Unstoppable Starts Here

Recruiting And Retention Playbook

A PLAYBOOK FOR RECRUITING AND RETENTION

Recruiting and retention are two essential steps in a successful, thriving real estate brokerage. If you don't possess a growth mindset that is rooted in providing the environment and support agents are looking for, current and potential agents will look elsewhere to build their business.

Growth and profitability lies in retaining your current agents while adding new agents to your office. All it takes is one new agent to start growing your business.

The recruiting and retention process can be defined in 7 steps:

- **Step 1:** Defining Your Value
- **Step 2:** Developing Your Target List
- **Step 3:** Broadcasting Your Value
- **Step 4:** Following Up
- **Step 5:** Meetings & Greetings
- **Step 6:** Closing the Loop
- **Step 7:** Building on Success

PROGRAM SUPPORT

We have created this **7-step playbook** to assist you in defining your value, developing your target list and support you with the tools needed to broadcast your value and take action. Use these tools, tactics, scripts and follow-up strategies to stay focused throughout the year and set a path for success.

Ready to get started?

Recruiting And Retention Playbook

Step 1

STEP 1 - DEFINING YOUR VALUE

Value for agents comes in many forms but fundamentally it is anchored in **environment** and **support**. When polled, most agents list environment and support as the most important components in overall job satisfaction and their ability to thrive. This places you, the broker, at the center of the satisfaction and retention equation, supported by your staff and office culture.

While technology and tools are important, they are generally just components of an agent's needs. Instead, having a clear mission and vision that's tied to values and beliefs is the key to creating an environment that agents are drawn to and stay engaged with over time. Placing the agent's well-being, growth and success at the center of your mission, and supporting it with a vison of your office's value, helps you to attract and retain the right agents and achieve consistent office growth.

Use the list below to begin to develop a clear picture of the culture and value you offer in your office. Promote your mission, vision, values and beliefs in your office and ensure all of your agents know what you and your office stand for.

- Mission
- Vision
- Values and Beliefs
- Agent Support Services
- Agent Development
- Business Planning
- Business Coaching
- Goals Accountability
- Masterminding
- Local Brand
- Office Technology
- Transaction Management
- Listing Services
- Marketing Services
- Commission Models
- Title/Legal Services
- Mortgage
- Team Support
- RE/MAX Brand (Luxury, Commercial)
- RE/MAX Education Platform
- RE/MAX Technology Platform
- RE/MAX Global Network
- RE/MAX Vendor Relationships
- RE/MAX Events/Culture

Click here to download an interactive version of the value proposition document.

MARKET OPPORTUNITY

Agents only consider change for a few reasons: time, money and appreciation (recognition) which means they will only make a change if they feel they will receive better support, better tools and more recognition.

The need for guidance, road maps and strategies are actually at an all-time high with real estate agents. Expanding the value of your interactions with your current agents and prospect network and becoming a resource – one that offers the support and insights they seek – is at the center of recruiting and retention success.

In today's multi-channel communication world, brokers who stay connected with current agents and prospects and deliver value in a "certain and predictable" manner will be the winners. Growth depends on your ability to continually engage your current agents and tell your value story consistently across multiple channels of communication.

Unlike being sold or closed, the new social communication world is relationship-based and most effectively shaped by offering value to prospects without them feeling forced into a conversation. Just like dating, the courtship with a prospect is an extended one where you demonstrate your value over time with multiple favorable impressions. In fact, it can take up to 14 interactions before a prospect becomes familiar and comfortable interacting with you.

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Step 2

STEP 2 - DEVELOPING A RECRUITING "HIT LIST"

Your recruiting 'hit list' is a list of agents and people you want to explore opportunities with. The 'hit list' is the top of the recruiting funnel and should include anyone you're interested in speaking to. There shouldn't be any judgments about suitability yet because you haven't decided if you want them to join – that comes later.

Adding quality agents is not about pressuring, convincing, selling or recruiting. Think of "recruiting" as continuing a conversation where you are sharing a vision and performing a "vision match" with each prospect. Once you have an initial conversation and ask for a face-to-face meeting you will begin to narrow the funnel.

