

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DOTAUTHORITY.COM, INC., a Florida  
corporation also d/b/a ON-LINE  
REGISTRATION,

DOTFILINGS.COM, INC., a Florida  
corporation,

EXCELSIOR ENTERPRISES  
INTERNATIONAL, INC., a New Jersey  
corporation, also d/b/a DOTFILINGS.COM,  
UCR REGISTRATION, UCR FILINGS, and  
JAMES P. LAMB & ASSOCIATES,

JPL ENTERPRISES INTERNATIONAL,  
INC., a New York corporation, also d/b/a  
DOTAUTHORITY.COM,  
DOTFILINGS.COM, ON-LINE  
REGISTRATION, REGISTRATION  
SERVICES ONLINE, and JAMES P. LAMB  
& ASSOCIATES,

JAMES P. LAMB, individually and as an  
officer of DOTAUTHORITY.COM, INC. and  
JPL ENTERPRISES INTERNATIONAL,  
INC., and

ULIANA BOGASH, also known as JULIANA  
BOGASH, YULIANA BOGASH, YANA  
BOGASH, AND ULIANA VOGASH,  
individually and as officer of  
DOTFILINGS.COM, INC. and EXCELSIOR  
ENTERPRISES INTERNATIONAL, INC.,

Defendants.

Case No.

**COMPLAINT FOR PERMANENT  
INJUNCTION AND OTHER EQUITABLE  
RELIEF**

Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Sections 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b) and Section 5 of the Restore Online Shoppers’ Confidence Act (“ROSCA”), 15 U.S.C. § 8404, to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and in violation of Section 4 of ROSCA, 15 U.S.C. § 8403.

### **SUMMARY OF CASE**

2. By impersonating government agencies and misrepresenting themselves as having a government affiliation, Defendants deceive owners and operators of tractor-trailer trucks and other commercial vehicles (“consumers”) into paying the fees that Defendants charge for filing federal and state motor carrier registrations. Many of the consumers harmed by Defendants’ false representations are small businesses with only a few employees and fewer than five trucks. Since at least 2012, Defendants have taken in more than \$17 million from tens of thousands of consumers throughout the United States using threatening emails, official-sounding telephone messages, and alarming texts from the “Compliance Unit” of UCRRegistration and DOTAuthority, for example. Defendants’ solicitations masquerade as alerts that admonish consumers about “federally mandated” compliance obligations for motor carriers, threaten that “[e]nforcement is in progress” or that “[e]nforcement will begin shortly,” and warn of “civil penalties” of “\$1,100 for first-time offenses” that can accrue daily. These communications direct the recipients to websites operated by Defendants, rather than to the applicable government websites, to provide the information required by law. Convinced that they are dealing with the

United States Department of Transportation (“USDOT”) or another government authority, and concerned about violating the law, many consumers pay the fees that Defendants charge, which range up to \$550 more than the fees required by the government. Once consumers pay certain fees, Defendants trap many into unwittingly paying again each year through “SafeRenew,” Defendants’ automatic renewal program. Despite numerous complaints and emails from consumers about the misleading nature of their representations and tactics, Defendants refuse to alter their deceptive practices and continue to extract payments from defrauded consumers.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b); and Section 5(a) of ROSCA, 15 U.S.C. § 8404(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(1), (c)(2), and (d), and 15 U.S.C. § 53(b).

### **PLAINTIFF**

5. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces ROSCA, 15 U.S.C. §§ 8401 *et seq.*, which prohibits certain methods of negative option marketing on the Internet.

6. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and ROSCA and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b),

56(a)(2)(A), and 8404.

### **DEFENDANTS**

7. As detailed below, four corporate entities and the two individuals who control them (collectively, “Defendants”) have executed the unlawful scheme at issue in this Complaint.

8. Defendant **DOTAuthority.com, Inc.**, also doing business as On-Line Registration (“**DOTAuthority**”), is a Florida corporation with a registered business address of 515 E. Las Olas Boulevard, Suite 120, Fort Lauderdale, Florida. DOTAuthority also has conducted business from additional addresses, including 224 E. Commercial Blvd, Suite 200, Fort Lauderdale, Florida; P.O. Box 480340, Fort Lauderdale, Florida; and 4520 NE 18th Avenue, Suite 300, Ft Lauderdale, FL. DOTAuthority transacts or has transacted business in this district and throughout the United States.

9. Defendant **DOTFilings.com, Inc.** (“**DOTFilings**”) is a Florida corporation with a registered business address of 515 E. Las Olas Boulevard, Fort Lauderdale, Florida. DOTFilings also has conducted business from additional addresses, including P.O. Box 480360, Fort Lauderdale, Florida. DOTFilings transacts or has transacted business in this district and throughout the United States.

10. Defendant **Excelsior Enterprises International, Inc.**, also doing business as DOTFilings.com, UCR Registration, UCR Filings, and James P. Lamb & Associates (“**Excelsior Enterprises**”), is a New Jersey corporation with a registered business address of 11D Foxwood Drive, Morris Plains, New Jersey. Excelsior Enterprises also has conducted business from additional addresses, including 224 E. Commercial Boulevard, Suite 200, Fort Lauderdale, Florida; 4520 NE 18<sup>th</sup> Avenue, Suite 300, Fort Lauderdale, Florida; and 3037 E. Commercial Boulevard, Fort Lauderdale, Florida. Excelsior Enterprises transacts or has transacted business

in this district and throughout the United States.

