

## **Illinois Addendum To The Real Broker, LLC Independent Contractor Agreement**

Real Broker, LLC (Company) makes this addendum a part of the Independent Contractor's Agreement to set forth state specific policies and procedures for an agent affiliating with the Company in the State of Illinois (Agent). This addendum supersedes all previous Illinois addendums. The Company reserves the right to modify, suspend, or discontinue any of the terms, policies, procedures and/or benefits described in this addendum with proper notice.

### **Advertising** (Section 1450.715 Part B – 1, 2, 2a, 2b, and 2c)

All advertising must include the sponsoring broker's name.

- 1) The "Real" Logo is not considered a part of the sponsoring broker's name unless it contains the sponsoring broker's name, "Real Broker, LLC".
- 2) In any advertising used to solicit a member of the public to use an Agent's real estate services one of these needs to be true:
  - A) The font size used for the letters in "Real Broker, LLC" is as large or larger than the letters used in the team's name or individual licensee's name; or
  - B) The area, in terms of the height and width, containing the named "Real Broker, LLC" shall be as large or larger than the area, in terms of height and width, than that of the team name or individual licensee name; or
  - C) Any logo, emblem, label, trademarked image, or similar identification incorporating the sponsoring broker's name, is as large or larger than that of the team name or individual licensee name.

<https://www.ilga.gov/commission/jcar/admincode/068/068014500G07150R.html>

### **Personal Assistants: Section 1450.740**

<https://www.ilga.gov/commission/jcar/admincode/068/068014500G07400R.html>

Licensed agents with Real may utilize the services of unlicensed assistants to assist them with administrative, clerical or personal activities for which a license is not required. Compensation for unlicensed assistants cannot be transaction based.

An unlicensed assistant, under the supervision of a licensee, may engage in the following activities.

- 1) Answer the telephone, receive inquiries, and forward messages and inquiries to a licensee;
- 2) Submit listing data and changes to a multiple listing service;
- 3) Follow up on a transaction after a contract has been signed;
- 4) Assemble documents for a closing;
- 5) Obtain public information from any government source (e.g., a courthouse, sewer district, water district or other repository of public information);
- 6) Have keys made or secure entry codes for a listing;
- 7) Draft advertising copy and promotional materials for approval by a licensee or, in the case of a new broker licensee who has not successfully completed the 45-hour post-license education, with the approval of the designated managing broker;
- 8) Place advertising;
- 9) Record and deposit earnest money, security deposits and rents at the direction of, and with

- approval by, the designated managing broker;
- 10) Complete contract forms with business and factual information at the direction and approval of a licensed Agent or, in the case of a new broker licensee who has not successfully completed the 45-hour post-license education, with the approval of the designated managing broker;
  - 11) Monitor licenses and personnel files;
  - 12) Compute commission checks and perform bookkeeping activities;
  - 13) Place signs on property;
  - 14) Prepare and distribute promotional information under the direction and approval of a licensed Agent, or in the case of a new broker licensee who has not successfully completed the 45-hour post-license education, with the approval of the designated managing broker;
  - 15) Schedule appointments for the Agent (this does not include making phone calls, telemarketing or performing other activities to solicit business on behalf of the licensed Agent);
  - 16) Respond to questions by quoting directly from published information;
  - 17) Sit at a property for a broker tour that is not open to the public;
  - 18) Gather feedback on showings; and
  - 19) Provide concierge services and other similar amenities to existing tenants.

**An unlicensed assistant may not perform licensed activities**, including but not limited to:

- 1) Hosting open houses, kiosks, or home show booths or fairs;
  - 2) Showing property;
  - 3) Interpreting information regarding listings, titles, financing, contracts, closings or other information relating to a transaction;
  - 4) Explaining or interpreting a contract, listing, lease agreement or other real estate document for or with anyone; or
  - 5) Negotiating or agreeing to any commission, commission split, management fee or referral fee on behalf of a licensed agent.
- d) Any licensed agent who supervises an unlicensed assistant shall be responsible for the unlicensed assistant's acts or omissions. Any licensed agent who permits, aids, assists or allows an unlicensed assistant to perform any licensed activities shall be in violation of the Act.
- e) A licensed agent is **prohibited** from acting as an assistant, as provided for in this Section, for any licensee other than the licensee's sponsoring broker or a licensee sponsored by the same sponsoring broker.

<https://www.ilga.gov/commission/jcar/admincode/068/068014500G07400R.html>)

## **Team & Group Requirements:**

### **What Is a Team?**

A "team" is defined in the Act, and for discussion purposes, a "team" is a functional unit operating within a real estate brokerage office comprised of one or more real estate licensees and one or more administrative personnel. It could be viewed more like a division within a company because it is not organized as a separate entity.

### **The Act Applies**

One simple rule to remember is that the Act applies to all licensees licensed to a sponsoring broker, whether they are part of a team or not.

- a) The sponsoring broker will remain ultimately responsible for the oversight of the team and all of its licensed members.
- b) A licensed agent must work for only one sponsoring broker. Thus, if a licensee is a team member, he/she will be sponsored by the same sponsoring broker as that of the "team leader" and not by the "team leader."
- c) The sponsoring broker and not the "team leader" must pay every licensee on a team.
- d) Each licensee on a team must have a written independent contractor or employment contract with the sponsoring broker.
- e) The team must not be a separate corporation or other business entity within the sponsoring broker's corporation. This would require another sponsoring broker, and licensees may only work for one at any one time.

[\(https://www.illinoisrealtors.org/blog/many-teams-one-license-law/\)](https://www.illinoisrealtors.org/blog/many-teams-one-license-law/)

### **Advertising and the Use of Team Names**

If the team has a "team name" which is used in advertising without using the name of the brokerage company, it would be the sponsoring broker's job to register that name with the appropriate governmental authority and the Illinois Department of Financial and Professional Regulation (IDFPR) as an assumed name or dba. Neither the team as a unit nor any of the team members have authority to register a "team name" that is different than the sponsoring broker's business name.

- a) If the team name appears in an ad and the company name is also included, no additional registration of the team name is needed.
- c) If the team name is being used in lieu of the brokerage company name, then registration of the team name by the sponsoring broker is required.
- d) The team name must not be misleading. To that end, the Act prohibits the use of inherently misleading terms in the team name such as "company," "realty," "real estate," "agency," "associates," "brokers," "properties," "or "property."
- e) No team name or licensee's name contained in any advertising from billboards to business cards shall be larger in size than the sponsoring broker's company name.

### **State meetings:**

When: Saturday Mornings 10:30 am to 12:00 pm Central Standard Time

Where: Zoom

How often: 2 Saturdays a month (Subject to change)

### **Contact Info:**

Office Phone Number: 312.857.5735

Managing Broker Cell: 630.439.6385

Email: [ILbroker@therealbrokerage.com](mailto:ILbroker@therealbrokerage.com)

Real Broker LLC State License Number: 481.012643

Managing Broker License Number: 471.019889

For the entire list of Illinois Rules and Regulations please follow this link

<https://www.ilga.gov/commission/jcar/admincode/068/06801450sections.html>