Media Time Schedule - & Stick to It!

Social Media Profiles:

Every social media site you join will ask you to spend a few extra minutes to build out your profile. While it might feel like a waste of time, it is an important step to help you connect with others.

This link is to a web page/blog that gives you all the specifications about size of information. Pictures, etc. that you can have in several social media platforms.

<http://www.lunametrics.com/blog/2012/11/12/final-social-media-sizing-cheat-sheet/>

You should:

- Develop an interesting bio
- Fill out all applicable fields
- Use a REALLY good picture
- Link your web site and social media profiles together

Who you should be online:

Don't do this online:

Creating a Bio for Facebook:

Exercise: Write a short description bio, 155 characters or less.

Creating a Facebook Business Page:

If you don't have a Personal Profile on Facebook & Don't Intend to, go to the Facebook.com home page & click on **Create a Page** for a celebrity, band or business link **below the sign up box.**
**** But warning, this creates a very limited weak business page**

1

If you do have a personal profile or existing business page, while logged in go to www.facebook.com/page/

Choose Local Business or Place

2

3

Local Business or Place

Choose a category

Business or Place Name

Street Address

South Cleveland, Tennessee

37323

Phone

By clicking Get Started, you agree to the Facebook Pages Terms.

Get Started

1. Choose Category – click on drop down arrow and scroll down to Real Estate
2. In Business Place or Name, enter your name, your firm and your firm telephone number.
3. Complete all other fields
4. Click on Get Started

4

Set Up Test

1 About 2 Profile Picture 3 Add to Favorites 4 Claim 5 Preferred Page Audience

Add categories, a description and a website to improve the ranking of your Page in search.
 Fields marked by asterisks (*) are required.

Real Estate

Add a few sentences to tell people what your Page is about. This will help it show up in the right search results. You will be able to add more details later from your Page settings.

155

*Tell people what your Page is about...

Website (ex: your website, Instagram, Twitter or other social media links)

It's easier for people to find your Page in search when it has a unique username. Pages with usernames can also create custom URLs that let people quickly visit and message them.

<http://www.facebook.com/> Enter an address for your Page ...

Is Test a real establishment, business or venue?
 This will help people find this establishment, business or venue more easily on Facebook. ☒ Yes ☐ No

Will Test be the authorized and official representation of this establishment, business or venue on Facebook?
 This is a legally binding statement regarding the authenticity and representation of this Page. ☐ Yes ☒ No

Need Help? **Skip** **Save Info**

5

Facebook
Timeline

Gap 210 px

Gap 23 px

Profile Picture 160 x 160 px

Must be uploaded 180 x 180 px

Cover Photo 851 x 315 px

Total Length of App Images 350 px

Other Social Media Channels:

Twitter: Still a solid social media outlet for marketing your business and even finding clients.

If you're not on Twitter yet — or if you are, but could be more conscious about using it — then here's a quick way to get up-to-speed with the rest of the users online: build your follow list. This will help you understand how your competition is using Twitter, and it'll also give you plenty of opportunities to retweet the best from your list before you start creating your own tweets.

Who to follow:

1000watt [@1000watt](#)

Leigh Brown [@leighbrown](#)

Kristan Cole [@kristancole](#)

Brian Copeland [@NashvilleBrian](#)

Rob Hahn [@robhahn](#)

Nobu Hata [@nobuhata](#)

Katie Lance [@katielance](#)

For a detailed list of who to follow, check out this Inman article:

<http://www.inman.com/2016/01/13/these-are-the-top-real-estate-twitter-accounts/>

LinkedIn:

This is the business professional network as it is all about connecting with other business professionals, so anything posted on this site should be appropriate for the business world. At a minimum, all REALTORS should at least have an account and try to get a few written testimonials as LinkedIn profiles have become a background check when people search your name before making a hiring decision - think listings. LinkedIn has an optional Paid program, if you focus on commercial, investors or if you are the recruiter for your company would be a consideration as it adds a job board functionality to the site (ex. find all males with an MBA earning over \$150K within 50 mile radius).

