

# 2025 Updates

## R4-28 Commissioner's Rules



# ***R4-28-102 - Document Filing; Computation of Time***

B. In computing any period of time allowed by these rules or by an order of the Commissioner, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period is included unless it is Saturday, Sunday, or a legal State holiday in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal State holiday. ~~Unless the time period is specified as calendar days, when the period of time allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays are excluded from the computation.~~



# ***R4-28-301 - General License Requirements, Non-Resident License***

A. An applicant for any Department-issued license or license renewal. . .shall submit the following information to the Department:

(3) - A valid fingerprint clearance card ~~full set of fingerprints as~~ prescribed in A.R.S. § 32-2108.01



## ***R4-28-302 - Employing Broker's License, Non-Resident License***

I. ~~The Department shall not license an employing broker under more than one dba name~~ *Prior to an employing broker adding a dba or trade name, evidence of the employing broker entity holding at least a 10% ownership of the dba or trade name must be provided.* ~~and a person~~ An individual shall not conduct or promote real estate business under any name other than the name under which the ~~person~~ individual is licensed.



***R4-28-303 - License Renewal; Reinstatement; Changes of Personal Information, License, or License Status; Professional Corporation or Professional Limited Liability Company Licensure; Administrative Severance***

D. A salesperson or broker shall notify the Department in writing within 10 days of any change in the individual's personal information or qualifications. The salesperson or broker shall include in the notice the individual's name, signature, license number, and:

(4) If changing email address or residence telephone number or providing an additional telephone number or e-mail address, written notice of the prior and current number or e-mail address; or;



# ***R4-28-402 - Continuing Education Requirements, Waiver, Distance Learning***

## **A. Continuing education requirements.**

**1. To be eligible for license renewal, a real estate salesperson or broker shall complete continuing education courses approved by the Department under R4-28-404, presented by a real estate school approved under R4-28-404 and taken since the salesperson's or broker's original licensure or effective date of the preceding license, whichever is later. Continuing education courses completed after fulfillment of the renewal requirement and within 90 days of a renewal may be counted toward the next license period but may not be counted for two licensing periods.**



# ***R4-28-402 - Continuing Education Requirements, Waiver, Distance Learning***

C. The Department shall not grant a person credit for more than nine hours of continuing education per day.



## ***R4-28-502 - Advertising by a Licensee***

B. Any licensee salesperson or broker advertising their own or another licensee's ~~the salesperson's or broker's own~~ property for sale, lease, or exchange in Arizona shall disclose they are licensed ~~the salesperson's or broker's status~~ as a salesperson or broker, and as the property owner by placing the words "owner/agent" in the advertisement.





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B. Any licensee advertising their own or another licensee's property for sale, lease, or exchange in Arizona shall disclose they are licensed as a salesperson or broker, and as the property owner by placing the words "owner/agent" in the advertisement.



## ***R4-28-502 - Advertising by a Licensee***

C. A licensee ~~salesperson or broker~~ shall ensure that all advertising contains accurate claims and representations, and fully states factual material relating to the information advertised. A salesperson or broker shall not misrepresent the facts or create misleading or ambiguous impressions.



# ***Webster's Dictionary Definition***

## Ambiguous:

1. Capable of being understood in two or more possible senses or ways.
2. Difficult to discern or categorize.



## ***R4-28-502 - Advertising by a Licensee***

E. A licensee salesperson or broker shall ensure that all advertising identifies in a clear and prominent manner the employing broker's legal name or the dba name(s) contained on the employing broker's license certificate.



## ***R4-28-502 - Advertising by a Licensee***

F. A licensee who advertises property that is the subject of another person's real estate employment agreement shall display the name of the listing broker in a clear and prominent manner make a disclosure in the advertisement itself that indicates the properties featured are not representative of the licensee's transaction history and includes information of other licensee's transactions.



## ***R4-28-502 - Advertising by a Licensee***

G. The designated broker ~~shall supervise all advertising, for real estate, cemetery, or membership camping brokerage services~~ is responsible for the advertising of all real estate activity.



## ***R4-28-502 - Advertising by a Licensee***

I. Before placing or erecting a sign or publishing to an electronic medium giving notice that specific property is being offered for sale, lease, rent, or exchange, a licensee salesperson or broker shall secure the written consent of the property owner, and the sign or publication shall be promptly removed upon request of the property owner.



## ***R4-28-502 - Advertising by a Licensee***

**J. The provisions of subsections (E) and (G) do not apply to advertising that does not refer to specific property.**

(E) Requires the name(s) of the employing broker to be displayed clearly and prominently.

(G) States the designated broker is responsible for the advertisement.





