

Email re FTC Complaint – received from Frank Peterson Jr. Mon, Jan 13, 3:06 PM (11 days ago)  
to me, David, marblejeffrey@gmail.com, Dave

Linda,

Per our discussion, please see note from our attorney, I don't believe the solicitor needs to go any further with this. I think the issue is resolved and can be reported as such. Thank you for all your work on this.

Frank

From: Heavner, B. Brett <b.brett.heavner@finnegan.com>  
Sent: Monday, January 13, 2020 2:39 PM  
To: Frank Peterson Jr. <fpeterson@rbff.org>  
Cc: Uffelman, Jonathan <Jonathan.Uffelman@finnegan.com>  
Subject: FW: [EXTERNAL] Council FTC Complaint

Hi Frank,

It was a pleasure speaking with you this morning.

As discussed, only one of the websites detailed in our FTC letter can still be accessed by internet-users. However, even that website, [recreationallicenses.org], is not fully operational. When we click on the "New Fishing License," "Renew Fishing License," "Replace Fishing License," and "Lifetime Fishing" buttons, it resolves to an inoperative webpage. It also now includes direct links to whichever state agency you are researching. Further, the web site features a new disclaimer at the top of the page that states, "This site is privately owned and is neither affiliated with, nor endorsed by, nor operated by a government agency."

We also note that the [fishinglicense-usa.com] website, which was not part of our FTC letter, but which looked a lot like the others, is also still available, but it has a disclaimer that pops up that reads:

"It may be illegal to fish without a valid fishing permit, as is the case with expired credentials. Applications for fishing licenses must be processed through an official location/website of the State. However, as a value-added to formal government facilities, autonomous third-party application support is accessible through this site. Our support services simplify the process by delivering personalized experience, associated recreational advantages, and live support. By pressing "Accept" you recognize the above statements and that this website is privately owned and not affiliated with or supported by an

official agency, this website will store cookies. Our comprehensive website has been collected and listed to assist in this assignment.”

This disclaimer requires you to press “Accept” before you can access the website.

In our view, the current situation suggests that the FTC reached some sort of private enforcement settlement with the owners of the web sites listed in the FTC complaint that we filed. It is not at all uncommon for the FTC to persuade an accused to voluntarily cease activities that would mislead consumers to avoid a public enforcement action (which can entail fines and other penalties, as well as reputational damage). Furthermore, the disclaimers (particularly the pop-up one) are a classic sort of FTC negotiated requirement to avoid a public enforcement action.

Of course, we cannot know for certain whether the FTC is responsible for the current situation with respect to the problem web sites. Any settlement between the FTC and the operators of those web sites would be confidential and not-public record. But, FTC action would explain the sudden change by these fraudsters when they were not responsive to our initial demand letters.

If you have any questions or would like to discuss this further, please give me a call.

Best regards,

Brett

B. Brett Heavner

Attorney at Law

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