

July 17, 2006

Kelleen M Cole
Everyday Celebrations Independent Consultant

Federal Trade Commission/Office of the Secretary, Room H-135 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580
RE: Business Opportunity Rule, R511993

Dear Sir or Madam:

I am writing this letter because I am concerned about the proposed Business Opportunity Rule R511993. I believe that in its present form, it could prevent me from continuing as an Everyday Celebrations Consultant. I understand that part of the FTC's responsibilities are to protect the public from "unfair and deceptive acts or practices," but some of the sections in the proposed rule will make it very difficult, if not impossible, for me to sell Everyday Celebrations products.

One of the most confusing and burdensome sections of the proposed rule is the seven-day waiting period to enroll new Consultants. The Everyday Celebrations sales kit costs only \$199 plus tax and shipping. People regularly buy TVs, cars, and other items that cost much more than our sales kit, yet they do not have to wait seven days. This waiting period creates the impression that there might be something wrong with our business plan. Furthermore, the seven-day waiting period is unnecessary because Everyday Celebrations already has a 90% buyback policy for all products, including sales kits purchased by a salesperson within the last twelve months. Under this waiting period requirement, I will need to keep very detailed records when I first speak to someone about Everyday Celebrations, and will then have to send in many reports to Everyday Celebrations headquarters. The burden of this kind of record-keeping and paperwork requirements would be overwhelming .

The proposed rule also calls for the release of **any** information regarding lawsuits involving misrepresentation, or unfair or deceptive practices. It does not matter if the company was found innocent. Today, anyone or any company can be sued for almost anything. It does not make sense to me that I would have to disclose such lawsuits, should one ever occur, unless Everyday Celebrations was found guilty. Otherwise, Everyday Celebrations and I are put at an unfair disadvantage even though Everyday Celebrations had done **nothing** wrong.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. I am glad to provide references, but in this day of identity theft, I am very uncomfortable giving out the personal information of individuals (without their prior consent) to strangers. Also, giving away this information could be damaging to my business relationships and give advantageous information to our competitors. In order to get the list of the 10 prior purchasers, I will need to send the address of the prospective purchaser to Everyday Celebrations headquarters and then wait for the list. I also think the following sentence required by the proposed rule will prevent many people from wanting to sign up as a salesperson **"If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers."**

People are very concerned about their privacy and the potential of identity theft. They will be reluctant to share their personal information with individuals they may have never met.

I have been an Everyday Celebrations Consultant for more than a year. Originally, I became an Everyday Celebrations' Consultant because I liked the products and wanted to earn some additional money. Now my family depends on this extra income to supplement our budget.

I appreciate the work of the FTC to protect consumers, but I believe this proposed new rule has many unintended consequences and that there are less burdensome alternatives available in achieving these goals.

Thank you for your time in considering my comments.

Sincerely,

Kelleen M Cole