Google Plus:

While not being used as much as the other sites, it is gaining a lot of accounts due to the fact that Google Plus significantly impacts the Google Search Engine (all businesses on the maps now come from Google Plus, the search results are affected based on your activity on Google Plus, etc.). So the profile of a Google Plus user is similar to Facebook's, but a bit more mature as it is typically people in the business world setting it up for the search engine benefits.

Pinterest:

As a Visual Discovery Network, everything on this site is visual, a picture or video. Rapidly growing site in many important areas as the home does very well on this site (homes, rooms, DIY projects, etc.) and 97% of the users are females over the age of 20. Plus it is a great way to drive traffic to your site if you Pin a picture from your site.

Instagram:

Instagram is a fun and quirky way to share your life with friends through a series of pictures.

Blogging:

Considered by most to be a diary or online journal, blogs are a vital part of any online marketing plan for several reasons. First search engines like Google love the entire concept of a blog because it is supposed to be maintained by someone who has a big interest or expertise on the topic they are blogging about and they are making frequent new entries into their blog. And that is exactly what a search engine wants, the newest information provided by a topic expert. So if you are good at blogging it can be a boon to your search engine rank-

ing. Blogs are also great teammates to your website (as they can be built in or integrated into your site) and social media (any time you add a blog post it should be teased on your social media channels). Also it can be a great resource to help drive traffic and give users a reason to keep coming back to your website to see your next blog post. Blogging does not require you to become a professional writer or monopolize a lot of your time. A typical blog entry is only a few sentences every few days. Blogs can be built independently (ex. WordPress, Blogger, etc.) or integrated/blended into your core website (provided by your website provider).

SnapChat:

A popular mobile app that allows you to send videos and pictures, both of which will self destruct after a few seconds of a person viewing them.

Check out NAR's Field Guide to SnapChat for Realtors at: <http://www.realtor.org/field-guides/field-guide-to-snapchat-for-realtors>

NOTES:

Chapter 8: Tech Tools & Software To Assist You With Your Real Estate Customer Service

One of the biggest changes that has affected real estate practitioners is it has become a much more clerical job requiring today's real estate agent to be more knowledgeable about every aspect of their business and they are responsible for more actions related to a transaction than ever before. Plus, there is the added challenge of how do you communicate and stay in touch you're your current and past contacts and hopefully get hired or rehired by them in the future. Well the good news is there are a lot of software and tools to help you navigate through this landscape.

So what is the #1 factor of your online success? Your reaction time to respond to online leads is vital to your success because today's consumer has no patience and if you wait they are gone.

In fact, in 2015, the California Association of REALTORS study showed that 49% of consumers responded that they expect an immediate response to an online contact and 97% expected a response within 4-hours. A 2016 MIT study proved that a 5-minute response has a 100% better chance of conversion than a 30-minute response.

Auto Responder: GET RID OF IT!

TOOLS

Good, Charged Smartphone: smart phones are mini-computers that can do just about anything (e-mail, text, phone, video conference, chat, apps, web, etc.) their larger counterparts can do, just on a smaller screen. And the key is it is always with you, so it is a must have for optimal response and customer service.

Web or Cloud Based Contact Management System: Software that allows you to log and store information about all of your contacts (contact info, personal information, important dates, reminders, etc.) in a uniform place. Should be web or cloud based so that you can access it at anytime from anywhere on any device.

E-Marketing System: Software that should be integrated or tie into a Contact Management System and allows you to effectively follow up &/or market (e-mail, direct mail, phone call, etc.) to them.

OR - you can get a combined system which is called a **Customer Relationship Management** system or CRM for short. This software system typically includes a contact manager and e-marketing system as well as other tools to help the user track additional things such as marketing, social activity, etc.

