

## ADVERTISING AS A LICENSED PROFESSIONAL

Every licensed profession and vocation in the State is governed by its own set of laws, rules, and/or ethical guidelines. Some of the licensing laws provide guidance on advertising as a licensed professional.



### Where do I begin?

Start by reviewing the **laws and rules** for your profession, paying close attention to any references to the use of titles or advertising. Make sure you also review any **recognized standards of ethics** for the profession.

Information and links to laws and rules can be found at: [cca.hawaii.gov/pvll/](http://cca.hawaii.gov/pvll/).

Some licensing laws require licensees to include a current license number in advertisements. The most common example of this is contracting. Under Hawaii law, a contractor must include a current license number in advertisements and listings. For example, licensees advertising roofing work must include a current contractor's license number in the ad.

### Which license number to include?

If you have multiple license numbers, make sure you use the appropriate license number in the ad. For example, if you are a massage therapist, don't use your individual massage therapist license to advertise a massage establishment. For contractors, the license number must be applicable, that is, relevant to the type of contracting services being advertised. A masonry contractor, for example, cannot advertise to perform general contracting services. A license number may also be required in directory listings.

Here are just a few of the licensing types that require a license number in advertisements: Contracting, massage therapy (both therapists and establishments), motor vehicle repair, pest control, and real estate (both brokers and salespersons).

### Advertising without a license:

Representing or holding yourself out as being able to do work which you are not licensed to do violates Hawaii law, and the penalties may be severe. For example, advertising as a contractor when you are not licensed as a contractor is a misdemeanor. Sanctions also include fines and injunctive relief. A court may also issue an order disconnecting your phone number.

### Advertising as a handyman in the State:

"Handymen" usually perform minor repairs and projects that are typically described as "odd jobs" or "fix-up tasks." Without a contractor's license, handymen who do projects that are (1) over \$1,500.00, or (2) require a building, electrical, or plumbing permit, are engaged in unlicensed contracting activity. Advertising that a person is able to perform contracting work in amounts over \$1,500.00 is prohibited. Ads that infer or imply that a person is licensed as a contractor, may also violate Hawaii law. Again, the penalties for holding yourself out as being able to do work which you are not licensed to do, can be severe.

### Use of titles, descriptions, or academic degrees:

Many licensing laws address the use of designations. For example, certified public accountants ("C.P.A.") and social workers ("S.W.," "L.B.S.W.," "L.S.W.," "L.C.S.W.").

All of the health care professions, including chiropractors ("D.C."), dentists ("D.D.S." or "D.M.D."), physicians ("Dr." or "M.D."), and optometrists ("O.D."), reference designations.

If you are not licensed in Hawaii, using a title, description, or referencing an academic degree may require additional information or disclosure to clarify that you are not licensed in the State.

## What a publisher or producer may require of you:

A publisher or producer may ask you to provide proof that you hold a valid license number. For example, Hawaii law states publishers and producers shall refuse to publish or broadcast an advertisement or listing for a contractor whose ad doesn't comply with the law. If you are advertising as a contractor, a publisher or producer may ask you for a signed statement which states you (1) have read the text of the advertisement or listing, (2) have an applicable and current contractor's license for the goods and services advertised, (3) have included all applicable and current license numbers in the advertisement or listing, and (4) are aware of civil and criminal penalties for advertising as a contractor without a valid license. Such a statement presumes the publisher or producer has complied with the law in this area.

**Do your homework:** The laws may include business cards, signs, and postings on social media. Again, start by reviewing the laws and rules for your profession, paying close attention to any references to the use of titles or advertising, and make sure you also review any recognized standards of ethics. Questions can be addressed to the board, commission, or program which regulates your profession. Please remember they cannot give you legal advice.

**Regulated Industries Complaints Office's Areas of Jurisdiction.** The following is a list of some of the professions and vocations currently licensed in the State of Hawaii:

|                                                             |                                                               |                                    |
|-------------------------------------------------------------|---------------------------------------------------------------|------------------------------------|
| Accountants                                                 | Electricians and Plumbers                                     | Occupational Therapists            |
| Activity Providers                                          | Elevators Mechanics                                           | Pest Control Operators             |
| Acupuncture Practitioners                                   | Emergency Medical Technicians                                 | Pharmacies and Pharmacists         |
| Athletic Agents and Athletic Trainers                       | Employment Agencies                                           | Physical Therapists                |
| Barbers and Barber Shops                                    | Engineers, Architects, Surveyors,<br>and Landscape Architects | Physicians & Physician Assistants  |
| Behavior Analysts                                           | Hearing Aid Dealers and Fitters                               | Podiatrists                        |
| Cemeteries                                                  | Marriage and family Therapists                                | Port Pilots                        |
| Chiropractors                                               | Massage Therapists and<br>Establishments                      | Private Detective & Guards         |
| Collection Agencies                                         | Mental Health Counselors                                      | Psychologists                      |
| Contractors                                                 | Mixed Martial Arts Contests                                   | Real Estate Appraisers             |
| Cosmeticians, Estheticians,<br>Hairdressers and Manicurists | Motor Vehicle Sales and Repairs                               | Real Estate Brokers & Salespersons |
| Dentists and Dental Hygienists                              | Naturopaths and Osteopaths                                    | Speech Pathologists & Audiologists |
| Dispensing Opticians and<br>Optometrists                    | Nurses                                                        | Time Share                         |
|                                                             |                                                               | Travel Agencies                    |
|                                                             |                                                               | Veterinarians                      |

## RESOURCES

The Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), offer tools, tips and services you can use to check out an individual or business. Information is available by calling **(808) 587-4272** or online at **[cca.hawaii.gov/businesscheck](http://cca.hawaii.gov/businesscheck)**.

For information about filing a complaint or to report unlicensed activity, call RICO's Consumer Resource Center at **(808) 587-4272** or visit us online at **[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)**.

To call Oahu-RICO, dial the following toll free numbers: Kauai 274-3141, extension 74272; Maui 984-2400, extension 74272; Big Island 974-4000, extension 74272; Molokai and Lanai 1-800-468-4644, extension 74272, followed by the # sign.

RICO is the enforcement arm for over forty-five professional boards, commissions, and programs that are administratively attached to the Department of Commerce and Consumer Affairs. RICO receives complaints, conducts investigations, and prosecutes licensing law violations. RICO also prosecutes unlicensed activity through the issuance of citations and by filing civil lawsuits in the Circuit Courts. RICO works to resolve consumer complaints where appropriate and provides consumer education about various issues relating to licensing and consumer protection. RICO also administers the State Certified Arbitration Program (SCAP) for "lemon" motor vehicle claims.

*This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. Printed material can be made available for individuals with special needs in Braille, large print or audio tape. Submit requests to the RICO Complaints and Enforcement Officer at 586-2666.*