

DATE: November 8, 2011

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TO: Office of General Counsel, Federal Election Commission  
999 East Street, NW  
Washington, DC 20463

OFFICE OF GENERAL  
COUNSEL

FROM: Marguerite De Santis, person filing the complaint  
Great Barrington, MA 01230

MUR # 6520

RE: TRADE ASSOCIATION TO POLITICAL LOBBYING GROUP

I am Exclusive Buyer Broker and I live and work in the Berkshire in Massachusetts. I have been a broker for over 20 years. When I got my real estate sales person and subsequently my broker's license from the Commonwealth, I joined the Board of Realtors. By default, if one joins the Board of Realtors, that member is automatically in the Massachusetts Association of Realtors, and the National Association of Realtors, as well. These three organizations are joined and when one joins the local Board of Realtors, you are automatically in the other two. We, as members, are allowed to use the trademarked name, Realtor, which is supposed to be capitalized.

I was in (what has always been), REALTOR TRADE ASSOCIATION. Its motto since 1908 has been "Under all is land." Being a Buyer Broker, I also joined MABA, (the Massachusetts Association of Buyer Agents) a true trade association for Exclusive Buyer Brokers. (Exclusive Buyer Brokers do not take listings and do not represent Sellers). Our motto at MABA is "Above all is the consumer." Being in another trade association, MABA, has not counted for much with the Realtor group, which is very dominated by a corporate model and not as consumer oriented as I would like. Since I am a Buyer Broker my focus has always been on the Buyer's side of all transactions. And, I have never really been involved with the politics and functioning of the Realtor group, other than to pay my dues, take the necessary courses the Board provides which fulfill our state requirements, and access the MLS. (This level of participation replicates many of the other members, as well).

The way we are organized in the Berkshires, it is a REQUIREMENT to be in the Board of Realtors to join our local Multiple Listing Service. Although, I do not list property, I use the services of the MLS. In order for me to access the listings of my colleagues for my Buyer Clients and do the best job for the Buyers, (as I am REQUIRED to do by law), it is imperative that I be in "MLS the system." In Berkshire County we use FLEX MLS, and we are not in MLS PIN as many other groups are. (Please note: MLS PIN does not REQUIRE its members to be Realtors...that is...it is an OPEN MLS system). Please note that in order for me to do my business, I MUST be a Realtor to access the closed MLS system, and therefore paying my national dues for political purposes.

In late spring, we were told by our local Board of Realtors that our national group (National Association of Realtors) was transforming our TRADE ASSOCIATION into POLITICAL LOBBYING AND CAMPAIGN CONTRIBUTING GROUP. (Please see enclosures that were part of a power-point presentation that we were given, labeled "A" and the first part of the second presentation, labeled "B").

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Just about everyone in the local membership of our organization was against this initiative but it was being spun by the state and national group as though our very existence as a group depended on this. Most all brokers, despite their political leanings, were against this transformation. At our meeting, no one spoke in favor of doing this change. Our dues would go up \$40 more and this and other money would be allocated for the DIRECT support of candidates, though I would have no say in just whom the organization would support. (Realtors in Mass in the past, had a history of supporting ISSUES, not candidates).

The national vote took place in Washington, DC in May and I was told 83%+ or- of the membership was against this initiative. However, the voting directors forced this initiative through. We had another meeting of our local group and I just wanted to resign from the Board of Realtors. Many people felt betrayed, angry and frustrated. Many folks felt that there was not adequate notice and discussion of this monumental change and we are curious to know if there was fraud involved with the how this initiative was forced through with such disregard for the membership and very little notice and discussion. (if the way this decision was made is not in your jurisdiction to investigate, I would appreciate knowing just how such a vote is investigated and by what agency, and if we have any recourse). Because of this decision and how it was made, many Realtors, myself included, wanted to resign from the Board of Realtors. However, in order to access the MLS in Berkshire County, I must be a member of this POLITICAL GROUP, no longer a trade association, forcing me to pay dues to the National Association of Realtors with no voice or control over where this money would go.

