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March 24, 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:

As a member of the New Jersey Association of REALTORS® (NJAR) and the NATIONAL ASSOCIATION OF REALTORS® (NAR), 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). As an independent businessperson who is forced to deal with a flood of offensive and fraudulent e-mails in my box each day and as one who sends e-mails in the course of my real estate business, I have a significant interest in the outcome of this rulemaking process.

While I support the Commission's efforts to control fraudulent, misleading and abusive unsolicited e-mails and e-mailing practices, I am concerned that the establishment of a Do-Not-E-mail Registry goes too far and will result in penalizing small businesses for engaging in legitimate e-mail communications with past clients and potential future clients. Real estate brokers and agents commonly use e-mails to share information about issues and changes in local real estate markets that affect their clients largest asset, their home.

Last year, small businesses were subjected to several new federal regulations (Do-Not Call, Do-Not-Fax regulations and CAN SPAM provisions), which have greatly impacted the ordinary course of business between real estate professionals and our customers. I believe that a Do-Not-E-mail Registry would have a significant economic impact on small businesses by imposing additional compliance costs, not to mention the potential for loss of revenues as a result of further restrictions on business-to-consumer communications.

I am also concerned about the privacy and security of a Do-Not-E-mail Registry. I 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 millions of small businesses. I am concerned that this registry would be a prime target for attacks by illegitimate spammers and unscrupulous computer hackers

I urge you to consider the impact of this registry on small businesses.

Sincerely,



prudential lamplighter

From: "NJAR Communications" <news@njar.com>
To: "NJAR HTML2" <news@njar.com>
Sent: Wednesday, March 24, 2004 6:28 PM
Attach: CanSpam letter 3-24-04.doc
Subject: Send Comments on Do Not E-mail Registry Today!



Date: March 24, 2004

Send Comments on Do Not E-mail Registry Today!

NJAR and the National Association of REALTORS® are asking members to send comments to the Federal Trade Commission regarding the proposed Do Not E-Mail Registry. On March 11, the Federal Trade Commission (FTC) published a Notice of Rulemaking on the CAN SPAM regulations. Specifically, the FTC is seeking comments on whether or not it should create a Do-Not-Email Registry similar to the current Do-Not-Call Registry. The FTC must report to Congress on the feasibility of a Do-Not-Email Registry, and public comments received will be used to determine whether or not a Do-Not-E-mail Registry should be created.

While REALTORS® strongly support efforts to control spam, we are concerned that the creation of a Do-Not-Email Registry would impose a significant burden on legitimate business activities, while doing little to control spam abuse.

Members can submit comments in three ways:

1. Print out the attached letter on your letterhead or attach a business card, sign and send to the address provided on the letter.
2. Visit NAR's ACTION CENTER at <http://www.naractioncenter.com>, click on NAR CALL To ACTION Email Registry Regulation.
3. File a comment electronically:
 - a. Go to <http://www.regulations.gov>;
 - b. Select "Federal Trade Commission" at "Search for Open Regulations;"
 - c. Locate the summary of the ANPR "CAN-SPAM Act Rulemaking, Project No. R411008";
 - d. Click on "Submit a Comment on this Regulation;" and
 - e. Complete the form (can cut and paste text). For a given electronic comment, any information placed in the following fields -- Title, First Name, Last Name, Organization Name, State, Comment, and Attachment -- will be publicly available on the FTC Web site.

A copy of the letter is also available on the NJAR website at <http://www.njar.com/private/canspamletter.shtml>

The deadline for comments is March 31 so send your comments today!

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