

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9189. Complaint,* Dec. 20, 1984--Decision, April 20, 1994*

This consent order requires, among other things, one hundred and forty four Detroit-area automobile dealerships, owners and managers, and dealer associations (including respondents associated with the sale of GM, Ford, Lincoln-Mercury and Volkswagen vehicles, and respondents associated with the sale of Chrysler, Plymouth and Dodge vehicles) to stay open a specified minimum number of hours a week. In addition, the order prohibits the respondents from entering into, continuing or carrying out any agreement to establish, fix or maintain any hours of operation.

Appearances

For the Commission: *Ernest A. Nagata, Morris A. Bloom and Joseph Eckhaus.*

For the respondents: *Martin Crandall, Stringari, Fritz, Kreger, Ahearn & Hunsinger, P.C., Detroit, MI. Howard O'Leary, Dykema, Gossett, Spencer, Goodnow & Trigg, Washington, D.C. Lawrence Raniszesk, Colombo & Colombo, Bloomfield Hill, MI. Christopher Macavoy, Collier, Shannon & Scott, Washington, D.C. Fred L. Woodworth, Dykema, Gossett, Spencer, Goodnow & Trigg, Detroit, MI. Glenn Mitchell, Stein, Mitchell & Mezines, Washington, D.C. John Youngblood, Abbott, Nicholson, Quilter, Esshaki & Youngblood, Detroit, MI.*

DECISION AND ORDER

The Federal Trade Commission having issued its two count complaint charging the respondents named in the complaint issued in this matter on December 20, 1984, with violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45; and the respondents having been served with a copy of that complaint, together with a notice of contemplated relief; and

* Complaint previously published at 108 FTC 193 (1986).

The respondents identified in Attachments A, B, C, D and E to this order, their attorney, and counsel for the Commission having thereafter executed agreements containing a consent order for Count I of the complaint, an admission by the identified respondents of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in Count I of such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn Count I of the of the complaint from adjudication in accordance with Section 3.25(c) of its Rules; and

The Commission having thereafter considered the matter and thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent dealers identified in Attachments A and C are all corporations with their principal places of business located at the addresses shown in Attachments A and C.

2. Individual respondents identified in Attachments B and D are officers of various dealers, as shown in Attachments B and D, and as such they formulate, direct and control the acts and practices of the dealers for which they are officers.

3. Respondent associations identified in Attachment E are incorporated trade associations for motor vehicle dealers with their principal places of business located at the addresses shown in Attachment E.

4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding as it relates to Count I of the complaint and of the respondents listed, in Attachments A, B, C, D and E, and the proceeding is in the public interest.

ORDER

It is ordered, That for the purposes of this order, the following definitions shall apply:

1. “*Person*” means any natural person, corporation, partnership, association, joint venture, trust, or other organization or entity, but not governmental entities.

2. “*Dealer*” means any person who receives on consignment or purchases motor vehicles for sale or lease to the public, and any director, officer, employee, representative or agent of any such person.

3. “*Dealer association*” means any trade, civic, service, or social association whose membership is composed primarily of dealers.

4. “*Detroit area*” means the Detroit, Michigan metropolitan area, comprising Macomb County, Wayne County and Oakland County in the State of Michigan.

5. “*Hours of operation*” means the times during which a dealer is open for business to sell or lease motor vehicles.

6. “*Weekday hours*” means the hours of 9:00 a.m. to 6:00 p.m. Monday through Friday.

7. “*Non-weekday hours*” means hours other than 9:00 a.m. to 6:00 p.m. Monday through Friday.

8. “*Major holidays*” means New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving and Christmas, and includes the date federal courts close in observance of these specified holidays if such holiday falls on a Sunday.

9. “*Holiday weeks*” means any week that contains a major holiday, Christmas Eve or New Year's Eve.

10. “*Daylight Savings Time*” means the legal time during the period described in 15 U.S.C. 260a.

11. “*Standard Time*” means the legal time during any period other than the period described in 15 U.S.C. 260a.

12. “*Unsafe Area*” means any area that is unsafe for both customers and dealership employees after dark.

13. “*Group I Dealership and Individual Respondent*” means any corporation listed in Addendum A to the order, including its officers, directors, representatives, agents, divisions, subsidiaries and successors and assigns, and any individual listed in Addendum B to the order.

14. “*Group II Dealership and Individual Respondent*” means any corporation listed in Addendum C to the order, including its officers, directors, representatives, agents, divisions, subsidiaries and successors and assigns, and any individual listed in Addendum D to the order.

15. “*Association Respondent*” means any association listed in Addendum E to the order, the officers, directors, representatives, agents, divisions, subsidiaries, successors and assigns of any listed association.

16. “*Respondent*” means any dealership, individual, or association respondent.

