**WARNING: THE FOLLOWING IS A SAMPLE OFFICE POLICY REGARDING COMPLIANCE WITH THE DO NOT CALL REGISTRY AND THE DO NOT CALL RULES. THIS SAMPLE OFFICE POLICY IS NOT INTENDED TO SUGGEST THAT YOUR COMPANY MAKE ANY PARTICULAR BUSINESS DECISIONS WITH REGARD TO THE NO CALL POLICY. RATHER, YOUR COMPANY SHOULD MAKE ITS OWN INDIVIDUAL BUSINESS DECISIONS AND THEN MODIFY THE SAMPLE POLICY TO FIT YOUR COMPANY’S BUSINESS DECISIONS AND PRACTICES.**

 **SAMPLE DO NOT CALL POLICY**

**General Statement**

1. The Federal Trade Commission (“FTC”) administers regulations under the Federal Telephone Consumer Protection Act (“Act”) and has adopted a national Do Not Call Registry (“DNC Registry”). The FTC and the Federal Communications Commission (“FCC”) operate under rules implementing the Act and handling complaints concerning violations of the Act. This policy is adopted by (name of real estate brokerage company) (“Brokerage Company”) to provide guidance for members of the Brokerage Company in connection with compliance with the Act and the DNC Registry.

2. The policy of Brokerage Company is that the Brokerage Company, all of its sponsored licensees, and any of its employees and representatives, will comply with the Act and DNC Registry.

3. Brokerage Company reserves the right to amend or modify this policy at any time as may be determined necessary by Brokerage Company.

**General Rule**

1. Sponsored licensees of the Brokerage Company, employees of the Brokerage Company, and any other representatives of the Brokerage Company shall not make any telephone calls to any telephone number listed on the DNC Registry or the Company Do Not Call List (“Company DNC”) (as explained below) unless one of the following exceptions applies:

(a) You are currently working with the consumer;

(b) Within the last 18 months you have represented the consumer in a real estate transaction;

(c) The consumer has made an inquiry concerning real estate brokerage services or inventory within the last three months;

(d) The consumer is a personal friend or acquaintance of the caller; or

(e) Written consent has been obtained from the consumer to call a specific number(s).

2. PLEASE BE AWARE THAT EVEN IF AN EXEMPTION APPLIES, INCLUDING CURRENTLY WORKING WITH A CONSUMER, THE CONSUMER CAN REQUEST EITHER ORALLY OR IN WRITING THAT THEY NOT BE CALLED AND THAT REQUEST MUST BE HONORED. FURTHER, THAT NUMBER MUST BE PLACED ON THE COMPANY SPECIFIC DNC (hereinafter “Company DNC”).

3. Do not make any calls to numbers listed on the Company DNC without written permission from the consumer to call that specific number.

**Access to DNC Registry and Company DNC**

1. (No sample language can be provided for this section as each brokerage company will need to establish its own desired method of allowing sponsored licensees, employees, or other representatives of the Brokerage Company to access the DNC Registry and the Company DNC. For example, a brokerage company may provide both the DNC Registry, or at least certain area codes, on the brokerage company’s website as well as the Company DNC on the website. Brokerage companies may come up with whatever options they believe are effective in making this information available to the sponsored licensees, employees, and other representatives of the company. In establishing the methodology for accessing these lists, the brokerage company must remember that the requirements to comply with the Act and the DNC Registry are entity requirements, that means requirements of the brokerage company, and are not specifically directed at the agents, employees, and representatives of the brokerage company.)

2. Any person making a call to a consumer whose telephone number is not on the DNC Registry and which consumer requests that they not be called again shall immediately report that request to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(fill in a name or procedure for relaying the request) for inclusion on the Company DNC.

3. If a consumer’s name appears on the DNC Registry but they fall under one of the exemptions referred to above, and that person requests, either orally or in writing, that their number not be called again, that request must immediately be reported to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(fill in a name or procedure for relaying the request) for inclusion on the Company DNC.

4. Before making a call to a consumer, you should check the DNC Registry and the Company DNC as provided for in this policy.

