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July 14th, 2008

Mr. Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Avenue, Room H-135
N.W. Washington, D.C. 20580

Re: Business Opportunity Rule, R511993; Rebuttal to comments #535221-00040 submitted by Robert L. FitzPatrick, a.k.a "Pyramid Scheme Alert".

Dear Secretary Clark:

Robert L. FitzPatrick has offered very little rebuttal in direct response to the Revised Notice of Proposed Rulemaking (RNPR), and instead has chosen once again to use this forum to perpetuate his anti-MLM propaganda – which the FTC specifically recognized in the RNPR, and categorically rejected.

However, what was most misleading and in need of clarification was the FTC's apparent recognition of the "Pyramid Scheme Alert" organization as an actual, substantial consumer advocacy organization. The FTC should be aware that it is no such thing. "Pyramid Scheme Alert" is nothing more than Mr. FitzPatrick himself and a small group of what are commonly referred to within the MLM industry as "anti-MLM zealots". This organization is entirely virtual, and provides no bona fide consumer advocacy function other than promoting the anti-MLM propaganda produced by it's "board members". Neither FitzPatrick nor his PSA offers any guidance to consumers related to distinguishing legitimate MLM opportunities from illegal pyramid schemes, as they recognize no such dichotomy. Mr. FitzPatrick, in defiance of decades of local, state and federal legal precedent, believes that virtually *all* MLM companies are illegal pyramids, without exception.

Furthermore, the supposed "research" and "findings" produced by Mr. FitzPatrick has been formally and completely debunked. This counter response to FitzPatrick's anti-MLM propaganda can be found here:

<http://www.marketwaveinc.com/articles/Zealots03.asp>;

<http://www.marketwaveinc.com/articles/FitzPatrick-Rebuttal-1.pdf>

and in part here:

<http://www.marketwaveinc.com/articles/FDI-Rebuttal-R1.pdf> (pages 2, 8-9, 19, 24-29).

The points by which Mr. FitzPatrick attempts to condemn all MLM companies, and by which he asked you to do likewise, is legally, mathematically, logically, and verifiably incorrect, and should be given no weight or credibility.

The level of desperation exhibited by Mr. FitzPatrick to convince the FTC to reconsider it's position is no more obvious than on page three of his rebuttal comment (#535221-00040). Here he attempts to make his case that your decision to omit MLMs from the New Rule is

governed by Amway's "improper influence" due to "political influence-buying". Besides the fact that the most controversial aspects of Amway, such as the profits derived from "tapes and tools", are not even remotely emulated by the vast majority of contemporary MLM programs today (which Robert FitzPatrick can easily discover but refused to acknowledge), the white elephant in FitzPatrick's rebuttal is that the original, unrevised version of the New Business Opportunity Rule could have destroyed the bottom 50% of the over 2,000 MLM companies in the U.S. and at least damaged all but the few, largest, financially strongest companies. Amway had a very strong incentive to use its allegedly purchased political power to *not* exempt all MLMs from the New Rule, and allow it to eliminate and/or severely disrupt the majority of its competition!

FitzPatrick has once again, as he has so often done in the past, refused to accept, in lieu of sinister conspiracy theories, the simplest, most obvious explanation for the FTC's inaction against the MLM industry as a whole. He refuses to accept that the FTC does not shut down virtually all MLM companies for being "product based pyramid schemes" because – they're not.

Thank you for your consideration.

Len Clements (court certified multilevel marketing expert)
Founder & CEO
MarketWave Inc.

P.S. MarketWave, Inc. is not an MLM company, nor am I a distributor for, or employed by, an MLM company.