RECRUITING SOURCES

Your objective should be to invite all area agents to explore personal and professional growth opportunities. This means you need to proactively seek new relationships on a daily basis and implement the eleven recruiting sources while maintaining a healthy database.

Moving beyond broadcasting your value, it is now time to start closing the recruiting loop and reaching out to agents. This means you must establish where you can connect with prospects. Here are 11 prospecting sources where you will find prospects. To fully realize your growth vision, it is important to be open to utilizing as many of these 11 sources as possible.

1. Competition
2. Advocate Associates
3. Allied Resources/Sphere of Influence
4. Real Estate Schools
5. Regulation/Commission Websites
6. Job Boards/Classified Ads
7. Career Night
8. Job Fairs
9. Training Events
10. Social Networks
11. Office Websites

Existing (Licensed) Agents

Non-Licensed or Future Agents

A Mix of Both

There is nothing easy about the practice of recruiting but having the tools RE/MAX has put in place to assist you in developing your office's value should make it a little easier to be proactive and step outside your comfort zone.

Based on the eleven sources, below are ways to get the ball rolling on developing a targeted list of prospects.

1. **Competition**: Call an agent or send them a congratulation message on their production milestone.
2. **Advocate Associates:** Ask your current agents who they know or have worked with that will fit into your office's environment and send them an invite to lunch based on the accolades you have been hearing.
3. **Allied Resources/Sphere of Influence:** Ask the businesses you work with (Lawyer, Notary, Title, Mortgage etc.) whom you should speak to.
4. **Real Estate Schools:** Offer to speak to a class, attend a job fair or host a 'Bulletin Board' at a local school, if allowed in your state.
5. **Regulation/Commission Website:** Keep track of who is newly licensed and invite them into your office to begin a relationship with them.
6. **Career Night:** Get involved with career nights in your area, or host one in your office.
7. **Job Fairs:** Be a consistent presence at local job fairs.
8. **Training Events:** Invite promising prospects to your relevant training programs.
9. **Social Networks:** Regularly post insights and items of value on your social media pages to stimulate interest in you and in your office's culture.
10. **Office Website:** Create a "join our team" icon on your office website.
11. **Job Board/Classified Ads:** Regularly post an ad for sales associates on job sites such as Indeed.com and LinkedIn.

Click here to download an interactive tool to help map out specific strategies for each of the 11 sources.

When developing a recruiting strategy, you need to define the right type and mix of agents for your office. Since agents place a high value on culture and support, it's important that you consider the environment you have created for retaining your current agents. For each prospect, write down your source(s) locally. What are the strategies for each of the 11 recruiting sources? Define them and begin to use them right away.

Now that you've identified your lead generation sources and a list of agents you want to speak with, your goal is NOT to have a recruiting discussion with them on the phone. Your goal is to sit down and have that discussion face-to-face.

In today's environment, it can take on average 14 'touches' or interactions with a prospect before they are willing to interact with you. With that in mind, it may take several calls and follow ups before you will meet with them face-to-face, and potentially several face-to-face meetings before they consider joining your office. Utilizing multiple recruiting sources and multiple touch strategies for each source will allow you to increase the number of 'impressions' and thus your ability to build relationships with prospects with a view to joining your office.

Recruiting And Retention Playbook

Step 3

STEP 3 - BROADCASTING YOUR VALUE

If you center the benefits and value you offer around a prospect's needs, they will be open to considering you when change is on their mind. At the same time, listen to your current agents' needs, measure what they value and find out what motivates them so you can continue to offer them value on a consistent basis, as well.

In most instances a prospect will need to be interacted with the same consistency as any buyer or seller. And like any buyer or seller, they will make their decision when the time is right. Your "job" or "responsibility" is to be positioned as a trusted source of valuable information and support when that time arises.

RECRUITING & RETENTION TOOLS, RESOURCES AND CONTENT

To provide value to your current and prospective agents, RE/MAX has created a library of content that addresses key topics agents are most interested in. Utilize the content and RE/MAX tools to begin communicating with your prospects.

