

ingly:

It is ordered. That 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.

IN THE MATTER OF
NICHOLS & ASSOCIATES, INC., ET AL.

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

Docket 7248. Complaint, Sept. 4, 1958—Decision, Aug. 11, 1959

Consent order requiring an officer of a Chicago real estate firm to cease making misrepresentations in soliciting the listing for sale and advertising of real estate, including false claims that prospective buyers were available and interested in the specific properties listed; that the listing fee was an advance on the sales commission and would be refunded when the property was sold, or within a certain time; that he financed listed properties; that buying his advertising and services would relieve the property owner of all risks and obligations; that he would advertise the property nationally, and was associated with over a thousand real estate brokers. As to all other respondents, the matter was disposed of by order of Oct. 21, 1959, p. 426, herein.

Mr. John W. Brookfield, Jr., and Mr. John J. Mathias for the Commission.

No appearance for respondent John G. Green.

INITIAL DECISION AS TO RESPONDENT JOHN G. GREEN BY
WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with making certain misrepresentations in connection with soliciting the listing for sale and advertising of real estate and other property. An agreement for disposition of the proceeding as to respondent John G. Green has now been entered into between said respondent and counsel supporting the complaint. The agreement provides, among other things, that said respondent admits all of the jurisdictional allegations 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 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 in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, said 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; that the complaint may be used in construing the terms of the order; and that the agreement is for settlement purposes only and does not constitute an admission by said respondent that he 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 appropriate disposition of the proceeding as to said respondent, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent John G. Green is an individual and until 1958 was Secretary of Nichols & Associates, Inc., the corporate respondent herein, with his office and principal place of business located at 130 North Wells Street, Chicago, Illinois.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the said respondent, and the proceeding is in the public interest.

ORDER

It is ordered. That John G. Green, individually and as an officer of Nichols & Associates, Inc., corporate respondent, and said respondent's agents, representatives and employees, directly or through

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any corporate or other device, in connection with the offering for sale, or sale of advertising in newspapers or in 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 respondent has available prospective buyers who are interested in the purchase of specific property;
2. That property will be sold through the efforts of respondents;
3. That respondent engages in any form of financing in connection with the sale of property or businesses listed with the respondents;
4. That the purchase of his advertising and services will relieve the property owner of all or any risks and obligations in connection with the sale of property;
5. That respondent will advertise the property on a nation-wide scale in newspapers and periodicals, when such is not the case;
6. That 1,000 or any other large number of real estate brokers are associated with him in the sale of property, unless such brokers are actually engaged in selling property listed and advertised by respondent;
7. That the listing or service fee is intended only as an advance of the selling commission and will be refunded to the property owner if the property is not sold within a certain period of time;
8. That respondent's services, in all or most instances, have resulted in the sale of the advertised or listed properties.

ORDER CORRECTING RECORD AND DIRECTING THE FILING OF
REPORT OF COMPLIANCE

The Commission, on April 22, 1959, having issued an order reciting that the hearing examiner's initial decision as to the respondent, John G. Green, had on that date become the decision of the Commission, and directing said respondent, within sixty (60) days after service upon him of the order, to file with the Commission a report of compliance with the order to cease and desist contained in the initial decision; and

It now appearing that the initial decision referred to in said order was not served upon the respondent until July 9, 1959, and that said initial decision did not become the decision of the Commission under the provisions of §3.21 of the Rules of Practice until August 11, 1959; and

The Commission being of the opinion that the record should be corrected to reflect the above:

It is ordered, That the aforesaid order of the Commission, dated April 22, 1959, be, and it hereby is, vacated and set aside.

It is further ordered, That the respondent, John G. Green, shall, within sixty (60) days after service upon him of this order, file with