



NEW JERSEY ASSOCIATION OF REALTORS®

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February 20, 2004

Federal Trade Commission
Office of the Secretary
Room 159 H (Annex D)
600 Pennsylvania Avenue, NW
Washington, DC 20580



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Project No: R411001

Dear Secretary:

As president of the New Jersey Association of REALTORS® (NJAR), I am writing on behalf of our 45,000 members 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 thirty days. We are unclear as to the need for such a drastic change at this time. 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.

Our members, who are involved in all aspects of the residential and commercial real estate industries 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 that 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 cost small business owners additional time and money. The requirement will add a cost burden in the form of manpower, computer resources and paper. We believe this hardship to small businesses 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 telemarketers to adjust to following the Telemarketing Sales Rule that took effect on October 10, 2003 and to deal with problems that arise in implementing the required procedures. We ask that you not implement a new rule at this time.

Sincerely,

Charles Oppler
President
New Jersey Association of REALTORS®

