

Before You Dial....
DNCR limits Realtor access to telephone

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The Federal Trade Commission and Federal Communications Commission have not yet clarified several questions posed by Realtors. The Do Not Call Registry (DNCR), which Realtors are required to honor, is now a year old and Realtors around the nation continue to call on the regulators to clarify how the registry affects the housing marketplace.

Realtors are calling on the regulators to clarify issues like: do FISBOs revoke their DNCR status when they enter the marketplace?; can an agent call potential buyers from an open house sign in book?; can an agent call expired listings? To date, the regulators have not yet clarified any of these questions for Realtors.

For the moment, our best counsel to brokers and sales associates is to treat every number on the DNCR with great care. I have received two messages over the past year from home sellers who specifically ask that agents not call them and warn that they will file a complaint if they are telephoned. While the original intent of the DNCR was aimed at the big telemarketing companies who operate nationwide, Realtors and other small independent businessmen must be very careful to avoid liability.

There are several steps that a broker can take right now to limit their liability on this issue. First, open up the website www.telemarketing.donotcall.gov and register your office as a telemarketer. Second, review NARs information (www.realtor.org) on creating an office policy and safe harbor measures to give you a record of understanding and complying with the DNCR. These two steps alone will greatly limit your liability if a complaint is filed against your brokerage.