

# Real Estate *Business*

For Real Estate Professionals



## 10 TIPS to make You a Better **NEGOTIATOR**

How You Can  
**STRENGTHEN** Your  
**2018 Business Plan**

## What's New When It Comes to Tracking Online Reviews?

The landscape for online reviews is changing; here's what you need to know.

Did you know that Yelp prohibits its clients from soliciting reviews to be posted on its site and that [it says it's working hard](#) to identify clients who are trying to get around that rule?

“Online reviews can often make or break a business's reputation,” reports Mark Rosenberg, a partner at the law firm of Tarter Krinsky & Drogin in New York City and co-head of its reputation management practice. “It's essential that you track reviews of your business.”

### Tracking made easier

You can track reviews by visiting the major review sites like Yelp and by conducting Internet searches for your business and personal name. “These searches often yield additional review sites you may not be aware of, as well as Google reviews,” states Rosenberg, who adds that you can also retain an online firm that can scour the Internet for all the online entries concerning you or your company.

“There are a number of review monitoring sites you can use to monitor your reviews and reputation, some of which include sites like Bright Local, Review Trackers, and more,” explains Toby Danylchuk, co-founder of 39 Celsius Web Marketing Consulting in San Diego. “If you're on a budget, set up a free Google Alert for your brand and company name mentions as well.”

### More fed involvement

In recent years, the federal government has started a major push toward cracking down on fake reviews and inflated reviews, reports

Michael Podolsky, CEO of PissedConsumer.com in Las Vegas, an online platform that allows consumers to leave any type of review—though they're more likely to be negative—for a variety of businesses.

Podolsky points to the [Consumer Review Fairness Act of 2016](#), which he says protects the rights of consumers to post their reviews without fear that such speech can be limited by contract or the terms of service of a particular website.

The Federal Trade Commission is also cracking down on fake reviews, he notes. “There are a number of cases where the FTC has fined companies for blocking or obstructing reviews getting posted regarding their business practices,” contends Podolsky.

### What you find might surprise you

Jay Seville, owner of JustNewListings.com Realty at CoastWalk Real Estate in Wrightsville Beach, N.C., says he's never solicited online reviews until recently—when he felt like he had to fight back against a blindside.

“Over the years I had about six Yelp reviews,” says Seville. “All were unsolicited and five-star reviews, until one day I wrote an assertive email to someone who was rude. The person had never used my website, never used my company, and never intended to use my business. She wrote a [one-star review](#) of me at Yelp.”

Seville says he reported the violation to Yelp and got no satisfaction, which wouldn't surprise Danylchuk. “If it's an inappropriate review or a competitor, you can submit the review to

Yelp for possible removal,” he says. “But Yelp doesn’t often remove reviews, so the review has to violate its terms and conditions. Reviews that aren’t factually correct are typically not taken down since Yelp has no way of verifying whether the information is correct.”

Seville’s response was to flood the zone. “A couple of weeks ago, I reached out to some recent clients and invited them to review my services at Google, Zillow, and Trulia,” he explains. “About 15 reviews came in within days, and now I use the link to the reviews as part of one of my email templates. I’ve had many new leads click on my [reviews link](#) and believe it’s helping me to separate myself.

“All reviews at [Google](#) were also five stars except some local guide I’d never heard of before who did an unexplained one-star review,” adds Seville. “I’m pretty sure he disagreed with some sociopolitical comment I’d made on Facebook, so it’s a problem when fake reviews are allowed to be posted at any review site.

“The only solution I see for the fake reviews are to encourage clients who were well-served by you to overwhelm any bad review that wasn’t legit,” he observes.

## Can you solicit happy reviews?

It’s not illegal to ask clients to post favorable reviews on websites, notes Rosenberg. But he adds that such requests can be held against you by review sites.

“Yelp has always said you shouldn’t encourage reviews with your customers,” notes Danylchuk. “They don’t have a good way of catching you unless it’s extremely egregious and someone reports you as paying people to review you.”

