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### Online posts of home-sale details draw group's ire

The Board of Realtors says OahuRE.com is revealing too much data on properties

By [Andrew Gomes](#)

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A popular website that provides consumers free access to detailed Oahu home-sale listings is under fire from the organization governing Honolulu real estate agents over the amount of information it shares with the general public.

The Honolulu Board of Realtors has ordered Bryn Kaufman, principal broker of OahuRE.com, to stop showing listing information for properties on his website if the listings expire, are withdrawn or are about to become completed sales.

The organization informed Kaufman on Aug. 14 that his website violates its rules, and that he could be fined if he doesn't comply.

Kaufman has appealed to the organization's board of directors, asking that the rule be eliminated. He also said he is considering retaining an attorney to challenge the rule.

Kaufman, who said more than 40,000 people are registered to use OahuRE, calls the rule an anti-competitive regulation that benefits agents who provide less information online at the expense of homebuyers.

"Consumers want more information," Kaufman said in his appeal letter. "They do not want information hidden from them, especially critical information that could mean a lot of money when working on a price for their home or how much to pay for a home."

The Honolulu Board of Realtors declined to comment last week on the issue.

The board controls listing data through its multiple listing service, which brokers pay membership fees to access.

Under the organization's rules, OahuRE can show listings that are active and those that resulted in sales. But sometimes a lot can be gleaned from listings that expire or are withdrawn.

For instance, a buyer contracted to purchase a house on the Ewa Plain last month just 15 days after it was put up for sale at \$848,000, according to a listing. That is relatively fast and typical for well-priced properties on Oahu. But in this case the broker actually had some difficulty selling the home. It was listed in April for \$875,000. Then, following a price cut to \$859,000 in May, the listing expired on July 22. A new listing was created by the same broker and led to the sale, which was in escrow last week.

In the past two years, 93 listings expired for homes on the Ewa Plain, 75 in Kaneohe, 55 on the North Shore, 53 in Kailua, 41 in Hawaii Kai and 39 in Makakilo, according to a recent OahuRE search.

If the Honolulu Board of Realtors upholds its rule, Kaufman's website cannot show such listings. Under board rules, Kaufman and other brokers possibly could still share a limited number of expired, withdrawn and pending sale listings with clients they represent. But nonclients who browse OahuRE or other real estate sites would be denied access.

Several users of Kaufman's website complained about the board's position after Kaufman posted a note online about the pending change.

"In asking Bryn Kaufman to remove valuable information from his website you are acting against the interest of your customers and the general public," Michael Roberts, an associate professor of economics at the University of Hawaii at Manoa, wrote in an email addressed to the board. "Information is essential to the efficient functioning of markets.

"Worse, you are unlikely to benefit your members, either, since any information being withheld might only serve the interest of one agent and seller against the interest of other agents, buyers and sellers," Roberts continued. "At best, this action could only serve the interest of a very few unscrupulous agents. In the long run, everybody loses."

John Mu expressed similar sentiments in an email: "If you are trying to control the information on properties, you may be serving your members but you are creating a mistrust to the very consumers who are your clients. In this age of free Internet information, your lack of information or control thereof will only turn your potential customers to other real estate websites."

Joe Lopez, who is trying to sell his house using a Realtor and uses OahuRE to keep tabs on the market, urged the Honolulu Board of Realtors not to limit the display of withdrawn, expired or pending sale listings.

"Tools help the market, restrictions hurt the market," he said in an email. "I know it must be a surprise to you, but not all Realtors are created equal and OahuRE helps educated homeowners measure the market."

Kaufman set up his website in 2005 to be what the industry considers a "virtual office website." At the time, such sites created dissension among Realtor association members across the country, and led the National Association of Realtors to propose new policies that the U.S. Department of Justice initially challenged in court as anti-competitive.

In 2005, the Honolulu Board of Realtors took a neutral position on virtual office websites displaying more listing information than most brokers typically shared.

"If (members) want to do it, fine. More power to them," Donna Asino, the board's multiple listing service operations director, was quoted saying in a 2005 Honolulu Advertiser article. "We can only provide the information. We don't encourage them one way or the other."

The National Association of Realtors issued rules for virtual office websites in 2008 after settling the Justice Department lawsuit. Most of the rules apply to local Realtor associations. However, restrictions on expired, withdrawn or pending sale listings were optional. Furthermore, restricting such listings requires that an equivalent restriction be applied to all brokers of a local association.

Kaufman argues that other members of the Honolulu Board of Realtors are not being restricted from

sharing withdrawn, expired or pending sale listings, which he said isn't fair.

"As you contemplate everything, please keep the consumer's best interest in mind," he said in his appeal letter. "I realize many Realtors might prefer going back to where there are no listings on the Internet, and buyers and sellers can only get that information directly from them. However, that is the past, now we have realized that making more information available to consumers does not remove the need for a Realtor, it simply gives us a more educated buyer or seller to work with, which is a blessing."

Directors of the Honolulu Board of Realtors are expected to consider Kaufman's appeal at a meeting on Oct. 30.

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