

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 4, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *USABancShares, Inc.*, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of voting shares of Peoples Thrift Savings Bank, Norristown, Pennsylvania.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Barlow Banking Corporation*, Iowa Falls, Iowa; to become a bank holding company by acquiring 59.67 percent of voting shares of Iowa Falls State Bank, Iowa Falls, Iowa.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FirstBank Holding Company of Colorado Employee Stock Ownership Plan*, and its subsidiary FirstBank Holding Company of Colorado, both of Lakewood, Colorado; to acquire 100 percent of voting shares of FirstBank of Colorado Springs, Colorado Springs, Colorado, a *de novo* bank.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Kandiyohi Bancshares, Inc.*, Kandiyohi, Minnesota; to acquire 100 percent of the voting shares of Cosmos Bancorporation, Inc., Cosmos, Minnesota, and thereby indirectly acquire First State Bank of Cosmos, Cosmos, Minnesota.

Board of Governors of the Federal Reserve System, July 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-17020 Filed 7-11-95; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3583]

La Asociacion Medica de Puerto Rico, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Medical Association, the Physiatry Section, and the two doctors from encouraging, organizing or entering into: any boycott or refusal to deal with any third-party payer; or any agreement to refuse to provide services to patients covered by any third-party payer. In addition, the consent order prohibits, for five years, the respondents from soliciting information from physiatrists regarding their decisions whether to participate in agreements with insurers and provide service; from passing such information along to other doctors; and from giving physiatrists advice about making those decisions.

DATES: Complaint and Order issued June 2, 1995.¹

FOR FURTHER INFORMATION CONTACT: Alan Loughnan or Alice Au, New York Regional Office, Federal Trade Commission, 150 William Street, Suite 1300, New York, N.Y. 10038. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Wednesday, March 29, 1995, there was published in the **Federal Register**, 60 FR 16144, a proposed consent agreement with analysis In the Matter of La Asociacion Medica de Puerto Rico, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.

an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 95-17057 Filed 7-11-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 901-0094]

Port Washington Real Estate Board, Inc.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed 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, among other things, a New York-based brokerage service from restricting the use of exclusive agency listings, fixing commission splits between listing and selling brokers, restricting or prohibiting members from holding open houses or using "For Sale" signs, restricting brokers from advertising free services to property owners, and excluding from membership brokers who do not operate a full-time office in the territory served by the Board's multiple listing service.

DATES: Comments must be received on or before September 11, 1995.

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

FOR FURTHER INFORMATION CONTACT: Michael Bloom or Alan Loughnan, New York Regional Office, Federal Trade Commission, 150 William Street, 13th Floor, New York, N.Y. 10038. (212) 264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 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 Section 4.9(b)(6)(ii) of

the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the matter of Port Washington Real Estate Board, Inc., a corporation. File No. 9010094.

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Port Washington Real Estate Board, Inc., a corporation, and it now appearing that Port Washington Real Estate Board, Inc., hereinafter sometimes referred to as proposed respondent or "PWREB", 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 PWREB, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

(1) Proposed respondent PWREB is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at the following address: Port Washington Real Estate Board, Inc., care of Charles Walker, President of Charles E. Hyde Agency, 277 Main Street, Port Washington, New York 11050.

(2) Proposed respondent admits all the jurisdictional facts set forth in the draft 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) Any claim under the Equal Access to Justice Act.

(4) 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, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the 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 draft complaint, or that the facts as alleged in the draft complaint, other than 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 complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public with 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 complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may 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 the agreement may be used to vary or contradict the terms of the order.

(7) Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it 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, for the purposes of this order, the following definitions shall apply:

(1) "PWREB" means the Port Washington Real Estate Board, Inc., or any affiliated or successor organization comprised of real estate brokers doing business in PWREB's service area which operates a multiple listing service.

(2) "Multiple listing service" means a clearinghouse through which member real estate brokerage firms exchange

information on listings of real estate properties and share commissions with other members.

(3) "PWREB's service area" means the territory within which PWREB provides its multiple listing service.

(4) "Broker" means any person, firm, or corporation that, for another and for a fee or commission, lists for sale, sells, exchanges, or offers or attempts to negotiate a sale, exchange, or purchase of an estate or interest in real estate.

(5) "Member" means any real estate broker that is entitled to participate in a multiple listing service offered by PWREB.

(6) "Applicant" means any owner or co-owner of a real estate brokerage firm who is duly licensed as a real estate broker by the State of New York, and who has applied individually or on behalf of his or her firm for membership in PWREB's multiple listing service.

