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UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman

J. Thomas Rosch Edith Ramirez Julie Brill

Maureen K. Ohlhausen

In the Matter of		
ASPEN WAY ENTERPRISES, INC.,)	DOCKET NO
a corporation.)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Aspen Way Enterprises, Inc., has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

- 1. Respondent Aspen Way Enterprises, Inc. ("Aspen Way" or "respondent"), is a Montana corporation with its principal office or place of business at 2702 Montana Ave., Suite 202, Billings, Montana 59101. Aspen Way is a franchisee of Aaron's, Inc. It operates 17 rent-to-own stores in six states. Rent-to-own stores allow consumers to rent, with an option to purchase, goods such as furniture, household appliances, and consumer electronics including computers.
- 2. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

RESPONDENT'S BUSINESS PRACTICES

3. Since at least April 2007, Aspen Way has licensed a software product known as PC Rental Agent from DesignerWare, LLC ("DesignerWare") and installed it on computers it rents to consumers. PC Rental Agent, when installed on a rented computer, enables Aspen Way to disable the computer remotely. Aspen Way disables the computer when it is reported lost or

stolen, or when a consumer is late making payments,	has stopped	communicating	with Asper	n
Way, or has otherwise violated th				

injury and impair their peaceful enjoyment of their homes.	Consumers cannot reasonably avoid

VIOLATIONS OF THE FTC ACT

COUNT I

Unfair Gathering of Consumers' Personal Information

- 12. Through the means described in Paragraphs 3 through 11, respondent has installed monitoring software on rented computers and gathered, or caused to be gathered, sensitive personal, financial, and medical information about consumers from those computers.
- 13. Respondent's actions cause or are likely to cause substantial injury to consumers that cannot be reasonably avoided and is not outweighed by countervailing benefits to consumers or competition.
- 14. Therefore, respondent's practices, as described in Paragraph 12, constitute unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

COUNT II Unfair Collection Practices

- 15. Through the means described in Paragraphs 3 through 11, respondent has used information improperly gathered from consumers to collect or attempt to collect a debt, money, or property pursuant to a consumer rental contract.
- 16. Respondent's actions cause or are likely to cause substantial injury to consumers that cannot be reasonably avoided and is not outweighed by countervailing benefits to consumers or competition.
- 17. Therefore, respondent's practices, as described in Paragraph 15, constitute unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

COUNT III

Deceptive Gathering of Consumers' Personal Information

- 18. Through the means described in Paragraphs 3 through 11, respondent has represented or caused to be represented to consumers, expressly or by implication, that certain pop-up notices that appear on computer screens are notices from trusted software providers that contain software registration forms that must be filled out with the consumer's contact information in order to continue to use the providers' software.
- 19. In truth and in fact, these pop-up notices are not from trusted software providers and do not contain software registration forms that must be filled out with the consumer's contact information in order to continue to use the providers' software, but instead serve only to cause the consumer to provide the requested contact information so that respondent can use this information in connection with collecting or attempting to collect debts, money, or property pursuant to consumer rental contracts.

	Therefore, respondent's practices, as de or practices in violation of Section 5 of		U 1
THEREFORE	, the Federal Trade Commission this	_ day of	, 2012, has issued this