Content Topics Include:

- Building Loyalty
- Business Building
- Business Systems
- Commercial
- Community
- Generating Referrals
- Global Network
- Luxury
- Marketing
- Productivity
- Market Segments/Associations
- Personal Branding
- We Are RE/MAX

The Photofy App

Through Photofy, RE/MAX provides you with a library of recruiting and retention 'items of value' graphics that align with common agent challenges and questions in today's disruptive real estate environment. The app also offers content for agent acknowledgement, personal and business milestones and office events.

Within the Photofy app, you can easily post the graphics to social media, send an email or send a text to both current agents and prospects.

Having this content readily available should set the path for taking action and staying engaged as you position yourself as a viable choice for information and answers when a prospect is looking for the best place to conduct business. It also reinforces the value you can provide your current agents as you continue to support their business.

Downloading Photofy

To sign up for your RE/MAX+Photofy Pro account, please take the following steps:

1. On your desktop computer or mobile device, go to remax.photofy.com.
2. Fill out the required information. (To locate your Office ID, login to MAX/Center, click on your photo and your Office ID is located next to your office name.)
3. Create a password and complete registration.
4. On your mobile device, download the Photofy Content Creation Tool from your iOS or Android App store.
5. Open Photofy and swipe through to the main menu screen.
6. Tap on the menu (3 lines at top left), then tap on "Sign In" and enter your email address and password.

You now have access to your RE/MAX+Photofy Pro galleries.

Navigating the Photofy App
Once you've downloaded the Photofy app, you'll have access to three different galleries at the bottom of your screen including Personal, RE/MAX and Recruiting for RE/MAX. Select Recruiting for RE/MAX to get started.

Social Items of Value in Photofy

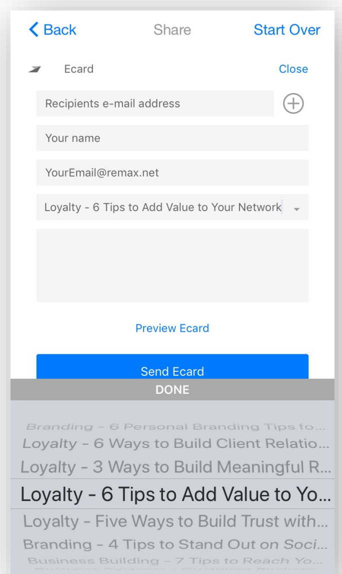
To post an image to social media:

1. Click on Reposts.
2. Once inside, scroll over to Social Items of Value at the top of the screen.
3. Choose the Business Tip you would like to share. Text is included in the post.
4. Select the social channel and page you would like to post to, click Done (if you haven't authorized Photofy to post to your social channels, you'll want to authorize before posting).
5. When complete, navigate to your social page and check the post. It is at this point you can choose to edit the post and/or add emojis to visually engage your audience even more.

Email Communications in Photofy (Ecards)

To send an email communication or Ecard:

1. Click on Templates.
2. Once inside, scroll over to Email Items of Value at the top of the screen.
3. Click on Business Tips, click Done, then scroll down to Ecard.
4. Enter the recipient's name (you can also send the email to yourself to send to a larger prospect list), enter your name, then click the Theme dropdown.
5. Within the Theme dropdown, you'll see the category headers with the communication headline.
6. Choose the topic of Ecard you wish to send out. To see text associated with the Ecard, send to yourself first.
7. Click Done and then click Send Ecard.



MAX/Center®
Social media and email content can be downloaded from MAX/Center® by searching the keywords 'Email Value' and 'Social Value'. Simply save the social media graphics onto your computer and post to your social media accounts. Post copy is also available for each corresponding social graphic. If you choose to use your own email system to send the value content through email, simply download the Word document on MAX/Center® and copy and paste into your email system.