17. “*Consenting Respondent*” means any dealership, individual, or association respondent listed in any addendum to this order.

18. “*Non-association Respondent*” means any dealership or individual respondent. The term “non-association respondent” does not include any individual respondent who does not own or operate a dealership in the Detroit area.

I.

It is further ordered, That each consenting respondent shall cease and desist from, directly or indirectly or through any corporate or other device, entering into, continuing, or carrying out any agreement, contract, combination, or conspiracy, in or affecting commerce (as “commerce” is defined in the Federal Trade Commission Act), with any other respondent or other dealer or dealer association in the Detroit area to establish, fix, maintain, adopt, or adhere to any hours of operation.

II.

It is further ordered, That each consenting respondent shall cease and desist from, directly or indirectly or through any corporate or other device, performing any of the following acts or practices or encouraging, inducing, or requiring any person to perform any of the following acts or practices, or entering into, continuing, or carrying out any agreement, contract, combination, or conspiracy with any other person in the Detroit area to do or perform any of the following acts or practices:

A. Exchanging information or communicating with any other respondent or other dealer or dealer association in the Detroit area concerning hours of operation, except to the extent necessary to comply with any order of the Federal Trade Commission, and except, after two (2) years from the date this order becomes final, to the

extent necessary to incorporate individual dealers' hours of operation in lawful joint advertisements; provided, however, (i) that nothing in this Part II.A of the order shall prohibit joint advertisements incorporating individual dealers' hours of operation, when such individual dealers are legally operated, directly or indirectly, under common control; and (ii) that nothing in this Part II.A of the order shall prohibit joint advertisements incorporating individual dealers' hours of operation for special events such as tent sales, mall sales, or annual sales when hours of operation are extended.

B. Requesting, recommending, coercing, influencing, inducing, encouraging, or persuading, or attempting to request, recommend, coerce, influence, induce, encourage, or persuade, any other respondent or other dealer or dealer association in the Detroit area to maintain, adopt or adhere to any hours of operation.

III.

It is further ordered, That each Group I dealership and individual respondent shall, commencing ten (10) days after this order becomes final and continuing for a period of one (1) year, maintain a minimum of sixty-two (62) hours of operation per week for the sale and lease of motor vehicles; provided, however, that each Group I dealership and individual respondent shall have the option of maintaining less than sixty-two (62) hours of operation during the weeks that contain one of the major holidays, Christmas Eve or New Year's Eve; provided further that during such holiday weeks each Group I dealership and individual respondent shall maintain an adjusted minimum number of hours of operation, determined by subtracting (1) the number of hours of operation ordinarily in effect for the day of the week on which the major holiday occurs, and (2) in the case of holiday weeks containing Christmas Eve or New Year's Eve, one-half the number of hours of operation ordinarily in effect for the day of the week on which Christmas Eve or New Year's Eve occurs, from sixty-two (62). Each Group I dealership and individual respondent shall post conspicuously its hours of operation at each of its places of business subject to this order in a manner and location readily visible to the public from outside the main entrance of the dealership's showroom. Each Group I dealership and individual respondent shall conduct its sales and lease operation during any non-weekday hours in all respects in the same manner as during weekday hours, except

that the motor vehicle sales force and supporting sales force on duty during non-weekday hours may be reduced to a number sufficient to meet the market demand during such non-weekday hours; provided, however, that the sales force and supporting sales staff shall at all such times be sufficient in number and authority to consummate fully all sales and lease transactions, in the same manner as during weekday hours.

IV.

It is further ordered, That each Group II dealership and individual respondent shall, commencing ten (10) days after this order becomes final and continuing for a period of one (1) year, maintain a minimum of sixty-two (62) hours of operation per week during daylight savings time and fifty-eight (58) hours of operation per week during standard time for the sale and lease of motor vehicles; provided, however, that each Group II dealership and individual respondent shall have the option of maintaining less than sixty-two (62) hours of operation during daylight savings time, or less than fifty-eight (58) hours of operation during standard time, during the weeks that contain one of the major holidays, Christmas Eve or New Year's Eve; provided further that during such holiday weeks each Group II dealership and individual respondent shall maintain an adjusted minimum number of hours of operation, determined by subtracting (1) the number of hours of operation ordinarily in effect for the day of the week on which the major holiday occurs, and (2) in the case of holiday weeks containing Christmas Eve or New Year's Eve, one-half the number of hours of operation ordinarily in effect for the day of the week on which Christmas Eve or New Year's Eve occurs, from sixty-two (62), during daylight savings time, or from fifty-eight (58), during standard time. Each Group II dealership and individual respondent shall post conspicuously its hours of operation at each of its places of business subject to this order in a manner and location readily visible to the public from outside the main entrance of the dealership's showroom. Each Group II dealership and individual respondent shall conduct its sales and lease operation during any non-weekday hours in all respects in the same manner as during weekday hours, except that the motor vehicle sales force and supporting sales staff on duty during non-weekday hours may be reduced to a number sufficient to meet the market demand during such non-weekday hours; provided,

however, that the sales force and supporting sales staff shall at all such times be sufficient in number and authority to consummate fully all sales and lease transactions, in the same manner as during weekday hours.

