

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

)	
)	FILE NO. 102 3039
In the Matter of)	
)	
P.C. Richard & Son, Inc.,)	
d/b/a Pcrichard.com,)	AGREEMENT CONTAINING
a corporation,)	CONSENT ORDER
)	
and)	
)	
P.C. Richard & Son, LLC,)	
d/b/a Pcrichard.com,)	
a limited liability company.)	
)	
)	
)	

The Federal Trade Commission (“FTC” or “Commission”) has conducted an investigation of certain acts and practices of P.C. Richard & Son, Inc., d/b/a Pcrichard.com, a corporation and P.C. Richard & Son, LLC, d/b/a Pcrichard.com, a limited liability company (“proposed respondents”). Proposed respondents, having been represented by counsel, are willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between P.C. Richard & Son, Inc., d/b/a Pcrichard.com and P.C. Richard & Son, LLC, d/b/a Pcrichard.com by their duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed respondent P.C. Richard & Son, Inc., d/b/a Pcrichard.com is a Delaware corporation with its principal office or place of business at 150 Price Parkway, Farmingdale, NY 11735. Respondent maintains a website at www.pcrichard.com, which advertises, offers for sale, and sells a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, and room air conditioners.
2. Proposed respondent P.C. Richard & Son, LLC, d/b/a Pcrichard.com is a New York limited liability company with its principal office or place of business at 150 Price Parkway, Farmingdale, NY 11735. Respondent maintains a website at www.pcrichard.com, which

advertises, offers for sale, and sells a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, and room air conditioners.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint.
4. Proposed respondents waive:
 - a. Any further procedural steps, including but not limited to those described in Sections 1.92-1.97 of the Commission's Rules of Practice, 16 C.F.R. §§ 1.92-1.97, and the Energy Policy and Conservation Act, 42 U.S.C. § 6303(d);
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
5. This agreement shall not become 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, the Commission will issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.
6. This agreement contemplates that, if it is accepted by the Commission, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order 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 of the complaint and the decision and order to proposed respondents' addresses as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order. 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 respondents have read the draft complaint and consent order.

ORDER

DEFINITIONS

1. Unless otherwise specified, "respondents" shall mean P.C. Richard & Son, Inc., d/b/a Pcrichard.com and P.C. Richard & Son, LLC, d/b/a Pcrichard.com and their successors and assigns.

I.

IT IS ORDERED that, within five business days from the date of issuance of this order, respondents shall pay, jointly and severally, pursuant to 42 U.S.C. § 6303(a) and FTC Rules of Practice, 16 C.F.R. §§ 1.97-1.98, a civil penalty in the amount of \$180,000. Respondents shall make this payment by electronic fund transfer to the Treasurer of the United States, pursuant to a procedure to be specified by Commission staff in writing. In the event of default, respondents shall be liable for interest calculated in accordance with 28 U.S.C. § 1961.

Signed this ____ day of June, 2010.

P.C. Richard & Son, Inc., d/b/a Pcrichard.com

By: _____
TOM POHMER
Chief Financial Officer and Vice President
P.C. Richard & Son, Inc.

P.C. Richard & Son, LLC, d/b/a Pcrichard.com

By: _____
TOM POHMER
Chief Financial Officer and Vice President
P.C. Richard & Son, LLC

By: _____
EDWARD S. WACTLAR
Moomjian, Waite, Wactlar & Coleman, LLP
Counsel for respondents

FEDERAL TRADE COMMISSION

LAURA SCHNEIDER
MATTHEW J. WILSHIRE
Counsel for the Federal Trade Commission

APPROVED:

JAMES A. KOHM
Associate Director for Enforcement
Bureau of Consumer Protection

DAVID C. VLADECK
Director
Bureau of Consumer Protection