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Department of Labor, Licensing and Regulation



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June 17, 2026

## **Team Names, Advertising, & Marketing**

The Commission is aware that there are several questions regarding the use of team names, particularly as pertains to advertising and the switch from the current S.C. Code §40-57-360 and the version of S.C. Code §40-57-360 that will go into effect on May 15, 2027.

First, the Commission would like to ensure all licensees understand that the long implementation time for the new version of S.C. Code §40-57-360, which will go into effect on May 15, 2027, was requested from the General Assembly to make sure licensees had sufficient time to transition all advertising and marketing items over to the new standards in time for full, compliant implementation by no later than May 15, 2027. The Commission understands and expects that advertising and marketing items may start to transition to the May 15, 2027 version of S.C. Code §40-57-360 prior to the May 15, 2027 implementation date. For this reason, any advertising or marketing changes implement prior to May 15, 2027, that comply with the May 15, 2027 version of S.C. Code §40-57-360, will not result in disciplinary action from the Commission. **NOTE: For purposes of clarity, all advertising and marketing in place on or after May 15, 2027, must comply with S.C. Code §40-57-360 as amended by the General Assembly and quoted below.**

Second, several questions have come up regarding the exact standards to be complied with under the May 15, 2027 version of S.C. Code §40-57-360, particularly with regard to how team names may be displayed or written. The May 15, 2027 version of S.C. Code §40-57-360(D) and (E) states the following:

(D) All team advertising and marketing must contain the full name of the real estate brokerage firm and all team members must display and promote that they are directly connected to the brokerage firm under which the team works. In all team advertising and marketing, the team name may not be more than twice the size, prominence, or frequency of the full name of the brokerage firm.

(E) No team may imply that the team is a separate entity from the brokerage firm of its employment. Team names must end in “[team name] team at [name of real estate brokerage firm]”.

Thus, per the statute, the requirements are that all team advertising and marketing must: **regardless of where or format used** (i.e., social media, billboards, flyers, websites, SEO (Search Engine Optimization), AEO (Answer Engine Optimization), GEO (Generative Engine Optimization), handouts, giveaways, etc...)

- 1) Contain the full name of the real estate brokerage firm;

For example, if the team is producing flyers to place outside a home offered for sale by the team, that flyer must contain the full name of the real estate brokerage firm the team is connected with.

- 2) All team members must display and promote that they are directly connected to the brokerage firm under which the team works;

For example, if a team member shares a home for sale by the team on their social media page, that posting/sharing must display and promote they are directly connected to the brokerage firm under which the team works. This might look like the following:

*Check out this cute new listing from the Smith Team at ABC Real Estate Company.* Followed by a link to the listing.

- 3) The team name may not be more than twice the size, prominence, or frequency of the full name of the brokerage firm;

For example:

<p><b>For Sale</b> By the Smith Team at ABC Real Estate Company</p> <p><b>We get homes sold fast!</b></p>	<p><b>For Sale</b> By the Smith Team</p> <p>We get homes sold fast!</p> <p>ABC Real Estate Company</p>
<p style="text-align: center;"><b>Acceptable</b></p> <ul style="list-style-type: none"> <li>• The second line is 14 font, the third line is 10 font. A font of 14 is not more than twice as large as a font of 10.</li> <li>• Smith Team is mentioned once. ABC Real Estate Company is mentioned once.</li> <li>• Smith Team prominence is not more than twice the prominence of the ABC Real Estate Company.</li> <li>• Team name is displayed as “[Team Name] team at [Name of real estate brokerage firm]”</li> </ul>	<p style="text-align: center;"><b>In violation of statute due to:</b></p> <ul style="list-style-type: none"> <li>• Team name is not displayed as “[Team Name] team at [Name of real estate brokerage firm]”</li> <li>• Team name is listed at the top and the reference to the brokerage firm does not appear until the very bottom of the sign.</li> </ul>

<p><b>For Sale</b> By the Smith Team</p>	<p><b>For Sale</b> By the Smith Team</p>
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<p>The Smith Team sells homes!</p> <p>ABC Real Estate Company</p>	<p>We get homes sold fast!</p> <p>Smith Team at ABC Real Estate Company</p>
<p><b>In violation of statute due to:</b></p> <ul style="list-style-type: none"> <li>• Second line is 18 font, middle line is 12 font, bottom line 8 font. An 18 font is more than twice the size of an 8 font.</li> <li>• Smith Team is mentioned twice. ABC Real Estate Company is mentioned once.</li> <li>• Smith Team prominence is more than twice the prominence of the ABC Real Estate Company both in terms of font size and number of times mentioned.</li> <li>• Team name is not displayed as “[Team Name] team at [Name of real estate brokerage firm]”</li> </ul>	<p><b>In violation of statute due to:</b></p> <ul style="list-style-type: none"> <li>• Smith Team is mentioned twice (once at the top and once at the bottom). ABC Real Estate Company is mentioned once.</li> <li>• One of the displays of the team name is not displayed as “[Team Name] team at [Name of real estate brokerage firm]”</li> </ul>

- 4) The team name cannot imply that the team is a separate entity from the brokerage firm;

For example, Smith Realty Company, when Smith Realty Company is the team name for a team that is part of the ABC Real Estate Company brokerage. By using the word “Company” in the team name, it is implied that the team is a separate entity from the brokerage firm.

- 5) Team names must be displayed as follows “[Team Name] team at [Name of real estate brokerage firm]”.

Because this section of the statute is in quotation marks, it is apparent that the General Assembly meant the display of a team name to follow this strict format. For example:

Smith Team at ABC Real Estate Company

- 6) Team leaders may not advertise themselves as owner, CEO, president, or other similar title for the Team, as use of such a title would be misleading. S.C. Code §40-57-710(A)(4). Team leaders may refer to themselves as the Team Leader.

**Disclaimer: This guidance document is not intended as legal advice. The Commission is providing this guidance document to educate licensees on this area of the law with practical, everyday examples. This guidance document is only a high-level overview and may not take into consideration all the intricacies that may be present in a real-life event.**