

MEMORANDUM OF UNDERSTANDING

ON THE ESTABLISHMENT OF A JOINT VENTURE BETWEEN

**THE TORONTO POLICE SERVICE, MINISTRY OF CONSUMER SERVICES,
COMPETITION BUREAU CANADA, UNITED STATES FEDERAL TRADE
COMMISSION – BUREAU OF CONSUMER PROTECTION, THE UNITED
STATES POSTAL INSPECTION SERVICE, THE ONTARIO PROVINCIAL
POLICE, THE ROYAL CANADIAN MOUNTED POLICE – GREATER
TORONTO AREA COMMERCIAL CRIME SECTION, MINISTRY OF
REVENUE, AND U.K. OFFICE OF FAIR TRADING**

ON THE ENFORCEMENT OF DECEPTIVE MARKETING PRACTICES LAWS

Whereas, in recognition of the great consumer and business harm that flows from fraudulent, deceptive, and misleading marketing practices, the Government of the United States of America and the Government of Canada entered into an agreement (“the Agreement”) on August 3, 1995 which among other things, called for establishing a “framework for cooperation and coordination with respect to enforcement of deceptive marketing practices laws”;

Whereas, pursuant to the Agreement, the United States and Canada on September 10, 1996 established a U.S.-Canadian Task Force on Cross-Border Deceptive Marketing Practices to promote cooperation between law enforcement authorities in the U.S. and Canada respecting deceptive marketing practices with a cross-border component, and directed it to explore methods to improve cross-border information sharing and to seek to involve federal, state, provincial, and local law enforcement authorities in cooperative efforts it developed;

Whereas, in April 1997, President Clinton and Canadian Prime Minister Chretien established a United States-Canada Working Group on Telemarketing Fraud (“Working Group”) and directed it to prepare a report of ways to counter the serious and growing problem of deceptive cross-border telemarketing;

Whereas, the Working Group’s Report recognized that cooperation and sharing accurate information allows law enforcement agencies to avoid effort duplication and more quickly identify and prosecute ongoing fraud, deception, and misleading marketing practices, and recommended expanding access to such information;

Whereas, the United States Federal Trade Commission, Her Majesty’s Secretary of State for Trade and Industry and the Office of Fair Trading in the United Kingdom executed a Memorandum of Understanding on 31 October 2000 regarding mutual enforcement assistance in consumer protection matters;

Whereas, the Commissioner of Competition of the Government of Canada, Her Majesty's Secretary of State for Trade and Industry and the Office of Fair Trading in the United Kingdom executed a cooperation arrangement, on 14 October 2003, regarding the application of their competition and consumer laws recognizing that cooperation in, and the coordination of enforcement activities may, in appropriate cases, result in a more effective resolution of their respective competition and consumer law issues that would be attained through independent action;

Whereas, cooperation and information sharing pursuant to these efforts has resulted in a substantial number of law enforcement actions with a cross-border component, to the benefit of consumers and businesses in the United States and Canada;

Now therefore, to continue and improve these successful information sharing and cooperative law enforcement efforts, and to the extent consistent with their laws, enforcement policies, and information sharing restrictions,¹ the Toronto Police Service, the Ministry of Consumer Services, Competition Bureau Canada, the United States Federal Trade Commission – Bureau of Consumer Protection, the United States Postal Inspection Service, the Ontario Provincial Police, the Royal Canadian Mounted Police – Greater Toronto Area Commercial Crime Section, Ministry of Revenue, and U.K. Office of Fair Trading (the “Parties”) intend to continue their joint venture and understand as follows:

1. The primary purpose of this joint venture is to coordinate law enforcement activities among the Parties, to identify fraudulent, deceptive and misleading marketing practices with an Ontario nexus, to facilitate information sharing among the Parties and to support each other's law enforcement actions against persons and entities that engage in various types of deceptive marketing practices consistent with their laws, priorities and resources.
2. The Parties comprise the core membership of the joint venture. To better coordinate the work of the joint venture, each Party may designate representatives to serve on a steering committee, which will use best efforts to hold periodic teleconferences. The purpose of these teleconferences, at which one or two representatives from each Party are expected to participate, is to plan and organize meetings of the joint venture (which will continue to be held quarterly or as otherwise agreed). The Parties intend that the steering committee determine by consensus any membership, logistical, resource, and organizational issues consistent with this Memorandum of Understanding. Any Party may nominate a law enforcement agency to join the core membership of the joint venture, subject to a consensus approval by the steering committee. The Parties intend that core membership be reserved for law enforcement agencies with a law enforcement role that covers a large part of the work of the joint venture, and that intend to

¹ With respect to Competition Bureau Canada, see 1995 *Agreement Between The Government of The United States of America and The Government of Canada Regarding The Application of Their Competition and Deceptive Marketing Practices Laws*, Article X.

contribute broadly to the joint venture in a measure equivalent to that of the Parties.