(7) "Listing broker" means any broker who lists a real estate property with a multiple listing service pursuant to a listing agreement with the property owner.

(8) "Listing agreement" means any agreement between a real estate broker and a property owner for the provision of real estate brokerage services.

(9) "Selling broker" means any broker, other than the listing broker, who locates the purchaser for a listed property.

(10) "Exclusive agency listing" means any listing under which a property owner appoints a broker as exclusive agent for the sale or lease of the property at an agreed commission, but reserves the right to sell the property personally to a direct purchaser (one not procured in any way through the efforts of any broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

(11) "Exclusive right to sell listing" means any listing under which a property owner contracts to pay the broker an agreed commission if the property is sold, whether the purchaser is procured by the broker or any other person, including the property owner.

(12) "Open house" means making a particular property available at a designated time for view by the public, potential buyers, or real estate brokers, without prior arrangement or appointment.

II

It is further ordered that respondent PWREB, its successors and assigns, and its directors, officers, committees, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with the

operation of a multiple listing service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from adopting, maintaining, or enforcing any rule, policy, or practice, or taking any other action that has the purpose or effect of:

(A) restricting or interfering with (1) any broker's offering or accepting any exclusive agency listing; or (2) the publication on a PWREB multiple listing service of any exclusive agency listing submitted by a member; provided, however, that nothing contained in this subpart shall preclude respondent from (a) including a simple designation, such as a code or symbol, that a published listing is an exclusive agency listing; or (b) applying reasonable terms and conditions equally applicable to the publication of any listing, whether an exclusive agency listing or an exclusive right to sell listing.

(B) suggesting or fixing any rate, range, or amount of any division or split of commission or other fees between any listing broker and any selling broker, or restricting any property owner's participation in the determination of the division or split of commission or other fees between any listing broker and any selling broker.

(C) restricting or interfering with the ability of member brokers or homeowners to hold open houses or to place signs on any property; provided, however, that nothing contained in this subpart shall preclude PWREB from requiring its members to comply with local ordinances governing open houses or use of signs.

(D) restricting or interfering with the ability of its member brokers to advertise free services to property owners.

(E) conditioning membership in or use of a multiple listing service operated by PWREB on any applicant or member operating or maintaining a full-time office, or on such applicant or member operating or maintaining an office in PWREB's service area; provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy to assure that its members are actively engaged in real estate brokerage and that listings published on respondent's multiple listing service are adequately serviced.

III

It is further ordered that respondent PWREB shall:

(A) Within thirty (30) days after this order becomes final, furnish an announcement in the form shown in

Appendix A to each member of PWREB or a multiple listing service operated by PWREB.

(B) Within sixty (60) days after this order becomes final, amend its by-laws, rules and regulations, and other of its materials to conform to the provisions of this order and provide each member of PWREB or a multiple listing service operated by PWREB with a copy of the amended by-laws, rules and regulations, and other materials.

(C) For a period of three (3) years after this order becomes final, furnish an announcement in the form shown in Appendix A to any new member, applicant, or any person who inquires about possible membership in PWREB or its multiple listing service, within thirty (30) days after such person's initial application or inquiry.

IV

It is further ordered that respondent PWREB shall:

(A) Within ninety (90) days after this order becomes final, submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which respondent has complied and is complying with this order.

(B) In addition to the report required by Paragraph IV(A), annually for a period of three (3) years on or before the anniversary date on which this order becomes final, and at such other times as the Federal Trade Commission or its staff may by written notice to respondent require, file a verified written report with the Federal Trade Commission setting forth in detail the manner and form in which respondent has complied and is complying with this order.

(C) For a period of five (5) years after this order becomes final, maintain and make available to the Commission staff for inspection and copying, upon reasonable notice, all documents that relate to the manner and form in which respondent has complied with this order.

(D) Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in respondent that may affect compliance obligations arising out of this order.

V

It is further ordered that this Order shall terminate on [insert date twenty years from the date of issuance].

Appendix A

[Date]

[Respondent's Letterhead]

The Federal Trade Commission has conducted an investigation into certain rules and practices of the multiple listing service ("MLS") operated by the Port Washington Real Estate Board ("PWREB") that have been alleged to be unlawful restraints of trade. To avoid litigation, PWREB has entered into a consent agreement. The agreement is not an admission that PWREB or any of its members has violated any law. For your information, PWREB is prohibited from the following practices in connection with the operation of an MLS:

1. Restricting or interfering with any broker's offering or accepting an exclusive agency listing, or limiting the publication on the MLS of any exclusive agency listing entered into by an MLS member.

