

Modifying Order

98 F.T.C.

IN THE MATTER OF

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF
AMERICA, LOCAL UNION 959MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-2963. Order, May 9, 1979—Modifying Order, Nov. 2, 1981*

In response to recent appeals court decisions under the National Labor Relations Act (NLRA), this order reopens the proceeding and modifies the Commission's order issued on May 9, 1979 (44 FR 34923, 93 F.T.C. 739) by modifying the last proviso of the first ordering paragraph, so as to permit Local 959 to negotiate NLRA-authorized subcontracting agreements with construction industry employers.

ORDER

The Commission on September 18, 1981 having issued an order against respondent to show cause why the proceeding herein should not be reopened for the purpose of modifying the first ordering paragraph of the consent order to cease and desist entered on May 9, 1979; and respondent having answered that it has no objection to the reopening of the proceeding and the modification of the consent order, as set forth in the order to show cause;

Accordingly, *It is ordered*, That the matter is reopened and that the first ordering paragraph of the order herein is modified so that it will read:

It is ordered, That respondent International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959, its successors and assigns, affiliated sub-divisions, officers, trustees, employees, agents and members, directly or indirectly through any other form of business organization, shall forthwith cease and desist from:

1. Entering into any agreement or understanding that requires an employer engaged in the construction business to use or deal only with third party businesses who agree to perform work on the same terms and conditions as are agreed to between such employer engaged in the construction business and respondent;
2. Entering into any agreement or understanding with an employer engaged in the construction business that requires a third party business to be signatory to a collective bargaining agreement

or other type of agreement that is binding between respondent and such employer engaged in the construction business;

3. Entering into any agreement or understanding with an employer engaged in the construction business that requires respondent to agree to the same terms and conditions of employment with a third party business as are binding between respondent and such employer engaged in the construction business;

4. Taking any action which would discriminate against or economically injure those employers engaged in the construction business which deal with third party businesses on terms other than those agreed to between such employer engaged in the construction business and respondent.

Provided, however, That respondent shall not be prohibited from engaging in any legal activity now or later authorized by federal labor law such as the right of respondent to engage in standards picketing, or entering into any agreement authorized by Section 8(e) of the National Labor Relations Act, 29 U.S.C. 158(e).

Interlocutory Order

98 F.T.C.

IN THE MATTER OF
SOUTHWEST SUNSITES, INC., ET AL.

Docket 9134. Interlocutory Order, Nov. 10, 1981

AFFIRMATION OF ALJ ORDER DENYING RESPONDENTS MOTION
FOR PARTIAL SUMMARY DECISION

ORDER

Respondents Southwest Sunsites, Inc., Green Valley Acres, Inc., Green Valley Acres, Inc. II, Sydney Gross and Edwin Kritzler (collectively "subdivider respondents") have filed an interlocutory appeal from the Administrative Law Judge's ("ALJ") Order Denying Respondents' Motion for Partial Summary Decision, dated October 8, 1980. Pursuant to Section 3.23(b) of the Commission's Rules of Practice, the ALJ, on November 28, 1980, authorized this interlocutory appeal upon a determination that "immediate review may advance the termination of the litigation." (November 26 Order at 4.) For the reasons set forth below, the Commission denies the appeal, having determined that resolution of the issues posed by developer respondents should await development of a full factual record.

I.

The Commission issued the complaint in this matter on April 29, 1980. The complaint charges that the subdivider respondents are engaged in the business of acquiring undeveloped land, subdividing the land into lots, and advertising and selling the lots to the public (Compl. ¶ 4); that the lots are sold by standard installment contracts, over terms of up to 10 years, pursuant to which the subdivider respondents retain title to the lots until the final installments are paid (Compl. ¶ 5); and that the subdivider respondents represent that (i) the lots are good investments and there is little or no financial risk involved in the purchase, and (ii) the lots are suitable for use by purchasers as homesites, farms and ranches. (Compl. ¶¶ 9, 12.) The complaint further alleges that in fact the lots have not been and are not good investments involving little or no financial risk to investors, and that the lots are not suitable for use by purchasers as homesites, farms or ranches. (Compl. ¶¶ 10, 13.)

Finally, the complaint alleges that the subdivider respondents have induced and are continuing to induce purchasers of lots * * * make payments due on their contracts, as well as additional payments substantially in advance of their due dates as provided for