



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Lois C. Greisman  
Associate Director  
Division of Marketing Practices  
Bureau of Consumer Protection

[DATE]

Via Federal Express

[NAME]  
[ADDRESS]

Re: Deceptive or Unfair Acts or Practices Relating to the Marketing or Advertising of Employer Identification Number Filing and Delivery Services

Dear [NAME]:

The Federal Trade Commission ("FTC" or "Commission") is a federal agency whose mission is to protect the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, regulation, advocacy, research, and education. As part of that mission, we work to educate marketers and businesses about their rights and responsibilities, and where necessary, initiate investigations and enforcement actions.

It has come to our attention that companies that provide Employer Identification Number ("EIN") filing and delivery services to obtain EINs from the Internal Revenue Service ("IRS") may be violating the FTC Act and rules enforced by the Commission.

Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce.<sup>1</sup> In addition, the FTC's Trade Regulation Rule on Impersonation of Government and Businesses, 16 C.F.R. Part 461 *et seq.*, ("Impersonation Rule") makes it illegal to, directly or by implication, materially and falsely pose as a government entity (such as the IRS) or materially misrepresent

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<sup>1</sup> An act or practice is deceptive if there is a material representation, omission, or practice that is likely to mislead consumers acting reasonably under the circumstances. *See, e.g., FTC v. Gill*, 265 F.3d 944, 950 (9th Cir. 2001).

affiliation with, including endorsement or sponsorship by, a government entity. 16 C.F.R. § 461.2 and *see* Enclosure.

A substantial number of consumers have complained of potential deception by EIN filing and delivery services, including the following acts and practices (in isolation or combination) that may create a false impression:

- impersonating the IRS's website or misrepresenting that consumers are on a government website, including by using similar or nearly identical seals, logos, imagery, layouts, formatting, colors, fonts, etc. on EIN filing and delivery service websites ("EIN websites") or in ads that lead to EIN websites;
- the use of the government acronym "IRS" in domain names for EIN websites;
- prominently displaying "IRS" or "EIN Assistant" (the name the IRS uses for its free public EIN application tool) on EIN websites;
- promoting EIN filing and delivery services through backlinks from other websites that purport to lead to the IRS's website but instead lead consumers to an EIN filing or delivery service;
- failing to disclose clearly and conspicuously that the EIN filing and delivery service website is not the IRS's website nor a government website; and
- failing to disclose clearly and conspicuously that consumers may obtain an EIN for free directly from the IRS.

Violations of the FTC Act and the Impersonation Rule may be subject to legal action and Federal District Court injunctions. In addition, companies or individuals that violate the Impersonation Rule may be subject to civil penalties of up to \$53,088 per violation pursuant to Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), and may be required to pay refunds to consumers or provide other relief pursuant to Section 19(b), 15 U.S.C. § 57b(b).

Over the past years, FTC has pursued law enforcement actions to protect consumers from violations of the FTC Act, including in:

- *FTC v. Superior Servicing LLC, et al.*, D. Nev. No. 2:24-cv-02163: FTC alleged defendants illegally took millions of dollars from consumers in violation of the Impersonation Rule and the FTC Act by leading consumers to believe they were a government agency (the U.S. Department of Education ("DOE")) or a DOE-affiliated student-loan servicer. The court found that FTC would likely win at trial based on the evidence presented along with the complaint and entered a temporary restraining order, froze the individuals' and companies' assets, and appointed a receiver over the companies. The court

then issued preliminary injunctions against the defendants that continued the asset freeze and the receivership. Litigation is ongoing.