Forms/Contract/Transaction Management System: Online software system that allows you to store & build all of your contracts, forms and then have all parties involved in a real estate transaction and easily fill out/execute them digitally via the Internet. Keeps you organized of every task, document, follow up, communication, deliverable involved with each contact and client to assure everything is done right and customer service is maximized. Examples include Repree, Wise Agent & Instanet or for agents the Go Connect for Real Estate app provided in the mobile section Once combined with a digital e-signing solution (DocuSign, Authentisign, etc.) it becomes a paperless transaction (unless any party involved in the transaction rejects the digital signature, in which case it would have to revert to a traditional wet signature). Examples include DotLoop, DocuSign Transaction Room, AppFiles and ZipLogix.

Cloud Computing: Advantages of cloud computing include that anything in the Cloud is accessible:

- Anytime
- Anywhere
- On Any Internet Connected Device

You Can:

- Create either in the Cloud or Offline
- Share/Collaborate with Others

This includes Files, Folders, Calendars, E-mail, etc. and it is Easy to Use, Cost Effective

Everything is always in Sync which is vital for being mobile and working from multiple devices.

Everyone's big concern is, is the cloud safe. The answer is **Yes, as long as:**

You select the right safe cloud vendors

You use them in safe ways

Because, YOU the User are still the Weakness!

File Storage Solutions: Store your files online for your own personal access and/or share with others

Dropbox – while the most popular solution, it is not advisable for real estate as it was not built for business And has weak security, lack of encryption and admin controls (a customer you share a file or folder with can edit and/or delete files and you can't stop nor are you made aware of it)

Box & SugarSync – Are both built for business with strong security, encryption and admin controls. Both have been approved by NAR.

Google Drive (can be expanded to 30 G or 1 TB with Google Apps for Business account) – most powerful of all solutions due to larger storage size, integration with Google Docs and ability to tie in other Google tools (ex. Apps account includes e-mail, contacts, calendars, video storage, etc.).

Cloud Based Computer Back-Up/Storage – safest and most effective way to backup your entire computer including all folders, files, software, mirror image of device, etc. Options include Carbonite or Mozy

Cloud Based Server Backup/Storage – more cost effective alternative to paying for and housing your own in-house servers and employing local IT people to help run them. Options include Amazon, Rackspace or Google Vault.

Other Considerations:

VOIP (Voice Over Internet Phones)

EFax

Internet Phone Tools – any calls (phone or video) to other users on the network are free. Google Hangouts & Skype are huge in the US, Viber & WhatsApp are huge internationally.

GroupMe – allows you to send out a free SMS/text blast to a group of people for free. Texting is the most guaranteed method of delivery, so great tool for inner company communication, committees, etc.

How you can use GPS & Online mapping in your business

While doing initial research for a client, do much more geographically targeted listing searches

Pre-plan ride along tours with buyers

Provide your client with their own tour/map

Use satellite view &/or landmark maps to show area facilities/resources

If you want to know **what your clients are thinking** you can Create interactive & track-able forms, surveys, quizzes or polls with tools like Woofoo.com or SurveyMonkey.com

For easy **video creation/production**, check out Animoto.com and for photo/imagery editing another free tool from Google called Picasa is a great option.

APPENDIX

TREC Rule - 1260-02-.12 ADVERTISING.