The requirements of Parts III and IV of this order to maintain minimum weekly hours of operation shall not apply to any individual respondent who does not own or operate a dealership in the Detroit area.

V.

It is further ordered, That in the event the proceeding in Docket No. 9189 against any non-association respondent results in a final adjudicated order in accordance with Section 5(g)-(k) of the Federal Trade Commission Act, 15 U.S.C. 45, or in a subsequent consent order requiring such non-association respondent to maintain fewer minimum weekly hours of operation than required by Part III of this order, then each consenting respondent subject to Part III of this order shall be bound only by the minimum weekly hours of operation obligations set forth in such subsequent order against any non-association respondent; provided, however, that this Part V shall not apply to an order for dismissal against any non-association respondent, or to an order based on a finding (1) that any non-association respondent had entered into a labor agreement incorporating fewer hours of operation than required by Part III of this order, (2) that any non-association respondent is located in an unsafe area, or (3) that the minimum hours requirement of any non-association respondent should be less than the requirements set forth in Part III of this order based on the unique circumstances of that respondent.

VI.

It is further ordered, That in the event the proceeding in Docket 9189 against any non-association respondent results in a final adjudicated order in accordance with Section 5(g)-(k) of the Federal Trade Commission Act, 15 U.S.C. 45, or in a subsequent consent order requiring such non-association respondent to maintain fewer minimum weekly hours of operation than required by Part IV of this order, then each consenting respondent subject to Part IV of this

order shall be bound only by the minimum weekly hours of operation obligations set forth in such subsequent order against any non-association respondent; provided, however, that this Part VI shall not apply to an order for dismissal against any non-association respondent, or to an order based on a finding (1) that any non-association respondent had entered into a labor agreement incorporating fewer hours of operation than required by Part IV of this order or (2) that the minimum hours requirement of any non-association respondent should be less than the requirements set forth in Part IV of this order based on the unique circumstances of that respondent.

VII.

It is further ordered, That each Group I dealership and individual respondent, as well as each Group II dealership and individual respondent, shall, while Parts III and Part IV of this order are in effect, disclose its hours of operation in all of its advertising, except that such disclosure is not required in joint-dealer advertisements conducted through an association or in advertisements offering for sale a single, particular motor vehicle. In any print advertisements, the disclosure shall be made in a clear and prominent manner in the same type style as that in which the principal portion of the text of the advertisement appears and in twelve point or larger bold type so that it can be readily noticed. In television advertisements, the disclosure shall be presented in both the audio and visual portions. During the audio portion of the disclosure in television and radio advertisements, no other sounds, including music, shall occur and the rate of speech shall be the same as for the other parts of the advertisement. The audio portion of the disclosure in television and radio advertisements need not state the dealership's hours of operation on a day-by-day-basis so long as the disclosure states clearly and prominently the evenings in which the dealership is open and any Saturday hours.

VIII.

It is further ordered, That each association respondent shall, for a period of five (5) years from the date this order becomes final, cause to be made minutes of all business meetings of its membership,

its board of directors, and its committees. Such minutes shall (i) identify all persons attending such meeting, (ii) include a certification, signed by the presiding officer and the secretary under penalty of perjury, that states whether hours of operation were discussed at the meeting, and (iii) summarize what was discussed at the meeting. If hours of operation were discussed at any business meeting subject to this order, then the minutes of such meeting shall identify the participants in the discussion of hours of operation and state in detail the substance of the discussion(s). Each association respondent shall retain such minutes (including, but not limited to, the required certifications) for a period of five (5) years from the date the minutes were created. Such minutes shall be provided to the Commission upon request.

IX.

It is further ordered, That each association respondent shall:

A. Within sixty (60) days from the date this order becomes final, amend its bylaws, rules and regulations to eliminate any provision inconsistent with any provision of this order;

B. Within sixty (60) days from the date this order becomes final, amend its bylaws, rules and regulations to incorporate: (1) a provision that prohibits its members from discussing at any formal or informal membership, board of directors, or committee meeting the hours of operation of any dealer, except to the extent necessary to comply with any order of the Federal Trade Commission; and (2) a provision that requires expulsion from membership of any member who violates such prohibition;

C. Within ten (10) days after the amendment of any bylaws, rules or regulations pursuant to this order, furnish a copy of such amended bylaws, rules or regulations to all members, and within ten (10) days of any new member joining an association respondent, furnish to such new member a copy of the bylaws, rules and regulations of association respondent; and

D. Within sixty (60) days after receiving information from any source concerning a potential violation of any bylaw, rule, or regulation required by Part IX.B. of this order, investigate the potential violation, record the findings of the investigation, and expel for a period of one (1) year any member who is found to have

violated any of the bylaws, rules or regulations required by Part IX.B. of this order.

