

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of

Monmouth County Association of Realtors,

a corporation.

File No. 051 0217

AGREEMENT CONTAINING CONSENT ORDER

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of the Monmouth County Association of Realtors, Inc. (“Respondent” or “MCAR”), and it now appearing that MCAR is willing to enter into an Agreement Containing Consent Order (“Consent Agreement”) to cease and desist from certain acts and practices, and providing for other relief with respect to such practices:

IT IS HEREBY AGREED by and between Respondent, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. Respondent Monmouth County Association of Realtors (“MCAR”) is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey. Respondent’s principal place of business is at One Hovchild Plaza, 400 Route 66, Tinton Falls, New Jersey 07753. MCAR operates for the benefit of its participants.
2. Respondent admits all the jurisdictional facts set forth in the draft Complaint here attached.
3. Respondent waives:
 - (a) any further procedural steps;
 - (b) the requirement that the Commission’s Decision and Order, here attached and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - (c) all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Consent Agreement; and
 - (d) any claim under the Equal Access to Justice Act.

4. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify Proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision and Order, in disposition of the proceeding.

5. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondent that the law has been violated as alleged in the draft Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.

6. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34 (2004), the Commission may, without further notice to Respondent, (1) issue and serve its Complaint corresponding in form and substance with the draft Complaint here attached, (2) issue and serve its Decision and Order to cease and desist in disposition of the proceeding, and (3) make information public in respect thereto. When final, the Decision and Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Decision and Order shall become final upon service. Delivery of the Complaint and Decision and Order to Respondent by any means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a) (2004), shall constitute service. Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

7. Respondent has read the draft of Complaint and Decision and Order contemplated hereby. By signing this Consent Agreement, Respondent represents that the full relief contemplated by this Consent Agreement can be accomplished. Respondent understands that once the Decision and Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Decision and Order. Respondent agrees to comply with the terms of the Decision and Order from the date it signs this Consent Order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final.

Signed this ____ day of ____ 2006:

Signed this ____ day of ____ 2006:

Monmouth County Association of Realtors
By:

Federal Trade Commission
Bureau of Competition
By:

Christina J. Banasiak
President

Barbara Anthony
Regional Director
Northeast Region

C. Keith Henderson, Esq.
C. Keith Henderson & Associates
Counsel for the Monmouth County
Association of Realtors

Approved:

Patrick J. Roach
Deputy Assistant Director
Bureau of Competition

Geoffrey Oliver
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Jeffrey Schmidt
Director
Bureau of Competition