That said, it’s still best to stay away from that situation. “A good way to straddle both sides of this issue is to orally ask clients to post a review if they had a good experience with your company,” suggests Rosenberg, adding that written requests could be discovered by review sites.

Podolsky agrees that it’s OK to ask for a review, but he notes you can’t offer a reward for any review. You also can’t cherry-pick reviews, creating a review page that shows only positive reviews, or build a process by which only positive reviews will be collected.

You can also hire a review service to take the process out of your hands. “They’ll email your past and current customers asking for a review but will select positive, happy customers first,” explains Danylchuk. “These paid services often use the Net Promoter score, which is a 10-point rating, and ask customers in advance how likely they are to refer you to a friend or colleague. If you get a 7 or higher, only then are they prompted to leave a review on Yelp or any other review site of your choice. If you get a 6 or lower, they’re never prompted to leave a review; instead, their comments are forwarded to you.”

Whatever path you choose, here’s a total don’t: “One way to *not* generate positive reviews is to either write them yourself or pay another company to do this,” states Rosenberg. “In addition to violating nearly every review site’s terms of use, self-created reviews can form the basis of a false advertising or unfair business practice claim brought by state attorneys general or the FTC.”

## What to do when you get hit

You’re likely to get a negative review—it’s the rare business that doesn’t get one. What to do?

Rosenberg suggests first trying to engage the reviewer, asking the reviewer to contact you by telephone or email to try to resolve the issue. “If a poor review is the result of a misunderstanding, speaking with the client may lead to a resolution of the underlying issue and the removal of the offending review,” he says. “If a discussion can’t resolve the issue, post a response to the review that acknowledges the client’s unhappiness and gently explains why the reviewer is wrong. That can help blunt the deleterious effect of a negative review.

“However, before posting the response, carefully review it to make sure it doesn’t contain any confidential information or any other information that could enable the public to identify the reviewer,” adds Rosenberg.

It’s always a good idea to apologize and then state the facts, suggests Podolsky. “Our experience with negative reviews shows that most occur due to poor communication. If you’ve done something wrong, apologize and state how you’ll rectify the situation for other consumers going forward. If a customer misunderstood your policy or procedure, apologize for the misunderstanding and not delivering an accurate message, and suggest how you might address this communication in the future.

“Most people who are providing negative feedback would be satisfied to hear that you’re taking proactive steps to address this type of issue going forward,” notes Podolsky.

Be sure to respond to negative reviews promptly. “Timing is important,” Podolsky states. “If you don’t respond to a negative review in a timely fashion, the consumer will get even more upset and continue posting on other resources, starting a game of Whac-a-Mole.”

## You might have to sue

If none of these tactics fix the problem, or if you simply believe the review contains damaging, false statements, such as allegations of illegal conduct, Rosenberg says you may need a stronger response. If you can identify the reviewer, sending a cease-and-desist letter can sometimes convince that person to take down the review.

“These letters need to be drafted with the expectation that the recipient will post the letter on the Internet and mock the sender,” explains Rosenberg. “To avoid appearing heavy handed or seen as a bully, the tone of the letter should be professional, the letter should acknowledge the reviewer’s free-speech rights, and it should include an explanation of why the reviewer’s post exceeds the bounds of protected speech. Having the letter sent by an attorney can increase the impact of the letter.”

When you think the review contains false information and you can’t find the reviewer or the reviewer won’t remove the post, Rosenberg says you may need to sue for defamation. “Where the identity of the reviewer isn’t known, a ‘John Doe’ lawsuit is usually required to obtain a court order requiring the website to provide the name or other identifying information (such as email or IP address) of the reviewer,” he explains. “Suing the website itself is almost always not an option because websites that host reviews are protected.”

Remember, however, that these are just reviews, and you shouldn’t freak out if you can’t fix a bad one. “Nobody expects you to have a perfect review profile,” says Danylchuk. “One study found that consumers view perfect 5.0 ratings incredulously, and those review profiles have lower click-through rates.”