

**INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION**

Real Estate Commission Rules

Readoption with Amendments: N.J.A.C. 11:5

Proposed: October 20, 2003 at 35 N.J.R. 4812

Adopted: March 5, 2004 by New Jersey Real Estate Commission, Dawn Rafferty,
Executive Director

Filed: March 5, 2004 as R. 2004 d.130, **with substantive changes** not requiring
additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:15-6, 45:15-10.4, 45:15-16.49, 45:15-17(t) and 45:15-17.4

Effective Date: March 5, 2004, Readoption;
April 5, 2004, Amendments

Expiration Date: March 5, 2009

Summary of Public Comments and Agency Responses:

The Commission received comments from Joseph G. Marovich of Marovich Business
Institute.

Comment: The commenter suggested that the name "realtor" in N.J.A.C. 11:5-6.1 be entirely in
capital letters "because it is a trade organization that refers to REALTORS always in caps,
except online."

Response: The term REALTOR® (capitalized and printed with a registration mark) is a
registered collective membership mark that identifies a real estate professional who is a member
of the National Association of Realtors (Association). While the Association's rules may require
their members to capitalize the term, the Commission does not believe that it should assume the

burden of enforcing the use of that term in the manner prescribed by the Association by mandating its use in that fashion in a Commission rule. Nothing in the rule precludes members of the Association from using the designation in the form used by the Association.

Comment: The commenter stated that the use of the title "realtor-associate" cannot apply to a broker alone, as a salesperson can also be a realtor-associate. The commenter suggested the title read "broker realtor-associate" or "realtor-associate broker."

Response: The Commission does not believe that the application of the term "realtor-associate" to a broker licensee should be permitted. Use of the term "associate" signifies that the individual is not licensed as the employing broker in a sole proprietorship or as a broker of record of a licensed firm. If a broker-salesperson licensee who belongs to the Association desires to do so, they may include on their business card a more specific reference to their licensed status in conjunction with the term "realtor-associate." They may not, however, use the term "broker" in an unqualified manner, such as in the suggested designation "broker-realtor associate."

Summary of Agency-Initiated Changes

The Commission is proposing a change to the organizational chart which reflects the Assistant Director's oversight of additional Department of Banking and Insurance staff assigned to the Commission.

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules and amendment are not subject to any Federal standards or requirements.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 11:5.

Full text of the adopted amendments follows:

11:5-1.2 Organization of the Commission

The organizational chart of the Real Estate Commission is as follows:

(Agency Note: The proposed organization chart of the Real Estate Commission is adopted with changes discussed in the Summary of Agency-Initiated Changes above. The adopted chart below incorporates those changes.)

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