

## **FRIENDLY REMINDER – ANTI-TRUST LAWS**

Summertime is traditionally an extremely busy time in the life of a REALTOR®. It is always a good idea to take a few moments and review some basic information that might be accidentally overlooked in the hectic pace of the real estate deal.

### **Anti-trust Laws:**

1. Discussing commission amounts charged to sellers or splits offered to other brokers is a violation of anti-trust laws. **DO NOT DO IT!**
2. There is no "standard" commission or "standard" or "normal" split. There is no "fair" split to offer to other brokers. There is only what the seller's broker and the seller agreed in their listing that the broker would offer to cooperating brokers. If it is not "enough" for cooperating brokers, they can negotiate for their fee as set forth in their buyer listing agreement.
3. Refusal to show a seller's listing because the cooperating broker does not like the offered split is inappropriate. Blackballing is anti-competitive behavior that may be deemed an anti-trust violation. It may also be a breach of the buyer broker's duty to their client because it would mean they are putting their fee ahead of their client's interests. Finally, disparaging the listing broker or company over their commission policies would likely be a violation of Article 15 of the Code of Ethics.
4. Violating anti-trust laws would probably result in license discipline if a regulatory complaint was instigated.
5. No listing broker is required to show any other broker their seller listing contract, just as any no buyer broker is required to show their buyer listing agreement to any other broker. One can make the argument that doing so would be breaching the broker's duty of confidentiality by sharing their client's confidential information with other brokers. It also is not very smart because it also tells other brokers when the listing expires, so they can hustle that client if the property does not sell.