X.

It is further ordered, That each association respondent shall, for a period of five (5) years from the date this order becomes final, provide to the Commission the name and address of any member expelled pursuant to the requirements of Part IX.D. of this order within ten (10) days after such expulsion.

XI.

It is further ordered, That within ten (10) days after the date this order becomes final, each Group I dealership and individual respondent, as well as each Group II dealership and individual respondent, shall provide a copy of the order to each of its employees involved in motor vehicle sales or leasing in the Detroit area and each association respondent shall provide a copy of the order to each of its officers, directors, members and employees. For a period of five (5) years from the date this order becomes final, each Group I dealership and individual respondent, as well as each Group II dealership and individual respondent, shall provide a copy of the order to each new employee involved in motor vehicle sales or leasing in the Detroit area, and each association respondent shall provide a copy to each new member, within ten (10) days after the date the employee is hired or the new member joins the association respondent.

XII.

It is further ordered, That each consenting respondent shall, within ninety (90) days after this order becomes final and annually thereafter for a period of five (5) years, file with the Commission a verified written report setting forth in detail the manner and form in which it has complied with this order.

The requirements of this Part XII to file a compliance report with the Commission shall not apply to any individual respondent who does not own or operate a dealership in the Detroit area; provided, however, that such individual respondent shall, within ninety (90) days after this order becomes final, file with the Commission a

verified written report stating that he does not own or operate a dealership in the Detroit area; provided further that if circumstances change whereby such individual respondent does own or operate a dealership in the Detroit area, then that individual respondent shall notify the Commission at the earliest practicable date prior to any such change and begin complying with the requirements of Part XII of this order.

XIII.

It is further ordered, That for a period of five (5) years from the date this order becomes final, each consenting respondent that is not an individual shall notify the Commission at least thirty (30) days prior to any proposed change in corporate status (such as dissolution, assignment, or sale) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in any corporate respondent which may affect compliance obligations arising out of the order. Each consenting respondent that is an individual shall, for five (5) years from the date the order becomes final, promptly notify the Commission of the discontinuance of his present business or employment and of any new affiliation or employment with any dealer or dealer association. Such notice shall include the individuals new business address and a statement of the nature of the business or employment in which the respondent is newly engaged, as well as a description of the individuals duties and responsibilities in connection with the new business or employment.

ATTACHMENT A

Dealership Respondents Group I

Jim Causley Pontiac-GMC Truck, Inc.
38111 Gratiot Avenue
Mt. Clemens, MI 48043

Jim Presard Pontiac, Inc.
400 North Main Street
Royal Oak, MI 48067

Red Holman Pontiac-Toyota-GMC Truck Co.
a/k/a Red Holman Pontiac, Inc.
35300 Ford Road
Westland, MI 48185

Art Moran Pontiac-GMC, Inc.
a/k/a Art Moran Pontiac, GMC, Inc.
29000 Telegraph Road
Southfield, MI 48034

Rinke Pontiac-GMC Co.
a/k/a Rinke Pontiac, GMC, Inc.
27100 Van Dyke Avenue
Warren, MI 48093

Bob Sellers Pontiac-GMC, Inc.
a/k/a Bob Sellers Pontiac-GMC Truck, Inc.
38000 Grand River
Farmington Hills, MI 48335

Shelton Pontiac-Buick, Inc.
855 S. Rochester Road
Rochester, MI 48306

Jack Cauley Chevrolet, Inc.
7020 Orchard Lake Road
West Bloomfield, MI 48033

Dick Genthe Chevrolet, Inc.
15600 Eureka Road
Southgate, MI 48195

Lou LaRiche Chevrolet-Subaru, Inc.
a/k/a Lou LaRiche Chevrolet
40875 Plymouth Road
Plymouth, MI 48170

Mark Chevrolet, Inc.
33200 Michigan Avenue
Wayne, MI 48184

George Matick Chevrolet, Inc.
14001 Telegraph Road
Redford, Michigan 48239

Matthews-Hargreaves Chevrolet Co.
1616 South Main Street
Royal Oak, MI 48067

Merollis Chevrolet Sales & Service
21800 Gratiot Avenue
Eastpointe, MI 48021-2224

Ed Rinke Chevrolet-GMC Co.
a/k/a Ed Rinke Chevrolet, Inc.
26125 Van Dyke Avenue
Centerline, MI 48015-1280

