

**In the Matter of**

**WEST PENN MULTI-LIST, INC.,**

**Docket N**

**a corporation.**

**DECISION AND ORDER**

The Federal Trade Commission (“Commission”) having initiated an investigation of certain acts and practices of the West Penn Multi-List, Inc. hereinafter some-  
times referred to as “Respondent” or “West Penn,” and Respondent having been furnished therewith the draft Complaint that the Bureau of Competition presented to the Commission for consideration and which, if issued by the Commission, would charge Respondent with a violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 5, and Respondent, its attorneys, and counsel for the Commission having thereafter entered into an Agreement Containing Consent Order (“Consent Agreement”), containing a stipulation by Respondent of all the jurisdictional facts set forth in the aforesaid draft Complaint, and that the signing of the Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in such Complaint, other than jurisdictional facts, are true and correct, and Respondent agrees to comply with all other provisions as required by the Commission’s Rules; and

The Commission having thereafter considered the matter and having concluded that Respondent had reason to believe that Respondent has violated the said Act, and that a public notice of violation issue stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of 30 days for the receipt and consideration of public comments, now in further conformity with the Commission’s Rules described in Commission Rule 2.34, 16 C.F.R. § 2.34 (2004), the Commission

1. Respondent West Penn Multi-List, Inc. is a corporation organized, existing and

- F. “IDX Website” means a Website that is capable of integrating the IDX listing information within the Website.
- G. “Realtor.com” means the Website operated by the National Association of Realtors that allows the general public to search information concerning real estate listings downloaded from a variety of MLSs representing different geographic areas of the country, including but not limited to real estate listings from West Penn.
- H. “Approved Website” means a Website to which West Penn or West Penn MLS provides information concerning listings for publication including, but not limited to, West Penn Subscriber IDX Websites and Realtor.com.
- I. “Exclusive Right to Sell Listing” means a listing agreement under which the property owner or principal appoints a real estate broker as his or her exclusive agent for a designated period of time, to sell the property on the owner’s stated terms, and agrees to pay the listing broker a commission when the property is sold, regardless of whether the buyer is found by the listing broker, the owner or another broker.
- J. “Exclusive Agency Listing” means a listing agreement under which the listing broker acts as an exclusive agent of the property owner or principal in the sale of a property, but also reserves to the property owner or principal a right to sell the property without assistance from a broker, in which case the listing broker is paid a reduced commission or no commission when the property is sold.
- K. “Services of the MLS” means the benefits and services provided by the MLS to assist West Penn Subscribers in selling, leasing and valuing property and/or brokering real estate transactions. With respect to real estate brokers or agents representing home sellers, Services of the MLS shall include, but are not limited to:
1. having the property included among the listings in the MLS in a manner so that information concerning the listing is easily accessible by cooperating brokers; and
  2. having the property publicized to the general public through any means available to the MLS, including, but not limited to, information

**II.**

**IT IS FURTHER ORDERED**

**III.**

**IT IS FURTHER ORDERED** that Respondent shall cease and desist from collecting and retaining Subscriber listing agreements.

**IV.**

**IT IS FURTHER ORDERED**

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## **VII.**

**IT IS FURTHER ORDERED** that Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation or any other proposed changes in the corporation which may affect compliance obligations arising out of the Order.

## **VIII.**

**IT IS FURTHER ORDERED** that Respondent shall file a written report within six (6) months of the date this Order becomes final, and annually on the anniversary date of the original report for each of the five (5) years thereafter, and at such other times as the Commission may require by written notice to Respondent, setting forth in detail the manner and form in which it has complied with this Order.

## **IX.**

**IT IS FURTHER ORDERED**