



How Social Media Can Get You in Trouble with the Law & the Code of Ethics

- Presented by Alex Camelio

Welcome Our Speaker



Alex Camelio

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Degrees in Political Philosophy & Legal Studies

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Helped over 15,000 Agents and Brokers

Works with some of the Top Agents and Brokers

**Built, Bootstrapped & Managed Multiple
Companies in the Real Estate Space**

10+ years of Growing Businesses

Internationally Renowned Speaker

Spoken in 30+ States and for some of the
biggest organizations including NAR

Social Media

An incredible source of business,
but a huge liability if you don't
know what you're doing.



The Tool is NOT the Licensee

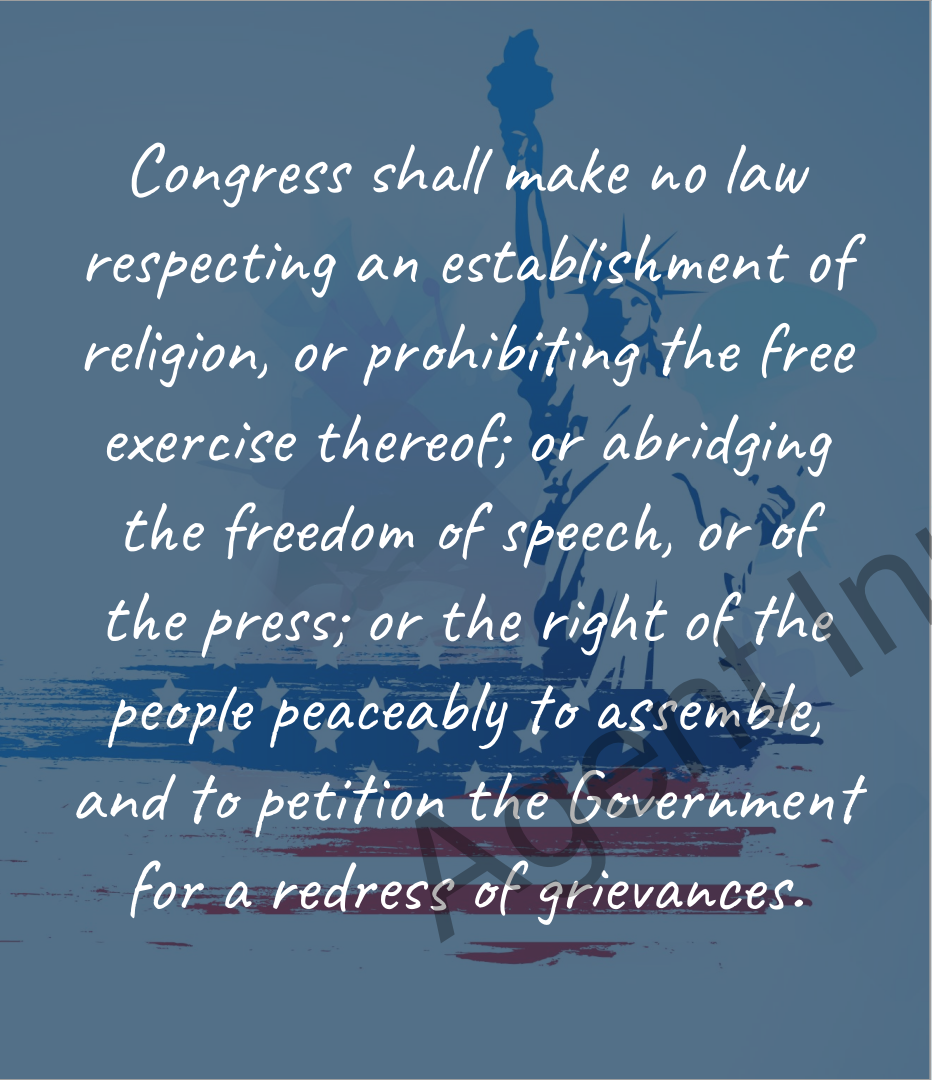
Most of it is now written, staged,
or answered by a machine.

But the machine did not sign the
Code of Ethics. You did.



The Bill of Rights

Sometimes, Rights Compete With Each Other



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The First Amendment

Includes 5 Protections:

- Speech
- Religion
- Press
- Assembly
- Petition

First Amendment Exceptions

- No Protections are Absolute
 - Obscenity
 - Defamation
 - Illegal Conduct / Fraud
 - Harassment
 - Commercial Speech
 - Intellectual Property





Obscenity

Lewd, filthy or disgusting words or pictures are not a protected form of free speech.

What this means is that you're allowed to put out the content, but are not protected from the repercussions of doing so.

Defamation

The action of damaging the reputation of someone. Particularly if the statements are vague or false.

Also called 'slander' or 'libel.'

