

Arthur Thomas Duffin Jr.
DBA Evolution 101

7/14/2006

Dear Sir or Madam:

I am writing this letter because I am concerned about the proposed Business Opportunity Rule R511993. I believe that in its present form, it could prevent me from continuing as an Independent Gano Excel Affiliate. I understand that part of the FTC's responsibilities is to protect the public from "unfair and deceptive acts or practices," but some of the sections in the proposed rule will make it very difficult if not impossible for me to sell Gano Excel products.

One of the most confusing and burdensome sections of the proposed rule is the seven day waiting period to enroll new Affiliates. Gano Excel's sales kit only costs \$24.99. People buy TVs, cars, and other items that cost much more than that and they do not have to wait seven-days. This waiting period gives the impression that there might be something wrong with the plan. I also think this seven-day waiting period is unnecessary, because Gano Excel already has a 90% buyback policy for all products including sales kits purchased by a salesperson within the last twelve months.

Under this waiting period requirement, I will need to keep very detailed records when I first speak to someone about Gano Excel and will then have to send in many burdensome reports to Gano Excel that will negatively affect my ability to build my business.

The proposed rule also calls for the release of **any** information regarding lawsuits involving misrepresentation, or unfair or deceptive practices. It does not matter if the company was found innocent. Today, anyone or any company can be sued for almost anything. It does not make sense to me that I would have to disclose these lawsuits without cause. Otherwise, Gano Excel and I are put at an unfair advantage even though Gano Excel and I have done **nothing** wrong.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. I am glad to provide references, but in this day of identity theft, I am very uncomfortable giving out the personal information of individuals (without their approval) to strangers. Also, giving away this information could damage the business relationship of the references who may be involved in other companies or businesses including those of competitors. In order to get the list of the 10 prior purchasers, I will need to send the address of the prospective purchaser to Gano Excel and then wait for the list. I also think the following sentence required by the proposed rule will prevent many people from wanting to sign up as a salesperson "If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers." People are very concerned about their privacy and identity theft. They will be reluctant to share their personal information with individuals they may have never met. Furthermore, 80% of direct sellers are women. Have you considered that this rule may subject women to potential harassment or endangerment?

I have been an Independent Gano Excel Affiliate for 2 years this coming December 2, 2006. Originally, I became affiliated with Gano Excel's products because I like them, what they did for me personally and wanted to earn some additional money. Now my family depends on this extra income to supplement our budget. I have a chance for the first time in my life to actually earn an income I would otherwise not be able to earn with a traditional business opportunity.

I appreciate the work of the FTC to protect consumers, but I believe this proposed new rule has many unintended consequences and that there are less burdensome alternatives available in achieving its goals.

Thank you for your time in considering my comments.

Sincerely,

Arthur Thomas Duffin Jr.

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