ANTITRUST COMPLIANCE POLICY

The Home Builders Association of Metro Denver (the "Association") has a policy of strict compliance with federal and state antitrust laws. The antitrust laws prohibit agreements among competitors, and Association members can be considered competitors in the context of antitrust challenges even if their businesses (or professional practices) are not in the same geographic areas or in the same product lines (or professional fields or specialties). The penalties for violations of the antitrust laws can be very severe—not only for the Association but also for its members. These laws were intended to protect smaller competitors from unfair practices of larger competitors. For example, suppliers are prohibited by the antitrust laws from entering into collective agreements detrimental to customers or users. This Association and its members have a corresponding obligation to strictly obey the antitrust laws themselves.

Members of the Association shall not discuss, exchange information, make agreements, or otherwise concur on positions or activities that in any way tend to raise, lower, or stabilize prices (or fees), divide up markets, or encourage boycotts. Each member must decide for itself, without consultation with competitors, how to conduct its business (or its professional practice) and with whom to do business (or engage in professional practice). Specifically, members should not agree on:

- Current or future prices (or fees), price (or fee) changes, discounting, and other terms and conditions of sale (or of providing professional services). Members should be extremely careful about discussing prices (or fees). Agreements on pricing (or fees) are clearly illegal. Even price (or fee) discussions by competitors, if followed by parallel decisions on pricing (or fees), can lead to antitrust investigations or challenges.
- Allocating territories or customers (or clients). Any agreement by competitors to "honor", "protect", or "avoid invading" another's market areas or protect lines (or professional practice areas) would violate the law.
- Refusing to do business with those whose business practices the competitors oppose. Competitors may discuss the policies or practices of suppliers, but they must never threaten directly or indirectly to act jointly to enforce changes to those policies or practices. Again, discussion followed by parallel decision making could at least trigger careful antitrust scrutiny.

Discussions of pricing (or fees) or boycotts as part of an Association-scheduled program or at Association-sponsored meetings could implicate and involve the Association in extensive and expensive antitrust challenges. The U.S. Supreme Court has determined that recommendations or exhortations in antitrust areas by individuals who might appear to represent an association in some capacity can likewise jeopardize the association, so those in positions of responsibility for the association must be especially cautious.

To avoid even the perception that an Association-scheduled program or Association-sponsored meetings could violate this antitrust policy or the antitrust laws, good meeting practices should be exercised, including: (i) the use of a written agenda; (ii) the prompt preparation of brief minutes summarizing the matters discussed and the conclusions reached; and (iii) the retention and distribution of only final approved minutes.

The antitrust laws are complicated and often unclear. If any member is concerned that he or she may be in the "gray area" that member should consult with the Association's senior executives or legal counsel. If the conversation among competitors at an Association-scheduled program or Association-sponsored meeting turns to antitrust-sensitive issues, participants should discontinue the conversation until legal advice is obtained, or else leave the program or meeting immediately.

Approved 8/14/07

______________________________ ______________________

Signature Date

____

Printed Name