11. Defendant **JPL Enterprises International, Inc.**, also doing business as DOTAuthority.com, DOTFilings.com, On-Line Registration, Registration Services Online, and James P. Lamb & Associates (“**JPL Enterprises**”), is a New York corporation with a registered address of 340 Veterans Memorial Highway, Suite 7, Commack, New York. JPL Enterprises also has conducted business from additional addresses, including 224 E. Commercial Boulevard, Suite 200, Fort Lauderdale, Florida; P.O. Box 480340, Fort Lauderdale, Florida; 4520 NE 18<sup>th</sup> Avenue, Suite 300, Fort Lauderdale, Florida; and 11D Foxwood Drive, Morris Plains, New Jersey. JPL Enterprises transacts or has transacted business in this district and throughout the United States.

12. Defendant **James P. Lamb** (“**Lamb**”) is an officer, manager, and owner of DOTAuthority and JPL Enterprises. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Lamb resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

13. Defendant **Uliana Bogash**, also known as Juliana Bogash, Yuliana Bogash, Yana Bogash, and Uliana Vogash (“**Bogash**”), is an officer, manager, and owner of DOTFilings and Excelsior Enterprises. At all times material to this Complaint, acting alone or in concert with others, she has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Bogash resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

### **COMMON ENTERPRISE**

14. Defendants DOTAuthority, DOTFilings, JPL Enterprises, and Excelsior Enterprises (collectively, “Corporate Defendants”) have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Corporate Defendants have conducted the business practices described below through an interrelated network of companies that have common ownership, officers, directors, members, managers, employees, office locations, fictitious business names, websites, and mailing addresses. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Defendants Lamb and Bogash (collectively, “Individual Defendants”) have formulated, directed, controlled, had the authority to control, or participated in the acts and practices of the Corporate Defendants that constitute the common enterprise.

### **COMMERCE**

15. At all times material to this Complaint, Corporate Defendants and Individual Defendants (collectively, “Defendants”) have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

### **DEFENDANTS’ UNLAWFUL PRACTICES**

16. Since at least 2012, Defendants have used deceptive marketing methods and sales tactics to trick consumers into paying Defendants for so-called registration services.

#### **Federal and State Registration And Filing Requirements**

17. Owners and operators of certain types of commercial vehicles must comply with federal and state regulations that include registering with the Unified Carrier Registration (“UCR”) system and filing a biennial Motor Carrier Identification Report (“Biennial Report”).

18. The UCR System plan and agreement (“UCR Agreement”) governs the collection and distribution of certain registration information and fees. *See* 49 U.S.C. § 14504a (2005). It requires most individuals and companies operating commercial motor vehicles in interstate or international commerce, as well as some brokers, freight forwarders, and leasing companies, to register their businesses with a participating state and pay an annual fee based on the size of their fleet. Forty-one states participate in the UCR System.

19. To file a UCR registration online, consumers can go to the official UCR website operated by the State of Indiana on behalf of the participating states at [www.ucr.in.gov](http://www.ucr.in.gov).

20. The official UCR website displays a picture of the Indiana Statehouse, as well as a two-toned map of the United States reflecting the participating and non-participating UCR states. The website also provides a table listing the required fees. Each year, the registration period opens on October 1 and closes on December 31.

21. In addition, owners of commercial vehicles regulated by the Federal Motor Carrier Safety Administration (“FMCSA”) must update their registration information every two years by filing the Biennial Report. There are no fees associated with filing or updating a Biennial Report, which can be accomplished online by visiting FMCSA’s website at [http://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](http://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option) . The MCS-150 form is used to file the report, and it is the same form that motor carriers must complete to apply for a USDOT Number.

22. Information about a consumer’s registration status is available to the public and law enforcement through a centralized online database called the Safety and Fitness Electronic Records System (“SAFERSYS”), available online at [www.safersys.org](http://www.safersys.org).

**Defendants Induce Payment For UCR and Biennial Report Filing**

23. To induce consumers to pay Defendants for providing motor carrier registration services, Defendants widely disseminate pre-recorded telephone call (“robocall”), email, and text messages to consumers throughout the United States, including but not limited to those described below and contained in attached Exhibits A through D. Defendants have disseminated or caused to be disseminated these robocall, email, and text messages to many consumers whose UCR and Biennial Report registration status was current, not due, or not required. Defendants also operate numerous websites, including but not limited to those advertised in robocall, email, and text messages, such as UCRregistration.com and UCRFilings.com.

**Defendants’ UCR Messages and Websites**

24. Defendants hold themselves out as government agencies or affiliates that require consumers to comply with state and federal UCR filing obligations.

25. Defendants explicitly identify themselves as the “Compliance Unit” of DOTAuthority or UCRRegistration.com (or variations of these names), in robocall and email messages to consumers. Defendants also instruct consumers to call a telephone number with a Washington, DC area code for more information (although none of Defendants’ operations is, or has been, based in the District of Columbia).

26. Defendants use emphatic language in robocalls and texts to impress upon consumers the need to ensure “compliance” with “mandatory” federal laws, and urge consumers to visit their UCRRegistration.com website to avoid “enforcement”. Similarly, in emails, Defendants use urgent subject headers, such as: “THIS NOTICE WILL CONTINUE TO BE SENT BY THE SYSTEM UNTIL OPENED: NOTICE OF CURRENT & PAST UCR



ENFORCEMENT THROUGH ROADSIDE INSPECTIONS & AUDITS” (emphasis in original).

27. In some instances, Defendants’ UCR email messages state or imply that the recipient is receiving the email because the recipient has filed with Defendants in the past and/or because the recipient has a USDOT number.