5. The DNC Registry is updated daily, and it should be checked before making any solicitation calls.

6. Phone numbers placed on the Company DNC will remain there for a period of five (5) years. The Company DNC will be updated at least every thirty (30) days.

7. The information on the DNC Registry and Company DNC shall not be sold, transferred, or used for any purpose other than determining whether a cold call or telemarketing call can be made to a specific telephone number.

**Making Sales Calls**

1. No sales calls shall be made except in accordance with this policy.

2. If you will be making calls to consumers, you must:

(a) Disclose on every sales call your name, name of the Brokerage Company, and the telephone number or address where you or the Brokerage Company may be contacted.

(b) Describe the services you are offering.

(c) Make calls only after 8:00 a.m. and before 9:00 p.m. (local time at consumer’s location).

(d) You may not misrepresent, harass, intimidate, annoy, or use obscene language in any such call.

3. Brokerage Company prohibits you from contracting with or using third party or outside calling services.

**Record-Keeping and Record Retention**

1. Documents containing the express written consent of the consumer to call specific numbers shall be retained in the Brokerage Company’s files. If you do not have a file with regard to a specific consumer, a copy of that consent shall be forwarded to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(fill in name or procedure for forwarding and retention of documentation).

2. Provide copies of any scripts that you may be using in telemarketing and cold calling to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(insert name).

3. If you are requested not to call a number, then follow up with written confirmation to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of appropriate party) of the request so the phone number can be placed on the Company DNC.

4. If a telephone call is inadvertently made to a consumer whose number appears on the DNC Registry and you are so advised of that during the telephone call, then prepare a written report to the administrator of the Company DNC advising them of that fact.

**Questions**

1. Frequently asked questions and answers are available both on the websites of the Illinois REALTORS® and the National Association of REALTORS®. Acquaint yourself with those questions and answers with regards to the making of calls under specific circumstances.

2. If you have other questions concerning the policy or compliance with this policy, consult with or direct your questions to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name or position of person to contact within your Brokerage Company).

3. If you have questions concerning access to the DNC Registry or the Company DNC, contact or direct your inquiries to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name or position of person to contact within your Brokerage Company).

4. Some common scenarios that you may be faced with and the company policy on those scenarios are as follows:

(a) If a For Sale by Owner (FSBO) has their telephone number on the DNC Registry, then you should not call that consumer unless you have a bona fide buyer prospect for the subject property. In the course of the conversation, do not try to steer the conversation to issues regarding your listing of the property unless the owner makes inquiry concerning that possibility. If the FSBO requests not to be called in the future, then notice should be given to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (appropriate person) so that number can be placed on the Company DNC.

(b) Do not contact individuals who simply visit an open house of yours. If you wish to contact guests who come to an open house that you are conducting, you must include in the guest register a space allowing the guest to specifically indicate that they can be called and to indicate the phone number that can be called.

(c) If you have a contact on your website from a consumer, please ask them to specifically indicate whether they can be called and, if so, at what number. This can be accomplished by e-mail or by a point to click on your website.

(d) If your cell phone indicates a call from an unknown number, do not call that number without checking the DNC Registry and the Company DNC except to indicate that your cell phone indicated a call from that number and that you were responding to determine what was needed. If there is an indication that no assistance is required, then the call should be broken off at that point, without discussing your brokerage services or inventory.

(e) (Other examples of company policies on particular fact situations can be added by your company in this area.).

**Responsibility**

1. The Act and the DNC Registry are entity based provisions. This means that the Brokerage Company will generally be the party against which a complaint will be filed or a suit brought for violation of the Act, the DNC Registry or the Company DNC.

2. Fines under the Act can be up to five figures per incident or private litigation can be brought by an individual resulting in fines, including attorneys fees, costs, and any actual damages.

3. (Insert any policy the Brokerage Company may have concerning the responsibility of a sponsored licensee, employee or representative).

**Acknowledgment**

The undersigned, by signing below, acknowledges receipt of this policy and being trained in the use of the DNC Registry and Company DNC in compliance with the Do Not Call Rules.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_