



ANTI-TRUST POLICY

THIS POLICY IS REQUIRED FOR LEGAL COMPLIANCE.

IREM Southern Colorado Chapter 53 is a not-for-profit 501C(6) organization. IREM Southern Colorado Chapter 53 is not organized to, and may not play any role in, the competitive decisions of its members or their employees, nor in any way restrict competition among members or potential members. Rather it serves as a forum for a free and open discussion of diverse opinions without in any way attempting to encourage or sanction any particular business practice.

IREM Southern Colorado Chapter 53 provides this forum in a variety of settings including its annual meetings, educational programs, committee meetings, and Board meetings. The Executive Council recognizes the possibility that IREM Southern Colorado Chapter 53 and its activities could be viewed by some as an opportunity for anti-competitive conduct. Therefore, this policy statement clearly and unequivocally supports the policy of competition served by the antitrust laws and to communicate IREM Southern Colorado Chapter 53's uncompromising policy to comply strictly in all respects with those laws.

While recognizing the importance of the principle of competition served by the antitrust laws, IREM Southern Colorado Chapter 53 also recognizes the severity of the potential penalties that might be imposed not only on IREM Southern Colorado Chapter 53 but also its members, in the event that certain conduct is found to violate the antitrust laws. Should IREM Southern Colorado Chapter 53 or its members be involved in any violation of federal/state antitrust laws, such violations can involve both civil and criminal penalties that may include imprisonment for up to 3 years as well as fines up to \$350,000 plus attorney fees for individuals, and up to \$10,000,000 plus attorney fees for IREM Southern Colorado Chapter 53. In addition, damage claims awarded to private parties in a civil suit are tripled for antitrust violations. Given the severity of such penalties, the Board intends to take all necessary and proper measures to ensure that violations of the antitrust laws do not occur.

Policy

In order to ensure that IREM Southern Colorado Chapter 53 and its members comply with antitrust laws, the following actions are prohibited:

- acts of collusion, either written or oral, informal or formal, expressed or implied, with regard to prices or terms and conditions of contracts for services or products, at IREM Southern Colorado Chapter 53 Executive Council meetings or other IREM Southern Colorado Chapter 53 activities.
- discouraging or withholding patronage, or encouraging exclusive patronage, with any supplier or purchaser or group of suppliers or purchasers of products or services, any actual or potential competitor or group of actual potential competitors, or any private or governmental entity.
- allocating or dividing geographic or service markets or customers.
- restricting, limiting, prohibiting, or sanctioning advertising or solicitation that is false, misleading, deceptive, or directly competitive with Association products or services.
- discouraging entry into or competition in any segment of the marketplace.

- forging complaints regarding unethical or anti-competitive practices, actual or potential, against any member, competitor or other person. Such complaints are to follow the prescribed due process provisions of IREM Southern Colorado Chapter 53's bylaws or the approved Industry Partner Program.

Furthermore, the following principles will be observed:

- IREM Southern Colorado Chapter 53 recognizes the antitrust exemption for the First Amendment Right to Petition Government, referred to as the Noerr-Pennington Doctrine, which protects ethical and proper actions or discussions by members designed to influence: 1) legislation at the national, state, or local level. 2) regulatory or policy-making activities (as opposed to commercial activities) of a governmental body. 3) decisions of judicial bodies.
- Guest Speakers (committees, educational events, or other business meetings) shall be informed that they must comply with IREM Southern Colorado Chapter 53's Antitrust Policy in the preparation and the presentation of their remarks.
- Executive Council Meetings will follow a written agenda. Minutes will be prepared after the meeting to provide a concise summary of actions taken or conclusions reached.

Approved: January 12, 2016