28. None of Defendants’ UCR robocall, email, or text messages discloses Defendants’ fees.

29. Virtually all of Defendants’ UCR messages include threats of law enforcement action, stating:

- a. In robocalls, that “[e]nforcement will begin shortly” and “failure to register for UCR in certain jurisdictions” could result in “civil penalties” of “\$1,100 for first-time offenses”, or words to that effect;
- b. In emails, that “enforcement is currently being determined through roadside inspections” and “[t]he UCR Board of Directors has directed state agencies to **determine past year non-compliance with UCR by conducting compliance audits of interstate motor carriers’ operations**”(emphasis in original); that “[e]nforcement during an audit can result in liability for UCR fees as well as punitive CIVIL PENALTIES for non-compliance” (emphasis in original); and that “**civil Penalties in certain jurisdictions are \$1,100 for first time offenses and up to \$5,000 for repeat offenses**” (emphasis in original), or words to that effect;
- c. In text messages, that “2016 Unified Carrier Registration is PAST DUE. Enforcement is in progress. Civil Penalties are up to \$1,100 per day. File

online: <http://www.UCRregistration.com>” (emphasis in original), or words to that effect.

30. In addition, the depictions and formatting of Defendants’ UCR email messages create and reinforce consumers’ belief that Defendants are, or are affiliated with, a government authority. For example, the emails include a two-toned, green and yellow map of the United States, which mimics the one used until August 2015 by the official UCR website operated by the State of Indiana. The emails also use a similar font and typeface as the official UCR website; include citations to “Federal Law: 49 U.S.C. § 14504a” and “49 C.F.R. 390.29”, among others; and provide a “Pre-recorded Information Line” with a Washington, DC area code (although none of Defendants’ operations is, or has been, based in the District of Columbia).

31. Consumers who call (202) 521-1484, the Washington, DC telephone number provided in UCR robocalls, do not reach a live representative. Instead, callers reach “the UCRCOMPLIANCE.COM Information Line”, a recorded message that uses confusing legal jargon and citations to federal regulations to describe the origin of the UCR system and its requirements, and directs consumers to Defendants’ website.

32. Defendants make no prominent or direct statement to correct the false representation that Defendants are a government agency or an agency affiliated with the government. Instead, inconspicuously placed toward the very end of their robocall and email messages, Defendants include a confusing statement characterizing themselves as “a service provider duly registered with the National UCR System.” Defendants’ purported disclosures do not alter the net impression created by Defendants’ misleading representations, namely, that Defendants are, or are affiliated with, the USDOT or another government agency.

33. Defendants' robocall, email, and text messages direct consumers to comply with the law by visiting Defendants' various websites, including but not limited to UCRRegistration.com and UCRFilings.com.

34. The landing pages of Defendants' advertised websites reinforce the consumers' initial impression that Defendants are, or are affiliated with, the USDOT or another official government authority, and repeat the threats of imminent enforcement and civil penalties for non-compliance typically found in Defendants' telephone, email, and text messages.

35. For example, the landing pages for UCRRegistration.com and UCRFilings.com include the two-toned, green and yellow map of the United States, which mimics the map that appeared on the official UCR registration website operated by the State of Indiana until August 2015. UCRRegistration.com also prominently displays a picture of the United States Capitol.

36. The top of the landing webpages for UCRRegistration.com and UCRFilings.com also prominently display in bright text hyperlinks or a button labeled "Register Now" that redirect consumers to Defendants' online ordering webpages. Buried in fine print at the very bottom of the landing webpages, appears the sole reference to Defendants' status as a third party. Not only is the purported disclaimer difficult to find, it is confusing and stands in direct contradiction to the false representation of government affiliation Defendants have created through the language, formatting, and depictions used in Defendants' communications with consumers.

37. The UCRRegistration.com and UCRFilings.com websites each has a webpage link entitled "About UCR". The "About UCR" webpages prominently display multiple hyperlinks in large, underlined text that redirect consumers to Defendants' online ordering

webpages, and display a table of UCR fees. The table provides the total amount charged by Defendants for UCR registration.

38. While Defendants' "About UCR" webpages disclose the total fees charged, these pages never disclose that Defendants charge a service fee *plus* the actual registration fees the government charges. Defendants' hidden UCR service fees can cost consumers anywhere from \$100 to \$550 or more, depending on the number of vehicles registered.

39. Buried in fine print at the very bottom of the "About the UCR" link and visible only to those who scroll beneath the table of fees is a purported disclaimer like the one found at the bottom of Defendants' landing webpages.

#### **Defendants' Biennial Report Messages and Websites**

40. Just as with Defendants' campaigns to deceive consumers into paying them for UCR registrations, Defendants use robocall and email messages to induce consumers to pay them for filing Biennial Reports.

41. Defendants use language suggesting they are or are affiliated with a government agency, such as identifying themselves as DOTAuthority.com, "Biennial Report Unit reports@dotauthority.com", or "DOT Authority Biennial Report Unit"; citing to legal requirements; or providing a telephone number with a Washington, DC area code for consumers to call (although none of Defendants' operations is, or has been, based in the District of Columbia).

42. None of Defendants' Biennial Report robocall, email, or text messages disclose the existence of Defendants' \$25 fee for filing a Biennial Report or the fact that consumers can file a Biennial Report for free through the FMCSA's website.

43. Defendants' Biennial Report messages include threats of law enforcement action, stating:

- a. In robocalls, that “[f]ailure to complete the biennial MCS-150 report may result in deactivation of your DOT number and civil penalties of up to \$10,000” and “biennial report enforcement began last year”, and that “DOT is currently deactivating DOT numbers monthly and issuing civil penalties up to \$1,000 per day”;
- b. In some emails, that “motor carriers subject to the jurisdiction of USDOT are required to update their carrier profile every two years pursuant to Federal Regulation 49 CFR 390.19 by filing a Biennial Update”, and that “failure to complete a Biennial Update . . . may result in deactivation of your USDOT number and civil penalties of up to \$1,000 per day, not to exceed \$10,000”; and
- c. In other emails, identifying the subject as “DOT AUTHORITY WARNING: USDOT Numbers are being revoked if Biennial Reports are not filed timely” (emphasis in original); stating that “Biennial Report Enforcement began on March 1, 2014 and is ongoing...”; and that “[u]nder URS, failure to complete a Biennial Update . . . may result in deactivation of your USDOT number and civil penalties of up to \$1,000 per day, not to exceed \$10,000”.

