Mr. James DiGiulio
Century 21 Barone, Slezak & Associates
New Jersey
United States

Dear Secretary:

As a member of the New Jersey Association of REALTORS? (NJAR), I am writing in response to the proposed rule that was published on February 13, 2004 that would require Telemarketers to update their Do Not Call Lists every 30 days. I do not see the need for further regulation when we have had only a few months to learn how to implement the Telemarketing Sales Rule and incorporate the Do Not Call Registry into our business practices.   The Telemarketing Rule only went into effect in October and has not had sufficient time to play out. The current rule, in which telemarketers have to scrub their lists every three months, has not even gone into it's "second-wave" of scrubbing.

REALTORS? are involved in all aspects of the residential and commercial real estate industries. We recognize that consumers want to be protected from unsolicited phone calls and our members are working to be in compliance with this rule even though we believe REALTORS? are not considered telemarketers since consumers cannot purchase property or complete a real estate transaction over the phone.

Moreover, to implement such a significant change will add an additional burden to REALTORS?.   Scrubbing the do not call lists every 30 days will cost us time and money. Every REALTOR? who makes cold calls is responsible for maintaining his/her own list.   Asking each person to scrub lists every 30 days will waste manpower, computer resources and paper. This hardship to REALTORS? will outweigh the benefit to consumers.

Since we are only four months into the rule, New Jersey REALTORS? feel the Federal Trade Commission should allow sufficient time for us to adjust to following the Telemarketing Sales Rule that took effect on October 10, 2004 and to deal with problems that arise in implementing the required procedures.   I ask that you direct your attention to clarifying the original rule and not implement a new rule at this time.