# ***R4-28-502 - Advertising by a Licensee***

⌞ The use of an electronic medium, such as the Internet, Artificial Intelligence, or web site technology, that targets residents of this State-state with the offering of a property interest or real estate brokerage services pertaining to property located in this state constitutes the dissemination of advertising as defined in A.R.S. § 32-2101(2). All advertising using an electronic medium must comply with Subsection E of this Section and if advertising online, all requirements of advertising set forth above must be satisfied on the advertisement without the need to scroll.



# ***R4-28-802 - Conveyance Documents***

C. Transaction statements. In addition to the requirements of A.R.S. §§ 32-2151.01 and 32-2174, the broker shall retain **true** copies of all receipts and disbursements, **or** copies of the executed and delivered escrow closing statements that evidence all receipts and disbursements in the transaction and any transaction documents signed by parties to the transaction or any disclosures made as part of the transaction.



## ***R4-28-1101 - Licensee Duties to Client***

B. A licensee participating in a real estate transaction shall disclose in writing to all other parties any information the licensee possesses that materially or adversely affects the consideration to be paid by any party to the transaction, including:

3. Any known adverse material defect fact concerning the property or material defect existing in the property being transferred; and



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## **R4-28-1101 - Licensee Duties to Client**

C. A licensee shall expeditiously perform all acts required by the holding of a license. A licensee shall not delay performance, either intentionally or through neglect. If a licensee is unable to perform any act as required by rule or statute, they must expeditiously notify their designated broker of their inability to perform.



# R4-28-1101 - Licensee Duties to Client

E. A licensee ~~real estate salesperson or broker~~ shall not act directly or indirectly in a transaction without informing the other parties in the transaction, in writing and before the parties enter any binding agreement, of a present or prospective interest or conflict in the transaction, including that the:

3. Purchaser or seller ~~is the~~ has ownership or is the employee of the licensee's salesperson's or broker's employing broker, or;  
~~owns or is employed by the salesperson's or broker's employing broker; or~~



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3. Purchaser or seller has ownership or is the employee of the licensee's employing broker, or



## **R4-28-1101 - Licensee Duties to Client**

H. The services that a licensee salesperson or broker provides to a client ~~or a customer~~ shall conform to the standards of practice and competence recognized in the professional community for the specific real estate discipline in which the licensee salesperson or broker engages.





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# R4-28-1101 - Licensee Duties to Client

I. A licensee salesperson or broker shall exercise reasonable care in ensuring that the licensee obtains the salesperson or broker obtains information material to a client's interests and relevant to the contemplated transaction and accurately communicates the information to the client. A salesperson or broker is not required to have expertise in subject areas other than those required to obtain the salesperson's or broker's license. A licensee salesperson or broker shall take reasonable steps to assist a client in confirming the accuracy of information relevant to the transaction.



# ***R4-28-1101 - Licensee Duties to Client***

J. A licensee salesperson or broker shall not:

1. Permit or facilitate access to or occupancy in a person's real property by a third party without prior written authorization from the person owner of the real property.



# ***R4-28-1101 - Licensee Duties***

J. A licensee shall not:

1. Permit or facilitate **access to** or occupancy in a person's real property without prior written authorization from the owner of the real property.



# ***R4-28-1102 - Property Negotiations***

Except for owner listed properties, negotiations shall be conducted exclusively through the principal's broker or the broker's representative unless:

1. The principal waives this requirement in writing, and
2. No licensed representative of the broker is available for 24 hours.



# ***R4-28-1102 - Property Negotiations***

A. Real estate licensees may not contact a principal represented by another licensee unless the principal's Designated Broker, broker representative with delegated authority, and the licensee are unavailable for 24 hours. A principal may waive or alter this requirement by issuing written instructions.



# ***R4-28-1102 - Property Negotiations***

B. For a buyer and unless the buyer waives this requirement in writing, negotiations must be conducted exclusively through the principal's broker or the broker's representative unless the designated broker, a broker with delegated authority from the designated broker, and the buyer's licensee with an agency relationship are unavailable for 24 hours.



## ***R4-28-1103 - Broker Supervision and Control***

B. A designated broker shall establish a system for monitoring compliance with statutes, rules, and the employing broker's policies, procedures, and systems. The established system is not limited to but must include a progressive disciplinary policy for managing violations of the employing broker's policies which would also represent a violation of any statutory requirement or prohibition related to real estate activity and failure of an employing broker to enforce the disciplinary policy would be a violation of subsection (D).





## ***R4-28-1304 – Response; Default***

- A. A response shall specifically admit, deny, or state that the party does not have, or is unable to obtain sufficient information to admit or deny each allegation in the complaint. A statement of a lack of information shall have the effect of a denial. Any allegation not responded to may be deemed to be a violation of A.R.S § 32-2153(B)(10) admitted. When a party intends in good faith to deny only a part of an allegation, the party shall admit so much of it as is true and shall deny the remainder.

