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ARIZONA ASSOCIATION OF REALTORS®

The Voice for Real Estate® in Arizona

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March 25, 2004

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex D)
600 Pennsylvania Ave, N.W.
Washington, D.C. 20580

Re: "CAN-SPAM Act Rulemaking, Project No. R411008," 69 Federal Register 48, 11775-11782 (March 11, 2004)

Dear Sir or Madam:

On behalf of the Arizona Association of REALTORS®, I appreciate this opportunity to comment on the Federal Trade Commission's proposal on the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN SPAM Act). We are a membership association representing over 34,000 REALTORS®. We routinely use e-mail to communicate with members and therefore have a significant interest in the outcome of this rulemaking process. The advent of e-mail has had a significant positive affect regarding the cost of communicating with our members, of which they are very grateful.

There is a need for and wide-spread public support for the Commission's efforts to control fraudulent, misleading and abusive unsolicited e-mails and e-mailing practices. However, we are concerned that the establishment of a Do-Not-E-mail Registry ("Registry") will penalize trade associations, membership organizations, and non-profits engaging in legitimate e-mail communications with members. We believe those who join such organizations expect to be communicated with and appreciate such communication in a prompt and cost-effective manner.

Continually, our members list communication about industry and legislative developments as one of the main benefits of membership. They want the information as soon as possible; e-mails are an important part of our service as an association. For those few members that prefer not to receive information via e-mail, we have a simple "opt-out" process which we honor.

We feel that the cost of developing, implementing and maintaining a Do-Not-E-mail Registry is not the best use of public or private funds. The private sectors' development of and minimal cost for anti-spam software easily affords an individual or company the ability to significantly reduce invasive messages. Although these messages are an irritant at best, it is difficult to equate the impact of intrusive telephone calls to the impact of e-mails. The Do-Not-Call Registry program



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made sense in terms of the costs, etc.; however, it is more of a challenge to justify the same type program for e-mails. Another concern is the significant threat to our members' privacy that could occur should the security of a Do-Not-E-mail Registry be breached by spammers.

Once again, we urge you to closely consider whether the disputable consumer benefits of a Do-Not-E-mail Registry and the potential risk to privacy of a central depository of legitimate e-mail addresses outweigh the onerous and costly compliance burdens on trade associations, membership organizations non-profits and their member/client bases.

Sincerely,



Kim Horn, CRS, GRI
President

cc: NATIONAL ASSOCIATION OF REALTORS®