

Decision

IN THE MATTER OF

WILLIAM D. COPE DOING BUSINESS AS
THE BUSINESS OPPORTUNITIES COMPANYORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 6553. Complaint, May 14, 1956—Decision, Aug. 4, 1956*

Consent order requiring an individual engaged in Evanston, Ill., in publishing a monthly "Business Brokers Bulletin" listing businesses and properties for sale in various States, and in selling advertising therein, to cease representing his private business falsely as a cooperative or corporation; and representing falsely in his advertising matter, on forms furnished property owners and other printed matter, and by oral statements including long distance telephone calls made to prospects by himself and his agents, that he had in his employ, or under contract or was associated with, 2,000 licensed real estate and business brokers and 5,000 of their subagents in 48 States with whom a non-exclusive open listing of prospects' properties would be made; that purchasers of their properties were immediately available; and that upon payment of money for advertising or traveling expenses, sales would be consummated within a short stipulated period.

Mr. Morton Nesmith for the Commission.

Marks, Marks & Kaplan, of Chicago, Ill., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on May 14, 1956, issued and subsequently served its complaint in this proceeding against respondent William D. Cope, an individual trading and doing business as The Business Opportunities Company, with his office and principal place of business located at 317 Howard Street, Evanston, Illinois.

Before time for filing answer and on June 21, 1956, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint; agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the

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record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondent, and, when so entered, it shall have the same force and effect as if entered after a full hearing, and may be altered, modified, or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent William D. Cope is an individual trading and doing business as The Business Opportunities Company, with his office and principal place of business located at 317 Howard Street, Evanston, Illinois.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent William D. Cope, individually and doing business as The Business Opportunities Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in his publication designated "Business Brokers Bulletin," or any other publication or bulletin, or any other advertising matter, do forthwith cease and desist from representing, directly or by implication, that:

1. The Business Opportunities Company is a co-op or cooperative association, or a corporation.
2. Respondent has 2,000 licensed real estate and business brokers in 48 states of the United States in his employ or under contract or is associated with said number of brokers or 5,000 of their sub-agents, or has in his employ or under contract, or is associated with

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any other number of brokers or their sub-agents in any number of states.

3. A purchaser is immediately available, or is available at any time, to buy the business or property of those who purchase advertising in respondent's bulletin or any other publication.

4. The businesses or properties of advertisers or prospective advertisers in respondent's bulletin or any other publication will be sold upon payment of traveling expenses of a buyer, or prospective buyer or broker.

5. Respondent will effectuate a nonexclusive open listing or any other listing of the businesses or properties of advertisers or prospective advertisers with any number of brokers or salesmen that is not in accordance with the facts.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 4th day of August, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

IN THE MATTER OF
LESTER PIANOS, INC.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 6551. Complaint, May 10, 1956—Decision, Aug. 11, 1956

Consent order requiring a Philadelphia piano dealer to cease representing, by statements of salesmen and otherwise, that pianos returned to it upon termination of rental agreements and refurbished and reconditioned at its shop, were new and unused.

Mr. Harold A. Kennedy for the Commission.

Stradley, Ronon, Stevens & Young, of Philadelphia, Pa., for respondent.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter, issued May 10, 1956, charges respondent with representing used or reconditioned pianos as new, in violation of the Federal Trade Commission Act. No answer to the complaint has been filed by respondent. An agreement has now been entered into by respondent and counsel supporting the complaint, which provides, among other things, that respondent admits all the jurisdictional facts alleged in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered without further notice to respondent, and when so entered it shall have the same force and effect as if entered after a full hearing, respondent specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified or set aside in the manner provided for other orders of the Commission; and that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued: