

Comments on Proposed Consent Agreement In the Matter of Music Teachers National Association, Inc.;  
File No. 131-0118

The FTC is overstepping its boundaries in this matter because it has no authority over non-profit organizations such as the Music Teachers National Association (MTNA). However, because MTNA does not have the financial resources of the FTC and cannot afford a lengthy court battle, it must comply with anything the FTC decides to mandate. The phrase "bureaucratic bullying" comes to mind. Secondly, by trying to make an anti-trust violation against MTNA, the FTC is demonstrating that it does not understand the business of the independent music educator and the many competitive factors inherently in place.

The FTC is claiming that MTNA's ethics clause, which discourages teachers from actively soliciting other teachers' students, has to do with "price-fixing" lesson fees and restricting competition among independent music teachers. They are failing to realize that the independent music teacher is already subject to competitive forces, which include professional degrees, teaching experience, professional certification, and performance credentials. With or without this clause, these competitive forces are at work.

Even after MTNA agreed to eliminate the ethics clause that aroused the FTC's suspicions, the FTC continues to persist in its attempt to create an anti-trust issue where there is none by forcing MTNA into a consent agreement. Additionally, the FTC is placing an undue burden of proof upon MTNA and its state and local affiliates who, once the exact antitrust compliance program decree is finalized, will at a minimum have to go through every sentence in every association's bylaws to make sure nothing could remotely appear to discourage competition for recruiting students. Besides wasting the time and money of MTNA and all its affiliated associations, the FTC is wasting tax dollars fighting this non-issue.

It would seem that the FTC is just not willing to consider that there really is no anti-trust violation on the part of MTNA despite evidence to the contrary.

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