

Complaint

121 F.T.C.

IN THE MATTER OF

TIMOTHY R. BEAN

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3665. Complaint, June 10, 1996--Decision, June 10, 1996*

This consent order prohibits, among other things, a California individual doing business as DMC Publishing Group from misrepresenting, in its advertisements for a work-at-home business, the profits, earnings, income, or sales from such business opportunity and prohibits any future earnings claims unless, at the time of making the representation, the respondent possesses and relies upon competent and reliable evidence that substantiates the claim.

### *Appearances*

For the Commission: *Nicholas J. Franczyk, C. Steven Baker and Charulata Pager.*

For the respondent: *Pro se.*

### COMPLAINT

The Federal Trade Commission, having reason to believe that Timothy R. Bean, individually and doing business as DMC Publishing Group ("respondent"), has 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 Timothy R. Bean is an individual doing business as DMC Publishing Group. His principal office or place of business is located at 26052 Merit Circle, Suite 107, Laguna Hills, California.

PAR. 2. Respondent is engaged in the advertising, promotion, offering for sale, sale, and distribution of a program to operate a publishing and printing business at home to the public.

PAR. 3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PAR. 4. Respondent has disseminated or has caused to be disseminated advertisements, including advertisements through the Internet, for his program to operate a publishing and printing business at home. These advertisements include, but are not necessarily limited to, the attached Exhibits 1 and 2, which state, in part:

- A. "Profit From Publishing and Print Brokerage At Home! Earn up to \$4,000 or More Each Month!" (Exhibit 1.)
- B. "Earn \$500 - \$5000 or More Each Month" (Exhibit 1.)
- C. "[The] 'Quick Phone Directory' ... publication alone can earn you \$4,000 or more in the first 30 days." (Exhibit 2.)
- D. "Our HOME WORKERS FIRST YEAR INCOME averages \$38,000 with 40-50% annual growth. Most are EARNING WELL OVER \$75,000 by their third year." (Exhibit 2.)

PAR. 5. Through the use of the statements contained in the advertisements referred to in paragraph four, including, but not necessarily limited to the advertisements attached as Exhibits 1 and 2, respondent has represented, directly or by implication, that the amount of the money represented by these statements is representative, or typical, of what individuals who purchase respondent's program will generally achieve.

PAR. 6. In truth and in fact, the amount of money represented by these statements is not representative, or typical, of what individuals who purchase respondent's program will generally achieve. Therefore, the representation set forth in paragraph five was, and is, false and misleading.

PAR. 7. Through the use of the statements contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits 1 and 2, respondent has represented, directly or by implication, that at the time he made the representation set forth in paragraph five, respondent possessed and relied upon a reasonable basis that substantiated such representation.

PAR. 8. In truth and in fact, at the time he made the representation set forth in paragraph five, respondent did not possess and rely upon a reasonable basis that substantiated such representation. Therefore, the representation set forth in paragraph seven was, and is, false and misleading.

PAR. 9. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

## EXHIBIT 1

## Profit From Publishing and Print Brokerage At Home

**Earn up to \$4,000 or More Each Month!**

**No Experience Necessary To Start!**

An exclusive guide to making an excellent income at home.

Hands on, tried and true methods for success.

Valuable information not found anywhere else.

Big companies are continuing to downsize and the trend toward more home based business is even greater.

This is the best time to start your own business.

Don't rely on others to provide for your future well being.

Fire your boss before he fires you.

This book will show you how to:

- Make Money Quickly With NO Investment
- Earn \$500 - \$5000 or More Each Month
- ✓ Expand For Unlimited Growth
- Obtain FREE Business Startup Material
- Discover the Freedom of Being Your Own Boss

No Investment or Experience is Required. You can build a publishing empire from your own home.

Written by Tim Bean, a successful publisher in his own right, this book gives you the ins and outs of starting



EXHIBIT 1

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## EXHIBIT 1

- Acquire Your Customers
- Keep Them Coming Back
- ✓ Getting Paid Easily
- The Best Customer Service
- Advertise For Success
- Reach Specialized Markets
- ✓ Follow Up Tips
- Easy Record Keeping

Tim shares with you the best way to quickly set up your business and start earning excellent income immediately. You don't want to miss out on this chance to have your own publishing business, all from the comfort of home, I think. You won't have to run down that same old "rut" every day. You can really, FIRE YOUR BOSS!

