

Section 234 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 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 of the complaint and the decision and order to proposed respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules 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. No agreement, understanding, representation, or interpretation not contained in the order in the agreement may be used to vary or contradict the terms of the order.

6. Proposed respondent has read the draft complaint and consent order and understands that it may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, "respondent" shall mean CapPatrol, Inc., its successors and assigns, and its officers, agents, representatives, and employees.
2. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. "Covered service" shall mean any service involving placements in an assisted living facility.
4. "Assisted living facility," or "ALF" shall mean any congregate residential setting which provides housing for persons sixty (60) years or older, as well as assistance in activities of daily living (e.g., bathing and dressing) and medication administration. The definition includes residential care facilities for the elderly ("RCFEs"), as well as any other facilities which perform the functions of ALFs or RCFEs, but excludes facilities which are licensed as skilled nursing facilities.
5. "State survey" shall mean a state inspection report for an assisted living facility which describes or evaluates the facility's performance, including any violations of applicable state statutes and regulations.

I. Prohibited Misrepresentations; Substantiation

A. IT IS ORDERED that respondent, directly or through any corporation, subsidiary, division, franchisee or other device, in connection with the advertising, promotion, offering for sale, or sale of any covered service in or affecting commerce, shall not represent in any manner directly or indirectly, expressly or by implication, that:

1. It or its franchisees monitor or evaluate the are history or state violations of any number, portion, or percentage of assisted living facilities in a consumer's desired location;
2. It or its franchisees provide their services through officers, agents, employees, and/or contractors who are located in any geographic area of the United States; or
3. It or its franchisees evaluate assisted living facilities based on a review of information, including state surveys, or any other records detailing the performances of these facilities,

unless the representation is non-misleading and, at the time it is made, respondent possesses and relies upon competent and reliable evidence that, when considered in light of the entire body of relevant evidence, substantiates that the representation is true.

Provided, however that any permitted claim in connection with Part A.3, above shall be based on the most recent inspection record of an assisted living facility.

B. IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary division, franchisee or other device, in connection with the advertising, promotion, offering for sale, or sale of any covered service in or affecting commerce, shall not make any representation about its placement services in any manner, directly or indirectly, expressly or by implication, unless the representation is non-misleading and, at the time it is made, respondent possesses and relies upon competent and reliable evidence that, when considered in light of the entire body of relevant evidence, substantiates that the representation is true.

II. Records

IT IS FURTHER ORDERED that respondent Care Patrol, hc., and its successors and assigns, shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and

- C. All reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon of the representation, including complaints and other communications with consumers with governmental or consumer protection organizations.

representative of the Commission, respondent shall submit annual true and accurate written reports.

VI. Sunset

This order will terminate twenty(20) years from the date of its issuance, or twenty(20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part of this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated (part) 8/18/2006 10:06.

So signed:

CAREPATROL, INC.

By: _____
CHUCK BONGIOVANNI
Chief Executive Officer

_____ Date

FEDERAL TRADE COMMISSION

DAVID R. SPEGEL
Counsel for
Federal Trade Commission

Date

APPROVED:

FRANK GORMAN
Assistant Director
Division of Enforcement

JAMES A. KOHM
Associate Director
Division of Enforcement
