MORTGAGE ADVERTISING PRACTICES AND COMPLIANCE POLICY

I. Introduction

Citadel Servicing Corporation ("CSC") recognizes the need to promote our products and services to mortgage business professionals and consumers through the use of advertising, marketing, mailers, social media and a variety of other forms of solicitation, including marketing arrangements that we formalize with third party vendors (collectively referred to as "Advertisement"). **These practices and policies apply to all channels unless otherwise specifically noted.**

It is the policy of CSC to fully comply with all federal and state laws including:

- CFPB Reg. Z -- Federal Truth In Lending Act (TILA)
- CFPB Reg. N – Mortgage Acts And Practices Advertising Rule (MAP)
- Unfair, Deceptive And Abusive Acts and Practices (UDAAP)
- CFPB Reg. H -- S.A.F.E. Mortgage Licensing Act
- Privacy Regulations – Gramm-Leach-Bliley Act (GLBA)
- Telemarketing -- Federal Trade Commission's (FTC) Rules and Do-Not-Call List
- Junk Fax Prevention Act and Federal Communication Commission's (FCC) Do-Not-Fax Rules
- Sending Commercial E-Mails – Federal CAN SPAM Act with FCC Rules

II. Advertisement Materials

Advertisement means a commercial message in any medium that promotes, directly or indirectly, a credit transaction. (12 CFR 226.2(a)(2)). Mortgage advertising and mortgage business solicitations subject to these laws and regulations cover any conceivable type of commercial communication that is placed in the public domain, whether intentionally or unintentionally. The current definition of "Commercial Communication" is found in Reg. N – Mortgage Acts and Practices (MAP - 12 CFR 1014.2):

> *Commercial communication* means any written or oral statement, illustration, or depiction, whether in English or any other language, that is designed to effect a sale or create interest in purchasing goods or services, whether it appears on or in a label, package, package insert, radio, television, cable television, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, film, slide, audio program transmitted over a telephone system, telemarketing script, on-hold script, upsell script, training materials provided to telemarketing firms, program-length commercial ("infomercial"), the internet, cellular network, or any other medium. Promotional materials and items and Web pages are included in the term *commercial communication.*

Advertisement materials include, but are not limited to:

- Print media (e.g. Advertising flyers, letters, postcards, snap-out mailers, envelopes, catalogs, magazines, Billboards, outdoor signs, Press Releases, newsletters)
- Joint mailers with other services providers (e.g. title companies, etc.)
- Direct mail-lead solicitation conducted by third party vendors (whether CSC's name appears or not, if directing leads to CSC for a fee, then solicitation material and message must be review and approved)
- Telemarketing materials
- Educational materials (e.g. presentations)
- Electronic communications (e.g. emails, correspondence, mass distribution of emails directed to a pc, phone, tablets or other device)
- Radio or Television, (including e.g. YouTube)
- Internet or Websites (CSC or Branch Information and/or links ("Banner Ads") displayed on other non-CSC websites)
- CSC or Loan officer information on social media platforms (*e.g.* Zillow, LinkedIn, Facebook, Twitter, Snapchat, etc.)

III. Procedure

Whether CSC employees wish to generate direct mail pieces and newsletters, send out emails soliciting business (including your "out of office" email), place a YouTube video on the Internet, set up a website or join a social media outlet, sponsor a community or charity event, or generate any other type of "commercial communication", CSC requires that all forms of Advertisement be submitted to and prepared by CSC's Marketing department. CSC employees are required to use the Marketing Material Form to submit requests to the Marketing department.

Prior to implementation, use or distribution, the Advertisement must **be approved in writing** by both the Compliance and Legal departments.

Because mortgage Advertisements are placed in the public domain, they are closely scrutinized by federal examiners and state regulatory agencies, CSC is required to maintain a copy of all mortgage advertising and mortgage business solicitations used in the public domain by all its licensed locations at its corporate headquarters. CSC is also required to maintain copies of vendor contracts entered into for advertising, marketing, lead generation and recruitment services.

It is CSC's policy to retain all Marketing materials in its distributed format for a period of at least 3-years from the date of last use or distribution of the advertisement.

IV. Summary

Generally, federal and state laws prohibit the omission or use of false and/or material misleading facts or statements in advertising – *as interpreted by a **reader*** – that is placed in the public domain.