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**Only \$9.95**

plus \$3.00 shipping and handling

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### How To Order

Take advantage of this tremendous offer

ORDER NOW. Send your check or money order to

DMC Group  
24002 Via Fabricante  
Mission Viejo, CA 92691

-OR-

for your convenience

Phone Orders 1-714-454-1282 - Please have credit card available  
Fax Orders 1-714-454-0869 - Include shipping address and credit card number

California Residents Add 5% Sales Tax



[Return to Home Page](#)

## EXHIBIT 2

[illegible]

- B) Entrepreneurial Skills
  - 1) Risk Tolerance
  - 2) Willingness to Start Up Costs
  - 3) Profit Margins
  - 4) High Annual Growth
  - 5) Repeat Repeat Business
- C) Advice that is Needed to Start a Business
  - 1) Absolutely Unlimited Growth
  - 2) Ability to Start Earning Money
  - 3) Special Skills Required

1. The first paragraph of the letter states that the writer is a member of the National Association of Manufacturers (NAM) and is writing to express his concern over the proposed changes to the Federal Reserve Act. The writer states that the proposed changes would allow the Federal Reserve to print money without limit, which would lead to inflation and a loss of confidence in the dollar.

the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion. The number of illiterate people in the world is expected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is expected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is expected to reach 1.7 billion by the year 2015.

You don't need to sell them anything THEY ALREADY HAVE A NEED FOR YOUR SERVICE!! For Target and Customer case is WITH YOU!! You will have a client base of REPEAT BUSINESS that BRINGS and BRINGS YEAR AFTER YEAR Target will be getting a huge amount of business and a great pricing base. **ADDITIONAL**

[illegible]

You will be able to offer the same services for less than you local printer can offer because YOU DON'T HAVE ANY OVERHEAD. You can pass the savings on to your clients.

A FREE PUBLICATION TO HELP START YOUR BUSINESS.

We'll GIVE YOU Your FIRST PUBLICATION, "Quick Phone" Directory", ORDER FORM and instructions on how to market and sell this publication in your local area. This publication alone can earn you \$4,000 or more in the first 30 days.

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## EXHIBIT 2

It is ABSOLUTELY THE BEST SELLING and MOST PROFITABLE Publication we have produced. It is a VERY HIGH DEMAND marketing piece that you can sell also, and make alot of money. This is an EXCELLENT WAY TO BOOST YOUR INCOME and supplement your print brokerage business while building your customer base.

Our HOME WORKERS FIRST YEAR INCOME AVERAGES \$10,000.00  
40-60% Annual growth. Many are EARNING WELL over \$10,000.00 by their third year.

PLEASE ORDER OUR COMPLETE TRAINING GUIDE TODAY!

"Profit From Publishing A Print Brochure" (1994)

\*Plus you will receive our extra 15 MINUTE WAREHOUSE  
"Quick Phone Directory" marketing publication. (1994)

THE COST:

\$19.95 - \$5 Shipping & Processing

HOW TO ORDER:

- 1. "REPLY" to this message by calling 1-800-888-8888 or MAIL or FAX an ORDER FORM (SEE "HOW TO ORDER")
- 2. CALL DMC Publishing 1-800-888-8888 for RUSH credit card orders.
- 3. MAIL \$24.95 to DMC Publishing  
24002 FABRICANTE, STE 300  
MISSION VIEJO CA 91931
- 4. FAX your order to DMC Publishing 714-944-4444

Allow 7-10 for delivery.

YOUR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

☐ I AM SENDING A CHECK OR MONEY ORDER TODAY FOR \$24.95  
☐ I PREFER TO PAY BY CREDIT CARD

CARD NUMBER: \_\_\_\_\_

EXP. DATE: \_\_\_\_\_

## EXHIBIT 2

SIGNATURE REQUIRED: \_\_\_\_\_

COMPLETE 10-DAY MONEY BACK GUARANTEE!

\*\*\* A WRITTEN GUARANTEE \*\*\*  
 \$\$\$ THAT WILL INCREASE YOUR INCOME \$\$\$  
 and IMPROVE the QUALITY of your LIFE!!