Mike Savoie Chevrolet, Inc.
1900 West Maple
Troy, MI 48084

Les Stanford Chevrolet, Inc.
21711 Michigan Avenue
Dearborn, MI 48123

Tennyson Chevrolet, Inc.
32570 Plymouth Road
Livonia, MI 48150

Buff Whelan Chevrolet, Inc.
40445 Van Dyke Avenue
Sterling Heights, MI 48311-8002

Wink Chevrolet, Co.
d/b/a Bill Wink Chevrolet/GMC
10700 Ford Road
Dearborn, MI 48126

Armstrong Buick-Opel, Inc.
30500 Plymouth Road
Livonia, MI 48150

Fischer Buick-Subaru, Inc. a/k/a Fischer
Automotive Group, Inc. a/k/a Fischer Buick
Mazda-Subaru-Suzuki
1790 Mapelawn
Troy, MI 48099-0909

Tamaroff Buick-Honda, Inc.
a/k/a Tamaroff Buick Opel, Inc.
28585 Telegraph Road
Southfield, MI 48034

Audette Cadillac, Inc.
7100 Orchard Lake Road
West Bloomfield, MI 48033

Dreisbach & Sons Cadillac, Inc.
a/k/a Dreisbach and Sons Cadillac, Co.
24600 Grand River Avenue
Detroit, MI 48219

Birmingham Chrysler-Plymouth, Inc.
2100 West Maple Road
Troy, MI 48084

Lochmoor Chrysler-Plymouth, Inc.
18165 Mack Avenue
Detroit, MI 48224

Shelby Oil Company, Inc.
40755 Van Dyke Avenue
Sterling Heights, MI 48078

Roseville Chrysler-Plymouth, Inc.
25800 Gratiot Avenue
Roseville, MI 48006

Westborn Chrysler-Plymouth, Inc.
23300 Michigan Avenue
Dearborn, MI 48124

Colonial Dodge, Inc.
24211 Gratiot Avenue
E. Detroit, MI 48021

Mt. Clemens Dodge, Inc.
43774 N. Gratiot
Mt. Clemens, MI 48043

Northwestern Dodge, Inc.
10500 W. Eight Mile Road
Ferndale, MI 48220

419

Decision and Order

Oakland Dodge, Inc.
101 W. Fourteen Mile Road
Madison Heights, MI 48071

Sterling Heights Dodge, Inc.
40111 Van Dyke Avenue
Sterling Heights, MI 48078

Van Dyke Dodge, Inc.
28400 Van Dyke Avenue
P.O. Box 1539
Warren, MI 48090

Avis Ford, Inc.
29200 Telegraph Road
Southfield, MI 48034

Jerry Bielfield Co.
a/k/a Jorgensen Ford, Inc.
8333 Michigan Avenue
Detroit, MI 48210

Beverly John Ford
a/k/a Fairlane Ford, Inc.
14585 Michigan Avenue
Dearborn, MI 48126

Gorno Brothers, Inc.
22025 Allen Road
Woodhaven, MI 48183

Jerome-Duncan, Inc.
8000 Ford Country Lane
Sterling Heights, MI 48313-3710

McDonald Ford Sales, Inc.
550 West Seven Mile Road
Northville, MI 48167

Pat Milliken Ford, Inc.
9600 Telegraph Road
Redford, MI 48239

Russ Milne Ford, Inc.
43870 N. Gratiot Avenue
Mt. Clemens, MI 48036

North Brothers Ford, Inc.
33300 Ford Road
Westland, MI 48185

Stark Hickey West, Inc.
24760 West Seven Mile Road
Detroit, MI 48219

Bob Thibodeau, Inc.
26333 Van Dyke Avenue
Centerline, MI 48015

Arnold Lincoln-Mercury Co.
a/k/a Arnold Lincoln Mercury Co.
29000 Gratiot Avenue
Roseville, MI 48066

Stu Evans Lincoln-Mercury, Inc. of Garden City
a/k/a Stu Evans Lincoln Mercury of Garden City
32000 Ford Road
Garden City, MI 48135

Stu Evans Lincoln-Mercury of Southgate
a/k/a Stu Evans Lincoln Mercury of Southgate
16800 Fort Street
Southgate, MI 48195

Hines Park Lincoln-Mercury, Inc.
a/k/a Hines Park Lincoln Mercury
40601 Ann Arbor Road
Plymouth, MI 48170

Krug Lincoln-Mercury, Inc.
21531 Michigan Avenue
Dearborn, MI 48124

McInerney, Inc.
d/b/a Northland Chrysler-Plymouth, Inc.
14100 West Eight Mile Road
Oak Park, MI 48237

PHP d/b/a Park Motor Sales Co.
a/k/a Park Motor Sales Co.
18100 Woodward Avenue
Detroit, MI 48203