44. In some instances, Defendants' Biennial Report email messages state or imply that the recipient is receiving the email because the recipient has filed a Biennial Report through Defendants in the past and/or because the recipient has a USDOT number.

45. Defendants urge consumers to file their Biennial Reports through the “online registration assistant” available at “USDOTreport.com.”

46. Defendants make no direct statement to correct the false representation that Defendants are a government agency or an agency affiliated with the government. Instead, inconspicuously placed toward the end of their Biennial robocall and email messages, Defendants simply characterize themselves as “a service provider.” Defendants’ purported disclosures fail to alter the net impression created by Defendants’ false representations about their government affiliation.

47. Consumers who call (202) 521-1482, the Washington, DC telephone number provided in Biennial Report robocalls, do not reach a live representative. Instead, callers reach “the DOT Authority Biennial Report Hotline,” a recorded message that ostensibly provides “information on enforcement actions available to the USDOT” and uses confusing legal jargon and citations to federal regulations to describe the Biennial Report requirements and “civil penalties” for failure to comply.

48. In many instances, consumers who receive Defendants’ UCR or Biennial Report robocalls, emails, and text messages are convinced that Defendants are, or are affiliated with, the USDOT or other government authority.

49. These consumers have followed instructions to visit UCRRegistration.com and USDOTreport.com, among other websites, and paid the fees that Defendants charge for UCR and Biennial Report filings.

**SafeRenew: Defendants' Automatic Renewal Scheme**

50. Many consumers who pay Defendants' UCR fees online are automatically enrolled, without their knowledge or consent, in "SafeRenew," Defendants' annual renewal program for UCR registration fees.

51. According to the terms of Defendants' SafeRenew program, each year Defendants will automatically charge UCR registration fees to enrolled consumers. To avoid this automatic renewal and further charges to their credit cards, consumers must affirmatively cancel the subscription by sending an email to Defendants by September 30 of that year.

52. This automatic renewal of consumers' UCR fees is a form of negative option marketing.

53. Defendants do not clearly and conspicuously disclose this automatic negative option feature before obtaining consumers' billing information. The fact that a consumer's UCR fees will be automatically renewed each year is disclosed only in the fine print appearing at the bottom of Defendants' websites (*e.g.*, UCRRegistration.com and UCRFilings.com). Only consumers who visit Defendants' websites and carefully scroll down near the bottom of the landing and "About UCR" webpages can view Defendants' purported disclosure.

54. Consumers who receive Defendants' unsolicited email messages, and click on the hyperlinks to Defendants' UCR online ordering webpages, bypass Defendants' websites (and the SafeRenew fine print) entirely. Those consumers reach online ordering webpages that do not provide clear and conspicuous disclosure of the SafeRenew terms and conditions.

55. Defendants fail to obtain the express informed consent of consumers to the terms of SafeRenew before obtaining consumers' billing information. Instead, the SafeRenew

enrollment option is pre-selected in Defendants' online ordering webpages, as described below in Paragraph 59.

56. Defendants also do not provide consumers with a simple mechanism to stop the otherwise recurring charges. In numerous instances, consumers have had difficulty canceling their SafeRenew enrollment with Defendants. In some instances, Defendants continue to rebill consumer accounts automatically even after those consumers have contacted Defendants to opt out of SafeRenew.

### **Defendants' Online Ordering Webpages**

57. Through hyperlinks in email messages and on websites, Defendants have directed consumers to various online ordering webpages or "shopping carts." These online ordering webpages include, but are not limited to, those entitled "UCR Filings," "On-Line Registration," "DOT Filings," and "DOTFilings.com."

58. Defendants' online ordering webpages vaguely reference "non-refundable third party processing", but never make any statements clarifying their status as a third party or disclosing the fact that they are not a government agency.

59. Moreover, the default settings of Defendants' online UCR ordering webpages are set to automatically "accept" or otherwise "opt in" to SafeRenew. Consumers are not required to take an affirmative step to demonstrate their consent to Defendants' online negative option offer.

60. Defendants' online ordering webpages fail to inform consumers of all the material terms and conditions of SafeRenew.

61. In numerous instances, consumers who have paid Defendants' UCR fees online are unaware that Defendants automatically enrolled them in SafeRenew.



### **Defendants' Hidden Service Fees**

62. Like Defendants' "About UCR" webpages described above, Defendants' online ordering pages also fail to disclose the service fees charged by Defendants. Consumers who believe Defendants are affiliated with the USDOT or another government authority are convinced that the fees charged are the actual fees owed to the USDOT or another government authority, rather than a combination of the Defendants' service fees *plus* actual fees owed to the USDOT.

63. For UCR filings, Defendants typically charge from \$100 to \$550 or more in "service fees" above the registration fees required by the government.

64. For Biennial Reports, Defendants charge consumers at least \$25 for downloading a MCS-150 report form from Defendants' "online registration assistant". In many instances, once consumers pay, they receive a .pdf version of the MCS-150 form that the consumer must print out and fax or mail to the FMCSA. In contrast, the FMCSA's website enables consumers to file an initial or updated MCS-150 form electronically for free.

