

# Antitrust “Do’s and Don’ts” for Designated Members, Candidates, Practicing Affiliates and Affiliates

The antitrust laws are designed to insure that business is conducted in an open, competitive atmosphere and that competition is not unreasonably or unfairly restricted. These laws prohibit any agreement, combination, or conspiracy that may result in an unreasonable restraint of trade or an injury to competition.

It is the policy of the Appraisal Institute to comply strictly and in all respects with the antitrust laws, state and federal. It is also the policy of the Appraisal Institute to educate and encourage its Designated Members, Candidates, Practicing Affiliates and Affiliates to adhere strictly and in all respects to federal and state antitrust laws.

This summary is intended to be used as a quick reference concerning some of the "DO's and DON'Ts" under the antitrust laws. The Appraisal Institute urges you to review the Appraisal Institute's complete antitrust policy and guidelines at [www.appraisalinstitute.org](http://www.appraisalinstitute.org).

## **Prohibited Activities**

To avoid possible liability for you individually and for the Appraisal Institute under the antitrust laws, the following broad topics should not be discussed by any Designated Member, Candidate, Practicing Affiliate or Affiliate member while participating in Appraisal Institute activities:

- Do not discuss the potential impact on competition of Designated Member, Candidate, Practicing Affiliate or Affiliate qualifications or discipline.
- Do not discuss, or engage in conduct suggesting that a Designated Member, Candidate, Practicing Affiliate or Affiliate discussed, fixing the price or fee for appraisal reports or other services.
- Do not discuss, or engage in conduct suggesting that a Designated Member, Candidate, Practicing Affiliate or Affiliate discussed, fixing terms and conditions that affect the price of an appraisal product or service (e.g., discounts, allowances, credit terms, rebates, future business).
- Do not share information regarding current or future prices or fees for appraisal reports or other services.
- Do not share information regarding the various components of the cost of an appraisal report that might affect or impact current or future prices or fees.

- Do not discuss refraining from selling certain appraisal products or services and do not discuss customers or groups of customers to which certain appraisal products and services are not to be sold.
- Do not discuss bids, tenders, solicitations, or other invitations to bid in which Appraisal Institute Designated Member, Candidate, Practicing Affiliate or Affiliates or others in the appraisal profession may be interested.
- Do not discuss boycotting or refusing to deal with certain competitors, suppliers, customers, or groups of suppliers or customers.
- Do not discuss allocating or dividing customers, territories, or markets in which Appraisal Institute Designated Member, Candidate, Practicing Affiliate or Affiliates sell, may sell or refuse to sell their products and services.
- Do not discuss costs, inventories, product capacities, profits, profit margins, market studies or surveys, market shares, or other current or future business matters that may affect competition among the participants at the meeting.

## **Permitted Activities**

The following areas of discussion can be undertaken by those participating in Appraisal Institute functions without raising substantial antitrust concerns:

- Discussion of common problems and challenges so long as the purpose is not to eliminate competition or encourage uniform action.
- Discussion of future business opportunities and plans so long as it does not include prices or bids.
- Discussion of problems with certain types of customers or suppliers so long as the focus is not on boycotting or refusing to deal with such customers or suppliers.
- Discussion of risks relating to certain types of customers or suppliers so long as there is not an attempt to fix prices or the terms of doing business.
- Discussion of the policies or practices of certain customers or suppliers so long as there is no threat, direct or indirect, to act jointly to enforce changes to those policies or practices.
- Discussion of historical prices, fees and cost data may be done under certain guidelines and as long as this information is not then used to project agreed upon or uniform future prices, fees, or costs.
- Discussion of joint or unified positions for purposes of dealing with governmental bodies and regulatory agencies.

Any questions about the Appraisal Institute's Antitrust Policy and Guidelines should be directed to Jeff Liskar, General Counsel (jliskar@appraisalinstitute.org).

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Adopted by the Board of Directors  
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