- (1) All advertising, regardless of its nature and the medium in which it appears, which promotes either a licensee or the sale or lease of real property, shall conform to the requirements of this rule. The term “advertising,” for purposes of this rule, in addition to traditional print, radio, and television advertising, also includes, but is not limited to, sources of communication available to the public such as signs, flyers, letterheads, e-mail signatures, websites, social media communications, and video or audio recordings transmitted through internet or broadcast streaming. Advertising does not include promotional materials that advertise a licensee such as hats, pens, notepads, t-shirts, name tags, business cards, and the sponsorship of charitable and community events.
- (2) For purposes of this rule, the term “firm name” shall mean either of the following: (a) The entire name of the real estate firm as licensed with the Commission; or (b) The d/b/a name, if applicable, of the real estate firm as licensed with the Commission.
- (3) General Principles
 - (a) No licensee shall advertise to sell, purchase, exchange, rent, or lease property in a manner indicating that the licensee is not engaged in the real estate business.
 - (b) All advertising shall be under the direct supervision of the principal broker and shall list the firm name and the firm telephone number as listed on file with the Commission. With regard to the size and visibility of the firm name and firm telephone number, all of the following shall apply: 1. The firm name must be the most prominent name featured within the advertising, whether it be by print or other media; and 2. The firm’s telephone number shall be the same size or larger than the telephone number of any individual licensee or group of licensees.
 - (c) Any advertising which refers to an individual licensee must list that individual licensee’s name as licensed with the Commission.
 - (d) No licensee shall post a sign in any location advertising property for sale, purchase, exchange, rent or lease, without written authorization from the owner of the advertised property or the owner’s agent.
 - (e) No licensee shall advertise property listed by another licensee without written authorization from the property owner. Written authorization must be evidenced by a statement on the listing agreement or any other written statement signed by the owner.
 - (f) No licensee shall advertise in a false, misleading, or deceptive manner. False, misleading, and/or deceptive advertising includes, but is not limited to, the following:
 1. Any licensee advertising that includes only the franchise name without including the firm name;
 2. Licensees who hold themselves out as a team, group, or similar entity within a firm who advertise themselves utilizing terms such as “Real Estate,” “Real Estate Brokerage,” “Realty,” “Company,” “Corporation,” “LLC,” “Corp.,” “Inc.,” “Associates,” or other similar terms that would lead the public to believe that those licensees are offering real estate brokerage services independent of the firm and principal broker; or
 3. Any webpage that contains a link to an unlicensed entity’s website where said entity is engaged or appears to be engaged in activities which require licensure by the Commission.
- (4) Advertising for Franchise or Cooperative Advertising Groups
 - a) Any licensee using a franchise trade name or advertising as a member of a cooperative group shall clearly and unmistakably indicate in the advertisement his name, firm name and firm telephone number (all as registered with the Tennessee Real Estate Commission) adjacent to any specific properties advertised for sale or lease in any media.
 - (b) Any licensee using a franchise trade name or advertising as a member of a cooperative group, when advertising other than specific properties for sale or lease, shall cause the following legend to appear in the advertisement in a manner reasonably calculated to attract the attention of the public: “Each [Franchise Trade Name or Cooperative Group] Office is Independently Owned and Operated.”
 - (c) Any licensee using a franchise trade name on business cards, contracts, or other documents relating to real estate transaction shall clearly and unmistakably indicate thereon:
 1. his name, firm name, and firm telephone number (all as registered with the Commission); and

2. the fact that his office is independently owned and operated.
- (5) Internet Advertising: in addition to all other advertising guidelines within this rule, the following requirements shall also apply with respect to internet advertising by licensees, including, but not limited to, social media:
 - (a) The firm name and the firm telephone number listed on file with the Commission must conspicuously appear on each page of the website.
 - (b) Each page of a website which displays listings from an outside database of available properties must include a statement that some or all of the listings may not belong to the firm whose website is being visited.
 - (c) Listing information must be kept current and accurate. This requirement shall apply to “First Generation” advertising as it is placed by the licensee and does not refer to such advertising that may be syndicated or aggregated advertising of the original by third parties outside of the licensee’s control and ability to monitor.
- (6) Guarantees, Claims and Offers
 - (a) Unsubstantiated selling claims and misleading statements or inferences are strictly prohibited.
 - (b) Any offer, guaranty, warranty or the like, made to induce an individual to enter into an agency relationship or contract, must be made in writing and must disclose all pertinent details on the face of such offer or advertisement. Authority: T.C.A. §§ 62-13-203, 62-13-301, 62-13-310(b), and 62-13-312 Administrative History: Original rule certified June 7, 1974. Repealed and refiled March 3, 1980; effective April 27, 1980. Amendment filed January 21, 1983; effective February 22, 1983. Amendment filed April 17, 1985; effective May 17, 1985. Amendment filed June 17, 1991; effective August 11, 1991. Amendment filed March 24, 1994; effective June 7, 1994. Amendment filed October 1, 1998; effective December 15, 1998. Amendment file July 31, 2006; effective October 14, 2006. Amendment filed March 16, 2010; effective June 14, 2010. Amendment filed July 20, 2015; effective October 18, 2015.