Shouldn't there be some sort of a check-off card for me to APPROVE of this use of my dues for political purposes? ...Political purposes that I have had no say in formulating. (Communication Workers vs. Beck)

I understand that NAR will collect millions of dollars and can come into federal, state and local elections and will have the ability to pay for ads and other items that will influence the federal, state and local elections.

I do not want to be in this political group but, I will not be allowed to access the MLS unless I join and pay my full amount...a large chunk going into politics. I feel that this is a form of extortion and I will be restrained from carry on my business unless I join the Board of Realtors and pay this extra money. I would like to know if such a regulation of membership in the political group can be a REQUIREMENT in order for me to conduct my business.

I would like to know if anything that NAR (National Association of Realtors), MNR (Massachusetts Association of Realtors) and the local group, the Berkshire Board of Realtors which will be collecting the dues money for NAR will violate any federal regulations. (The Berkshire Board of Realtors is incorporated as a 501(c) 3 but will be passing this money along to the National Group. By REQUIRING this dues money which will all go to lobbying and politics...have the Realtors violated any federal regulations? I do know that Great Barrington had an Anti-Citizens United type initiative on the Town Warrant, affirming that elections should not be corporately control. I voted for that resolution. What this process does seems to negate my vote.

I would like to know what recourse we have and what agencies might be helpful, if you cannot help me with this concern. I have been told that the money they collect will NOT be coming back to Massachusetts and will be used for other purposes. Again, all this is going on without the consent of the membership who voted I am told, 116 to 117 against the initiative.

I have requested the financials of this Board of Realtors and was told to speak with Attorney Steve Ryan who is the Counsel for MAR. (See financial pages and address of MAR, the state organization).

Thank you for reviewing this matter. If you can provide any help, guidance or assistance, I would be very grateful. I understand that some things are immoral but may be legal. However, I would like to know if there is anything that can be done to stop this monolithic juggernaut REQUIRING political contributions without my personal consent.

If you need more information, I will provide it to you, just let me know.

Sincerely,



Marguerite De Santis, currently member of the MLS and Berkshire Board of Realtors \*(see p.3)  
Exclusive Buyer Broker with Berkshire Hearth Realty

CÉCILE C. SNOW   
NOTARY PUBLIC

My commission exp. June 3, 2016

Great Barrington, MA 01230

[marguerite@berkshirehearth.com](mailto:marguerite@berkshirehearth.com)

REALTOR CONTACT INFORMATION

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(781) 890-3700

Sandy Carroll is the Director

Contact: Attorney Steve Ryan, Counsel

National Association of Realtors  
500 New Jersey Ave. NW  
Washington, DC 20001-2020

12/9/11 

  
CÉCILE C. SNOW  
NOTARY PUBLIC  
My commission exp. June 3, 2016

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COMMONWEALTH OF MASSACHUSETTS

County of Berkshire, ss.

On this 7th day of November, 2011, before me, the undersigned notary public, personally appeared MARGUERITE DE SANTS, proved to me through satisfactory evidence of identification, being (check whatever applies):

( ) driver's license or other state or federal government document bearing a photographic image;

( ) oath or affirmation of a credible witness known to me who knows the above signatory; or

() my own personal knowledge of the identity of the signatory,

to be the person whose name is signed on the preceding or attached document and acknowledged to me that She signed it voluntarily for its stated purpose.

Cécile C. Snow  
Notary Public

Cécile C. Snow  
Name


My commission expires: June 3, 2016


CÉCILE C. SNOW  
NOTARY PUBLIC  
My commission exp. June 3, 2016

COMMONWEALTH OF MASSACHUSETTS

County of Berkshire, ss.

On this 9<sup>th</sup> day of December, 2011, before me, the undersigned notary public, personally appeared Marguerite De Santis, proved to me through satisfactory evidence of identification, which she is personally known to me, to be the person whose name is signed on the attached document, and who swore to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

  
Notary Public

  
Name

Mu commission expires: June 3, 2015

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