



TELEMARKETING AND DNC POLICY

Purpose: Federal Regulations issued by the Federal Communications Commission (FCC) regulates telephone solicitation activities. The State and Federal laws apply to all telephones, including cellular telephones. Federal law also limits the use of fax solicitations. This policy is offered to help you understand your obligations to consumers under both State and Federal law. It is required that all sales agents comply with this policy.

Rationale: State law defines “telemarketing” as a “plan, program or campaign” that is conducted to induce the purchase of consumer goods and services by “use of more than one telephone call.” Federal law applies even more broadly and does **not** require a plan, program or campaign or the making of more than one phone call. It is clear that any “cold calling” or use of other mass marketing programs which utilize telephonic or fax communications by sales professionals (or others on their behalf) are regulated activities under State and/or Federal law. If you question whether an anticipated call(s) to be made by you will be considered telemarketing, consult the office manager.

NO TELEPHONE SOLICITATION CALLS MAY BE MADE BEFORE 8:00 A.M. OR AFTER 9:00 P.M., AS DETERMINED BY THE TIME OF DAY WHERE THE RECIPIENT OF THE CALL IS LOCATED.

- **Before Soliciting Business by Telephone**
 - (1) Federal law requires each company to maintain its own list of persons who have directly contacted the company to be included on the company’s own list. Ask the manager if there is, in addition to the state and federal “Do Not Call” Lists, an internal list of consumers who have specifically requested this office, or sales affiliates associated with this office, not to place calls. These consumers are to be treated like any consumer whose name appears on the other “Do Not Call” Lists.
 - (2) Before making any telephone solicitation calls, check the Lists to determine that the intended recipient of your call is not a subscriber (a consumer who has placed his/her name on any List.) Document the date and time that you checked the Lists to help prove your attempt to comply with telemarketing laws.

- **Conducting Telephone Solicitations**

- (1) Do not call any consumer whose name appears on any of the “Do Not Call” Lists.
- (2) A consumer who subscribed to any “Do Not Call” Lists is enrolled for five years and may renew his/her subscription for an additional five year period.
- (3) If, during a telephone call placed to a consumer whose name does not appear on any of the Lists, the consumer states that he/she does not want to engage in such a call, advise the consumer that you will respect his/her wishes, thank him/her and hang up. Please report the name and telephone number of the consumer to the office manager or the person to whom you are directed for placement of that person’s name and telephone number on the company’s internal list. In addition, please change the status disposition of the lead, prospect, or call in our internal CRM (“imerchant”) to “DO NOT CALL”. If you are unfamiliar with this process or have any questions regarding this protocol, please see the office manager.
- (4) During the course of the telephone call, you must provide the consumer with your name, the name of the office, and the telephone number or address where you may be contacted. If calls are being made by an assistant, the assistant must identify himself/herself and advise that the call is being made on behalf of you (your name must be given, as well as the name of the brokerage, and upon request, the address and telephone number of you and the broker).
- (5) The telephone used to make a telephone solicitation call **must** transmit your Caller ID information in areas where this is technologically possible.

- **Receiving a Call from a Consumer Whose Name Appears on the List**

- (1) You may talk to a consumer whose name appears on any of the Lists if they telephone you.
- (2) You may return a call to a consumer whose name appears on any of the Lists when that call is made in response to an express request of the consumer. A telephone message instructing you to call a consumer is such a request and may be answered. When a consumer calls and asks to speak with someone who is not available, the person who is taking the message should specifically ask the caller if they would like a return call. This should be conspicuously noted on the message. A request for a return call left on a voice mail message or answering machine would also likely satisfy the law, but should be documented by the recipient as evidence of the message. (Although Federal law requires “written permission” before telephoning a consumer who is on the List, a consumer’s express request may be treated as an “inquiry” as noted below.)

- **Placing Calls to a Consumer With Whom You Have Conducted Business in the Past**

- (1) As part of a telemarketing campaign you may still call a consumer whose name appears on any of the Lists IF:
 - (a) With the twelve months preceding the call,
 - (1) You have an “established business relationship” based on a purchase, rental, lease or financial transaction; AND
 - (2) You obtained the consent from this consumer to make future telemarketing calls. (*Document the consumer’s consent.*)
 - (b) Within three months preceding the call,
 - (1) You have an “established business relationship” based on a consumer inquiry or application for a product or services offered by you; and
 - (2) You immediately obtain permission to continue the conversation regarding new subject matter. (*Document the consumer’s consent.*)
 - (c) If a consumer specifically requests to be added to the company’s “Do Not Call” List, then the established business relationship exception no longer applies.

- **Obtaining Consent from Clients and Customers**

Near the conclusion of a transaction seek the consent of your client/customer to include them when making calls in the future. In this way, even if the client/customer’s name appears on a “Do Not Call” List, you may call them up to one year following that consent. Document the client’s consent or, if possible, obtain written consent from the client.

- **Maintaining an Internal Do-Not-Call List**

If any staff member or licensee affiliated with the firm receives a request from any consumer to be added to the internal Do-Not-Call list, report the name and telephone number of the consumer to the office manager or the person to whom you are directed for placement of that persons name and telephone number on the company's internal list. This rule holds true regardless of the means by which the request is made; a request made while talking with a consumer is to be treated the same as an unsolicited request made via telephone, e-mail, letter or any other means. The request to be added to an internal Do-Not-Call list must be complied with in no more than 30 days.

- **Obtaining Permission via the Web**

In a prominent location on or near any online response form that requests the phone number of a consumer, indicate that inclusion of the phone number in that form gives you permission to make follow-up phone calls, and that individuals providing phone numbers consent to receiving your calls when marketing by telephone.

- **Automated Telephone Dialing Equipment, Artificial or Prerecorded Voice Messages**

Federal law further regulates the use of automated telephone dialing systems and/or artificial or prerecorded voice messages for telemarketing purposes. Do not use these means for soliciting business without express written approval from the office manager.

Text Messages – requires Express Written Consent

FCC rules ban text messages sent to a mobile phone using an autodialer (which most commercial spam uses) unless you previously gave consent to receive the message or the message is sent for emergency purposes. The ban applies even if you have not placed your mobile phone number on the national Do-Not- Call list. Further, It is expressly forbidden to send any form of text blasting message.

By signing this document, I certify that I have read and understand all the contents therein. I further agree to comply by all the terms and conditions contained therein.

Dan Reiver

Name:

3/23/2022

Date

DocuSigned by:

537250F3C2104D4...