

IN THE MATTER OF
THE RAYMOND LEE ORGANIZATION, INC., ET AL.

Docket 9045. Interlocutory Order, Oct. 21, 1977

Denial of respondents' request for extension of time for filing answer to motion for leave to file amicus curiae brief.

ORDER DENYING RESPONDENT'S REQUEST FOR AN EXTENSION
OF TIME FOR FILING AN ANSWER

By motion filed October 4, 1977, Mr. Norman Axe, attorney representing various persons and non-profit entities, requests that the Commission grant leave to file a brief of an amicus curiae in the above-captioned matter. On September 30, 1977, pursuant to Commission Rules 3.52(h) and 4.4(b), Mr. Axe, sending by mail, gave notice to the interested parties.

By letter received October 18, 1977, Mr. Malcolm I. Lewin, attorney representing The Raymond Lee Organization, Inc. and Raymond Lee, requests the Commission to grant an extension of time for filing an answer to the above motion for leave to file a brief of an amicus curiae.

Assuming arguendo that under Commission Rule 3.52(h) respondent has a right to file an answer to a motion requesting leave to file a brief of an amicus curiae, the specified time within which the answer should have been forthcoming has expired.¹ Moreover, the Commission finds nothing in respondent's letter of October 18, 1977 that would justify the granting of such an extension of time. Accordingly,

It is ordered, That said motion be, and it hereby is, denied.

¹ Pursuant to Rule 4.4(c)(1), service was complete on October 7, 1977, because Mr. Malcolm I. Lewin has indicated to the Secretary's Office that the Post Office delivered Mr. Norman Axe's motion on that day. Commission Rule 3.22(c) requires that within 10 days after service of any written motion, the opposing party shall answer. In measuring this specified period, intervening Saturdays, Sundays and national holidays are counted because, as Rule 4.3(a) provides, the period within which one must answer exceeds seven days. Therefore, even if measured from this date, the specified period expired on Wednesday, October 19, 1977.

IN THE MATTER OF
GATEWAY OVERSEAS, INC., ET AL.

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

Docket 9065. Complaint, Dec. 19, 1975 — Decision, Oct. 27, 1977

This consent order, among other things, requires a New York employment agency to cease misrepresenting the availability of employment opportunities and the effectiveness of its employment services program; the availability of overseas employment in all trades, skills and professions; and the demand for American personnel by overseas employers. The order further prohibits use of a mandatory arbitration clause in contracts which commit consumers to arbitrate all disputes at a designated tribunal; and the acceptance of any fee prior to acceptance of employment, other than those fees charged for preparation or duplication of resumes. Additionally, the order requires the firm to maintain complete business records; conspicuously post prescribed disclosure statements and to include such statements in all sales contracts.

Appearances

For the Commission: *Shirley F. Sarna, Laura P. Worsinger and Ellen Zweibel.*

For the respondents: *Barry Bell, New York City.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Gateway Overseas, Inc., a corporation, and Michael Anderson, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said 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 Gateway Overseas, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 1501 Broadway, New York, New York.

Respondent Michael Anderson, an individual, is an officer and director of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His business address is the same as that of the corporate respondent.

PAR. 2. Unless otherwise required by context, the following