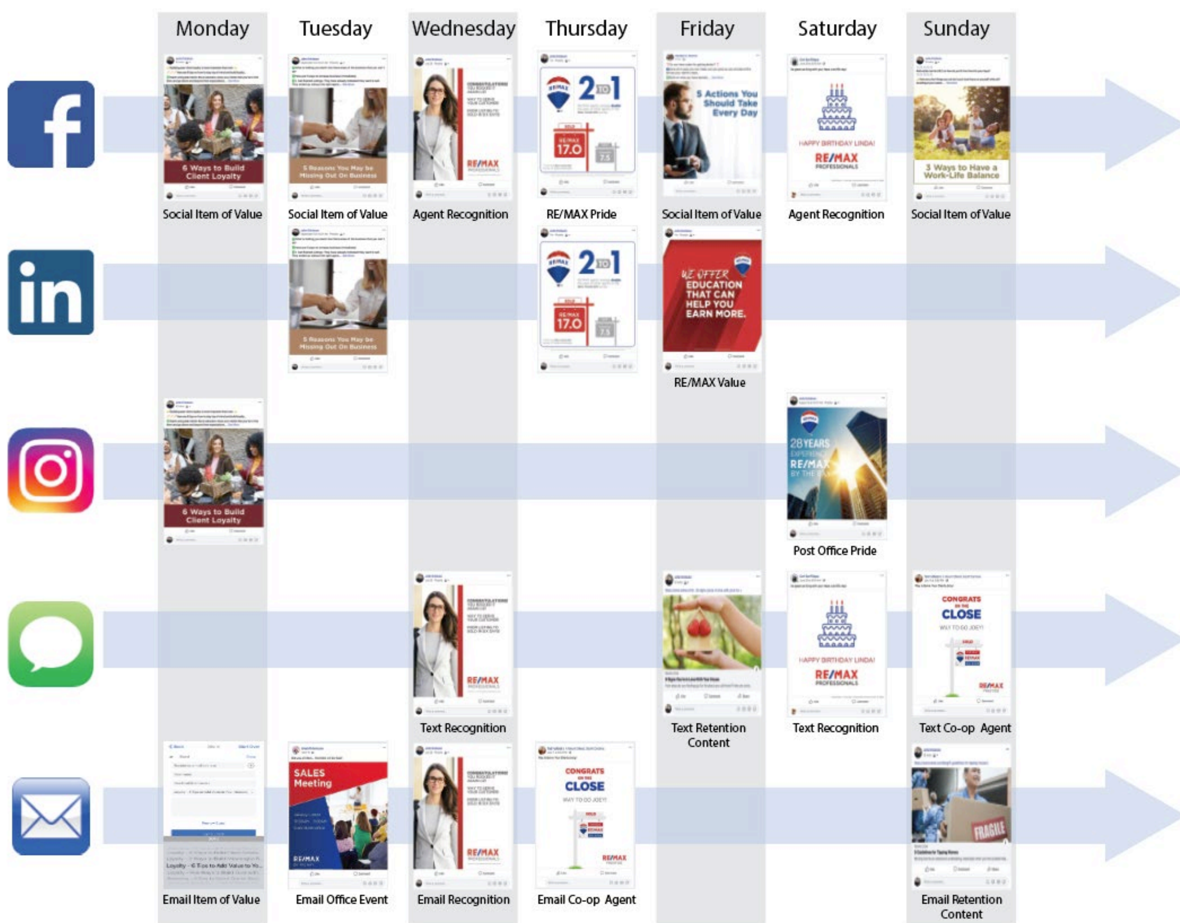
BombBomb
Email content can be found on BombBomb under Emails->Recruiting Value Emails. Record a video message to your prospect and send the pre-written email message.

PLEASE NOTE: Click here to view laws around email marketing.

CREATING THE RIGHT MIX OF MESSAGING

It's important to stay in constant communication with your current agents and prospects by providing them value over time. There are many ways to do that through social media, text and email. By having a mix of messaging such as agent acknowledgements (your own and co-op agents), sharing valuable insights, celebrating accomplishments, announcing meetings and trainings and sharing the occasional brags, you will begin to build familiarity with your audience and they will begin to understand your value.

The image below is an example of the type of messaging mix and frequency recommended for staying in contact with prospects in a given week. Message platforms include social media, email and text messaging. By having a strong mix of content throughout the week through multiple channels, you are building impressions with your audience.



Click here to download an interactive engagement calendar.