CODE OF ETHICS - Article 12

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. *(Amended 1/08)*

- Standard of Practice 12-1
REALTORS® may use the term “free” and similar terms in their advertising and in other representations provided that all terms governing availability of the offered product or service are clearly disclosed at the same time. *(Amended 1/97)*
- Standard of Practice 12-2
REALTORS® may represent their services as “free” or without cost even if they expect to receive compensation from a source other than their client provided that the potential for the REALTOR® to obtain a benefit from a third party is clearly disclosed at the same time. *(Amended 1/97)*
- Standard of Practice 12-3
The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the REALTOR® making the offer. However, REALTORS® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the REALTOR®’s offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. *(Amended 1/95)*
- Standard of Practice 12-4
REALTORS® shall not offer for sale/lease or advertise property without authority. When acting

as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/landlord. *(Amended 1/93)*

- 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 12-6
REALTORS®, when advertising unlisted real property for sale/lease in which they have an ownership interest, shall disclose their status as both owners/landlords and as REALTORS® or real estate licensees. *(Amended 1/93)*
- Standard of Practice 12-7
Only REALTORS® who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have "sold" the property. Prior to closing, a cooperating broker may post a "sold" sign only with the consent of the listing broker. *(Amended 1/96)*
- Standard of Practice 12-8
The obligation to present a true picture in representations to the public includes information presented, provided, or displayed on REALTORS®' websites. REALTORS® shall use reasonable efforts to ensure that information on their websites is current. When it becomes apparent that information on a REALTOR®'s website is no longer current or accurate, REALTORS® shall promptly take corrective action. *(Adopted 1/07)*
- 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)*
- Standard of Practice 12-10
REALTORS®' obligation to present a true picture in their advertising and representations to the public includes Internet content posted, and the URLs and domain names they use, and prohibits REALTORS® from:
 1. engaging in deceptive or unauthorized framing of real estate brokerage websites;
 2. manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result;
 3. deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic; or
 4. presenting content developed by others without either attribution or without permission, or
 5. to otherwise mislead consumers. *(Adopted 1/07, Amended 1/13)*
- Standard of Practice 12-11
REALTORS® intending to share or sell consumer information gathered via the Internet shall disclose that possibility in a reasonable and readily apparent manner. *(Adopted 1/07)*
- Standard of Practice 12-12
REALTORS® shall not:
 1. use URLs or domain names that present less than a true picture, or
 2. register URLs or domain names which, if used, would present less than a true picture. *(Adopted 1/08)*
- Standard of Practice 12-13
The obligation to present a true picture in advertising, marketing, and representations allows REALTORS® to use and display only professional designations, certifications, and other credentials to which they are legitimately entitled. *(Adopted 1/08)*

Types of Computer Viruses:

Resident vs. Non-Resident Viruses: A *memory-resident virus* (or simply "resident virus") installs itself as part of the operating system when executed, after which it remains in RAM from the time the computer is booted up to when it is shut down. Resident viruses overwrite interrupt handling code or other functions, and when the operating system attempts to access the target file or disk sector, the virus code intercepts the request and redirects the control flow to the replication module, infecting the target. In contrast, a *non-memory-resident virus* (or "non-resident virus"), when executed, scans the disk for targets, infects them, and then exits (i.e. it does not remain in memory after it is done executing).

