

Order

86 F.T.C.

IN THE MATTER OF

UNITED BUILDERS, INC., ET AL.

Docket 9043. Order, Oct. 3, 1975

Order directing the chief administrative law judge to reassign the matter on temporary or permanent basis to another administrative law judge.

Appearances

For the Commission: *Allan M. Huss, Aaron H. Bulloff and Sharon J. Devine.*

For the respondents: *John Carrico and Stanley Preiser, Charleston, W. Va.*

ORDER

The complaint in this matter alleges, in part, that customers of respondents have been denied proper notice of certain rescission rights created by the Truth in Lending Act. It is possible that, under the terms of that Act, those alleged rights may expire three years after the dates of the transactions from which they arose. If so, this three-year limitation period could frustrate, in part or in whole, the operation of a final order which might be entered in this matter, or the operation of an order or judgment of a court which might be entered in part as a consequence of the Commission disposition of this matter. Because of this, delay in the hearing of this matter is exceptionally serious.

Judge Hinkes' order postponing prehearing conference entered in the present matter on Sept. 16, 1975, read together with his motion to modify Commission order of Sept. 16, 1975 entered in the matter of Kellogg Company, *et al.*, Docket No. 8883, on Sept. 19, 1975, indicates to the Commission that further proceedings in this case before Judge Hinkes will not take place as expeditiously as the aforementioned circumstances require. Accordingly,

It is ordered, That the chief administrative law judge, reassign this matter on a temporary or permanent basis to another administrative law judge.

IN THE MATTER OF
JAMES NEECE T/A CARPET SHOWCASE, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION, TRUTH IN LENDING AND
TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

Docket C-2735. Complaint, Oct. 3, 1975-Decision, Oct. 3, 1975

Consent order requiring a Beaumont, Tex., distributor and installer of carpeting and floor coverings, among other things to cease using false and deceptive advertisements and sales techniques; failing to disclose the quantity or cost per unit of carpeting or floor coverings; intimidating customers into accepting defective merchandise; in connection with the extension of consumer credit, violating the Truth in Lending Act by failing to disclose to consumers such information as required by Regulation Z of said Act; misbranding textile fiber products and failing to maintain proper records of the fiber content of such products. Further, the order requires respondent to provide a 3-day cooling off period to every customer; to notify each advertising medium used by respondent that the Federal Trade Commission has found that he engages in unfair and deceptive acts; and to refund money to any customer where investigation reveals the transaction involved violations of the order.

Appearances

For the Commission: *Richard H. Gateley.*

For the respondent: *Harry S. Long* and *Michael D. Matheny*,
Beaumont, Tex.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Truth in Lending Act and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that James Neece, an individual, trading and doing business as Carpet Showcase, hereinafter referred to as respondent, has violated the provisions of said Acts, and the implementing regulations promulgated thereunder and the Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent James Neece is an individual trading and doing business as Carpet Showcase, a proprietorship existing and doing business under and by virtue of the laws of the State of Texas, with his principal office and place of business located at 3705 Highland Ave., Beaumont, Tex.