TAKING ACTION AND COMMITTING TO SUCCESS

Since time is indeed your ONLY limit in life, it should be viewed as a precious resource and never squandered. Ensure you are approaching each day with a time budget that helps you manage or control the activities you implement during the time allotted to your retention and recruiting efforts. Thus, focusing on “activities management” as opposed to “time management” should be your goal. Use the Business Activities Map, or a calendar of your own, to allocate the time needed to build satisfaction with current agents and build your business through recruiting activities.

Business Activities Map

Utilize this document to map out your vital activities and develop a clear picture of how you run your business.

PROSPECT	RETAIN	LEAD	ENGAGE	GROW
Recruiting Consulting Inviting Follow Up On-Boarding	Development Consulting Goal Setting Accountability Masterminding	Staff Support Staff Meeting Finance Tracking Accountability	Marketing Website Vendor Realtions Community Realtions Customer Relations	Planning Goal Setting Tracking Accountability Masterminding

Daily	Weekly	Monthly	Yearly
05:00 05:30 06:00 06:30 07:00 07:30 08:00 08:30 09:00 09:30 10:00 10:30 11:00 11:30 12:00 12:30 01:00 01:30 02:00 02:30 03:00 03:30 04:00 04:30 05:00 05:30 06:00 06:30 07:00 07:30	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	Week 1 Week 2 Week 3 Week 4	Quarter 1 Quarter 2 Quarter 3 Quarter 4

NOTE:

If there is a conflict with an unforeseeable event, you must move the time allotted for recruiting, not abandon it until the following week.

Click here to download an interactive business activities map.

Recruiting And Retention Playbook

Step 4

STEP 4 - FOLLOWING UP

Being supportive of your agents and continually engaged with prospects will create the foundation for having a warm conversation centered on their needs and how you can support their business. Having consistently shared value with the prospect has subconsciously deepened your connection with them and positioned you as a source for insights, support and opportunity for their business.

Remember, not every agent is a good fit for your office. In order to be a strong candidate who you can retain over time they should possess:

- Experience
- Potential
- Production
- Attitude
- Drive
- Ambition
- Hunger to Learn

PLEASE NOTE: It is important to adhere to the rules and regulations on contacting prospects. Click here to view laws around email, phone calls and text messaging.

SAMPLE OPENING CALL SCRIPTS

Ask Questions and Stay Focused on the Agent's Needs

"I'm calling because I've always been a fan of yours from afar and I'd simply like the opportunity to get to know more about you and your business."

"I'm calling because I've seen your name a lot around town and I'd like to get to know more about you and your business."

"I'm calling because I've heard your name mentioned a lot by others and I'd like the opportunity to get to know more about you and your business."

"I'm calling because I've noticed the progress you've made through the years and felt it was time to get to know more about you and your business."

"I'm calling because I am impressed with what you have accomplished in your career and would simply like the opportunity to get to know more about you and your business."

Hint: All of the above openings are VERY flattering.

VIDEO EMAIL SCRIPTS

Video can also be a very effective way to reach out to prospects because it feels personal and it demonstrates your personality and leadership skills. Here are a few ways to engage prospects in a positive way.

Example Script 1

"Hello!

This is _______________ over at RE/MAX ______________________.

I wanted to reach out and introduce myself because I have been hearing great things about you from ______________________.

Because we work in the same community, I wanted to see if we might be able to get together for lunch or coffee. You know, to get to know each other better.

I pride myself for knowing the good people in our market and hope you would be okay investing a little time to get to know me too. Would Wednesday at 1 o'clock work for you to grab lunch?

Or maybe you would prefer coffee on Friday morning? Say 8 o'clock?

Reply to this email and let me know which works best for you.

Look forward to meeting you!"

Example Script 2

"Hello!

This is_______________ over at RE/MAX ______________________.

I wanted to reach out to you and say that I keep hearing good things about you!
In the real estate community, it is always great to hear about people who work well with others, practice professionalism and are just generally good people.

I would love to meet you and wondered if we might grab a bite together and begin to get to know each other. Nothing serious, just a "how do you do" and a chance to share a few stories.

I know I would love to invest an hour doing that.
How does Wednesday at 1 for lunch work for you? Or maybe you would prefer coffee on Friday morning? Say 8?

