

To: United States Federal Trade Commission

Regarding: Proposed "Trade Regulation Rule on Business Opportunities"

Response:

I am just a common man, a citizen of these here United States of America. I am a strong believer in capitalism as an entrepreneur, salesman, Realtor, artist and businessman. A professor with numerous degrees in business and law is not needed to see the problems this proposed trade regulation rule shall cause should an unwise decision be made to enact this proposal.

A history lesson short, during the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the central government. Fresh in their minds was the memory of the British violation of civil rights before and during the Revolution. In fact the most vocal opponent of the Constitution believing in these charges was Thomas Jefferson. "It has no declaration of rights," he had stated.

I am not going to argue the constitutionality of this proposal, as I am not an attorney. Although, I feel the FTC is boarding on questionable judgment in this proposal. As a federal commission, your bureaucracy status has blinded you of the public that you are indeed here to serve. You have begun to open the door to tyranny as Thomas Jefferson and others had predicted. In every regulation and rule, the FTC places on the capitalistic citizens of the United States of America, you put one more nail in the coffin of the world's greatest society of capitalists!

These proposed rules are not at a benefit of the consumer but poorly designed to unfairly target negatively with consequence a group of business professionals. This ruling would hold this here group of professional to unrealistic and tyrannistic standards of business that no other profession must follow in its entirety, hence "targeting."

I will take the time to explain in detail the shortcomings of each and every rule proposed under each of those proposed rules:

**1. Prohibit prospects from registering as IBOs until seven days after they receive a disclosure document.**

You are trying to think for the prospects, it is not working! If ABC Realty had a successful business offering their Realtors a commission structure of 50% and someone decided to open XYZ Realty next door and offer 100% commission. Realtors looking to join XYZ as Independent Contractors would not have to wait 7 days to do so, right?

If I wanted to buy my own restaurant, I offered mom and pop café one million dollars to take over their place tomorrow; I would not have to wait 7 days to be a new business owner.

If I purchase products from Joe that I love and Joe tells me, “Mike you could own your own business and buy from yourself.” Why would I want to wait 7 days to do so, this doesn’t make sense.

It is not a fair trade policy, to target one group of businesses in the United States and hold them to a delay in business that could cost money. In my first 10 days, I made \$250. This was money that I was ready to work for and needed, why should the FTC be allowed to take the food out of my mouth or make me run late on my bills when I am capable of making an informed decision myself. I do not need the government telling me how and when I can make money. We are all aware of how the government is run and the unnecessary spending perhaps on wasted hours in proposals like this one.

**2. Require IBOs to give every prospect a list of “references” – contact information for 10 other IBOs in the area – seven days before the prospect registers.**

I would like to mention a phrase as a government agency, you should be familiar with since it’s creation in rules and regulations on other business has resulted in countless lawsuits: “Procuring Cause.”

I do hope the FTC is prepared in dealing with these problems. If I have a IBO prospect, who is not signed on under me yet and in contacting the 10 references as you have suggested, my prospect makes a connection or is giving a sales pitch and I lose him or her to one of those references...do you see where this is heading, LAWSUIT!!! Who was the procuring cause, what happens if the prospect does not want to sign up as one of my associates now! If for example, I am competing against others who I have to reference and those referenced are more successful with more money and greater capabilities, how do I compete if I have to reference them? I could choose not to reference them and reference people whom can not compete with my experience or capabilities but why would I want a prospect to talk to those who have only achieved mediocrity in my business.

There is many more reason why this is a terribly thoughtless proposal but I will press forward to the next rule suggested.

**3. List all legal allegations – lawsuits, arbitrations, and other legal claims – against Quixtar and its IBOs from the past 10 years.**

These legal actions suggested above are public record and can be researched if one chooses. As lawsuits now a days are so frivolous and without merit, I do not see the relevance. AND in fact you are asking for my legal allegations to be disclosed, why not doctors, lawyers, realtors, bankers, YOU even (this may explain were these proposed rules are coming from) and the list can go on and on. And for that matter, do you want the IBO who is the business owner to disclose IRS audits, Child-support legal actions, divorce degrees, traffic tickets and what about medical records? What is next?????????

We as a people to create a more perfect union, have the constitutional right to a trial and are presumed innocent until proven guilty. I know the new United States bureaucracy is more tyranny these days, but wake up. I don't have to acknowledge anything of personal nature nor should any business have to acknowledge any allegation. Again unfair "targeting" of a specific group of business owners, there have been lawsuits filed to reverse such rulings, but I digress as I am not an attorney.

**4. Require IBOs to calculate and make different disclosures for every income claim.**

I am not even going to pretend to be a CPA. This is why; I only use numbers and figures that have already been presented to the FTC in discussions involving commission structures and my business plan.

**5. Require that every prospect receive "substantiation" for every income claim.**

Well, I asked for it. What's next, apparently disclosing my financial records, tax forms, 1099s? Would like my blood type too? This is really beyond reason. If I choose to share these documents to "substantiate" my income claim than that should be at my option. There is no way; you can legally force any IBO to disclose these records. What are you going to do to enforce this? Here is just a thought, how about breaking my constitutional rights, (referencing Amendment 1 and Amendment 4 of the United States Constitution.)

The travesty is not in the poor unfair targeting of capitalizing business professionals. It is the time and effort the FTC has wasted in creating such a mess. Go back to basics, hire new people, and think as an American!!! We don't live under communist rule. We do not practice Socialism. Do some serious thinking about what it means to be an American. Put yourself in the shoes of the Independent Business Owner. Think about this, what are you going to do tomorrow if the government decides to down size and gets rid of your job and you lose your pension and health plan? I will have my own business, securing my own money for my own health and retirement and I can not be fired!!! Do you have your options open aside from your full-time J.O.B.?

I am available for comment and would be happy to discuss the American Dream!

With my best regards,

Michael P Ascani Jr

[MPA Global Team of Independent Business Owners](#)