

6. Respondent waives:
 - a. Any further procedural steps, including but not limited to those described in Sections 1.92-1.97 of the Commission’s Rules of Practice, 16 C.F.R. §§ 1.92-1.97, and the Energy Policy and Conservation Act, 42 U.S.C. § 6303(d);
 - 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.
7. 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, the Commission will issue and serve its decision in disposition of the proceeding.
8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25(f) of the Commission’s Rules of Practice, 16 C.F.R. § 3.25(f), the Commission may without further notice to Respondent: (1) issue 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. Delivery of the decision containing the agreed-to order to Respondent’s address at [redacted] by any means specified in Section 4.4(a) of the Commission’s Rules of Practice, 16 C.F.R. § 4.4(a), shall constitute service. Respondent waives any right it might 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 in the agreement may be used to vary or to contradict the terms of the order.
9. Respondent has read the complaint and the order contemplated hereby.

ORDER

DEFINITION

Unless otherwise specified, “Respondent” shall mean Universal Computers and Electronics, Inc., d/b/a Appliancebestbuys.com, and its successors and assigns.

I.

A. **IT IS ORDERED** that based on Respondent’s inability to pay and in consideration of 42 U.S.C. § 6303(a) and Section 1.97 of the Commission’s Rules of Practice, Respondent shall not pay a civil penalty.

B. Respondent represents and acknowledges that the Commission’s agreement to this order is expressly premised upon the truthfulness, accuracy, and completeness of Respondent’s financial condition as represented in: (1) Respondent’s sworn financial statements, submitted to the Commission on June 29, 2011; and (2) Respondent’s and Manuel Santos’ depositions taken under oath on July 27, 2011 (collectively “Financial Statements”). Respondent further represents that it has filed a request with the Internal Revenue Service (“IRS”) to provide a copy of its 2009 tax return to the Commission and has submitted proof of such request to the Commission.

C. If the Commission finds that Respondent failed to disclose any material asset or materially misstated the value of any asset in its Financial Statements, made any other material misstatement or omission in its Financial Statements, or failed to submit timely a request to the IRS to provide the Commission with a copy of its 2009 tax return, the Commission may reopen this matter for the purpose of calculating an appropriate civil penalty from Respondent; provided, however, proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies available by law. Solely for the purposes of reopening or enforcing this Paragraph, Respondent waives any right to contest any of the allegations set forth in the complaint filed in this matter.

Signed this _____ day of October, 2011

Universal Computers and Electronics, Inc.
d/b/a Appliancebestbuys.com

By: _____
Manuel Santos, President/Owner
Universal Computers and Electronics, Inc.

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APPROVED:

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DAVID C. VLADECK
Director
Bureau of Consumer Protection

Dated: _____, 2011