Reply to this email and let me know which works best for you.

Look forward to meeting you!"

Example Script 3

"Hi __________, this is_________ over at RE/MAX _____________.

I am reaching out to say hello and see if it makes sense for us to take a moment to get to know each other a little better.

You see, the business we are in is all about relationships and I pride myself on getting to know the best people in our market. And based on what I'm hearing, you are one of them.

So, I would like to invest a little time in you and hear what you are all about.

How does lunch on Wednesday at 1 o'clock sound? Or maybe you would prefer coffee on Friday morning? Say 8?

Reply to this email and let me know which works best for you.

Look forward to meeting you!"

Example Script 4

"Hi ______________, this is _______________ over at RE/MAX __________________.

I am reaching out to invite you to lunch.

I know this might seem like some pitch to you, but actually I am just interested in investing some time to get to know one of the better agents in my market.

It allows me to hear from you on what your challenges are and it helps me understand better what is important when it comes to helping and assisting others.

So, what do you say? How about lunch on Wednesday? You get to meet me, and I get to meet you and learn from you.

Reply to this email and let me know if that will work for you.

Look forward to meeting you!"

OVERCOMING INITIAL OBJECTIONS
Ask Questions and Stay Focused on Discovering the Agent's Needs

"The fact that you're happy at your current office shouldn't preclude us from becoming better acquainted.

Besides, we may just find out we speak the same language."

"I know you're happy and have no intent to move.

I've just found that getting to know the best agents in town is a smart thing to do because it always seems to lead to mutual opportunities down the road."

"Even though you're happy at your current office, I'd still love the opportunity to introduce myself and hear about your career goals.

Besides, wise people claim you should never say no until you know what you're saying no to because there may be opportunities available you never knew existed."

"The fact that you're short on time makes me want to meet with you that much more because now I know for certain that I can help you.

How about you and I meet and discuss a system aimed at adding more productive hours to your day?"

SETTING THE GROUNDWORK FOR FUTURE CALLS

Sometimes an agent will not want to meet. Don't give up. It is never "no" it is just "not today".

Asking these two important questions to EVERY agent will provide you with VERY valuable insights and information you can build on later.

1. What's the most important activity in your business?
2. What's your biggest challenge with that activity?

"I'm always interested in learning something new, so before we get off the phone, I'd simply like to know what you consider to be your most important career activity?

(Listen for answer.)

What is your biggest challenge with that activity?

(Listen for answer.)

Well, thanks for sharing that with me. It was a real pleasure speaking with you today and I hope you have a very productive year!"

Knowing the answers to these two questions provides justification for all follow-up calls to the same prospect.

With this information, repeat calls become very non-threatening because you actually have a legitimate, value-based reason for following up.

"Hey John, this is ________ with RE/MAX _______ and I was thinking about you the other day. I remember the last time we spoke you mentioned your biggest challenge was making time for your family. Are you still struggling with that? Well I came across some content the other day that I think can help you tremendously in that area. If you wouldn't be offended, I'd like to meet sometime this week and share it with you. Would you be open to learning how to gain a little more balance in your life?"

Click here to draft your own scripts.

Recruiting And Retention Playbook

Step 5

STEP 5 - ENGAGING PROSPECTS FACE-TO-FACE

When you meet with any candidate you should have two goals: one goal should be delivering value around the answers they had to their greatest business challenge and important activity question, and the second is to determine if they are a good fit for your office culture and have the correct attitude about what it takes to succeed. After you are seated:

Set the Expectations:

"I know your time is valuable, so I really appreciate you investing the time to meet with me today.

My objective for this conversation is to gain insights from you and provide you with value through our discussion. What we discuss will help me determine whether there is any possibility that I can assist you in attaining your goals.

You should also know that my goal here today is not to try to persuade you to join our office, but instead to fully examine whether the value we provide can benefit you and your career."

