UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, Plaintiff, v. PRINCE GEORGE'S COUNTY BOARD OF REALTORS, INC., Defendant.	)	Civil Action No. 21545 Entered: December 28, 1970

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on December 18, 1969 and defendant having filed its answer to said complaint and plaintiff and defendant by their respective attorneys having consented to the making and entry of this Final Judgment without admission by either party in respect to any issue;

Now, therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged and Decreed, as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states claims upon which relief may be granted against

the defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Board" shall mean the defendant Prince George's County Board of Realtors, Inc.;

(B) "Multiple Listing Service" shall mean any plan or program the members of which submit for common circulation listings of real properties;

(C) "Person" shall mean any individual, partnership, firm, association, corporation, member of the Board or other business or legal entity.

III

The provisions of this Final Judgment applicable to the defendant shall also apply to each of its directors, officers, agents, employees, subsidiaries, successors and assigns, and, in addition, to all members and other persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

IV

The Board, whether acting unilaterally or in concert or agreement with any other person, is enjoined and restrained from:

(A) Fixing, establishing, or maintaining any commission rates for the sale, lease or management of real estate;

(B) Urging, recommending, or suggesting that any of the members of the Board adhere to any schedule or other recommendation concerning the amount of commissions or fees for the sale, lease, or management of real estate;

(C) Adopting, suggesting, publishing, or distributing any schedule or other recommendation concerning the amount of commissions or other fees for the sale, lease or management of real estate;

(D) Adopting, adhering to, maintaining, enforcing, or claiming any rights under any by-law, rule, regulation, plan or program which restricts or limits the right of any of its members or any other real estate dealer to seek any commission or fee in accordance with his own business judgment;

(E) Taking any punitive action against any of its members where such action is based upon the member's failure or refusal to adhere to any schedule or other recommendation concerning fees;

(F) Fixing, maintaining, suggesting, or enforcing any percentage division of commissions between the selling and listing broker;

(G) Boycotting or otherwise refusing to do business with any person;

(H) Establishing, maintaining, or enforcing any fees for membership in the Board or its Multiple Listing Service which are not related to the cost of providing the services of the organization.

V

The defendant is ordered to insert in all rules, by-laws, regulations, contracts, and other forms which previously contained a set commission rate, a provision that commission rates for the sale, lease or management of property shall be negotiable between the broker and his client.

VI

(A) The defendant is ordered and directed within ninety (90) days from the date of entry of this Final Judgment to amend its by-laws, rules, and regulations by eliminating therefrom any provision which is contrary to or inconsistent with any provision of this Final Judgment.

(B) Upon amendment of its by-laws, rules and regulations as aforesaid, defendant is thereafter enjoined and restrained from adopting, adhering to, enforcing or claiming any rights under any by-law, rule or regulation which is contrary to or inconsistent with any of the provisions of this Final Judgment.

VII

Defendant is ordered and directed to mail within sixty (60) days after the date of entry of this Final Judgment, a copy thereof to each of its members and to the person listed in Schedule (A) attached to this Final Judgment and within one hundred and twenty (120) days from the aforesaid date of entry to file with the Clerk of this Court, an affidavit setting forth the fact and manner of compliance with this Section VII and Section VI (A) above.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant, made to its principal office, be permitted, subject to any legally recognized privilege, (A) access during its office hours to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the defendant relating to any matters contained in this Final Judgment, and (B) subject to the reasonable convenience of defendant, and without restraint or interference from it to interview officers or employees

of the defendant, who may have counsel present, regarding any such matters; and upon such request, defendant shall submit such reports in writing, under oath if so requested, to the Department of Justice with respect to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person, other than a duly authorized representative of the Executive Branch of plaintiff, except in the course of legal proceedings to which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Dated:

/s/ ROSZEL C. THOMSEN
United States District Judge

Schedule A

Arie B. Stouten, Executive Vice President,

Prince George's County Board of Realtors, Inc.