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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

BOYD R. MILLER TRADING AS NATIONAL REAL ESTATE
APPRAISAL TRAINING SERVICE

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

Docket 7588. Complaint, Sept. 17, 1959—Decision, Jan. 6, 1960

Consent order requiring an individual in Lakewood, Colo., to cease using false employment offers and earnings claims and other deception to sell his correspondence course in real estate appraisal, including false claims that there was a demand for those completing the course and that he obtained jobs for them at wages of \$350 to \$450 a month, that special qualifications were required for enrollment, and that only a certain number of students was accepted.

Mr. Ames W. Williams supporting the complaint.

Mr. Harry H. Ruston of Denver, Colo., for respondent.

INITIAL DECISION BY LEON R. GROSS, HEARING EXAMINER

On September 17, 1959, pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission caused to be issued its complaint in this proceeding to which the above-named party was respondent. A true copy of said complaint was served upon respondent as required by law. The complaint charges respondent with violating the Federal Trade Commission Act by engaging in unfair and deceptive acts and practices in obtaining enrollees for his correspondence courses in real estate appraisal, and in conducting such courses. Respondent uses the United States mails in operating these courses, and is engaged in commerce as "commerce" is defined in the Federal Trade Commission Act. After being served with the complaint, respondent appeared by counsel and entered into an agreement dated November 12, 1959, which purports to dispose of all of this proceeding as to all parties without the necessity of conducting a hearing. The agreement has been signed by the respondent, his counsel, and by counsel supporting the complaint; and has been approved by the Director and the Assistant Director of the Bureau of Litigation of this Commission. Said agreement contains the form of a consent cease and desist order

which the parties have agreed is dispositive of the issues involved in this proceeding. On November 18, 1959, the said agreement was submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondent, pursuant to the aforesaid agreement, has admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement further provides that respondent waives any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. The parties have, *inter alia*, by such agreement agreed: (1) the order to cease and desist issued in accordance with said agreement shall have the same force and effect as if entered after a full hearing; (2) the complaint may be used in construing the terms of said order; (3) the record herein shall consist solely of the complaint and said agreement; (4) and that said agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement of November 12, 1959, containing consent order, and it appearing that the order provided for in said agreement covers all of the allegations of the complaint and provides for an appropriate disposition of this proceeding as to all parties; the agreement of November 12, 1959 is hereby accepted and ordered filed at the same time that this decision becomes the decision of the Federal Trade Commission pursuant to Sections 3.21 and 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings; and

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

JURISDICTIONAL FINDINGS

1. That the Federal Trade Commission has jurisdiction over the parties and the subject matter of this proceeding;
2. Boyd R. Miller, respondent, is an individual trading and doing business as National Real Estate Appraisal Training Service with

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his office and principal place of business located at 491 South Lamar Court, Lakewood, Colorado. Respondent presently is engaged, and for several years last past has been engaged in the sale and distribution of a course of study which purports to train the enrollees for employment as real estate appraisers. The course of study is given and pursued through the medium of the United States mails.

3. Respondent is engaged in commerce as "commerce" is defined in the Federal Trade Commission Act;

4. The complaint herein states a cause of action against said respondent under the Federal Trade Commission Act, and this proceeding is in the public interest.

ORDER

It is ordered, That respondent Boyd R. Miller, an individual trading and doing business as National Real Estate Appraisal Training Service, or under any other trade name, and respondent's 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, including a course of study in real estate appraising, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That employment is being offered when, in fact, the purpose is to obtain purchasers of such course of courses of study.

2. That persons who complete respondent's course of instruction may expect to earn \$350.00 to \$450.00 a month, or misrepresenting in any manner the amount of earnings of such persons.

3. That any special qualifications are required as to persons who may purchase respondent's course of study.

4. That any limit is imposed on the number of persons who may purchase respondent's course of study.

5. That there is a demand for the services of individuals who have completed respondent's course of study, as real estate appraisers.

6. That respondent obtains employment for those who complete his course of study.

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 6th day of January, 1960, become the decision of the Commission; and, accordingly:

C. H. STUART & CO., INC., ET AL.

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