



RE32RC03: Technology and Real Estate Brokerage

1. Compliance with Marketing Regulations in Web Site Activities
 1. Disclosures: required symbols, language and content for front page, footers and general content on broker and agent web sites
 2. Privacy Policy: creating and managing a web site privacy policy to disclose usage policy for visitor personal information
 3. Agent Web Sites: understanding how some web site marketing strategies attempt to "separate" the agent from the broker in personal promotion activities (254:CMR 3:00:9(a))
 4. Online classifieds: compliance with required brokerage name, numbers and contact information when using online classified formats
2. Risk Reduction and Electronic Portfolio Management
 1. Record keeping: understanding and planning a safe storage strategy for online communications such as email, efax and instant messaging related to transactional issues (254 CMR 3:00:10(b))
 2. Providing copies of communications and documentation generated from online correspondence to customers and clients
 3. Mechanism for providing all parties (buyer and seller) copies of purchase and sale agreement when using electronic communications mediums (87 AAA(e))
 4. Using verified return receipt tools to document communication and disclosure to all parties
 5. Alternate methods for record keeping (scan, cd) to provide greater, safer document storage and easier method to provide full transaction records to all parties
3. Compliance with Marketing and Disclosure regulations in Email-based Communications
 1. Proper construction and required content for signature files in email messages (254 CMR 3:00:9(a))
 2. Creation, maintenance and usage of electronic signatures for communication
 3. Use of appropriate broker, agent and contact information when using online listserv and discussion group services that involve consumers
 4. Statute of Fraud - applicability of in-writing rule to electronic communications and documentation requirements for consumers (eg., ((940 CMR 3.17 (3)))
4. Understanding and managing "sharing of fees" when dealing with online services (intermediaries) (254 CMR 3:00(8))
 1. Guidelines for agent participation (binding of broker to) online lead generation services
 2. Guidelines for accepting and offering referral fees in online marketing mediums
 3. Guidelines for internet based consumer mining in other license jurisdictions
5. Internet Navigation Guidelines
 1. Navigating Board of Regulation site: for checking agent license status, complaints, emerging issues





2. Reciprocity: locating reciprocal state regulations using online board of registration sites
3. Navigating MCAD web site for consumer information, disclosures, required forms and financial information
4. Navigating EPA web site for state regulatory information, consumer education materials, forms, disclosures and emerging issues
5. Navigating Massachusetts department of housing and Community Development:
 1. Section 8 guidelines and information (760 CMR 5.00)
6. Navigating DEP/Title V for septic inspection and property transfer information (Title 5, 310 CMR 15.000)
6. Establishing a Company Internet and Email Policy
 1. Content outline: how to develop and implement an internet section to your existing company policy;
 2. Guidelines: how to identify "myth" versus fact for required online activities and emerging regulation of e-commerce
 3. Drafting: How to draft company policy for independent contractors
 4. Education: methods for educating agents on company policy regulations and compliance with requirements
 5. Monitoring: methods for monitoring agent compliance with company policy guidelines
7. Compliance with Fair Housing Laws and Consumer Protection Laws
 1. Navigating Fair Housing Site
 2. Navigating Office of Consumer Affairs for landlord/tenant information (eg., (M.G.L. c. 151B §4))
 3. Navigating Massachusetts Department of Health Childhood Lead Poisoning Programs; Locating online forms
 4. Navigating Home Inspectors Web Site; locating forms and "required facts for consumers about home inspectors"

Resources and References:

- [Home inspectors](#) and the form required " [facts for consumers about home inspections](#)"
- [MCAD website for general information and guidance for office policies etc.](#)
- [Massachusetts department of housing and Community Development](#): Section 8 guidelines and information
- [Massachusetts DEP with Title V info](#)
- [Massachusetts Office of Consumer Affairs: Landlord tenant info](#)
- [Massachusetts Department of Health](#) :
- E-mail case: Shattuck v. Klotzbach, Plymouth Superior Court C.A. No. 01-1109A. **It should be stressed that this case is a sole case on this issue on a lower level of the court system.**





Agent Rising - www.agentrising.com - 508-997-8844

- Statute of Frauds citations:
- M.G.L. Chapter 259 Section 1



Agent Rising - www.agentrising.com - 145 Fairhaven Rd, Mattapoisett MA