

Affidavit of Scott Zuckerman

I, **Scott Zuckerman**, hereby affirm the following under penalty of perjury:

1. **No Consumer Harm Occurred** – At no point during my ownership of **Support King, LLC** was there any documented consumer harm, complaints, or legal claims from customers regarding our services. The Federal Trade Commission (FTC) did not present evidence of consumer injury, nor did it assert that my company's marketing practices caused direct harm.
2. **Support King, LLC is Permanently Closed** – Support King **has ceased all business operations** and is no longer conducting any commercial activity. The company remains an **active LLC only for the purpose of completing outstanding tax-related filings**, after which it will be fully dissolved.
3. **My Current and Future Business Ventures Are Unrelated to Monitoring Software** – My present and upcoming business ventures, including my **restaurant in Puerto Rico and planned tourism projects**, have no connection to monitoring software, data collection, or any similar industry. The continued application of compliance, audits, and reporting requirements to these unrelated businesses is an unjustified overreach that places an undue burden on my ability to operate.

I affirm that the statements made in this affidavit are true and correct to the best of my knowledge and belief.

Signed:

Scott Zuckerman



Date: 3/19/25

PETITION TO REOPEN AND VACATE OR MODIFY FTC CONSENT ORDER (MATTER 192-3003)

To:

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

Date: March 19, 2025

Petitioner:

Scott Zuckerman
1807 Calle Loiza
San Juan, PR 00911
Phone: 787-949-4903
Email: scott@787.pr

Introduction

I, Scott Zuckerman, an entrepreneur who has learned from past challenges, respectfully petition the **Federal Trade Commission (FTC) under 16 C.F.R. § 2.51 to reopen and vacate or modify the 2021 consent order (Matter 192-3003)** imposed on me and my former company, **Support King, LLC**.

This order has already **cost me over \$300,000 in legal fees** and continues to impose an **annual financial burden exceeding \$100,000**, affecting **every business I operate**—from my **local restaurant in Puerto Rico** to my **planned tourism ventures**. Despite **Support King no longer being in operation**, the compliance requirements **remain in effect**, extending beyond their intended scope and **placing undue burdens on completely unrelated businesses**.

I appreciate the **FTC's commitment under Chairman Andrew Ferguson's leadership to ensuring fairness and reducing regulatory overreach**. His emphasis on **modernizing enforcement priorities and focusing on clear consumer harm** signals a **more balanced approach to regulation**. I believe this case represents an **opportunity for the FTC to resolve an outdated order** that no longer serves its original purpose.

In that spirit, I respectfully seek relief from this **excessive and unnecessary burden** and welcome the opportunity to **discuss my case directly** in a remote or in-person meeting.

Background

Support King, LLC was a **small marketing agency** that white-labeled and promoted monitoring software owned by an **India-based company**. I **had no control over the software itself**—my role was strictly limited to **marketing and customer support**.

After **launching marketing efforts** and with **fewer than 1,000 U.S. customers**, my company was **targeted by a vigilante hacker group**, likely affiliated with hacktivist movements such as **Anonymous**. This group **illegally accessed internal data** and provided it to **media outlets**, fueling a **one-sided and damaging narrative**.

In response to the **negative media attention**, the **FTC initiated an aggressive investigation** under the previous administration. Despite **finding no evidence of consumer harm**, the **FTC imposed a broad and burdensome consent order in 2021**, which personally binds me and **extends to all of my business activities**, regardless of their relevance to the original case.

Although **Support King, LLC is permanently closed**, it remains an **active LLC solely for tax-related filings**, after which it will be **fully dissolved**. Yet, the consent order continues to **unfairly impact my unrelated ventures**, including:

- **My restaurant in Puerto Rico**, which has no connection to monitoring software.
- **My planned tourism ventures**, which contribute to local economic growth.

I trust that the **FTC's evolving approach to enforcement**, particularly its focus on **ensuring regulations align with real consumer protection concerns**, makes this the right time to reconsider my case.

Practical and Financial Impact

The **ongoing enforcement of the order** creates an **unintended and excessive burden**:

1. Financial Strain on Business Growth

- **Initial Legal Fees:** Over **\$300,000** spent in legal defense, which forced me into a **financially coerced settlement** rather than allowing a fair defense.
- **Annual Compliance Costs:** Exceeding **\$100,000 per year**, including:
 - **Legal fees:** \$50,000–\$75,000 annually for ongoing compliance.
 - **Third-party audits:** \$20,000–\$40,000 required under the order.
 - **Reporting overhead:** \$20,000–\$30,000 in lost productivity.
- These compliance costs **restrict my ability to expand my businesses, create jobs, and invest in my local community**. The FTC has an opportunity here to **remove a regulatory barrier that serves no ongoing purpose**.

