







1 Sections 310.3(a)(2)(iii) and 310.3(a)(4) of the TSR, 16 C.F.R. §§ 310.3(a)(2)(iii) and  
2 310.3(a)(4).

3 18. Under the FTC Act, a principal is liable for misrepresentations made by its agents  
4 regardless of any efforts of the principal to prevent such misrepresentations. *FTC v. Southwest*  
5 *Sunsites*, 785 F.2d 1431, 1438-39 (9th Cir. 1986); *Goodman v. FTC*, 244 F.2d 584, 592 (9<sup>th</sup> Cir.  
6 1957).

7 19. Defendant Beringer is liable for the misrepresentations that its agent made to  
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1 were widespread and of the type on which a reasonably prudent person would rely, and that injury  
2 resulted. *FTC v. Kitco of Nevada, Inc.*, 612 F. Supp. 1282, 1293 (D. Minn. 1985).

3 24. Consumers reasonably relied upon and were injured by widespread false and  
4 unsubstantiated earnings and coaching claims that defendant Beringer and former defendant Atlas  
5 made.

6 25. Defendant Beringer is liable for secondary equitable relief to address consumer  
7 injury resulting from the same conduct as the primary equitable relief.

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1 D. Misrepresenting, expressly or by implication, that any services offered by  
2 defendants are provided by persons substantially experienced in a particular business venture,  
3 money-making venture or other investment opportunity, or that such persons are readily available  
4 to assist consumers with finding or completing transactions in the business venture, money-  
5 making venture or other investment opportunity being marketed or sold;

6 E. Representing, expressly or by implication, that consumers who purchase any  
7 product or service will make a substantial amount of money, unless defendants possess and rely  
8 upon a reasonable basis to substantiate the representation at the time the representation is made;

9 F. Misrepresenting, expressly or by implication, any fact material to a consumer's  
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1 investment opportunity (including an opportunity to invest in real estate or in mortgages or other  
2 intangible item), or seminar or other tool purported to teach consumers how to succeed in any  
3 business venture, money-making venture or other investment opportunity, are hereby permanently  
4 restrained and enjoined from:

5           A.     Failing to take reasonable steps sufficient to monitor and ensure that all employees,  
6 agents, and 155.(s5T/TT0 1 Tf12 0.2T0 1 Tf12 0 0 12 509.3223 612.4..4 515.5623 612.4008809) 0 0 12 72 588.

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1 E. For purposes of the compliance reporting required by this Order, the Commission is  
2 authorized to communicate directly with defendants.

3 **VI. COMPLIANCE MONITORING**

4 **IT IS FURTHER ORDERED** that for the purpose of monitoring and investigating  
5 compliance with any provision of this Order,

6 A. Within ten (10) days of receipt of written notice from a representative of  
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1 F. All records and documents necessary to demonstrate full compliance with each  
2 provision of this Order including, but not limited to, copies of acknowledgments of receipt of this  
3 Order required by Section VIII of this Order, and all reports submitted to the Commission  
4 pursuant to Section V of this Order.

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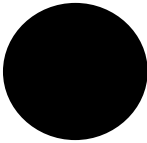
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