(Also Article 15)





Illegal Conduct and Fraud

Advocating for illegal action or fraud schemes is not a protected form of free speech.

Depending on the severity, this one can put you in jail.

Harassment

Offensive, unwelcome conduct, which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Particularly if it relates to a protected class.

Harassment may take the form of words, actions, gestures, demands, or visual displays, such as photographs or cartoons.





Commercial Speech

Courts have ruled that free speech does not apply to advertising and business speech.

You cannot lie or exaggerate in your advertising.

(GREC Rule 520-1-.09 & Article 12)

Intellectual Property

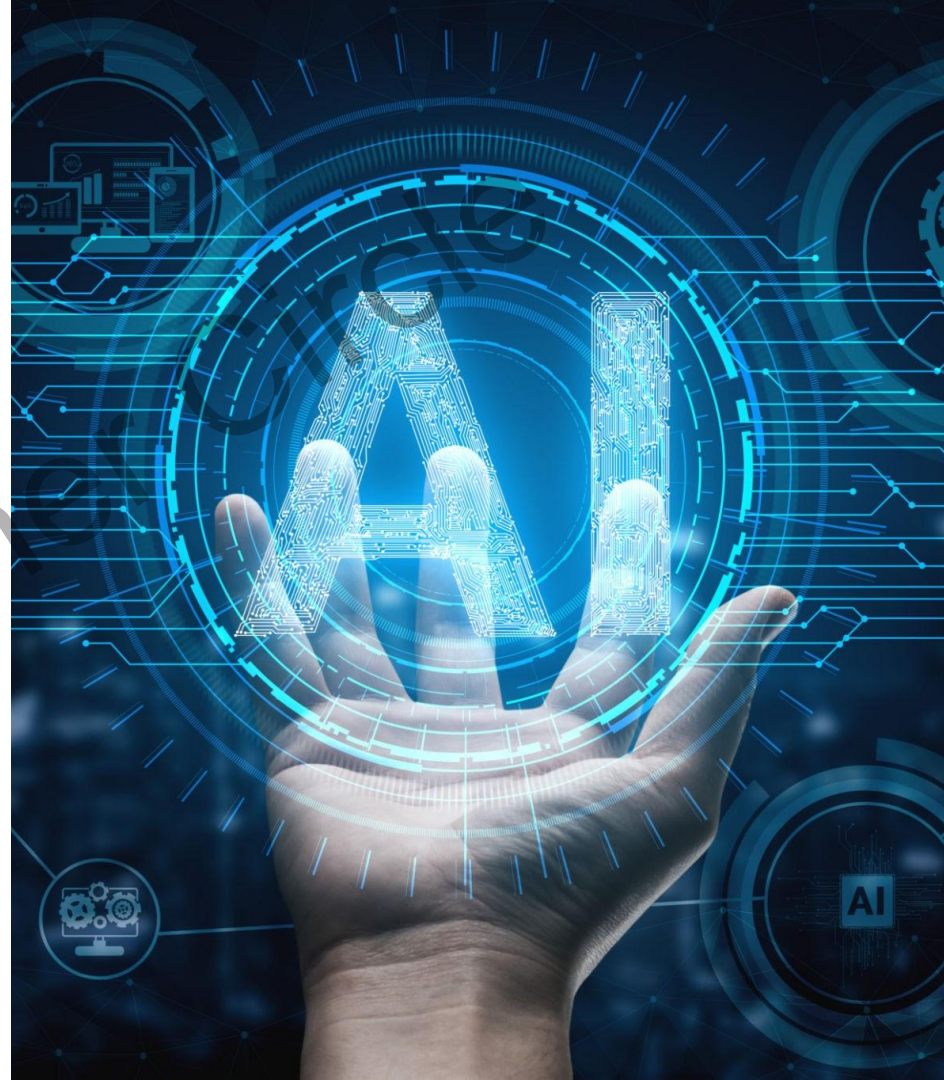
The First Amendment does not cover any previously copyrighted material or agreements to keep information confidential.

The disclosing party must first take reasonable precautions to keep the information secure.



Who Owns AI Content?

AI generated images are not protected by copyright in the United States. Nobody owns them, including you.



Discrimination & Fair Housing

Federal, State, and Private Entity Rules

Federal Legislation

- The Civil Rights Act of 1964
- The Civil Rights Act of 1968
 - Title VIII - Fair Housing
- The Rehabilitation Act
- The Americans with Disabilities Act



Protected Classes

- Nationally Protected
 - Race, Color, Religion, Sex, National Origin, Familial Status, & Disability
- Article 10
 - Sexual Orientation & Gender Identity
- Local Laws May Extend



Fair Housing & Generated Copy

- Georgia Rule 186-2-.06 bans words, phrases, symbols, logotypes and human models that signal preference.
- An AI tool can produce all five, and target the ad automatically.