To ensure that the Advertisement materials comply with applicable law, it should not omit, or contain false or misleading information, be ***clear, concise and conspicuous***, and minimally contain the following, as applicable:

- CSC's full name
- CSC's official registered & trademarked Logo
- CSC's full physical business address and phone number
- CSC's Corporate NMLS # 144549
- Identify the state licensing authority for CSC and for the branch. Example: "Licensed by California Department of Corporations under the Residential Mortgage Lending Act #_____; CA Finance Lender #_____; CA Branch #_____."
- Individual Branch NMLS # and address
- Mortgage Loan Originator's name as it appears on the NMLS website with the LO's NMLS # (for each state where the LO is licensed) with title, mailing address, email address, phone/fax/cell) **(Retail Only)**
- Equal Housing Opportunity Logo (House)
- *Disclaimer*: "CSC [or if using another state-approved DBA, state here] is an equal opportunity lender."
- *Disclaimer*: "Terms, rates and programs subject to change. Offer of credit subject to credit approval per applicable underwriting guidelines. Not all applicants may qualify."

IV. Advertising Regulations

A. Reg. Z – Federal Truth In Lending Act Advertising Rules

Regulation (Reg.) Z prescribes advertising rules for closed-end mortgage products and services (12 CFR § 1026.24(d)).

Reg. Z advertising rules require that only actually available credit terms be disclosed in any form of mortgage advertising. Credit terms that are not available and are not contemplated as being available in the future cannot be included in mortgage advertising. Promotional credit terms that are or may be available for only a limited period of time can be advertised with a disclosure of the date(s) of availability.

In addition, all required disclosures prescribed under Reg. Z must appear in a ***clear and conspicuous*** format. For mortgage products, any of the Reg. Z required information and disclosures that correspond to an advertised rate or payments "**trigger term**" must appear in the advertisement in equal prominence, type size and in close proximity thereto, with the exception of tax and insurance impounding requirements that need only be of equal prominence to the triggered term.

- The *clear and conspicuous* standard for Internet and television advertising requires that disclosures must not be obscured by techniques such as graphical displays, shading, coloration, or other devices, and are displayed in a manner that allows a consumer to read the required disclosures.
- Fine print disclosures on television advertising must be able to be **seen and read** by a consumer in order to meet the *clear and conspicuous* standard. Also, there can be no typos or missing mortgage licensing information to meet this standard.
- The *clear and conspicuous* standard for oral advertisements, whether by radio, television or other medium, means that the required disclosures are given at a speed and volume sufficient for a consumer to **hear and comprehend** them.

When advertising a rate of finance charge, the Annual Percentage Rate or APR must be disclosed on its own or next to a disclosed interest rate. Interest rates can never be disclosed on their own in mortgage advertising.

The following advertised rate or payment terms ("**trigger terms**") require additional disclosures:

- The amount or percentage of any down payment;
- The number of payments or period of repayment;
- The amount of any payment;

Here are the additional disclosures that, when applicable, must appear with the advertised trigger:

- The amount or percentage of the down payment;
- The terms of repayment, which reflect the repayment obligations over the full term of the loan, including any balloon payment;
- The Annual Percentage Rate or APR.

If working with a multiple page advertisement, such as a catalog format, or an electronic advertisement such as a banner ad appearing on an Internet website, include in a *clear and conspicuous* format a table or schedule containing all of the above applicable advertising disclosures somewhere in the advertisement and cross-reference the page number or link to where the table or schedule is located for the reader to find elsewhere in the advertisement.

When advertising mortgage loan products containing more than one simple interest rate over the term of the loan, the advertisement must disclose:

- Each simple interest rate that will apply. For adjustable rate mortgage loans, disclose a rate determined by adding a reasonably current and applicable index and margin;
- The period of time during which each simple interest rate will apply; and
- The Annual Percentage Rate or APR.

When advertising a projected payment amount (trigger term), in addition to the additional disclosure rule above, the advertisement must disclose:

- The amount of each payment that will apply over the loan term, including any balloon payment. For adjustable rate loans, disclose the estimated payment amount based on the application of the sum of a reasonably current and applicable index and margin;
- The period of time during which each payment will apply; and
- For first lien, closed-end mortgage loan products, the fact that the payments do not include impounding for taxes and insurance premiums, if applicable, and that the actual payment obligation will be greater.

B. Reg. N – Mortgage Acts and Practices Advertising Rules

CFPB's Reg. N, – Mortgage Acts and Practices Advertising Rules (MAP) found at 12 CFR Part 1014, addresses commercial advertising of any consumer purpose, residential mortgage loan product. This rule is designed as an adjunct to the CFPB's Unfair, Deceptive and Abusive Acts and Practices Act (UDAAP).

