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.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Sherman G. Smith, individually and doing business as Starr Communications.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns claims made by the respondent in his advertising, including advertising through the Internet, for his ''U.S. Government Tracer Business Program.'' The Commission's complaint charges that the respondent's advertising represents, directly or by implication, that the amount of money represented in the advertisements is representative, or typical, of what individuals who purchase respondent's program will generally achieve. The claim is alleged to be false and misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because the amount of money represented in the advertisements is not representative, or typical, of what individuals who purchase respondent's program will generally achieve.

The Commission's complaint also charges that the respondent falsely represented that he possessed and relied upon a reasonable basis that substantiated the above claim. The Commission's complaint alleges that this representation is false and misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because at the time he made the representation respondent did not possess and rely upon a reasonable basis that substantiated the claim.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from misrepresenting, directly or by implication in his advertising for the ''U.S. Government Tracer Business Program,'' or any other business opportunity, the past, present, or future profits, earnings, income, or sales from such business opportunity.

Part II of the proposed order prohibits the respondent from representing, directly or by implication in his advertising for the ''U.S. Government Tracer Business Program,'' or any other business opportunity, 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 claim.

Part III of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part IV of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part V of the proposed order requires the respondent to notify the Commission of any discontinuance of his present business or employment and of each affiliation with a new business or employment. Part VI of the proposed order requires the respondent to file one or more compliance reports. Part VII of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Donald S. Clark,

Secretary.

[FR Doc. 96–7865 Filed 3–29–96; 8:45 am]

BILLING CODE 6750–01–M

[File No. 952–3437]

Randolf D. Albertson d/b/a Wolverine Capital; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit the Plainwell, Michigan-based company from misrepresenting, in its advertising for cash grant assistance programs, the number of people who are approved for grants and the services or assistance provided in obtaining grants, loans, or any other financial product or service. The consent agreement settles allegations stemming from advertisements on the Internet which claim that, for a fee, Albertson/Wolverine will match consumers with private foundations likely to give them money for business, travel, education, or debt consolidation.

DATES: Comments must be received on or before May 31, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: C. Steven Baker, Chicago Regional Office, Federal Trade Commission, Suite 1860, 55 East Monroe Street, Chicago, IL 60603, 312–353–8156. David Medine, Federal Trade Commission, S–4429, 6th and Pennsylvania Ave, NW, Washington, DC 20580, 202–326–3224.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

In the Matter of: Randolf D. Albertson, individually and doing business as Wolverine Capital.

[File No. 952–3437]

The Federal Trade Commission having initiated an investigation of certain acts and practices of Randolf D. Albertson, individually and doing business as Wolverine Capital, (hereinafter referred to as ''proposed respondent''), and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between Randolf D. Albertson, individually and doing business as Wolverine Capital, and counsel for the Federal Trade Commission that:

1. Proposed respondent Randolf D. Albertson is an individual doing business as Wolverine Capital with his principal office or place of business at 1039 Gun River Drive, Plainwell, Michigan 49080.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicity released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the complaint and the order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Randolf D. Albertson, 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 cash grant assistance program, or any substantially similar program, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner:

A. The number of persons who are approved for grants; and

B. The services or assistance provided in obtaining grants, loans, or any other financial product or service.

II

It is further ordered that respondent Randolf D. Albertson, 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 cash grant assist program, or any substantially similar program, 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 number of persons who are approved for grants, or the services or assistance provided in obtaining grants, loans, or any other financial product or service, 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 twenty years from the date of its issuance, 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.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Randolf D. Albertson, individually and doing business as Wolverine Capital.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns claims made by the respondent in his advertising, including advertising through the Internet, for a cash grant assistance program. The Commission's complaint charges that the respondent's advertising represents, directly or by implication, that he is able to obtain cash grants for most of his clients. The claim is alleged to be false and misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because respondent is not able to obtain cash grants for most of his clients. The Commission's complaint also charges that the respondent falsely represented that he possessed and relied upon a reasonable basis that substantiated the above claim. The Commission's complaint alleges that this representation is false and misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because at the time he made the representation respondent did not possess and rely upon a reasonable basis that substantiated the claim.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from misrepresenting, directly or by implication in his advertising for the cash grant assistance program, or any substantially similar program: (a) The number of persons who are approved for grants; and (b) the services or assistance provided in obtaining grants, loans, or any other financial product or service.

Part II of the proposed order prohibits the respondent from representing, directly or by implication in his advertising for the cash grant assistance program, or any substantially similar program, the number of persons who are approved for grants, or the services or assistance provided in obtaining grants, loans, or any other financial product or service, unless at the time of making such representation respondent possesses and relies upon competent and reliable evidence that substantiates the claim.

Part III of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part IV of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part V of the proposed order requires the respondent to notify the Commission of any discontinuance of his present business or employment and of each affiliation with a new business or employment. Part VI of the proposed order requires the respondent to file one or more compliance reports. Part VII of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Donald S. Clark,
Secretary.

[FR Doc. 96–7866 Filed 3–29–96; 8:45 am]

BILLING CODE 6750–01–M

OFFICE OF GOVERNMENT ETHICS

Revocation of Post-Employment Waiver

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice; revocation of waiver.

SUMMARY: The Office of Government Ethics is giving notice of the termination, effective in three months, of a short-term post-Government employment waiver of certain ''senior employee'' restrictions it granted earlier this year to position holders in Senior Executive Service (SES) level 4. At the time the waiver was issued, OGE indicated that it was only a temporary measure to allow affected employees, their agencies and OGE itself adequate notice of, and time to respond to, the otherwise sudden imposition of certain senior employee restrictions as a result of 1996 increases to rates of basic pay.

EFFECTIVE DATE: July 1, 1996.

ADDRESSES: Copies of the OGE materials discussed in the Supplementary Information section below may be obtained, without charge, by contacting William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917. The materials are also available on OGE's electronic bulletin board TEBBS (''The Ethics Bulletin Board Service''). Information regarding TEBBS may also be obtained from Mr. Gressman.

FOR FURTHER INFORMATION CONTACT: Mr. Gressman at OGE, telephone: 202–523–5757, ext. 1110; FAX: 202–523–6325.

SUPPLEMENTARY INFORMATION: On January 4, 1996, pursuant to its authority under 18 U.S.C. 207(c)(2)(C), the Office of Government Ethics granted a temporary waiver, effective until June 30, 1996, from the ''senior employee'' post-Government employment restrictions of 18 U.S.C. 207(c) and consequently subsection (f) to a specified group of executive branch employees. Under 5 CFR 2641.201(d) of OGE's post-employment regulations, a position waiver (exemption) determination is not required to be published in the Federal Register (the January 4, 1996 waiver determination was not published in the Federal