

**NOTICE OF PUBLIC COMMENT PERIOD UNTIL JULY 22, 2021:
PENDING LOUISIANA REAL ESTATE APPRAISERS BOARD CONSENT DECREE
WITH FEDERAL TRADE COMMISSION**

On June 22, 2021, the Federal Trade Commission published a [Request for Comment](#) in the Federal Register on a proposed consent decree entered between the Board and the Commission. The public has 30 days from that date to comment on the proposed decree.

The proposed decree is in settlement of an administrative Complaint filed by the Commission against the Board on May 31, 2017, alleging that the Board's promulgation and enforcement of Rule 31101(A)-(C) of the Professional and Occupational Standards of the Louisiana Administrative Code violated federal antitrust law

The Board denied these allegations and vigorously contested them both at the Commission and in judicial proceedings. In particular, the Board argued that the Board's conduct was a good faith effort to comply with the mandates of the Louisiana Appraisal Management Company Licensing and Registration Act and the federal Dodd-Frank Act requiring that fees paid by AMCs in connection with residential real estate appraisals be at customary and reasonable levels. The Board also asserted that its conduct was immune from antitrust liability under the "state action" doctrine, in that its rulemaking and enforcement actions were required by law and supervised by the State. On April 10, 2018, the Commission ruled that the supervision provided by Louisiana legislators and officials was not sufficient to meet the requirements of the state action defense.

The Board brought actions to challenge the Commission's decision before the Fifth Circuit Court of Appeals and the federal district court for the Middle District of Louisiana, but the Fifth Circuit found that the law did not grant it jurisdiction to review the Commission's decision. On April 5, 2021, the United States Supreme Court denied the Board's petition for certiorari to review the Fifth Circuit's decision.

Following the Supreme Court's action, the Board entered into the settlement with the Commission on which the Commission seeks comment. As stated in the Board's agreement with the Commission: "This Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in the Complaint, or that the facts as alleged in the Complaint, other than jurisdictional facts, are true."

The proposed consent decree is available at https://www.ftc.gov/system/files/documents/cases/161_0068_lreab_proposed_order.pdf

The Commission suggests that most effective way to file comments is via the <https://www.regulations.gov> website. Instructions for filing comments are included in the [Federal Register notice](#).