65. As described above, Defendants' robocalls, unsolicited email messages, text messages, websites, and online ordering webpages have deceived and frightened thousands of consumers into paying the fees charged by Defendants.

### **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

66. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

67. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

## COUNT I

### Misrepresentations Regarding Defendants' Government Affiliation

68. In numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of their motor carrier registration services, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. Defendants are, or are affiliated with, the USDOT or another government authority; or
- b. In light of Paragraph 68(a), the fees advertised by Defendants are the actual fees owed to the USDOT or another government authority.

69. In truth and in fact, in numerous instances in which Defendants have made the representations set forth in Paragraph 68 of this Complaint,

- a. Defendants were not affiliated with the USDOT or another government authority; and
- b. The fees advertised by Defendants were not the actual fees owed to USDOT or another government authority.

Therefore, Defendants' representations as set forth in Paragraph 68 of this Complaint are false or misleading and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

## COUNT II

### Failure to Adequately Disclose Automatic Renewal Terms

70. In numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of their UCR registration services, Defendants have represented, directly

or indirectly, expressly or by implication, that consumers who enter their billing information into Defendants' online ordering webpages are paying the current year's registration.

71. In numerous instances in which Defendants have made the representation set forth in Paragraph 70 of this Complaint, Defendants have failed to disclose, or disclose adequately, to consumers the material terms and conditions of the offer, including:

- a. That Defendants automatically enroll consumers in a negative option plan under which Defendants will continue to charge them UCR fees annually;
- b. That consumers must affirmatively cancel the negative option plan by September 30 of the next year to avoid additional charges; and
- c. The affirmative steps consumers must take to cancel the negative option plan to avoid additional charges.

72. Defendants' failure to disclose, or disclose adequately, to consumers the material information described in Paragraph 71 above, in light of the representation described in Paragraph 70 above, constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

#### **VIOLATIONS OF THE RESTORE ONLINE SHOPPERS' CONFIDENCE ACT**

73. In 2010, Congress passed the Restore Online Shoppers' Confidence Act, 15 U.S.C. §§ 8401 *et seq.*, which became effective on December 29, 2010. Congress passed ROSCA because "[c]onsumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers' business." Section 2 of ROSCA, 15 U.S.C. § 8401.

74. Section 4 of ROSCA, 15 U.S.C. § 8403, generally prohibits charging consumers for goods or services sold in transactions effected on the Internet through a negative option feature, as that term is defined in the Commission’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. § 310.2(w), unless the seller (1) clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer’s billing information, (2) obtains the consumer’s express informed consent before making the charge, and (3) provides a simple mechanism to stop recurring charges. *See* 15 U.S.C. § 8403.

75. The TSR defines a negative option feature as a provision in an offer or agreement to sell or provide any goods or services “under which the consumer’s silence or failure to take an affirmative action to reject goods or services or to cancel the agreement is interpreted by the seller as acceptance of the offer.” 16 C.F.R. § 310.2(w).

76. As described in Paragraphs 50-61 above, Defendants have advertised and sold Defendants’ UCR filing services to consumers through a negative option feature as defined by the TSR. 16 C.F.R. § 310.2(w).

77. Pursuant to Section 5 of ROSCA, 15 U.S.C. § 8404, a violation of ROSCA is a violation of a rule promulgated under Section 18 of the FTC Act, 15 U.S.C. § 57a regarding unfair or deceptive acts or practices. The FTC enforces ROSCA in the same manner, by the same means, and with the same jurisdiction, powers, and duties as under the FTC Act, 15 U.S.C. 41 *et seq.*

### **COUNT III**

#### **Illegal Negative Option Marketing**

78. In numerous instances in connection with the sale of their online UCR registration service that includes annual automatic renewal through a negative option feature, Defendants

have failed to:

- a. Clearly and conspicuously disclose all material terms of the transaction before obtaining the consumers' billing information;
- b. Obtain a consumers' express informed consent before charging the consumers' credit card, debit card, bank account, or other financial account for the UCR registration service; and/or
- c. Provide consumers with a simple mechanism by which consumers can stop recurring charges for the automatic renewal from being placed on their credit card, debit card, bank account, or other financial account.

79. Defendants' acts or practices, as described in Paragraph 78, above, constitute a violation of Section 4 of ROSCA, 15 U.S.C. § 8403.

#### **CONSUMER INJURY**

80. Consumers have suffered and will continue to suffer substantial injury as the result of Defendants' violations of the FTC Act and ROSCA. In addition, Defendants have been unjustly enriched as the result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

#### **THIS COURT'S POWER TO GRANT RELIEF**

81. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b) empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and

remedy any violation of any provision of law enforced by the FTC.

82. Section 5 of ROSCA, 15 U.S.C. § 8404 authorizes this Court to grant such relief as the Court finds necessary to redress injury to consumers or other persons resulting from Defendants' violations of ROSCA, including the rescission and reformation of contracts, and the refund of money.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and Section 5 of ROSCA, 15 U.S.C. § 8404, and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including but not limited to, temporary and preliminary injunctions, an order freezing assets, and appointment of a receiver;

B. Enter a permanent injunction to prevent future violations of the FTC Act and ROSCA by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and disgorgement of ill-gotten monies; and

D. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated: September 13, 2016

Respectfully submitted,

DAVID C. SHONKA  
Acting General Counsel

/s/ Karen S. Hobbs  
KAREN S. HOBBS (Special Bar #A5501155)  
DANIELLE ESTRADA (Special Bar #A5502232)  
CONNELL MCNULTY (Special Bar #A5502233)  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Mail Stop CC-8528  
Washington, D.C. 20580  
Telephone: 202-326-3587 (Hobbs)  
Telephone: 202-326-2630 (Estrada)  
Telephone: 202-326-2061 (McNulty)  
Facsimile: 202-326-3768  
Email: khobbs@ftc.gov; destrada@ftc.gov;  
pmcnulty@ftc.gov;  
*Attorneys for Plaintiff Federal Trade Commission*

