

IN THE MATTER OF
WILLARD W. ROGERS ET AL.
TRADING AS BUSINESS BUYERS SERVICE

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

Docket 7342. Complaint, Dec. 29, 1958—Decision, May 13, 1959

Consent order requiring a partnership in Sioux Falls, S. Dak., to cease obtaining real estate listings and charging inflated fees through such misrepresentations as those in the order below set forth.

Mr. Thomas A. Ziebarth supporting the complaint.

Mr. C. L. Anderson of *Anderson & Weisensee*, of Sioux Falls, S. Dak., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On December 29, 1958, the Federal Trade Commission issued a complaint charging Willard W. Rogers and Dean L. Wilde, individually and as copartners trading as Business Buyers Service, hereinafter referred to as respondents, with false, misleading and deceptive statements in the course and conduct of their business of soliciting the listing for sale and advertising of real estate and other property.

After issuance and service of the complaint, the respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of the matters complained about.

The hearing examiner finds that the provisions of the agreement comply with all mandatory requirements of Section 3.25 (b) of the Rules of Practice for Adjudicative Proceedings.

The hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. The respondents Willard W. Rogers and Dean L. Wilde are individuals and copartners trading as Business Buyers Service, with their office and principal place of business located at 302 Syndicate Building, Sioux Falls, S. Dak.

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Decision

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Willard W. Rogers and Dean L. Wilde, individually and as copartners trading as Business Buyers Service, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising in newspapers or in any other advertising media, or of other services or facilities in connection with the offering or listing for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That the respondents, to induce persons to enter into contracts, have purchasers interested in buying a specific property;

2. That any specific property will be sold through the efforts of respondents;

3. That the property sought to be listed is underpriced, or that the asking price should be increased, unless the fee charged by respondents is based upon the original asking price;

4. That any specific property will be sold at such increased prices through the efforts of respondents;

5. That respondents will advertise listed property by any means or to any extent that is not in accord with the facts;

6. That respondents check the financial and credit ratings or otherwise "screen" prospective buyers before submitting them to the prospective seller, provided, however, that this shall not be construed to prohibit respondents from representing to the public that they have available for the services of their clients a well-established national credit reporting company from which the clients can receive a credit report upon application to the respondents, when such is the fact.

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 13th day of May 1959, become the decision of the Commission; and, accordingly:

Decision

55 F.T.C.

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

Decision

IN THE MATTER OF
COMET PRESS BOOKS CORP., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7180. Complaint, July 11, 1958—Decision, May 19, 1959*

Consent order requiring a New York City book publisher to cease representing falsely in advertising that it operated a cooperative publishing plan in which it shared financial risks with the author, and making a variety of false claims in such connection including misrepresenting the nature, size, and operation of the business; the effectiveness and extent of sales, promotion and publicity given an author-customer, the royalties paid him, etc.

Mr. Charles S. Cox supporting the complaint.

Mr. Murray Levine of *Levine & Berman*, of New York. N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on July 11, 1958, charging them with having violated the Federal Trade Commission Act by making false, misleading and deceptive statements concerning the nature, size, operation and duration of their business.

After issuance and service of the complaint, the respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of the matters complained about.

Under the agreement, respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing, and the document includes a waiver by respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

The hearing examiner finds that the provisions of the agreement comply with all mandatory requirements of Section 3.25(b) of the Rules of Practice for Adjudicative Proceedings.

The hearing examiner having considered the agreement and