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Sent: Sunday, October 23, 2005 2:35 PM  
To: ATR-Real Estate Workshop  
Cc: FTCDOJworkshop@realtors.org  
Subject: Competition and the Real Estate Workshop" -- Comment, Project  
No. V050015

October 23, 2005  
Antitrust Division  
U.S. Department of Justice  
Liberty Place, Suite 300  
Attention: Lee Quinn  
325 7th Street, NW  
Washington, DC 20530

RE: Competition and the Real Estate Workshop -- Comment, Project No. V050015  
Dear Sirs,

Competition is a desirable quality in any business and, in the real estate business; we have a lot of competition. In my personal experience, a licensed real estate agent is in serious competition with every other real estate licensee in the immediate vicinity for both prospective buyers and prospective sellers. All of us serve localized markets where we compete for business every day. Fierce competition is fueled largely by the uniquely intense and personalized nature of the service we provide to our clients -- who, in turn, determine our future success through referrals and return business.

Barriers to membership are low. If you are willing to take the time to learn the business in your local market, pass the state license examination and adhere to the REALTOR® code of ethics, you are welcome to join your local association. I had to learn the business and pass the state licensing examination, but it is my own work ethic, commitment to professional standards and dedication to client satisfaction that determine my success.

Even through the economic downturns our country has experienced in the past few years, our industry has continued to provide opportunity -- something I would say is confirmed by the thousands of new agents that join our profession every year and the over 2 million Americans who are now licensed to provide professional real estate services in communities across the country.

Nothing encourages a competitive business environment more than providing consumers with choice. In the residential real estate marketplace, consumers not only are able to choose from more than 76,000 brokerage firms and more than 1.2 million REALTORS®, but also from a variety of business models.

The largest section of my daily business routine is set aside for prospecting. I am daily

reaching out to buyers and sellers who are not currently in the market for their business. Joining NAR, CAR and MCAR, my local association, has been my choice for training and educational benefits, like offering me information on the latest legal, disclosure and inspection issues facing my buyers and sellers as well as the cooperative marketing benefits for my clients.

The MLS is a cooperative, broker-to-broker offer of cooperation and compensation that help both brokers and customers buy and sell homes. It is not a public utility, nor should it be. The beauty of the MLS is that it allows real estate brokerages of every size to compete on a level playing field. It gives all of us access to an inventory of property listings that we are able to show and sell to our clients. The MLS doesn't discriminate. All MLS members are treated equally, regardless of their size or their business model, and yet the rights of property owners and their listing brokers are respected. The rules of the MLS achieve a delicate balance between respecting the rights of listing brokers so they will continue to be willing to contribute their inventory of listings and permitting cooperating brokers the ability to show those listings and be assured of receiving compensation if they bring about a successful sale. All my Sellers have the option to not promote the sale of their property on the MLS.

In an effort to offer exceptional service to our clients, our local multiple listing system, REInfoLink, has a public site which has all the mls listings on it and is open to the general public called mlslistings.com. Even though we are a business trade organization whose primary function is to promote the business of our members, we have made the business decision that it is a benefit to our clients to be aware of the whole range of properties which are currently for sale. So there is the opportunity for owners who want to sell their property themselves to list their property on the mls for a flat fee similar to the fee members pay to put each of their listings on the MLS system. I have personally shown and previewed properties that I have found listed in this way.

In my personal experience, buyers and sellers are well aware that there are many choices for them in the real estate market place. In the last eleven years in three different states, I have competed with agents who are not members of the National Association of REALTORS® as well as with agents who are REALTORS® at every listing presentation. And I have not always been the Seller's choice. The last example that comes to mind was when a previous client with whom I have done business for the last five years chose to hire another agent to sell her property. Another time this year, I was in competition with another

real estate company for a listing the ownership of which was before the courts in a divorce case and the other company was chosen by the judge. I have had 2 listing presentations this fall cancelled by the seller as the seller elected to sign with another company before I was even able to make my presentation. I have won my share of listings, most recently one in competition with several other companies both members of NAR and real estate agents who are not members. Many agents have shown the property, both REALTORS® and non members.

It seems to me that the new policy is a win-win for consumers and REALTORS®. It works for consumers because it gives home sellers a choice whether to permit marketing of their property on the Internet and in selecting an MLS member with whom they want to work. It allows them to "opt-in" and have their property displayed on other brokers' Web sites even if they are working with a broker who does not participate in sharing his listings for display by his competitors. And it works for REALTORS® because it gives us the right to control where our listings are displayed on the Internet. After all, our real estate marketing expertise is one of the major services we offer to our clients.

Sincerely,

Gege Winton, GRI

Welcome Home to Monterey County!  
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