



Anti-Trust Policy

The United States Supreme Court has held that a trade association will be liable under the antitrust laws for the conduct of its volunteer members when those members are acting with the “apparent” authority of the association.

As a result of this ruling, an Association of REALTORS® can be held liable if any of its volunteer leaders use their official positions within the association to engage in antitrust violations, even if their conduct is expressly contrary to the association’s rules, regulations, policies, and procedures.

Associations must therefore, at a minimum, be sure:

- That all persons who serve on or chair antitrust-sensitive committees, such as the Grievance, Professional Standards, Multiple Listing, and Membership Committees, are thoroughly familiar with the association’s rules, regulations, and procedures governing those committees.
- That the decisions of these committees are subject to review or approval by the Board of Directors of the association.

An association may not disclaim liability for the misuse of authority by its volunteer leaders by asserting that they acted contrary to the association’s instructions or policies. If an association puts a person in a position where he or she can misuse or misinterpret his or her authority as a representative of the association, the association, as well as the member, must pay the consequences.

Print Name

Signature

Date