Licensing Powers

Cooley v. Board of Wardens of Port of Philadelphia

Federal vs. State Licensure

- States control licenses that do not:
 - discriminate against or excessively interfere with interstate commerce
 - require national or uniform regulation
 - outweigh the interest of the federal government



Your Real Estate License

State licensing organizations can extend rules within federally protected rights *including exceptions!*

Think of your license as a privilege and not a right.



Private Property & Businesses

Business Owners Have Rights Too



Business Rules

Businesses can create their own rules within the law as long as they don't discriminate based on any protected classes.

(Facebook and any other business can regulate what you say within private property as long as they don't discriminate against a protected class.)

Who Is Liable for AI Content?

Online tools including AI companies have disclaimers that make you responsible for any content produced.

Short Answer: YOU ARE!



Case Studies

Let's Put Our Knowledge To Work

Case Study: Stolen Business

- You find out that your cousin went with another agent who is a friend of yours.
- You Post on Facebook:
 - “John Doe (agent) is such a snake. I can’t believe they stole a deal from me.”



Case Study: Defamation

- You can't speak negatively about another business if it's not factual.
 - The deal was never yours to begin with so it can't be stolen.
- Also an Association Ethics Violation



Case Study: Brokerage Info

- Your brokerage provides a template roadmap you can use with Sellers which is publicly available on the brokerage website but you've signed a contract that any templates provided by the brokerage are confidential.
- Someone in a Facebook group asks if anyone knows of a great seller roadmap and you reply by sharing your brokerage's template.

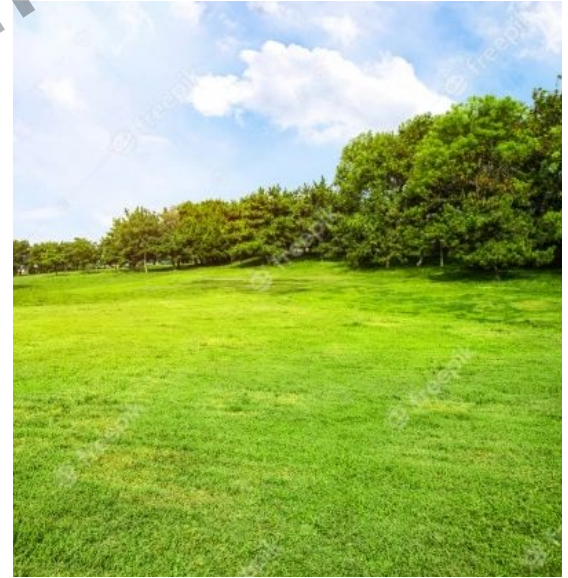
Case Study: Legal / Ethical

- Since the template is publicly available, the brokerage can't have an expectation of confidentiality.
- That doesn't mean it won't upset your broker owner, depending on the culture at your brokerage.



Case Study: A Beautiful Yard

- You're working on selling a home in the early spring. The listing photos show brown spots in the yard but the seller promises they aren't normally there.
- You have AI clean up the brown spots before posting on Instagram.



Case Study: False Advertising

- Real estate advertising rules require that you do not misrepresent the current state of the property in any way.
- Instead - do not edit photos beyond basic filters that could otherwise be applied by a camera lens.



Case Study: The Empty Living Room

- You've listed a vacant home. You run the photos through an AI staging tool that adds furniture, warms the paint color and removes the power line visible through the front window.
- You post the set to Instagram with the caption "Just listed."



Case Study: Undisclosed Alterations

- Article 12 and SOP 12-10: misleading images, manipulated into a deceptive result.
- GREC 520-1-.09: misleading advertising.
- Best Practice: disclose any image alterations with your content.



Case Study: The Playground Feature

- You've listed a beautiful 4 bedroom, 2 bathroom home with a built in playground as a feature.
- You share the listing personally with the note - "Wouldn't this be wonderful with a couple kiddos running around?"



Case Study: Fair Housing

- Familial Status is a protected class and referencing “kiddos” as part of any sort of promotion is a violation of fair housing laws.
- Sharing to your personal profile does not protect you from listing promotion or fair housing violations.



Case Study: Advertising

- You've written a great how-to guide for first time buyers and want to create Facebook ads to drive people to it.
- You search Google Images to include a graphic on the printed cover and then take a picture and share it to Facebook.



Case Study: Copyrighted Material

- All images put on the Internet are assumed to be copyrighted material unless otherwise specified.
- Damages can include thousands of dollars in lawsuits or fines per occurrence.



Case Study: A Disagreement

- You and another agent at your brokerage consistently disagree about politics and you get into a heated argument online.
- You jokingly respond with the following meme but never intend to hurt the other person.



