

#### Team Names: Licensing Background

Broker license may be individual or corporate Business and Professions Code Sections 10131, 10158, 10159, 10159.2, 10211

Salesperson license may only be in legal name of individual Business and Professions Code Section 10132, Real Estate Regulation 2731 (b)

Salesperson nickname may be used only in conjunction with individual is actual surname and BRE License #
Real Estate Regulation 2731(e)

Fictitious Name only available to Brokers
Business and Professions Code Section 10159.5
Broker may permit salesperson to use and own a FBN under certain conditions. Business and Professions

Code Section 10159.5(a)(2)

Team Name is not a Fictitious Business Name if all rules are followed
Business and Professions Code Section
10159.7(a)(5)

#### Fictitious Business Names

### Only Brokers can use a DBA, and it must be filed at county as FBN/DBA in addition to application with CalBRE

- Commissioner may refuse if misleading (2731)
- Commissioner may refuse if includes name of salesperson (2731)



#### Salesperson "Owned" Fictitious Name:

- Broker must have contract with salesperson (C.A.R. form SOFBN)
- FBN/DBA filed at county. Salesperson can file with county on broker's behalf
- Salesperson to pay fees with county for permission and use
- Salesperson may maintain ownership rights to name after termination of relationship with broker
- Form 247 must be filed with CalBRE
- Advertising requirements same as for Team Names
- Broker name in advertising to be broker commonly used name

#### Team Names Not Fictitious If ...

#### Team Names are not fictitious names if:

- One salesperson (broker-associate probably okay too) PLUS at least one other licensee (No one-person teams)
- One salesperson <u>surname</u> (last name) plus the term group, team or associates
- Name does not suggest independence from broker
- Name does not include the words real estate broker, real estate brokerage, broker or brokerage
- Name can include "Realty" ONLY IF other requirements met (CalBRE Licensee Alert, March 2017, CalBRE Frequently Asked Questions Regarding "Team Names", May 2017)
- Advertising must have one team member name and CalBRE #
- Advertising must have broker name as conspicuous as team name

NOTE: Team names are <u>not</u> required to be recorded as FBN/DBA at county recorder

#### Let's See Some Examples

#### Criteria for examples that follow:

- Individual Broker license issued to Woody Ash (DBA Tree Real Estate)
   OR
- Corporate Broker license issued to Forest, Inc. (DBA Tree Real Estate)
- Whose designated broker officer is Woody Ash
- Salesperson 1 named Samantha Oak
- Salesperson 2 named John Pine
- Salesperson 3 named Polly Cedar



#### Correct

- ☑ Team name includes surname of team member
- ▼ Team name includes term: group, team or associates
- ightharpoonup Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- ightharpoonup Broker name as large as team name

#### Correct

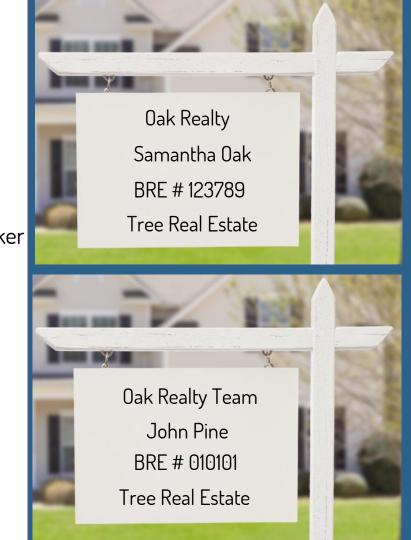
- ☑ Team name includes surname of team member
- ☑ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- ☑ Broker name as large as team name



- ☑ Team name includes surname of team member
- ☑ Broker name as large as team name
- ☑ Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- Team name <u>does not</u> includes term: group, team or associates. "Realty" might imply independence from broker

#### Correct

- ☑ Team name includes surname of team member
- ☑ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- ☑ Broker name as large as team name



- ☑ Team name includes term: group, team or associates
- ightharpoonup Sign includes name of at least one team member
- oxdot Sign includes license # of named team member
- ☑ Broker name as large as team name
- ▼ Team name does not includes surname of team member

#### Incorrect

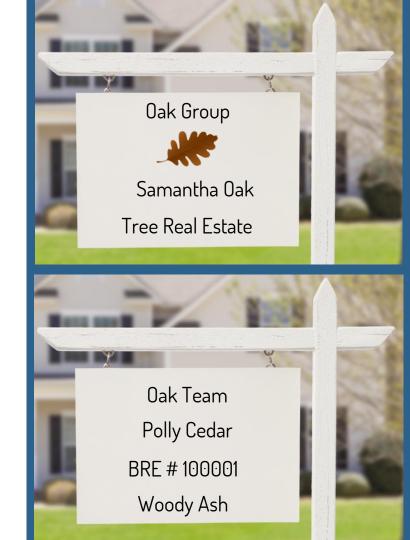
- ☑ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ✓ Sign includes license # of named team member
- ☑ Broker name as large as team name
- Team name <u>does not</u> includes surname of team member



- ☑ Team name includes surname of team member
- ▼ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ☑ Broker name as large as team name
- Sign does not include license # of named team member

#### Incorrect

- ☑ Team name includes surname of team member
- ☑ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- Broker name is <u>not</u> the name under which broker conducts business in general



- ☑ Team name includes surname of team member
- ▼ Team name includes term: group, team or associates
- ightharpoonup Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- **⋈** Broker name is smaller than team name

#### Incorrect

- ☑ Team name includes surname of team member
- ☑ Team name includes term: group, team or associates
- ☑ Sign includes name of at least one team member
- ☑ Sign includes license # of named team member
- No Broker name- symbol probably too generic for public to know it is the name of the brokerage



# 











## ADDITIONAL RESOURCES



- Legal Q&A "Team Names" http://www.car.org/riskmanagement/qa/broker-practice-folder/teamnames/
- BRE FAQ on Team Names http://www.dre.ca.gov/files/pdf/faqs/Team%20Name%20FAQs. pdf
- Statutes and Regulations <a href="http://leginfo.legislature.ca.gov/">http://leginfo.legislature.ca.gov/</a>