

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. 790-X-1-23

Rule Title: Misuse of Agency Name, Initials, Logo, or Seal

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Vaughn T. Poe

Date July 29, 2021

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: Rule 790-X-1-.23
Misuse of Agency Name, Initials, Logo, or Seal

INTENDED ACTION: New Rule

SUBSTANCE OF PROPOSED ACTION: The proposed new rule will prohibit the use of the Commission's seal or logo by anyone other than the Alabama Real Estate Commission unless prior approval is given. A copy of the proposed rule may be found on the Commission's website, www.arec.alabama.gov.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments can be presented at the public hearing scheduled at 9:00 a.m. on September 23, 2021 during the regularly scheduled Commission Meeting to be held at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Vaughn Poe, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on October 8, 2021.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
October 8, 2021

CONTACT PERSON AT AGENCY: Barbi Lee, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.

Vaughn T. Poe

Vaughn T. Poe
Executive Director

Rule 790-X-1-.23. Misuse of Agency Name, Initials, Logo, or Seal.

(1) Prohibited Acts. No person may, except with the written permission of the Commission, use the seal of the Commission, the logo of the Commission, or any colorable imitation of such words, seal, or logo in connection with any merchandise, impersonation, solicitation, commercial activity, or trade association activity in a manner that conveys the impression that such is approved, endorsed, or authorized by the Commission.

(2) Injunction. Whenever it appears that any person is engaging or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1) of this rule, the Executive Director, may initiate a civil proceeding to enjoin such act or practice.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-7, 34-27-8, 34-27-36.

History: Filed _____; effective _____.