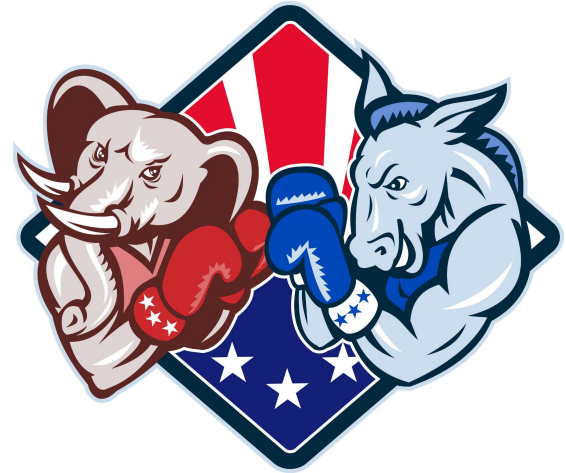
Case Study: Harassment

- The Internet is notorious for missing context and even though you meant it as a joke, you don't know the other side took it that way.
- Referencing violence, especially after a pattern of disagreement can be seen as harassment.



Case Study: Political Statement

- You've become very frustrated by the rioting in various parts of the country and decide to share your thoughts.
- You post a video diatribe about a specific race related movement.



Case Study: Association Violation

- Since the movement is related to a protected class, many states and associations have enacted stricter discrimination rules.
- Based on what you say, you could be removed from your association or face other injunctions.



Case Study: The Market Update

- You ask an AI tool for current market statistics for your county and it returns clean, specific numbers.
- You build a graphic: "Inventory down 18% year over year. Now is the time to sell."
- You run it as an ad.



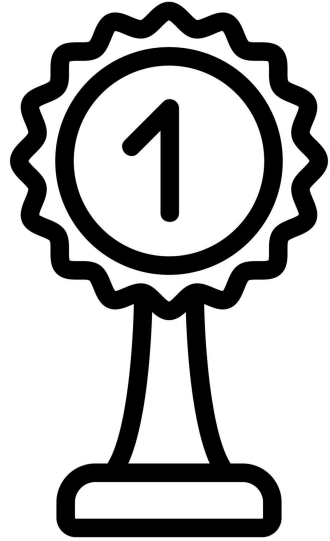
Case Study: Unverified Claims

- AI tools generate plausible statistics that were never real. The tool is not lying to you. It is completing a pattern.
- You are the source of every number you publish. If you cannot point to where it came from, do not post it.



Case Study: #1 Agent

- You've won a major award. You're the top agent in your State at your franchise for the 3rd quarter.
- You put together a Facebook Ad with your picture and the caption - "So proud to be the #1 Agent in Vermont"



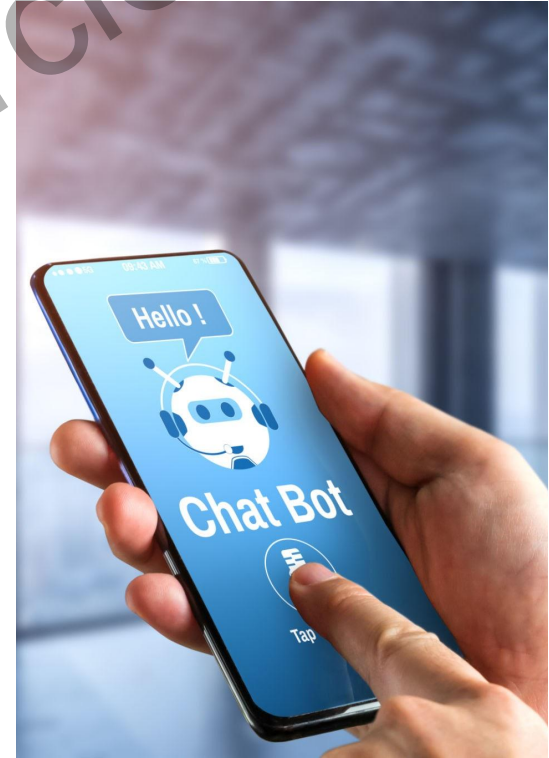
Case Study: False Advertising

- By removing the context you've changed the consumers perception about your achievement.
- You could face fines and other penalties for exaggerating your credentials.



Case Study: The Helpful Assistant

- You've set up an AI chatbot to answer Facebook and Instagram messages while you're out.
- A prospect asks: "Is it a good area for a family like ours?"
- The bot answers helpfully and thoroughly. You read it three hours later.



Case Study: Steering

- Answering that question at all is steering. Doing it in writing, automatically, at scale, is steering with a written record.
- The fix is not a better bot. It is a bot that hands the question to a human.



Measure twice, cut once.

- Proverb

QUESTIONS?



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