Star Lincoln Mercury, Inc.
a/k/a Star Lincoln-Mercury
24350 Twelve Mile Road
P.O. Box 2142
Southfield, MI 48037

Charnock Oldsmobile, Inc.
24555 Michigan Avenue
Dearborn, MI 48124

Drummy Oldsmobile, Inc.
14925 East Eight Mile Road
Eastpointe, Michigan 48021

Gage Oldsmobile, Inc.
21710 Woodward
Ferndale, MI 48220-0280

Bill Rowan Oldsmobile, Inc.
a/k/a Bill Rowan Oldsmobile
15800 Eureka Road
Southgate, MI 48195

Suburban Oldsmobile-Datsun, Inc.
a/k/a Suburban Oldsmobile-Cadillac
1810 Maplelawn
Troy, MI 48099-0909

Melton Motors, Inc.
15100 Eureka
Southgate, MI 48195

Wood Motors, Inc.
15351 Gratiot Avenue
Detroit, MI 48205

Pointe Dodge, Inc.
18001 Mack Avenue
Detroit, MI 48224

Decision and Order

117 F.T.C.

ATTACHMENT B

Dealership Respondents
Group II

James-Martin Chevrolet, Inc.
a/k/a James Martin Chevrolet, Inc.
6250 Woodward Avenue
Detroit, MI 48202

Jefferson Chevrolet Co.
a/k/a Jefferson Chevrolet, Co.
2130 East Jefferson Avenue
Detroit, MI 48207

Charles Dalglish Cadillac-Peugeot, Inc.
a/k/a Charles Dalglish Cadillac, Inc.
6160 Cass Avenue
Detroit, MI 48202

Bill Snethkamp, Inc.
16430 Woodward Avenue
Highland Park, MI 48023

Garrity Motor Sales, Inc.
11500 Joseph Campau
Hamtramck, MI 48212

ATTACHMENT C

Individual Respondents
Group I

W. Robert Allen
c/o Matthews-Hargreaves Chevrolet Co.
1616 South Main Street
Royal Oak, MI 48067

Thomas Armstrong
a/k/a Thomas Clark Armstrong
c/o Armstrong Buick-Opel, Inc.
30500 Plymouth Road
Livonia, MI 48150

Charles Audette
c/o Audette Cadillac, Inc.
7100 Orchard Lake Road
West Bloomfield, MI 48033

Frank Audette
a/k/a Frank B. Audette
c/o Audette Cadillac, Inc.
7100 Orchard Lake Road
West Bloomfield, MI 48033

Robert F. Barnett
a/k/a Robert Barnett
3923 Maple Hill East
West Bloomfield, MI 48033

Jerry M. Bielfield
a/k/a Jerry Bielfield
19457 Suffolk
Detroit MI 48203

Robert M. Brent
32711 Van Dyke Avenue
Warren, MI 48093

Paul Carrick
c/o Autobahn Motors, Inc.
1765 South Telegraph Road
Bloomfield Hills, MI 48013

John H. Cauley
c/o Jack Cauley Chevrolet, Inc.
7020 Orchard Lake Road
West Bloomfield, MI 48033

James F. Causley, Sr.
a/k/a James F. Causley
c/o Jim Causley Pontiac-GMC Truck, Inc.
38111 Gratiot Avenue
Mt. Clemens, MI 48043

Herbert Charnock
c/o Charnock Oldsmobile, Inc.
24555 Michigan Avenue
Dearborn, MI 48124

John Cueter
2448 Washtenaw
Ypsilanti, MI 48197

Al Dittrich
5825 Highland Road
Waterford, MI 48237

Thomas S. Dreisbach
c/o Dreisbach and Sons Cadillac, Inc.
24600 Grand River Avenue
Detroit, MI 48219

Richard J. Duncan
a/k/a Richard Duncan
c/o Jerome-Duncan, Inc.
8000 Ford Country Lane
Sterling Heights, MI 48313-3710

Stewart Evans
c/o Stu Evans Lincoln Mercury of Garden City
32000 Ford Road
Garden City, MI 48135

Arnold Feuerman
c/o Arnold Lincoln Mercury Co.
29000 Gratiot Avenue
Roseville, MI 48066

Richard Flannery
a/k/a W. R. Flannery
3456 Franklin Road
Bloomfield Hills, MI 48302

John Ford
a/k/a B. J. Ford
c/o Bob Ford, Inc.
14585 Michigan Avenue
Dearborn, MI 48126

F. James Fresard
c/o Jim Fresard Pontiac, Inc.
400 North Main Street
Royal Oak, MI 48067

419

Decision and Order

Frank Galeana
c/o Van Dyke Dodge, Inc.
28400 Van Dyke Avenue
P.O. Box 1539
Warren, MI 48090

