

TAKE THIS TEST **(SAVE \$100,000.00 OR MORE?)**

Are you boycotting listings? Are you tacitly engaged in a boycott with others? Are you exposing yourself and others to substantial fines (perhaps \$100,000.00 or more). Let's see! Take this test and honestly answer.

Have you, with others ever done or said the following:

1. No one will show that property which only offers ___% TSB?
2. If I take your listing at less than ___ % others won't show the property.
3. I'm not going to "waste" my buyer by showing them property listed at ___ % (lesser) TSB when I can show them property listed at ___ % (higher).
4. If they were truly professionals they would not be discount brokers or part-timers.
5. I bet they're going to drop their discount program if we don't show their listings.

If you have done or said any of the above you may have committed an anti-trust violation and could subject you and others to substantial claims for damages. Why? Because you have boycotted those listings because of a business practice with which you disagree. You have engaged in, and participated in a concerted refusal to deal.

This type of conduct, and similar conduct is likely to be considered a boycott because such conduct is *perceived* either explicitly or implicitly to be an attempt to economically coerce another to abandon the way they do business or to change their discount, or alternative marketing strategies. Our anti-trust laws are very clear in stating that boycotts such as these are *per se* illegal - No defense is available.

But, you say, a boycott involves a conspiracy between two or more! That's true. Yet, brokers and sales people who *act* and *behave* as if there is common conspiracy not to cooperate, or to deal with a competitor only along the lines established by the common conspirators, expose themselves and others to an anti-trust law suit just as quickly as those who actually, and in fact conspire.

Please recognize that the conduct and comments listed in the questions above are likely to be viewed as a conspiracy by the *inference* they create. Those who conspire wouldn't be so foolish as to reduce their conspiracy to writing. Rather they act upon inferences, silent acquiescence, and the comments of their co-conspirators which are meant to invite the boycott activities. In the event of a lawsuit the judge or jury would be asked to examine the comments and conduct of the alleged co-conspirators for the purpose of determining if, in their judgment, there exist a common goal or purpose to boycott, or to coerce another broker to abandon their commission structure and to "get in line" with what you perceive is best.

Remember, proof a conspiracy need not be based on actual words or agreements. A conspiracy can be proven based on the inference created by your conduct and actions!