Macro viruses- Many common applications, such as Microsoft Outlook and Microsoft Word, allow macro programs to be embedded in documents or emails, so that the programs may be run automatically when the document is opened. A *macro virus* (or "document virus") is a virus that is written in a macro language, and embedded into these documents so that when users open the file, the virus code is executed, and can infect the user's computer. This is one of the reasons that it is dangerous to open unexpected attachments in e-mails.

Boot sector viruses - *Boot sector viruses* specifically target the boot sector/Master Boot Record (MBR) of the host's hard drive or removable storage media (flash drives, floppy disks, etc.)

Stealth Strategies - In order to avoid detection by users, some viruses employ different kinds of deception. Some old viruses, especially on the MS-DOS platform, make sure that the "last modified" date of a host file stays the same when the file is infected by the virus. This approach does not fool antivirus software, however, especially those which maintain and data cyclic redundancy checks on file changes.

Read Request Intercepts - Some viruses trick antivirus software by intercepting its requests to the OS. A virus can hide itself by intercepting the request to read the infected file, handling the request itself, and return an uninfected version of the file to the antivirus software. The interception can occur by code injection of the actual operating system files that would handle the read request. Thus, an antivirus software attempting to detect the virus will either not be given permission to read the infected file, or, the read request will be served with the uninfected version of the same file.

Self-Modification - Most modern antivirus programs try to find virus-patterns inside ordinary programs by scanning them for so-called *virus signatures*. Some viruses employ techniques that make detection by means of signatures difficult but probably not impossible. These viruses modify their code on each infection. That is, each infected file contains a different variant of the virus.

Encrypted Viruses - One method of evading signature detection is to use simple encryption to encipher the body of the virus, leaving only the encryption module and a cryptographic key in cleartext

Polymorphic code - was the first technique that posed a serious threat to virus scanners. Just like regular encrypted viruses, a polymorphic virus infects files with an encrypted copy of itself, which is decoded by a decryption module. In the case of polymorphic viruses, however, this decryption module is also modified on each infection. A well-written polymorphic virus therefore has no parts which remain identical between infections, making it very difficult to detect directly using signatures.

Metamorphic Code - To avoid being detected by emulation, metamorphic viruses (often large, complex and are triggered by a metamorphic engine) rewrite themselves completely each time they are to infect new executables.

Types of Malware:

Trojan horses - is any program that invites the user to run it, concealing harmful or malicious code. It is one of the most common ways that spyware is distributed, by bundling the undesirable piece of code along with a more desirable software you download &/or install (or by tricking the user with confusing end-user license agreements). The code may take effect immediately and can lead to many undesirable effects, such as deleting the user's files or installing additional harmful software

Rootkits – allows a malicious program to remain concealed or avoid detection (or routines to defend against their removal) once it is installed on a system by modifying the host's operating system, file structure, list of processes, etc. so that the malware is hidden from the user &/or anti-virus program.

Backdoors - a method of bypassing normal authentication procedures. Once a system has been compromised, one or more backdoors may be installed in order to allow easier access in the future. Backdoors may also be installed prior to malicious software, to allow attackers entry. Backdoors secure remote access to a computer, while attempting to remain hidden from casual inspection. To install backdoors crackers may use Trojan horses, worms, implants or other methods.

Computer Worm - is a standalone malware computer program that replicates itself in order to spread to other computers. Often, it uses a computer network to spread itself, relying on security failures on the target computer to access it. Unlike a computer virus, it does not need to attach itself to an existing program. Worms almost always cause at least some harm to the network, even if only by consuming bandwidth, whereas viruses almost always corrupt or modify files on a targeted computer.

Ransomware - restricts access to the computer system that it infects, and demands a ransom paid to the creator of the malware in order for the restriction to be removed.