The basic premise for engaging your agents and prospects revolves around five key questions:

1. What are your business goals? (Prospect's Aspirations)
2. How are you going to achieve them? (Prospect's Plans and Strategy)
3. Are you implementing the right activities? (Prospect's Current Action)
4. Can your current company fully support your plan? (Prospect's Support)
5. Do you feel your plan will be better supported here? (Prospect's Motivation)

Spend your time asking questions and listening to the answers to determine if they are searching for **information** or **assistance.** This will allow you to shape your conversation around their needs and not flood them with information they are not looking for.

Once you have a full understanding of the agent's focus, aspirations and needs, you can begin to match your value with their answers. During the conversation make sure that you are:

- **Relevant**

Keep the conversation **appropriate** to the prospect's needs, issues and challenges.

- **Deliver message**

Introduce **solutions** via superior components of value (use the value list) and demonstrate that those solutions can be found **solely** with your office.

- **Gain agreement**

Make sure prospects **receive** the message and agree that your value offering will satisfy their need, issue or challenge.

Some questions that you can use in an effective recruiting conversation are:

1. Who were you before real estate?
2. Why did you get into real estate?
3. What do you value?
4. What are your specific goals?
5. Do you have a plan and strategy for reaching your goals?
6. What's the biggest challenge to realizing your goals?
7. How could an office help you achieve your goals?
8. What are you willing to do?
9. What are you able to do?

After you arrive at this point in the recruiting conversation you will have a good feeling for whether you want to proceed with the candidate. You can use the following type of dialogue to end an interview at any time:

> *"Thank you for taking the time to come in today. As I said the real purpose of the meeting was to get to know you and to see if there was a potential to find a good fit. I hope this was a productive time for you as you got to know me and our office a little better. May I call you in the future if I come across anything that I feel can help you in your career? (Allow them to respond) Great! Again, thank you for investing the time with me today and I look forward to speaking with you in the future."*

If, however, you are pleased with the energy of the candidate, then it is time to move into second phase of the interview.

Some questions you can use to effectively continue your conversation:

10. In the past 30 days, who in your current office has invested time to help you and your business?
11. Do you want to examine some ways I can support your goals?
12. Do you feel your current environment can fully support your goals?
13. Do you think what I've shared can better help you achieve your goals?
14. Do you feel your goals would be better supported here?
15. Are you serious about achieving your goals?
16. Are you willing to make a change?
17. Are we viable?
18. Are we preferred?
19. Are you serious?
20. When shall we start?

Recruiting And Retention Playbook

Step 6

STEP 6 - CLOSING THE LOOP

Once you've met with a prospect, it's time to stay in the flow and close the communication loop. Contrary to what you may be thinking, this isn't the time to ask the agent to join your office.

By taking your calls and meeting with you in person, they've already indicated they are considering making a switch, so stay in contact with them and continue providing them value. They'll make the move once they are ready.

Below are some dialogues and ways to stay in contact and eventually close the loop.

"Thank you again for meeting last week. It was great to get to know you better and how you run your business. I sent you a business building tip last week, was that helpful to you? Would you like me to continue sending you these types of tips?"

"Congratulations on your recent closing! I'm going to send you a piece I found that I think will help your business. Let me know if it helped once you've had a chance to review."

"I know you focus on ___________, so I wanted to share this article that I found. I thought it might be of interest to you. If there is anything I can do to support your efforts let me know. Thanks for all you do for our community."

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Step 7

STEP 7 – BUILDING ON SUCCESS

Retention is a key component of any offices success because it establishes the foundation for the culture and value you recruit with. Because retention is so important to your continued growth and success, you should strive to stay in continual contact with your current agents to support their success and remind them of the value you provide.

Many times, it's the smallest gestures that have the greatest impact. Remembering an anniversary or birthday, acknowledging a business achievement, hosting an office event or one-on-one training can be the things that define your worth in your agent's eyes.

Providing insights, offering tools and maintaining a position of support is at the center of building a culture where agents thrive.

Click here to download a list of retention ideas you can implement in your office.

Click here to download blog content you can send to your agents for them to reach out to their sphere.

Use these in-office retention ideas and combine them with the blog links to build connections with your agents on a weekly basis.

Recruiting And Retention Playbook

Conclusion

CONCLUSION

This is just a brief overview of ways you can build your business and achieve your goals. This playbook is just one reason to take action, the other reason is the momentum it will create in your office throughout the year. As you begin this recruiting journey, remember that your Business Growth Consultant and RE/MAX are here for you. Best of luck!