Richard E. Genthe
c/o Dick Genthe Chevrolet, Inc.
15600 Eureka Road
Southgate, MI 48195

Albert A. Holman
c/o Red Holman Pontiac, Inc.
35300 Ford Road
Westland, MI 48185

George Kolb
c/o Hines Park Lincoln Mercury
40601 Ann Arbor Road
Plymouth, MI 48170

Sigmund Krug
c/o Krug Lincoln-Mercury, Inc.
21531 Michigan Avenue
Dearborn, MI 48124

Louis H. LaRiche
a/k/a Louis LaRiche
c/o Lou LaRiche Chevrolet
40875 Plymouth Road
Plymouth, MI 48170

Walter N. Lazar
P.O. Box 6594
Delray Beach, FL 33484

W. Desmond McAlister
33011 Westview Court South
Bloomfield Hills, MI 48304

Martin J. McInerney
c/o McInerney, Inc.
14100 West Eight Mile Road
Oak Park, MI 48237

George S. Matick, Jr.
c/o George Matick Chevrolet, Inc.
14001 Telegraph Road
Redford, Michigan 48239

Kenneth Meade
c/o Pointe Dodge, Inc.
18001 Mack Avenue
Detroit, MI 48224

George Melton
c/o Melton Motors, Inc.
15100 Eureka
Southgate, MI 48195

Norman A. Merollis
c/o Merollis Chevrolet Sales & Service
21800 Gratiot Avenue
Eastpointe, MI 48021-2224

W.B. (Pat) Milliken
a/k/a Pat Milliken
c/o Pat Milliken Ford, Inc.
9600 Telegraph Road
Redford, MI 48239

Russell H. Milne
c/o Russ Milne Ford, Inc.
43870 N. Gratiot Avenue
Mt. Clemens, MI 48036

Arthur C. Moran
c/o Art Moran Pontiac, GMC, Inc.
29000 Telegraph Road
Southfield, MI 48034

James E. North
a/k/a James North
c/o North Brothers Ford, Inc.
33300 Ford Road
Westland, MI 48185

James Riehl
a/k/a James E. Riehl
c/o Roseville Chrysler-Plymouth, Inc.
25800 Gratiot Avenue
Roseville, MI 48006

Roland Rinke
a /k /a Roland J. Rinke
c/o Rinke Pontiac, GMC, Inc.
27100 Van Dyke Avenue
Warren, MI 48093

Arthur J. Roshak
c/o Colonial Dodge, Inc.
24211 Gratiot Avenue
E. Detroit, MI 48021

William H. Rowan
c/o Bill Rowan Oldsmobile
15800 Eureka Road
Southgate, MI 48195

Myron P. Savoie
c/o Mike Savoie Chevrolet, Inc.
1900 West Maple
Troy, MI 48084

Robert B. Sellers
a/k/a Bob Sellers
c/o Bob Sellers Pontiac-GMC Truck, Inc.
38000 Grand River
Farmington Hills, MI 48335

C.M. (Bud) Shelton
a/k/a C.M. Shelton
c/o Shelton Pontiac-Buick, Inc.
855 S. Rochester Road
Rochester, MI 48306

Joseph B. Slatkin
c/o Sheila Rosenbauer
Harry Slatkin Builders
39935 Grand River
Novi, MI 48375

Leslie J. Stanford
c/o Les Stanford Chevrolet, Inc.
21711 Michigan Avenue
Dearborn, MI 48123

Marvin Tamaroff
a/k/a Marvin M. Tamaroff
c/o Tamaroff Buick Opel, Inc.
28585 Telegraph Road
Southfield, MI 48034

Harry Tennyson
c/o Tennyson Chevrolet, Inc.
32570 Plymouth Road
Livonia, MI 48150

Robert Thibodeau
a/k/a Bob Thibodeau, Sr.
c/o Bob Thibodeau, Inc.
26333 Van Dyke Avenue
Centerline, MI 48015

Anthony J. Viviano
c/o Sterling Heights Dodge, Inc.
40111 Van Dyke Avenue
Sterling Heights, MI 48078

Stanley A. Wilk
c/o Star Lincoln Mercury, Inc.
24350 Twelve Mile Road
P.O. Box 2142
Southfield, MI 48037

William J. Wink, Jr.
c/o Wink Chevrolet, Co.
10700 Ford Road
Dearborn, MI 48126

Donald Wood
a/k/a Donald Wood, Sr.
c/o Wood Motors, Inc.
15351 Gratiot Avenue
Detroit, MI 48205