Rootkit is a stealthy type of software, typically malicious, designed to hide the existence of certain processes or programs from normal methods of detection and enable continued privileged access to a computer. Rootkit installation can be automated, or an attacker can install it once they've obtained root or Administrator access. Obtaining this access is a result of direct attack on a system (i.e. exploiting a known vulnerability, password (either by cracking, privilege escalation, or social engineering)). Once installed, it becomes possible to hide the intrusion as well as to maintain privileged access. The key is the root/Administrator access. Full control over a system means that existing software can be modified, including software that might otherwise be used to detect or circumvent it.

Keylogging - is the action of recording (or logging) the keys struck on a keyboard, typically in a covert manner so that the person using the keyboard is unaware that their actions are being monitored

Dialers - are designed to connect to premium-rate numbers by leveraging security holes in the operating system installed on the user's computer and use them to set the computer up to dial up through their number, so as to make money from the calls.

Spyware - software that aids in gathering information about a person or organization without their knowledge and that may send such information to another entity without the consumer's consent, or that asserts control over a computer without the consumer's knowledge.

Adware/Advertising-Supported Software - is any software package which automatically renders advertisements in order to generate revenue for its author. The advertisements may be in the user interface of the software or on a screen presented to the user during the installation process. The functions may be designed to analyze which Internet sites the user visits and to present advertising pertinent to the types of goods or services featured there.

Rogue-AV or Rogue security software - is a form of Internet fraud using computer malware that deceives or misleads users into paying money for fake or simulated removal of malware (so is a form of ransomware)—or it claims to get rid of, but instead introduces malware to the computer.

GovWare - computer software or hardware created by a State or private companies working for the State to disrupt computer operation, gather sensitive information, or gain access to private computer systems. Govware may take the form of malware, spyware, covert sensors, implants, or other invasive technologies.

Encryption

Encrypting Files &/or Folders on a Computer

Windows PC OS - In any PC that has Windows 7 or above, encryption is built into all programs (on save or info screen) or folder settings (under folder properties > advanced).

Apple MAC OS - Similarly with any MAC computer in the Disk Utility program.

Higher level file &/or folder encryption can be achieved with programs like VeraCrypt, BitLocker, GNU Privacy Guard or 7-Zip

Encrypting Files &/or Folders in the Cloud

By Default files are not encrypted when added to the popular cloud storage programs like Dropbox or Google Drive so sensitive documents should be protected. This can be achieved with a program called BoxCryptor.com which is Free for 1 Cloud Storage Solution (ex. 1 dropbox account) or \$48/yr for Unlimited cloud accounts (ex. Dropbox and Google Drive accounts).

Encrypting Mobile Devices

Mobile devices (phones & tablets) have good encryption tools built into them. First is the unlock screen that requires you to enter in a password or code. If you enter a bad password a couple of times before it not only locks you out, but clears the device back to factory settings. Most new devices also have fingerprint encryption which of course adds another level of security (as only you would be able to unlock or use the device). And both Apple and Google/Android, have the Find My Phone service where if you lose or misplace your device, allows you to go to a website to view where your phone is and if need be remotely wipe or delete all the data on the device.

Encrypting E-Mails & Attachments

E-Mails are a very easy target for hackers so it is vital to encrypt important e-mails & attachments to make them unreadable to others. It is pretty easy to implement to most e-mail accounts.

Installed E-mail Programs (ex. Outlook or IMail) - To encrypt any individual email in Outlook go to the Options tab/menu. To encrypt an entire account first encrypt the incoming server by going to Account Settings > Advanced and then check the box for Incoming server requires an encrypted connection (SSL). You can also encrypt the outgoing connection by going to Options > More Options > Message Options > Security Settings > Choose Encrypt Message Contents & Attachments or Encrypt All Outgoing messages through the Microsoft Trust Center.

Online or Web Based E-mail Programs (ex. Gmail, Yahoo, Outlook.com, Company Provided Account, etc.) - You can install a free browser extension for Chrome or Firefox called Mailvelope which adds an option to encrypt any individual email in your online account.

Another tool for Chrome users is called Virtru.