

# **Model Do-Not-Call Compliance Procedures**

## **A. Overview**

In response to the Federal Communications Commission Report and Order Adopted on June 26, 2003 addressing the Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, \_\_\_\_\_ [name of company] will implement office procedures designed to demonstrate and ensure a good faith effort to comply with the national do-not-call rules.

## **B. Purpose**

By adoption and utilization of these compliance procedures, as well as all other necessary steps, \_\_\_\_\_ [name of company] will benefit from the “safe harbor” provisions of the national do-not-call rules, and will therefore not be liable for violations of the rule which are the result of error.

## **C. Required Procedures**

All individuals, employees, and affiliates telemarketing on behalf of the company or individual listed above shall comply with the national do-not-call rules available at [www.ndrealtors.com](http://www.ndrealtors.com), click on "Do Not Call "and additional office procedures listed below:

1. All agents, when making a solicitation call, shall comply with the National do-not-call rules beginning October 1, 2003.
2. The National do-not-call list itself will be available at [www.donotcall.gov](http://www.donotcall.gov) or [www.FTC.gov](http://www.FTC.gov). All agents shall maintain a record listing the do-not-call numbers. Furthermore, all agents shall “scrub” (update) that record at least once every three months.
3. Agents shall check the record before making any solicitation call.
4. Agents shall not call any telephone number contained on the record, unless they fit within one of the exceptions listed below. This applies to all calls, including those within and outside of North Dakota.
5. Agents may call any telephone number not listed on the record, but if the individual called asks to be placed on the “company” do-not-call list, agents shall honor their request, place their number on the record, and refrain from calling them in the future.
6. Agents shall allow the phone to ring for the longer of 4 rings or 15 seconds before disconnecting any unanswered call.
7. Agents originating a call shall not block the caller ID information.
8. Agents shall obtain express written permission before sending faxed advertisements.

## **D. Exceptions**

1. Agents may call individuals whose number is recorded on the list if the agent has an “established business relationship” with them. The “established business relationship” exception allows agents to contact any client with whom they are currently conducting business, and extends for a period of 18 months from the consummation of their last transaction. It also allows agents to contact those who have made an application or “inquiry” with them for a period of 3 months following their inquiry.
2. The established business relationship exception extends to all affiliated companies, employees or agents of the company if they are offering a service related to the type of service the company originally rendered.
3. Agents may call individuals whose number is recorded on the list if that agent has received explicit **written** permission to do so. The written permission shall be signed, dated, and shall include the telephone number to which calls may be placed.
4. Agents may call individuals with whom they have a “personal relationship,” which means those “personally known” to them such as family members, friends, and acquaintances. Note: in the case of a referral, it is not sufficient that the individual referred have a relationship with the referring source; the exception only applies to the marketer individually and his or her personal relationships.
5. If agents call anyone under one of these exceptions, and the recipient of the call asks to be placed on the company do-not-call list, then that agent shall honor their request, place the number on the company do-not-call list, and refrain from calling them in the future.

## **E. Agents Duties**

1. Agents shall read the national do-not-call rules once each year.
2. Agents shall comply with all sections and requirements contained in the national do-not-call rules, including those not listed in these procedures.
3. Agents shall participate in training on these procedures and the national do-not-call rules when offered by the company.
4. Agents shall make a good faith effort to comply with the national do-not-call rules at all times.