

TOM VINT DOING BUSINESS AS NATIONAL BUSINESS
SERVICE

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

Docket 7545. Complaint, July 15, 1959—Decision, Dec. 2, 1959

Consent order requiring an individual in Sioux City, Iowa, to cease using deception to sell real estate advertising, including such false claims as that he had available prospective buyers for properties listed or advertised by

him; that he would finance the sale of the listed property; that the property was underpriced and the asking price should be increased; that his services would result in sale of the properties he listed or advertised; and that the advance fee would be refunded if the property was not sold.

Mr. John W. Brookfield, Jr., and *Mr. John J. Mathias*, supporting the complaint.

Mr. Don H. Jackson of Council Bluffs, Ia., for respondent.

INITIAL DECISION BY EDWARD CREEL, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 15, 1959, issued and subsequently served its complaint in this proceeding against the above-named respondent charging him with misrepresentations in the solicitation of listings of real estate and other property.

On October 6, 1959, there was submitted to the undersigned hearing examiner an agreement between respondent, his counsel, and counsel supporting the complaint providing for the entry of a consent order.

Under the foregoing agreement, the respondent admits 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 the respondent 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 the respondent that he has violated the law as alleged in the complaint.

The hearing examiner finds that the content of the agreement meets all of the requirements of Section 3.25(b) of the Rules of the Commission.

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, and it is ordered that said agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission. The following jurisdictional findings are made and the following order issued.

1. Respondent Tom Vint is an individual trading and doing business as National Business Service, with his principal office and place of business located at 703 Badgerow Building, 4th and Jackson Street, Sioux City, Iowa.

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 Tom Vint, an individual trading and doing business as National Business Service, or under any other name or names, and respondent's 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 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, that:

1. Respondent has available prospective buyers who are interested in the purchase of, and are financially able to purchase, the properties sought to be listed or advertised by him.

2. Respondent is able to and will finance the sale of said properties.

3. The property is underpriced by the owner or that the asking price should be increased.

4. Respondent has been successful in effecting the sale of the property of others, except in rare instances, or that his services, except in rare instances, will result in the sale of the properties which he lists or advertises.

5. Respondent will refund all or part of the service fee if the property is not sold, unless 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 2nd day of December, 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 they have complied with the order to cease and desist.

Decision

IN THE MATTER OF

C. J. SPURGIN ET AL. DOING BUSINESS AS
MIDWEST COMMUNICATIONS SCHOOLCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 7549. Complaint, July 23, 1959—Decision, Dec. 2, 1959.

Consent order requiring a Des Moines, Iowa, correspondence school to cease using false employment offers and exaggerated earnings claims to sell its training course for positions as railroad station agents and telegraphers, including such claims as that job openings existed in numerous areas, and that it was a railroad company or affiliated with railroad companies; that an eighth grade education met its educational requirements; and that employment at starting salaries of from \$365 to \$475 monthly was guaranteed those accepted for training.

Mr. Berryman Davis supporting the complaint.

Holliday, Miller & Stewart, of Des Moines, Ia., for respondents.

INITIAL DECISION BY EDWARD CREEL, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 23, 1959, issued and subsequently served its complaint in this proceeding against the above-named respondents charging them with misrepresentations in the sale of a course of study.

On October 13, 1959, there was submitted to the undersigned hearing examiner an agreement between respondents, their counsel, and counsel supporting the complaint providing for the entry of a consent order.

Under the foregoing agreement, the 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 the 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 the respondents that they have violated the law as alleged in the complaint.

The hearing examiner finds that the content of the agreement meets all of the requirements of Section 3.25(b) of the Rules of the Commission.