2. Unjustified Burden on Government Resources

- The **FTC must allocate enforcement resources** to monitor compliance **on businesses that have no connection to the original consent order**.
 - The **continued application of this order to unrelated businesses** does not align with the **FTC's mission to focus on clear consumer protection priorities**.
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Legal Grounds for Relief

This order is **legally outdated** and should be **vacated or modified** based on the following:

1. Reopening Under 16 C.F.R. § 2.51

Under **16 C.F.R. § 2.51**, the FTC has the authority to **reopen and modify or vacate an order** when:

- **There has been a change in law or fact that makes the order outdated or unjust.**
- **Modifying or vacating the order serves the public interest.**

Since the **issuance of the consent order in 2021**, there have been **significant changes in both legal standards and regulatory priorities** that warrant reconsideration:

1. FTC's Policy Shift Toward Fair and Proportional Enforcement

- Under **Chairman Andrew Ferguson's leadership**, the FTC has **shifted its focus** to ensuring that enforcement actions align with **clear evidence of consumer harm** rather than imposing **broad, disproportionate compliance burdens**.
- The continued application of this order **extends far beyond its original intent** and **conflicts with the FTC's evolving approach to fair and efficient regulation**.

2. Lack of Ongoing Consumer Protection Benefit

- **Support King, LLC is no longer in operation**, and there is **no risk of recurrence** of the business activities originally investigated.
- The **order now applies to businesses completely unrelated to the original issue**, such as a **restaurant and tourism ventures**, which **do not engage in any monitoring software or require extensive consumer data collection practices**.

3. Public Interest Considerations

- Keeping this order in place **does not serve any meaningful consumer protection purpose** but instead **imposes unnecessary financial and operational burdens** on businesses that actively contribute to **job creation, tourism growth, and economic development**.
- With the **government's renewed focus on efficiency and reducing regulatory overreach**, the **FTC's enforcement resources should be directed toward cases involving clear, ongoing consumer harm**, rather than maintaining **compliance oversight for businesses that have no connection to the original consent order**.
- Modifying or vacating this order would **align with the FTC's evolving priorities**, ensuring that **regulatory enforcement remains fair, relevant, and focused on areas where it is most needed**.

The **LabMD, Inc. v. FTC, 894 F.3d 1221 (11th Cir. 2018)** case reinforces the principle that **FTC orders must be specific, enforceable, and tied to actual consumer harm**. Courts have made it clear that **regulatory enforcement should not impose ongoing burdens when no legitimate consumer protection interest remains**.

Given these factors, reopening and modifying or vacating this order is **fully justified under 16 C.F.R. § 2.51**, aligning with **both legal precedent and the FTC's evolving enforcement philosophy**.

2. Arbitrary and Capricious Action (5 U.S.C. § 706)

- **Axon Enterprise, Inc. v. FTC, 598 U.S. 175 (2023)** – This ruling reinforced that **FTC actions must be fair, reasonable, and not exceed the agency's legal authority**. Applying compliance requirements to **businesses unrelated to the original matter** is inconsistent with **fair enforcement practices**.

3. Due Process Considerations (Fifth Amendment)

- **BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996)** – The Supreme Court reaffirmed that **penalties and regulatory burdens must be proportionate** to the actual harm caused. My **compliance costs exceed \$100,000 per year**, an excessive penalty given that the FTC has not demonstrated **ongoing consumer harm**.

4. Excess of Statutory Authority (15 U.S.C. § 45)

- **FTC v. Credit Bureau Center, LLC, 937 F.3d 764 (7th Cir. 2019)** – The FTC **cannot impose financial penalties or compliance burdens unless actual consumer harm is proven**. No such harm was found in my case.

Request for Relief

I respectfully request that the FTC **reopen Matter 192-3003 under 16 C.F.R. § 2.51** and:

1. **Vacate the order entirely**, removing its excessive burden, or
2. **Modify the order to eliminate all reporting, audit, and compliance requirements** that affect any business I operate—including my restaurant and tourism ventures—while I remain fully willing to abide by the **uncontested ban on selling monitoring software**.

Alternatively, I am open to discussing a **narrowed compliance structure** that applies **only to specific, relevant business activities**, rather than a **blanket restriction on all ventures I pursue**.

Conclusion

I recognize the **FTC's important role in consumer protection** and appreciate the agency's **commitment to fair and effective enforcement**. However, as the **FTC continues to modernize its regulatory approach**, my case represents a **clear opportunity to correct an outdated and overly broad enforcement action**.

I trust that under **Chairman Ferguson's leadership**, the **FTC will prioritize fairness** and recognize that my case aligns with the Commission's **current enforcement philosophy**. I would greatly appreciate the opportunity to **discuss my petition further** and can be reached at **787-949-4903** or **scott@787.pr**.

Sincerely,
Scott Zuckerman



Date: 3/19/25