**ORIGINAL**

**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

MATTER NO. 1523157

TITLE DOTAUTHORITY.COM

DATE RECORDED: OCTOBER 13, 2015  
TRANSCRIBED: OCTOBER 26, 2015

PAGES 1 THROUGH 6

AUTOMATED MESSAGE LEFT BY DOTAUTHORITY.COM  
uer robo call

For The Record, Inc.  
(301) 870-8025 - [www.ftrinc.net](http://www.ftrinc.net) - (800) 921-5555

Exhibit A



FEDERAL TRADE COMMISSION

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

RECORDING:

Automated message left by DOTAuthority.com

PAGE:

4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FEDERAL TRADE COMMISSION

In the Matter of:	)	
DOTAUTHORITY.com	)	Matter No. 1523157
	)	
-----	)	

October 13, 2015

The following transcript was produced from a digital recording provided to For The Record, Inc. on October 19, 2015.

For The Record, Inc.  
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**P R O C E E D I N G S**

- - - - -

PREAMBLE: This voicemail was left at our number [REDACTED] on Tuesday, October 13, 2015, at 1:40 p.m. I captured the time the message was left in the recording. I believe our DOT number is [REDACTED].

---

**AUTOMATED MESSAGE LEFT BY DOTAUTHORITY.COM**

RECORDING: -- is an important message from the DOTAuthority Compliance Unit regarding 2016 unified carrier registration. UCR is a federally mandated annual state-administered registration program. Compliance is mandatory for all interstate motor carriers, property brokers, freight forwarders and leasing companies involved in interstate commerce.

Effective October 1st, UCR is now due for the 2016 calendar year. To register online through our website, please visit [www.ucrregistration.com](http://www.ucrregistration.com). Again, that website address is [www.ucrregistration.com](http://www.ucrregistration.com).

UCR must be filed no later than December 31st, 2015. Enforcement will begin promptly on January 1st. Civil penalties for failure to register for UCR in certain jurisdictions are \$1,100 for first-time offenses. In some states, civil penalties can be assessed per day. Our website address is [www.ucrregistration.com](http://www.ucrregistration.com).

For The Record, Inc.  
(301) 870-8025 - [www.ftrinc.net](http://www.ftrinc.net) - (800) 921-5555

1 For more information, call 202-521-1484.

2 Again, that number is 202-521-1484.

3 To register for 2016 UCR online, please visit  
4 [www.ucrregistration.com](http://www.ucrregistration.com). Again, that's  
5 [www.ucrregistration.com](http://www.ucrregistration.com).

6 Please note DOTAuthority is a service provider  
7 duly registered with the National UCR System. Thank you  
8 for your compliance and have a nice day.

9 RECORDING: End of message.

10 To erase this message, press seven. To save  
11 it, press nine. For more options, press zero.

12 (Number pressed.)

13 RECORDING: Saved message. Left on Tuesday at  
14 1:40 p.m. Message is 1 minute and 47 seconds long.

15 End of message.

16 To erase this message, press seven. To save  
17 it, press nine.

18 **(The message was concluded.)**

19 **(The recording was concluded.)**

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T I O N   O F   T Y P I S T

MATTER NUMBER: 1523157  
CASE TITLE: DOTAUTHORITY.COM  
TAPING DATE: OCTOBER 13, 2015  
TRANSCRIPTION DATE: OCTOBER 26, 2015

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

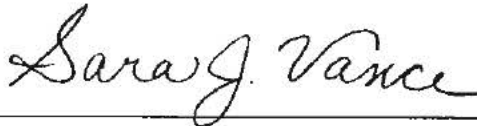
DATED: OCTOBER 26, 2015



ELIZABETH M. FARRELL

C E R T I F I C A T I O N   O F   P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.



SARA J. VANCE

**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

MATTER NO. 1523157

TITLE DOTAUTHORITY.COM

DATE RECORDED: MAY 20, 2015  
TRANSCRIBED: JUNE 5, 2015

PAGES 1 THROUGH 6

AUTOMATED MESSAGE LEFT BY DOTAUTHORITY.COM  
WS600265

*CS*

For The Record, Inc.  
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Exhibit B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FEDERAL TRADE COMMISSION

I N D E X

RECORDING: PAGE:  
Automated message left by DOTAuthority.com 4

FEDERAL TRADE COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

In the Matter of: )  
DOTAUTHORITY.com ) Matter No. 1523157  
)  
-----)

May 20, 2015

The following transcript was produced from a digital recording provided to For The Record, Inc. on May 27, 2015.

For The Record, Inc.  
(301) 870-8025 - www.ftrinc.net - (800) 921-5555



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

- - - - -

MS. JONES: Today is May 20th, 2015. The time is approximately 1341. I am -- oh, sorry, 14 -- 1441. I am speaking with [REDACTED] Inc., here in Washington, D.C., and she received a voice message on approximately March 4th of 2015, and we are going to record that message.

---

**AUTOMATED MESSAGE LEFT BY DOTAUTHORITY.COM**

RECORDING: Hello, this is an important message regarding your United States Department of Transportation motor carrier number. Under 49 CFR 390.19, all interstate vehicles over 10,000 pounds must display an active DOT number. Motor carriers must update their DOT profile by filing a biennial report MCS-150 form once every two years in accordance with the published DOT filing schedule. You must do this even if your company has not changed its information, has changed from operating across state lines to only within your state or is no longer in business, in which case you must file a final report under the unified registration system.