2. Requiring or fixing the rate, range or amount of any split or division of a commission or other fees between a listing broker and a selling broker, or restricting any property owner's participation in the determination of the split or division of any commission or other fees between the listing and selling brokers.

3. Restricting or interfering with the ability of member brokers or homeowners to conduct open houses or to place signs on property.

4. Restricting or interfering with the ability of member brokers to advertise free services to homeowners.

5. Requiring as a condition of membership in its MLS that a member or applicant for membership operate an office full-time or engage in real estate brokerage full-time in PWREB's service area.

President
Port Washington Real
Estate Board, Inc.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Port Washington Real Estate Board, Inc., which operates a multiple listing service serving the area surrounding Port Washington, a community in Nassau County (Long Island), New York.

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 or make final the agreement's proposed order.

The complaint alleges that the Port Washington Real Estate Board, Inc. ("PWREB"), in combination with its member brokers, has through its multiple listing service adopted certain rules and policies and engaged in certain practices that have restrained trade in the provision of residential real estate brokerage services in PWREB's service area. The complaint alleges that this conduct violates Section 5 of the Federal Trade Commission Act.

PWREB has signed a consent agreement to the proposed consent order that prohibits it from restricting or interfering with any member broker's offering or accepting exclusive agency listings, or restricting the publication on its multiple listing service of exclusive agency listings submitted by a member. An exclusive agency listing is defined as a listing under which a property owner appoints a broker as exclusive agent for the sale or lease of the property at an agreed commission, but reserves the right to sell the property to a direct purchaser (one not procured through the efforts of a broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

The proposed order also prohibits PWREB from suggesting or fixing the range or amount of any division or split of commissions between a listing broker and a selling broker, or restricting a property owner's participation in the determination of the commission split between the brokers. A selling broker is defined as any broker, other than the broker with whom the property is listed, who locates the purchaser for a listed property.

The proposed consent order further prohibits PWREB from restricting or interfering with the ability of member brokers or homeowners to hold open houses or place signs on a property (provided, however, that PWREB may require members to comply with any local ordinances covering open houses or signs). The order also prohibits PWREB from restricting or interfering with the ability of member brokers to advertise free services to property owners.

Finally, the proposed order prohibits PWREB from conditioning membership in or use of a PWREB multiple listing service on a broker operating a full-time office, or operating an office in the territory served by PWREB. The order provides, however, that PWREB may adopt a reasonable and nondiscriminatory policy to assure that members are actively engaged in real

estate brokerage and that listings published on the multiple listing service are adequately serviced.

The proposed order requires PWREB to mail a letter to its members (and for three years, to all new members, applicants, or persons who inquire about possible membership) summarizing the provisions of the proposed order. The order also requires PWREB to modify its by-laws, rules, and regulations to conform to the provisions of the proposed order, and to provide members with copies.

The proposed order provides that the order shall terminate 20 years after the date of its issuance by the Commission.

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

Donald S. Clark,

Secretary.

[FR Doc. 95-17058 Filed 7-11-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3585]

Schnuck Markets, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order—in connection with Schnuck Markets' proposed acquisition of supermarkets currently owned by National Holdings, Inc.—requires, among other things, the Missouri-based corporation to divest 24 stores in the St. Louis area to Commission-approved purchasers, and requires the respondent, for ten years, to obtain Commission approval before acquiring an interest in a supermarket, or another entity that operates a supermarket, in the relevant area.

DATES: Complaint and Order issued June 8, 1995.¹

FOR FURTHER INFORMATION CONTACT: Ronald Rowe, FTC/S-2105, Washington, D.C. 20580. (202) 326-2610.

SUPPLEMENTARY INFORMATION: On Wednesday, March 15, 1995, there was

¹ Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's Concurring Statement are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.

published in the **Federal Register**, 60 FR 13988, a proposed consent agreement with analysis. In the Matter of Schnuck Markets, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 95-17059 Filed 7-11-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3587]

Taleigh Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, two marketing corporations and the owner from misrepresenting that any product is new or unique, the existence or conclusions of any test or study, or that an endorsement for any product represents the typical experience of people who use it. The consent order requires the respondents to have scientific evidence to substantiate any representation regarding the performance, benefits, efficacy or safety of any weight-loss or stop-smoking product, or for any food, dietary supplement, drug, or device. In addition, the consent order requires the owner to post a \$300,000 performance bond before marketing any weight-loss product or smoking deterrent or cessation product in the future.

DATES: Complaint and Order issued June 16, 1995.¹

FOR FURTHER INFORMATION CONTACT:

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.