

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THOMAS RYAN
1078 Buckingham Lane
Newport Beach, CA 92660

Defendant.

Civil No. 1:09-00535 (HHK)

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

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

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, disgorgement of ill-gotten monies, and other equitable relief for Defendant’s acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Defendant uses a foreign registrar to register falsely his websites using the address for the U.S. Department of Housing and Urban Development (“HUD”). Defendant uses his websites, <http://bailout.hud-gov.us> and <http://bailout.dohgov.us>, to solicit consumers to seek home loan mortgage modification under the guise that Defendant is the U.S. government or is affiliated with the U.S. government.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b).

3. Venue is proper in this District under 28 U.S.C. § 1391(b), (c), and (d) and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States government created by

DEFENDANT’S BUSINESS ACTIVITIES

8. Since at least March 2009, Defendant has solicited consumers to seek home loan modification through his websites <http://bailout.hud-gov.us> and <http://bailout.dohgov.us>.

9. Defendant’s websites prominently tout that Defendant is the United States government. Specifically, his websites at various times have been entitled Homeowner Affordability and Stability Plan, which is the name of the United States government’s homeowner relief plan as announced by the Department of Treasury, as well as Home Affordable Modification Program. Defendant further states that he is the “House and Urban Department” and displays a government like seal that reads “United States - Housing and Urban Department” or “United States - Department of Housing.” Defendant’s homepages also feature a prominent button linking to the official U.S. government website, USA.gov.

10. Moreover, the top of Defendant’s homepages feature the picture of a man surrounded by American flags standing in front of a large sign with a government seal that reads “Financial Stability and Recovery.” Defendant copied this picture from the United States Department of Treasury website. However, the face of Treasury Secretary Timothy F. Geithner has been replaced with a similar looking face.

11. In addition, Defendant’s “Contact” link, which appears at both the top and the bottom of his homepages links to a webpage that states in bold letters “Contact U.S. Department of Housing and Urban Development” and lists phone numbers of the actual U.S. Department of Housing and Urban Development (“HUD”). This page also includes the address for HUD, U.S. Department of Housing and Urban Development, 451 7th Street S.W., Washington, DC 20410. Defendant provides no other contact information on his website.

12. To further bolster his government credentials, on their “Consumer Alert” link,

These statements are not clear and conspicuous in relation to the above-referenced express and implied claims that Defendant is the federal government or is affiliated with the federal government.

VIOLATIONS OF THE FTC ACT

Respectfully submitted,

DAVID C. SHONKA
Acting General Counsel

Date: March 25, 2009

/s Douglas V. Wolfe

Douglas V. Wolfe (DC Bar No. 437476)
Federal Trade Commission
Division of Enforcement
600 Pennsylvania Ave. NW, Rm NJ-2122
Washington, DC 20580
Tel: (202) 326-3113; Fax: (202) 326-2258
Attorney E-mail address: dwolfe@ftc.gov