Failure to complete the biennial MCS-150 report may result in deactivation of your DOT number and civil penalties of up to \$10,000. Please be advised that

For The Record, Inc.  
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

1 biennial report enforcement began last year. DOT is  
2 currently deactivating DOT members monthly and issuing  
3 civil penalties up to \$1,000 per day.

4 To file your report now through our automated  
5 online registration assistant, please visit  
6 [www.USDOTreport.com](http://www.USDOTreport.com). Again, you may file online by  
7 visiting [www.USDOTreport.com](http://www.USDOTreport.com).

8 Once you download and complete the report form,  
9 you may fax it to 703-280-4003. For more information,  
10 you may call our information line 202-521-1482, or visit  
11 [www.USDOTreport.com](http://www.USDOTreport.com).

12 DOTAuthority.com is a service provider.  
13 Automated service fees apply.

14 **(The message was concluded.)**

15 MS. JONES: This concludes the taping session.  
16 This is Carol Jones, investigator.

17 **(The recording was concluded.)**

18

19

20

21

22

23

24

25

For The Record, Inc.  
(301) 870-8025 - [www.ftrinc.net](http://www.ftrinc.net) - (800) 921-5555

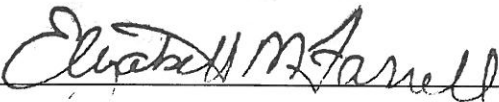
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T I O N   O F   T Y P I S T

MATTER NUMBER: 1523157  
CASE TITLE: DOTAUTHORITY.COM  
TAPING DATE: MAY 20, 2015  
TRANSCRIPTION DATE: JUNE 5, 2015

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

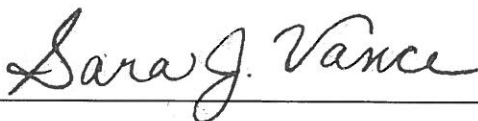
DATED: JUNE 5, 2015



ELIZABETH M. FARRELL

C E R T I F I C A T I O N   O F   P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.



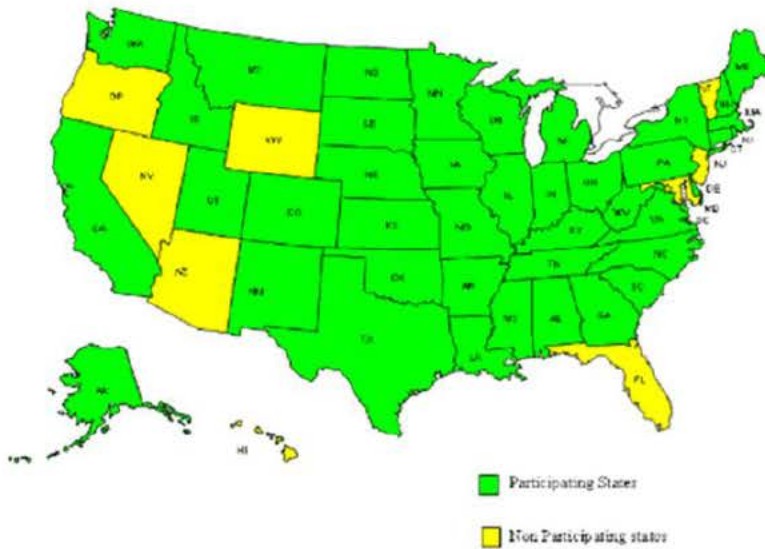
SARA J. VANCE

**From:** UCR Compliance Unit [<mailto:compliance@multi72.postfix.bmsend.com>] **On Behalf Of** UCR Compliance Unit  
**Sent:** Friday, February 21, 2014 4:58 AM  
**To:** █████@█████.COM  
**Subject:** THIS NOTICE WILL CONTINUE TO BE SENT BY THE SYSTEM UNTIL OPENED: NOTICE OF CURRENT & PAST YEAR UCR ENFORCEMENT THROUGH ROADSIDE INSPECTIONS & AUDITS

Having trouble viewing this email? [click here](#)

## NOTICE OF CURRENT & PAST YEAR UCR ENFORCEMENT THROUGH ROADSIDE INSPECTIONS & AUDITS

UCRA



*You are receiving this email because you have a USDOT Number and/or have filed for UCR through our website in the past.*

**IF YOU HAVE ALREADY COMPLIED WITH CURRENT YEAR (2014) AND PAST YEAR (2012 & 2013) UNIFIED CARRIER REGISTRATION (UCR), PLEASE DISREGARD THE FOLLOWING NOTICE:**

As you know, Unified Carrier Registration (UCR) is a federally-mandated, state-administered and enforced registration program for regulated entities operating in

INTERstate commerce required under  
Federal Law: 49 U.S.C. § 14504a.

**Compliance is MANDATORY for all INTERstate motor carriers, property brokers, forwarders and leasing companies involved in INTERstate commerce.**

Current year 2014 enforcement is currently being determined through roadside inspections. Roadside Enforcement began on January 1st, 2014.

The UCR Board of Directors has directed state agencies to **determine past year non-compliance with UCR by conducting compliance audits of interstate motor carriers' operations.**

If your "MCS-150 Form Date" and "MCS-150 Mileage (Year)" data in the Company Snapshot module of the OFFICIAL USDOT SAFER SYSTEM show that you operated in interstate commerce in 2012 and/or 2013 and you did not register with UCR for either or both of these years, your failure to register may **trigger a compliance audit**, which will necessitate a **visit to your place of business by a government or contracted auditor**. Pursuant to 49 C.F.R. 390.29, such visits are usually announced only upon **48 hours notice** and you must hold your records open to inspection by the auditor.