RESOURCE LINKS

Step 1

Value Proposition Worksheet

Step 2

Source Strategy Document

Step 3

Photofy Broker Registration

Engagement Calendar

Business Activities Map

Step 4

Scripting Document

Step 7

In-Office Retention Ideas

For additional recruiting resources including videos, presentations, competitive intelligence marketing materials, etc., login to MAX/Center and search the keyword ‘recruiting’.

KEY MARKETING LAWS

Below are some of the key laws you should keep in mind when engaging in certain marketing activities; it's not exhaustive but is intended to give you a basic understanding and reminder of the law in this area. Of course, it's always best to carefully review your specific situation with your own legal counsel.

CAN-SPAM (applies to marketing e-mails)

The federal CAN-SPAM Act establishes requirements for commercial emails, gives recipients the right to have you stop emailing them with marketing messages, and spells out tough monetary penalties for violations.

All commercial email messages are covered by this law, which has the following main requirements:

- **Don't** use false or misleading header information. (The "From", "To", and originating email address must all be accurate and identify you as the sender)
- **Don't** use deceptive subject lines to try to grab attention (such as "important message" or "open me"); subject line must accurately reflect the content of the message and show that the message is an advertisement.
- **Do** include a valid physical postal address in your email. Every marketing email must have a physical address contained in it (i.e. in your signature block) at which you can be reached.
- **Do** tell recipients how to stop receiving future email marketing messages from you, and honor such "stop" requests within 10 business days. Note: any "unsubscribe" button must remain active for the recipient for 30 days.

TCPA (applies to marketing calls, texts, and faxes)

The Telephone Consumer Protection Act ("TCPA"), governs calls to individuals on the Do Not Call list as well as restricts certain types of dialing equipment used in marketing calls. Pointers:

- **Don't** place any marketing calls that are prerecorded
- **Don't** use automatic telephone dialing systems when placing marketing calls or text messages to cellular phones—manual calls/texts only to cellular phones
- **Don't** place cold-call marketing calls to residential consumers on federal/state Do Not Call lists (business to business calls are OK)
- **Don't** use fax marketing without complying with all TCPA restrictions
- **Do** honor any person's request to stop calling them
- **Do** have your own company-specific do not call list in place so that you can honor someone's request that you stop calling them

TSR (applies to marketing calls)

The Telemarketing Sales Rule ("TSR") is a federal statute that governs the content of marketing calls and can be enforced in actions brought by government regulators. The TSR applies to calls to consumers; there are exemptions for business-to-business calls, but regardless of whether you are calling a residential number or a business number, it is best to:

- Disclose at the beginning of your marketing call your name and who you are marketing for;
- the purpose of your call; and
- a brief description of what you are marketing.

- **Don't** "abandon" the call (i.e., hang up as soon as someone picks up the phone)
- **Don't** block your caller ID information
- **Don't** call outside of permissible calling hours (federal – 8 a.m. to 9 p.m.); be aware of any more restrictive state calling limitations (see below).
- **Do** be truthful in all representations
- **Do** honor requests for marketing calls to stop.

State Statutes Covering Marketing

- Some states have their own telemarketing laws that restrict the time/date of marketing calls—**best to call during business hours on business days** (which all states allow), or check state laws to see where nighttime, morning, and weekend calls are allowed.
- Many states have their own laws about false advertising, so always be clear that you are reaching out with a marketing opportunity and be truthful about what you are marketing.
- Many states have laws (with fines up to $5,000 per call) that restrict the recording of a telephone call or business meeting unless both parties consent. **Best to not record at all** or check state laws to see where allowed.

The above description of laws is not exhaustive but should serve as a reminder to be careful in the marketing tactics and methods you employ. Please consult with your own legal counsel for more detailed information regarding these laws, as well as additional information on laws in your state pertaining to telemarketing, texting and emailing.

Note: You *can* send all the unsolicited advertisements and promotions you want to promote your real estate business via the United States Postal Services.

For legal advice, please contact a legal advisor.