

the initial decision of the hearing examiner shall, on the 28th day of August, 1959, 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

LAWRENCE C. WILSON DOING BUSINESS AS MIDWEST
REAL ESTATE APPRAISAL TRAINING SERVICE ET AL.

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

Docket 7486. Complaint, May 7, 1959--Decision, Aug. 28, 1959

Consent order requiring Denver, Colo., sellers of a correspondence course in real estate appraisal, to cease representing falsely, in advertisements inserted in newspapers to obtain leads to prospective students and by statements of salesmen to persons so contacted, that those completing the course would be offered employment or assisted in securing employment as real estate appraisers, and at substantial salaries; that persons accepted for enrollment required special qualifications; and that only a limited number would be accepted.

Mr. Terral A. Jordan for the Commission.

Mr. James J. Delaney and *Mr. Jack G. Howe*, of Denver, Colo., for respondents.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein on May 7, 1959, charging the above-named respondents with having violated the provisions of the Federal Trade Commission Act in certain particulars.

On June 26, 1959, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an

"Agreement Containing Consent Order To Cease And Desist," which had been entered into by and between respondents and the attorneys for both parties, under date of June 18, 1959, subject to the approval of the Bureau of Litigation of the Commission, which had subsequently duly approved the same.

On due consideration of such agreement, the hearing examiner finds that said agreement, both in form and in content, is in accord with §3.25 of the Commission's Rules of Practice for Adjudicative Proceedings, and that by said agreement the parties have specifically agreed to the following matters:

1. Respondent Lawrence C. Wilson is an individual trading and doing business under the name of Midwest Real Estate Appraisal Training Service. Respondent C. L. Spears is an individual. Respondents' office and principal place of business is located at 336 McClintock Building in the City of Denver, State of Colorado.

2. Respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

3. This agreement disposes of all of this proceeding as to all parties.

4. Respondents waive:

- a. Any further procedural steps before the hearing examiner and the Commission;

- b. The making of findings of fact or conclusions of law; and

- c. All of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

5. 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.

6. This agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

7. This agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

8. The following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondents. When so entered it shall have the same force and effect as if entered after a full hearing. It may be altered, modified or set aside in the manner provided for other orders. The complaint may be used in construing the terms of the order.

Upon due consideration of the complaint filed herein and the said "Agreement Containing Consent Order To Cease And Desist," said agreement is hereby approved and accepted and is ordered filed if and when said agreement shall have become a part of the Commission's decision. The hearing examiner finds from the complaint and the said agreement that the Commission has jurisdiction of the subject matter of this proceeding and of the persons of each of the respondents herein; that the complaint states legal causes for complaint under the Federal Trade Commission Act against each of the respondents both generally and in each of the particulars alleged therein; that this proceeding is in the interest of the public; that the following order as proposed in said agreement is appropriate for the just disposition of all the issues in this proceeding as to all of the parties hereto; and that said order, therefore, should be and hereby is entered as follows:

ORDER

It is ordered, That respondents Lawrence C. Wilson, an individual trading and doing business as Midwest Real Estate Appraisal Training Service, or under any other trade name, and C. L. Spears, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of study and instruction including a course of study and instruction in real estate appraisal, or the supplies and equipment used in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That persons completing said course of study and instruction in real estate appraisal will be offered employment or will be assisted by respondents to secure employment as real estate appraisers; or that persons completing any of said courses of study and instruction will be employed or assisted to secure employment in any occupation unless such is the fact;

2. That persons completing said course of study and instruction in real estate appraisal will be employed or will be assisted by respondents to secure employment as real estate appraisers at salaries from \$325.00 to \$450.00 per month; or that persons completing any of said courses of study and instruction will be employed or will be assisted to secure employment at wages or other compensation greater than will be in fact paid to such persons;

3. That persons accepted for enrollment in said course of study and instruction in real estate appraisal must have special qualifica-

Complaint

56 F.T.C.

tions; or that persons accepted for enrollment in any of said courses of study and instruction must have qualifications more extensive than are in fact required;

4. That the number of persons accepted for enrollment in said course of study and instruction in real estate appraisal is limited or restricted; or that enrollment in any of said courses is limited or restricted to any degree greater than is the fact.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

This matter having come on to be heard by the Commission upon its review of the initial decision filed by the hearing examiner on June 29, 1959:

It is ordered, That the initial decision be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondents named in the caption hereof 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.