Enforcement during an audit can result in liability for UCR fees as well as punitive **CIVIL PENALTIES** for non-compliance.

**Civil Penalties in certain jurisdictions are \$1,100 for first time offenses and up to \$5,000 for repeat offenses. Civil penalties may be issued as a single violation for the entire year or there may be separate violations for every day of the year that the company was operational and transported a load in INTERstate commerce, depending on state law.**

The National UCR Administrator tracks non-compliance by carrier, state and year.

The latest non-compliance percentages and statistics by state for UCR Year 2014 are published [here](#).

The latest non-compliance percentages and statistics by state for UCR Year 2013 are published [here](#).

The latest non-compliance percentages and statistics by state for UCR Year 2012 are published [here](#).

You may look up your UCR compliance record by USDOT, MC or FF Number [here](#):

To avoid the scheduling of an audit and/or issuance of civil penalties during roadside

inspections you may register as follows...

### 2014 UCR

Click Here to Register for Current Year  
2014 UCR Online through our website now:

<http://www.1shoppingcart.com/SecureCart/SecureCart.aspx?mid=627C877E-D8D0-4B56-84F8-8534615D1BFA&pid=d8eae07691fe4dd7829dde1ba583618f>

### 2013 UCR

Click Here to Register for Past Year  
2013 UCR Online through our website now:

<http://www.1shoppingcart.com/SecureCart/SecureCart.aspx?mid=627C877E-D8D0-4B56-84F8-8534615D1BFA&pid=37666eb78a6c4cf19c1ed9062ea4944d>

### 2012 UCR

Click Here to Register for Past Year  
2012 UCR Online through our website now:

<http://www.1shoppingcart.com/SecureCart/SecureCart.aspx?mid=627C877E-D8D0-4B56-84F8-8534615D1BFA&pid=430cf69395be47978536327135806184>

*Please do not file for Federal UCR if you stay  
within your state and do not cross state lines.*

For more information about UCR, visit:

<http://www.UCRfilings.com>

Or, call our Pre-recorded Information Line:  
(202) 521-1484

\*\*\*\*\*

Sincerely,

DOTAuthority.com

Compliance Unit

[Compliance@dotauthority.com](mailto:Compliance@dotauthority.com)

DOTAuthority.com is a compliance service provider

duly registered with the National UCR system.

*DOTAuthority.com is a service provider duly registered with the Official National UCR system.*

This message was sent to [REDACTED]@[REDACTED].COM by [compliance@dotauthority.com](mailto:compliance@dotauthority.com)  
[Unsubscribe](#) | [Manage Subscription](#) | [Forward Email](#) | [Report Abuse](#)

PO Box 480360, Ft Lauderdale, FL, 33348



This email has been sent from a virus-free computer protected by Avast.  
[www.avast.com](http://www.avast.com)

**From:** DOTAuthority Compliance Unit [<mailto:compliance@bmsend.com>] **On Behalf Of** DOTAuthority Compliance Unit  
**Sent:** Tuesday, January 29, 2013 8:29 AM  
**To:** [REDACTED]@[REDACTED].COM  
**Subject:** USDOT MCS-150 Biennial Report Notice

Having trouble viewing this email? [click here](#)

## USDOT MCS-150 Biennial Report Notice



**Dear Interstate Motor Carrier:**

Under Federal U.S.D.O.T. Regulations (49 C.F.R. 390.19), all active motor carriers conducting operations in interstate commerce must file an MCS-150 "Motor Carrier Identification Report" at least once every two years ("Biennial Report").

You are receiving this email because you have a U.S.D.O.T. Number and/or have filed your MCS-150/Biennial Report through DOTAuthority.com in the past.

You can follow these easy steps to check your Official U.S.D.O.T. Compliance record to see if you are due to file an MCS-150/Biennial Report:

1. Visit: <http://www.safersys.org/CompanySnapshot.aspx>
2. Enter your USDOT Number and click "search"
3. Scroll down and look for your last "MCS-150 Form Date"

If the date is more than two years old, you should immediately file a Biennial Report.

If you have ceased operations, you should immediately file an MCS 150 update and indicate you are out-of-business to eliminate ongoing liability for Unified Carrier Registration ("U.C.R.").

If the number of interstate vehicles on your current U.S.D.O.T. record is different than the number reported to the U.C.R. system, we recommend



you **immediately** file an MCS 150 update to avoid a **mismatch audit**.

**Compliance with 49 C.F.R. 390.19 is MANDATORY. Roadside enforcement is currently in progress and can result in the issuance of notices of violation that carry civil penalties of up to \$5,000 for repeated violations in certain jurisdictions.**

If you would like to file your MCS-150/Biennial Report online through DOTAuthority.com, please visit:

<http://www.mcs150update.com>

Thank you.

Sincerely,

DOTAuthority.com Compliance Unit  
[compliance@dotauthority.com](mailto:compliance@dotauthority.com)

**NOTE: THIS IS A MASS MAILING. IF YOU HAVE ALREADY COMPLIED WITH YOUR MCS-150 BIENNIAL REPORT FILINGS REQUIREMENTS, PLEASE DISREGARD THIS NOTICE.**

Excelsior

DOTAuthority.com is a service provider. Service fees apply.

This message was sent to [REDACTED]@[REDACTED].COM by [compliance@dotauthority.com](mailto:compliance@dotauthority.com)  
[Unsubscribe](#) | [Manage Subscription](#) | [Forward Email](#) | [Report Abuse](#)



PO Box 480340, Ft Lauderdale, FL, 33348



This email has been sent from a virus-free computer protected by Avast.  
[www.avast.com](http://www.avast.com)