3. The Parties also recognize the critical role played by other law enforcement agencies cooperating with the joint venture in particular matters, including those with a law enforcement role that covers only a limited part of the work of the joint venture and those able to contribute only more limited resources. To acknowledge and facilitate such important contributions, any Party may nominate a law enforcement agency to join the joint venture as an associate member, subject to consensus approval by the steering committee. The Parties intend that any offer of associate membership be based on an understanding that, unless otherwise agreed, the associate member will seek to the fullest extent possible to maintain the confidentiality of any information communicated to it in confidence by any Party or associate member in connection with the joint venture.
4. The Toronto Police Service, the Ministry of Consumer Services, Competition Bureau Canada, the Ontario Provincial Police, the Royal Canadian Mounted Police – Greater Toronto Area Commercial Crime Section, and Ministry of Revenue will each use best efforts to contribute certain resources to create together an office to collect and share information and help coordinate law enforcement actions among the Parties.
5. The Federal Trade Commission will use best efforts to provide a computer, appropriate data analysis in support of the joint venture, and reasonable investigative and financial support to help locate, interview and, in appropriate cases, bring American witnesses to law enforcement proceedings with an Ontario nexus brought by the other Parties.
6. The United States Postal Inspection Service will, as appropriate, use best efforts to invoke its civil and/or criminal law enforcement authority respecting the mail, including: exploring the applicability of its authority to seize and return mail; assist with verifying addresses and eliciting information about use of commercial mail receiving agencies; provide investigative help in the United States, and where appropriate, in Canada to further the goals of the joint venture; and otherwise support the joint venture in appropriate ways.
7. The Office of Fair Trading in the United Kingdom will, if within its civil powers to do so, use best efforts to provide, where appropriate, information and complaints to support the joint venture. It will also, if within its civil powers to do so and where appropriate, use best efforts to provide reasonable investigative and financial support to help locate, interview and bring U.K. witnesses of deceptive and misleading marketing practices, in person or by video link, to Canadian or United States law enforcement proceedings with an Ontario nexus brought by the other Parties.

8. The Parties will, as appropriate, use best efforts to develop and engage in joint investigations of deceptive marketing practices involving companies in Ontario targeting residents of the United States or United Kingdom as well as companies in the United States or United Kingdom targeting residents of Ontario.
9. The Parties will continue to meet on a regular basis to develop, evaluate, and coordinate their law enforcement strategies and techniques. The Parties intend that each meeting include a session limited to the Parties, associate members, and other appropriate law enforcement agencies, in order to allow for the confidential discussion of particular cases. The Parties intend that such discussions be treated as confidential, to the fullest extent pennined by their respective laws. Each Party will devote adequate resources, as appropriate to the development of this joint venture.
10. The Parties will also cooperate and coordinate with any appropriate law enforcement agencies.
11. Nothing in this Understanding will require a Party to take any action, or to refrain from acting, in a manner inconsistent with existing law, or will require any change in the law of Canada, the United States, or the United Kingdom.
12. Unless otherwise agreed by the Parties, each Party will, to the fullest extent possible, seek to maintain the confidentiality of any information communicated to it in confidence by any other Party.

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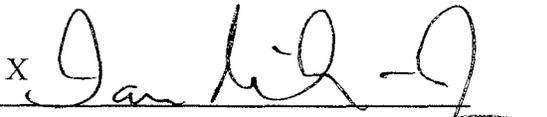


William Blair
Chief of Police
Toronto Police Service

Dated:

2009.11.04

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Ian Neilsen-Jones
Assistant Deputy Commissioner of Competition
Competition Bureau Canada, Ontario Region

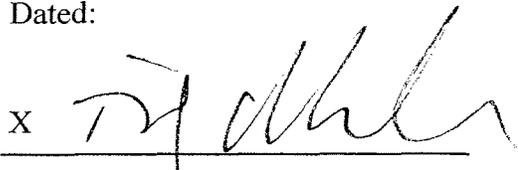
Dated: 17-11-2009

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Debra A. Harris
Acting Inspector in Charge
Criminal Investigation Group
United States Postal
Inspection Service

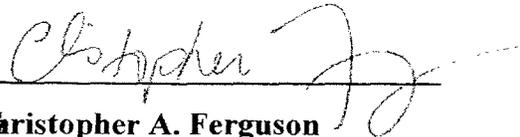
Dated:

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David Vladeck
Director
Bureau of Consumer Protection
U.S. Federal Trade Commission

Dated:

X 

Christopher A. Ferguson
Director Consumer Protection Branch
~~Marketplace Standards and Services~~
Branch
Ministry of Consumer Services

Dated: Nov 12/09

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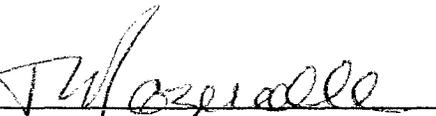
Heather Clayton
Senior Director, Consumer Markets
U.K. Office of Fair Trading

Dated:

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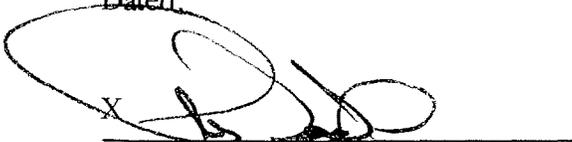
Vince Hawkes
Deputy Commissioner
Provincial Commander of
Investigation & Organized Crime
Ontario Provincial Police

Dated: 09 Dec 09

X 

Norm Mazerolle 09-12-21
Chief Superintendent
OIC "C" Division
Criminal Operations
Royal Canadian Mounted Police

Dated:

X 

Peter Deschamps
Director
Special Investigations Branch
Ministry of Revenue

Dated: 11/13/09



Toronto Police Service

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Website: www.TorontoPolice.on.ca



William Blair
Chief of Police

File Number:

November 06, 2009

Dear Partners:

Please find enclosed the newest Memorandum of Understanding for the Toronto Strategic Partnership which has been signed by the Toronto Police Service, Chief of Police, William Blair.

The only change made is the addition of the "Ministry of Revenue" named in paragraph 8 and section 4 where the agencies involved are listed. There are no other changes and this is the same document traditionally used in the past.

Please read and sign the document and return to the attention of Catrina Marley by courier, at your earliest convenience, so we may forward it on to the next partner. Once everyone has signed the document, a copy will be forwarded to each agency for your files.

MAILING ADDRESS:

Catrina Marley
Toronto Police Service, Fraud Squad
40 College Street, 3rd Floor
Toronto, Ontario
Canada M5G 2J3

Sincerely,

S. Grosvenor
Staff Inspector
Toronto Police Service
Fraud Squad
SG/cm