



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

May 26, 2017

Mr. Anthony Baron
State of Michigan

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Mr. Baron,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order. This letter responds to the concerns you raised.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

Your comment expressed concerns that the Commission's action and the consent agreement reached with the AGO will "make it less likely for musicians to be able to achieve reasonable financial payment for their work." The Commission's focus is harm to competition and consumers. The Commission had reason to believe that the purpose, tendency, or capacity of the AGO's acts and practices unreasonably restrained competition and injured consumers, and the Commission's Decision and Order and the consent agreement entered into with the AGO address this.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

By direction of the Commission.

Donald S. Clark
Secretary



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WASHINGTON, D.C. 20580

May 26, 2017

Mr. Ray Biswanger
Commonwealth of Pennsylvania

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Mr. Biswanger,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of The American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order. This letter responds to the concerns you raised.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

Your comment expressed concerns that the Commission's investigation and consent agreement reached with the AGO, among other things "impairs the ability of a class of musicians to raise mutual standards and support themselves in a risky career choice," and questioned whether the FTC has jurisdiction over non-profits. The Commission's focus is harm to competition and consumers and it has jurisdiction over non-profit organizations that operate for the pecuniary benefit of their members. The Commission had reason to believe that the purpose, effect, tendency, or capacity of the AGO policies and practices restrained competition unreasonably and injured consumers

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

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Donald S. Clark
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May 26, 2017

Doris Dabrowski
Commonwealth of Pennsylvania

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Ms. Dabrowski,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

You expressed concern that Paragraph II.D of the Order is overly broad and arguably prohibits the AGO from recommending a model contract or even a checklist for issues that contracts should address that may be helpful to members and those hiring them. Paragraph II.D prohibits the inclusion of compensation terms, including fees or other forms of compensation, but does not prohibit a checklist unrelated to compensation guidelines, recommendations, schedules, or related methods.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

By direction of the Commission.

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May 26, 2017

Dobbs
State of Illinois

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order. This letter responds to the concerns you raised.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

Your comment disputed the AGO's acts and practices had restrained competition unreasonably or injured consumers. You said that the purpose of the AGO's practices was to protect organists and assist them in making a living wage. The evidence and analysis in this matter, however, gave the Commission reason to believe that the purpose, effect, tendency, or capacity of the AGO policies and practices restrained competition unreasonably and injured consumers by discouraging and restricting competition among organists and choral directors, and by depriving consumers and other of the benefits of free and open competition among organists and choral directors. The agency's Decision and Order and the consent agreement with the AGO prohibit only those policies and practices identified; they do not prohibit the AGO from advocating for or otherwise working to enhance understanding and appreciation for organists.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

By direction of the Commission.

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Secretary



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May 26, 2017

Dr. Gregory Hamilton
State of Texas

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Dr. Hamilton,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

Your comment questioned whether the Commission reviewed and analyzed the AGO's policies and practices for their effect on competition among organists for work opportunities, or harm to non-members. The Commission considered these issues, and the evidence and analysis in the matter gave the Commission reason to believe that the purpose, effect, tendency, or capacity of the AGO policies and practices restrained competition unreasonably and injured consumers.

You expressed the view that a non-profit guild's activities should not concern the FTC. The Commission has jurisdiction over non-profit organizations that operate for the pecuniary benefit of their members, and its focus is harm to competition and consumers.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

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May 26, 2017

Mr. David Maurand
Commonwealth of Massachusetts

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Mr. Maurand,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

You shared your view that, as a hiring manager for a church looking for an organist, you found the AGO's policies and best practices helpful in leveling the playing field for competent organists, allowing them to compete on talent rather than just price. You expressed a concern that the proposed Order would be detrimental to the profession and to instruments entrusted to the care of organists.

Pursuant to the Commission's Order, organists will be able to compete with respect to the services they offer, as well as the prices for their services. The Commission's Order does not prevent a hiring manager from selecting an organist on the basis of talent or price, or from considering these and other factors in combination. In addition, the Commission's Order does not prevent the AGO from engaging in activities designed to encourage the professionalism of organists, or their care of the instruments entrusted to them.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

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May 26, 2017

Mr. William Peek
State of New York

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Dear Mr. Peek,

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of the American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order. This letter responds to the concerns you raised.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

In your comment, you expressed several concerns, including that the FTC had misunderstood and misinterpreted the intentions of the AGO; that the Commission's Decision and Order might extend to conduct of individual churches that employ organists; that salary scales and worksheets were helpful in educating those employing organists on the importance of qualifications; and that the AGO should not be viewed through a for-profit lens. The Commission's Order addresses only the AGO's conduct, not that of churches that employ organists. The Commission's Order does not interfere with the freedom of organists and churches to negotiate terms of employment, including compensation. It does not create a "legal right to demand access to the organ for an outside musician." It requires only that the AGO cease and desist from involvement in anticompetitive agreements and practices. The Commission's Order does not prohibit the AGO from engaging in efforts to educate those who might hire or employ organists regarding their qualifications and services, or educating AGO members about how to communicate on these issues. The Commission's focus is harm to competition and consumers, and it has jurisdiction over non-profit organizations like the AGO that operate for the pecuniary benefit of their members.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

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May 26, 2017

Thrailkill
State of California

Re: In the Matter of the American Guild of Organists, Docket No. C-4617

Thank you for the comment you submitted in connection with the Commission's proposed Complaint and Decision and Order in In the Matter of The American Guild of Organists ("AGO"). The Commission received eight comments, including yours, during the public comment period, expressing a variety of viewpoints on the proposed Decision and Order. This letter responds to your comment.

After careful review of all comments, the Commission has determined that the public interest is served by issuing the Decision and Order in final form. The Commission placed all comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). Other relevant materials, including a copy of the final Decision and Order, are available from the Commission's website at: <http://www.ftc.gov>.

Your comment supported the FTC's proposed Decision and Order, and consent agreement with the AGO. You observed that "AGO rules have harmed consumers and hindered the careers of the many highly skilled and talented musicians who are willing to engage in open and fair competition for positions and to work for compensation determined by the free market." You noted that the AGO had revised its Code of Ethics and removed the Salary Guidelines from its website.

You expressed concern that another organization, the National Association of Pastoral Musicians ("NPM"), includes on its website a Code of Ethics and salary guidelines based on the AGO's previous Code of Ethics and salary guidance that as a result of the FTC's proposed Decision and Order and the Commission's consent agreement with the AGO have been changed and removed respectively. The Commission's issuance of the Decision and Order in this matter does not preclude any future investigations or enforcement actions.

It assists the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues. Thank you for your interest in this matter.

By direction of the Commission.

Donald S. Clark
Secretary