

# Information About Brokerage Services

## Understanding Your Relationship with an Illinois Real Estate Licensee

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*Effective: May 2026 | Spinnato & Associates Real Estate*

Illinois law requires real estate licensees to provide consumers with information about the agency relationships available to them under the Illinois Real Estate License Act of 2000 (225 ILCS 454/). This document explains, in plain language, the relationships you may have with Spinnato & Associates Real Estate and our licensees, the duties we owe to you, and how to formalize the relationship that best fits your needs.

### Presumption of Representation

Under Section 15-10 of the Illinois Real Estate License Act, a licensee is presumed to be representing the consumer they are working with — as a buyer's agent if working with a buyer, or as a seller's agent if working with a seller — unless there is a written agreement stating otherwise. This presumption protects consumers and clarifies the licensee's duties from the start of the relationship.

### Types of Agency Relationships

#### Designated Agency (Most Common)

In Illinois, designated agency is the standard form of representation. The sponsoring broker designates a specific licensee — your designated agent — to represent you exclusively in a transaction. Your designated agent owes you full fiduciary duties (loyalty, confidentiality, disclosure, obedience, reasonable skill and care, and accounting), even if other licensees in the same brokerage represent the other party.

#### Dual Agency

Dual agency occurs when the same licensee represents both the buyer and the seller in the same transaction. Under Section 15-45 of the Act, dual agency is permitted only with the informed, written consent of all clients. A dual agent must treat both parties fairly but cannot fully advocate for one over the other. We will explain dual agency in detail and obtain written consent before acting in this capacity.

#### Customer (No Agency)

If you choose not to enter into a brokerage agreement, you may be treated as a customer rather than a client. As a customer, you are entitled to factual information, honest dealings, and disclosure of known material defects — but you do not receive fiduciary representation, advocacy, or confidential advice. We will provide you with a written Notice of No Agency Relationship in this case.

### Duties Owed to Clients

When you become a client of a licensee at Spinnato & Associates Real Estate, your designated agent owes you the following statutory duties under Article 15 of the Illinois Real Estate License Act:

- **Loyalty** — to act in your best interest above all others, including the interests of the licensee.

- **Confidentiality** — to protect your confidential information, both during and after the brokerage relationship ends.
- **Disclosure** — to disclose all material facts about the property and the transaction that are within the licensee's knowledge.
- **Obedience** — to follow your lawful instructions in carrying out the transaction.
- **Reasonable skill and care** — to exercise the competence and diligence of a real estate professional.
- **Accounting** — to account for all funds and property handled on your behalf.
- **Honesty and fair dealing** — owed to all parties, whether client or customer.

## Duties Owed to Customers

Even when you are not represented as a client, every licensee in Illinois owes all parties to a transaction the duties of honesty, fair dealing, and disclosure of known material defects in the property. A licensee may not knowingly misrepresent or conceal material information.

## Compensation Does Not Determine Agency

Section 15-40 of the Act makes clear that the payment or promise of compensation does not, by itself, create an agency relationship. Whether a licensee represents you as a client is determined by the written agreement between you and the brokerage — not by who ultimately pays the commission.

## Confidential Information

Information you share with your designated agent — including your motivation, financial situation, negotiating position, and personal circumstances — is confidential and may not be disclosed to the other party without your written permission, except where disclosure is required by law. This duty of confidentiality continues after the brokerage relationship ends.

## How to Establish a Brokerage Relationship

To formalize a designated agency relationship with Spinnato & Associates Real Estate, you and your agent will sign one of the following written agreements, depending on your role in the transaction:

- **Exclusive Buyer Representation Agreement** — for buyers seeking dedicated representation in their home search.
- **Exclusive Right to Sell Listing Agreement** — for sellers listing a property with our brokerage.
- **Exclusive Tenant Representation Agreement** — for tenants seeking representation in a rental transaction.

We will walk you through each agreement, explain its terms, and answer any questions before you sign. You are encouraged to consult an attorney if you have legal questions about any document we present.

**Questions about agency? Contact Claudia Spinnato at 630-669-1452 or Claudia@spinnatoandassociates.com. We are happy to explain how these relationships work and help you choose the structure that best fits your transaction.**

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**Spinnato & Associates Real Estate**

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Illinois Real Estate License: [IL License # — insert before publishing]

*This document is a plain-language summary of agency law in Illinois and is provided for informational purposes only. It is not a contract, does not create an agency relationship, and does not constitute legal advice. Refer to the Illinois Real Estate License Act of 2000 (225 ILCS 454/) and the Illinois REALTORS® Consumers' Guide to Real Estate Agency in Illinois for the complete legal framework.*