- *FTC v. Panda Benefit Services, LLC, et al.*, C.D. Cal No. 8:24-cv-01386: FTC alleged that defendants obtained more than \$20.3 million from consumers seeking debt relief by misrepresenting that defendants were affiliated with the government. The court entered a temporary restraining order and preliminary injunction against defendants with an asset freeze and appointment of a receiver based on FTC's likelihood of success. Some defendants have settled for a monetary judgment and permanent injunction prohibiting settling defendants from violating the Impersonation Rule and misrepresenting government affiliation. Litigation is ongoing.
- *FTC v. DOTAuthority.com, Inc, et al.*, S.D. Fla. No. 0:16-cv-62186: FTC alleged defendants wrongfully obtained more than \$17 million by impersonating government agencies, including the U.S. Department of Transportation ("USDOT"), and misrepresenting government affiliation. FTC further alleged defendants, including DOTAuthority.com and DOTFilings.com, Inc., perpetrated their deception by, among other things, using URLs prominently containing "DOT" and visual similarities between defendants' websites and government websites. FTC alleged that defendants "ma[de] no prominent or direct statement to correct the false representation that Defendants are a government agency or an agency affiliated with the government" and charged fees well above the fees required by the government. The court found that FTC demonstrated a likelihood of success and entered a preliminary injunction with an asset freeze. Defendants settled for a monetary judgment and permanent injunction that prohibits misrepresenting they are representatives of or affiliated with a government authority. The order further requires defendants to clearly and conspicuously disclose (1) they are private third-party service providers offering services for a fee, and (2) in ads, the statement: "This is a commercial solicitation and advertisement. [Defendant's name] is NOT affiliated with any government authority."
- *FTC v. Forms Direct, Inc. et al. (American Immigration Center)*, N.D. Cal. No. 3:18-cv-06294: FTC alleged that defendants deceived people into buying immigration form preparation services using websites that appeared to be operated by or affiliated with the government. FTC alleged that defendants' (1) search engine ads prominently displayed the government agency's name: "U.S. Citizenship Immigration Service" or USCIS, (2) URLs often used variations of "U.S." or terms such as usimmigration.us or us-immigration.com), (3) website titles used terms such as "US Immigration Citizenship Online," and (4) websites displayed images resembling

government seals or depictions of the U.S. Capitol or the American flag. FTC further alleged that defendants led consumers to believe that defendants' fees were the applicable government agency filing fees when, in reality, \$120-300 was for "assistance in completing the applicable immigration government form[s]" even though "[s]uch forms, and any pertinent instructions on how to complete the forms, [were] freely available on the USCIS website." Defendants settled for a monetary judgment and permanent injunction that prohibits misrepresenting government affiliation. The order further requires defendants to clearly and conspicuously disclose they are not affiliated with any government entity.

- *FTC v. Ponte Investments, LLC, et al.*, D.R.I. No. 1:20-cv-00177: FTC alleged that defendants doing business as "SBA Loan Program" and "SBA Loan Program.com" misrepresented they were or were affiliated with the United States Small Business Administration ("SBA"). Defendants settled for a permanent injunction prohibiting defendants from misrepresenting they "are the SBA or are affiliated or otherwise associated with" the SBA or U.S. government.
- *FTC v. Starwood Consulting, LLC (Corporate Compliance Services)*, S.D. Tex. No. 4:18-cv-02368: FTC and Florida Attorney General alleged defendants deceptively sold to new small businesses labor law posters that could be obtained from the government for free. Defendants allegedly sent mailers designed to mimic government invoices. Defendants settled for a monetary judgment and permanent injunction that prohibits them from misrepresenting they are representatives of or affiliated with any government agency. The order further requires defendants to disclose clearly and conspicuously (1) they are private service providers offering services for a fee, and (2) in ads, the statement: "This is a commercial solicitation and advertisement, [Insert name] is NOT affiliated with any government agency or authority."

FTC staff is not singling out your company or suggesting that you have engaged in illegal conduct. We are widely distributing similar letters to other EIN filing and delivery services. You should conduct a comprehensive review of your marketing and advertising practices – including paid or other online ads, as well as representations made on your websites, on social media, in other promotional materials and communications, and through third-party distributors, marketing affiliates, and sales agents – to ensure that you are not engaging in deceptive or unfair conduct.

This letter is not intended to be an all-inclusive statement of concerns that may exist in connection with EIN filing and delivery services. It is your responsibility to ensure that your company complies with all requirements of federal law, including the

FTC Act, the Impersonation Rule, and other laws and rules enforced by the Commission. We are monitoring for potentially deceptive or unfair acts or practices relating to EIN filing and delivery services and will take follow-up action as warranted.

Copies of the cases discussed in this letter are available on the Commission's website at [www.ftc.gov](http://www.ftc.gov). The Commission's website has other important resources designed to ensure that businesses know their responsibilities under the FTC Act and other rules enforced by the Commission. *See, e.g.,* <https://www.ftc.gov/business-guidance/advertising-marketing/advertising-marketing-basics>.

Thank you for your attention to this matter. Please direct any inquiries concerning this letter to Virginia Rosa at (202) 326-3068 and [vrosa@ftc.gov](mailto:vrosa@ftc.gov), including any requests to meet with FTC staff regarding its subject matter.

Respectfully,

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Associate Director  
Division of Marketing Practices

**Enclosure – Impersonation Rule**