You can feel confident that you have discovered the BEST OPPORTUNITY AND REQUESTING LIMITED NUMBER OF BASED POSITIONS AND JOIN MY REVOLVING BUSINESS

I can say this with complete CONFIDENCE, HONESTY AND INTEGRITY BECAUSE I HAVE ANSWERED MANY OF YOUR QUESTIONS AND I AM WHAT OTHERS WANT TO BE!!

NONE of the other offers compare to the VALUABLE KNOWLEDGE and WEALTH OF INFORMATION that I have made available to you.

All of our publications and program are designed and PRINTED IN-HOUSE and are "MADE IN THE USA".

See how EASY AND FUN it is to make money from home. PART TIME OR FULL TIME WITH NO EXPERIENCE.

This is your WRITTEN GUARANTEE. If you are not satisfied with this offer, you can return it for a full refund. No reason. You can return it at any time. No questions asked.

If you have any questions please call, free to call ME DIRECTLY anytime between 9 AM - 5 PM Pacific Time  
 714 454-1282

Sincerely,

Timothy R. Bean, President  
 DMC Publishing Group  
 24002 Via Fabricante, Suite 100  
 Mission Viejo, CA 92691

714) 454-1282 phone  
 714) 454-0869 fax

P.S. You have my NAME, you have my ADDRESS, you have my PHONE NUMBER, you have my PROMISE and my GUARANTEE. So what are you waiting for? Please order today!

"REPLY" to this message by e-mail NOW and we will MAIL you a FAX an order form to you immediately.

## DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Chicago Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and no comments having been filed thereafter by interested parties pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Timothy R. Bean is an individual doing business as DMC Publishing Group with his principal office or place of business at 26052 Merit Circle, Suite 107, Laguna Hills, California.

2. The acts and practices of the respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

## ORDER

## I.

*It is ordered,* That respondent Timothy R. Bean, his agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of the business opportunity "Profit from Publishing and Print Brokerage at Home," or any other business opportunity, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, the past, present, or future profits, earnings, income, or sales from such business opportunity.

## II.

*It is further ordered,* That respondent Timothy R. Bean, his agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of the business opportunity "Profit from Publishing and Print Brokerage at Home," or any other business opportunity, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, the past, present, or future profits, earnings, income, or sales from such business opportunity, unless at the time of making such representation respondent possesses and relies upon competent and reliable evidence that substantiates the representation.

## III.

*It is further ordered,* That for five (5) years after the last date of dissemination of any representation covered by this order, respondent, or his successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in his possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

IV.

*It is further ordered,* That respondent shall:

A. Within thirty (30) days from the effective date of this order deliver a copy of this order to each of his officers, agents, representatives, and employees who are engaged in the preparation or placement of advertisements, promotional materials or other such sales materials covered by this order.

B. For a period of ten (10) years from the effective date of this order deliver a copy of this order to each of his future officers, agents, representatives, and employees who are engaged in the preparation or placement of advertisements, promotional materials or other such sales materials covered by this order, within three (3) days after the person assumes such position.

V.

*It is further ordered,* That from the date this order becomes final, respondent shall notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of each affiliation with a new business or employment. Each notice of affiliation with any new business or employment shall include his new business address and telephone number, current home address, and a statement describing the nature of the business or employment and the duties and responsibilities.

VI.

*It is further ordered,* That within sixty (60) days after service of this order, and at such other times as the Commission may require, respondent shall file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

## VII.

This order will terminate on June 10, 2016, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

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IN THE MATTER OF

BRIAN CORYAT

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3666. Complaint, June 10, 1996--Decision, June 10, 1996*

This consent order prohibits, among other things, a California individual doing business as Enterprising Solutions from misrepresenting any credit repair product, credit reporting remedy or the ability to remove adverse information in any credit report. In addition, the consent order prohibits the respondent from misrepresenting profits, earnings, income, or sales from such business opportunity.

*Appearances*

For the Commission: *Nicholas Franczyk, C. Steven Baker and Charulata Pager.*

For the respondent: *Pro se.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Brian Coryat, individually and doing business as Enterprising Solutions ("respondent"), has 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 Brian Coryat is an individual doing business as Enterprising Solutions. His principal office or place of business is located at 6 Harbor Way, Suite 194, Santa Barbara, California.

PAR. 2. Respondent is engaged in the advertising, promotion, offering for sale, sale, and distribution of various products, including, but not limited to, The Credit Repair Kit, and business opportunities, including, but not limited to, the Credit Repair Agency business opportunity, to the public.