419

Decision and Order

Robert Zankl
18018 Riverside Drive
Pompano Beach, FL 33062

ATTACHMENT D

Individual Respondents
Group II

Charles Dagleish, Jr.
a/k/a Charles H. Dagleish, Jr.
c/o Charles Dagleish Cadillac, Inc.
6160 Cass Avenue
Detroit, MI 48202

Douglas Dagleish
c/o Charles Dagleish Cadillac, Inc.
6160 Cass Avenue
Detroit, MI 48202

James A. Garrity
c/o Garrity Motor Sales, Inc.
11500 Joseph Campau
Hamtramck, MI 48212

James P. Large
c/o James Martin Chevrolet, Inc.
6250 Woodward Avenue
Detroit, MI 48202

William Snethkamp
c/o Bill Snethkamp, Inc.
16430 Woodward Avenue
Highland Park, MI 48023

James P. Tellier
c/o Jefferson Chevrolet, Co.
2130 East Jefferson Avenue
Detroit, MI 48207

Raymond R. Tessmer
c/o Jefferson Chevrolet, Co.
2130 East Jefferson Avenue
Detroit, MI 48207

ATTACHMENT E

Association Respondents

Tri County Pontiac Dealers Association, Inc.
a/k/a Tri-County Pontiac Dealers Association, Inc.
16000 W. Twelve Mile Road
Southfield, MI 48076

Greater Detroit Chevrolet Dealers Association, Inc.
100 Renaissance Center
Suite 3100
Detroit, MI 48243

Chrysler and Plymouth Dealers Association of Greater Detroit, Inc.
a/k/a Chrysler-Plymouth Dealers Association of Greater Detroit, Inc., a corporation
c/o Dykema Gossett
400 Renaissance Center
Detroit, MI 48243-1668

Greater Detroit Dodge Dealers Association, Inc.
a/k/a Southeastern Michigan Dodge Dealers Association, Inc.
13500 Telegraph Road
Taylor, MI 48180

Metro Detroit Buick Dealers Association, Inc.
100 Renaissance Center
Suite 3100
Detroit, MI 48243

Metro Detroit Cadillac Dealers Association, Inc.
100 Renaissance Center
Suite 3100
Detroit, MI 48243

Metropolitan Detroit Ford Dealers, Inc.
a/k/a Metro Detroit Ford Dealers, Inc.
30955 Northwestern Highway
Suite 250
Farmington Hills, MI 48334

Metropolitan Detroit Oldsmobile Dealers Association, Inc.
24700 Northwestern Highway
P.O. Box 307
Southfield, MI 48037-0307

Metropolitan Lincoln-Mercury Dealers Association, Inc.
1500 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48303

Southeastern Michigan Volkswagen Dealers Association, Inc.
650 First National Building
Detroit, MI 48226

Metropolitan Detroit Chevrolet Dealers Advertising
Association, Inc.
100 Renaissance Center
Suite 3100
Detroit, MI 48243

Chrysler Plymouth Dealers of Greater Detroit Advertising
Association, Inc.
a/k/a Chrysler-Plymouth Dealers of Greater
Detroit Advertising Association, Inc.
c/o Dykema Gossett
400 Renaissance Center
Detroit, MI 48243-1668

Ford Dealers Advertising Fund, Inc.
a/k/a Metro Detroit Ford Dealers Advertising Fund, Inc.
30955 Northwestern Highway
Suite 250
Farmington Hills, MI 48334

Lincoln-Mercury Dealers Advertising Fund - Detroit District, Inc.
1500 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48303

Tri County D.A.A., Inc.
a/k/a Tri-County D.A.A., Inc.
13500 Telegraph Road
Taylor, MI 48180

Complaint

117 F.T.C.

IN THE MATTER OF

DEL DOTTO ENTERPRISES, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9257. Complaint, April 19, 1993--Decision, April 21, 1994*

This consent order prohibits, among other things, a California-based corporation and its officers from making false claims regarding real estate, credit, investments, or business opportunities in the future. In addition, the order prohibits the respondents from misrepresenting that any endorsement for a product or service represents the typical or ordinary experience of previous users, and from representing that any advertisement is not paid advertising.

Appearances

For the Commission: *Chris M. Couillou, Andrea L. Foster and Paul Davis.*

For the respondents: *George Miron, Feith & Zell, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Del Dotto Enterprises, Inc., a corporation, and David P. Del Dotto and Yolanda Del Dotto, individually and as officers of said corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent Del Dotto Enterprises, Inc., ("DDE") is a California corporation whose office and principal place of business is located at 1500 J Street, Modesto, California.

Respondent David Del Dotto is president and a shareholder of DDE. Individually or in concert with others, David Del Dotto has formulated, directed, controlled, and/or participated in the business activities, policies, acts, and practices of DDE.

Respondent Yolanda Del Dotto is secretary and a shareholder of DDE. Individually or in concert with others, Yolanda Del Dotto has