Whereas Reg. Z describes the disclosures that must be included in mortgage advertising, this rule provides a list of prohibited advertising practices. Specifically, Reg. N section 1014.3 prohibits the practice of making any material misrepresentation, expressly or by implication, in any commercial communication, regarding any term of any mortgage credit product, including but not limited to misrepresentations about:

a. The interest charged for the mortgage credit product, including but not limited to misrepresentations concerning (1) the amount of interest that the consumer owes each month that is included in the consumer's payments, loan amount, or total amount due, or (2) whether the difference between the interest owed and the interest paid is added to the total amount due from the consumer;

b. The annual percentage rate, simple annual rate, periodic rate, or any other rate;

c. The existence, nature, or amount of fees or costs to the consumer associated with the mortgage credit product, including but not limited to misrepresentations that no fees are charged;

d. The existence, cost, payment terms, or other terms associated with any additional product or feature that is or may be sold in conjunction with the mortgage credit product, including but not limited to credit insurance or credit disability insurance;

e. The terms, amounts, payments, or other requirements relating to taxes or insurance associated with the mortgage credit product, including but not limited to misrepresentations about:
   (i) Whether separate payment of taxes or insurance is required; or
   (ii) The extent to which payment for taxes or insurance is included in the loan payments, loan amount, or total amount due from the consumer;

f. Any prepayment penalty associated with the mortgage credit product, including but not limited to misrepresentations concerning the existence, nature, amount, or terms of such penalty;

g. The variability of interest, payments, or other terms of the mortgage credit product, including but not limited to misrepresentations using the word "fixed";

h. Any comparison between:
   (i) Any rate or payment that will be available for a period less than the full length of the mortgage credit product; and
   (ii) Any actual or hypothetical rate or payment;

i. The type of mortgage credit product, including but not limited to misrepresentations that the product is or involves a fully amortizing mortgage;

j. The amount of the obligation, or the existence, nature, or amount of cash or credit available to the consumer in connection with the mortgage credit product, including but not limited to misrepresentations that the consumer will receive a certain amount of cash or credit as part of a mortgage credit transaction;

k. The existence, number, amount, or timing of any minimum or required payments, including but not limited to misrepresentations about any payments or that no payments are required in a reverse mortgage or other mortgage credit product;

l. The potential for default under the mortgage credit product, including but not limited to

misrepresentations concerning the circumstances under which the consumer could default for nonpayment of taxes, insurance, or maintenance, or for failure to meet other obligations;

m. The effectiveness of the mortgage credit product in helping the consumer resolve difficulties in paying debts, including but not limited to misrepresentations that any mortgage credit product can reduce, eliminate, or restructure debt or result in a waiver or forgiveness, in whole or in part, of the consumer's existing obligation with any person;

n. The association of the mortgage credit product or any provider of such product with any other person or program, including but not limited to misrepresentations that:
   (i) The provider is, or is affiliated with, any governmental entity or other organization; or
   (ii) The product is or relates to a government benefit, or is endorsed, sponsored by, or affiliated with any government or other program, including but not limited to through the use of formats, symbols, or logos that resemble those of such entity, organization, or program;

o. The source of any commercial communication, including but not limited to misrepresentations that a commercial communication is made by or on behalf of the consumer's current mortgage lender or servicer;

p. The right of the consumer to reside in the dwelling that is the subject of the mortgage credit product, or the duration of such right, including but not limited to misrepresentations concerning how long or under what conditions a consumer with a reverse mortgage can stay in the dwelling;

q. The consumer's ability or likelihood to obtain any mortgage credit product or term, including but not limited to misrepresentations concerning whether the consumer has been preapproved or guaranteed for any such product or term;

r. The consumer’s ability or likelihood to obtain a refinancing or modification of any mortgage credit product or term, including but not limited to misrepresentations concerning whether the consumer has been preapproved or guaranteed for any such refinancing or modification; and

s. The availability, nature, or substance of counseling services or any other expert advice offered to the consumer regarding any mortgage credit product or term, including but not limited to the qualifications of those offering the services or advice.

C. Reg. H – S.A.F.E. Mortgage Licensing Act

To enhance consumer protections and reduce fraud, all states have adopted and implemented the federal SAFE Mortgage Licensing Act, which is administered by CFPB under Reg. H.

SAFE Act (12 CFR 1008.103) requires an individual engaged in business with a loan originator with respect to any dwelling or residential real estate to disclose the following minimum information:

1. The full legal name of the mortgage company

2. Full, physical business address
3. The business phone number
4. The NMLS ID of the company
5. The name of the originator as it appears on the NMLS website **(Retail Only)**
6. The NMLS ID of the originator **(Retail Only)**
7. The equal housing opportunity logo

- Mortgage loan originators and officers must include their unique identifier or NMLS number for each state in which they are licensed for all advertisements, print (business cards / letterhead) or electronic (web / email / social media) advertisements. **(Retail Only)**
- Prohibits any misleading suggestion or hint of government endorsement, affiliation or endorsement
- Prohibits an advertisement that falsely claims or has incomplete or inaccurate information about fees (e.g. no fees are charged), costs, amount of cash or credit available, or rates (e.g. use of the word "fixed" in a misleading manner - if you're advertising an adjustable-rate loan product that starts off with a fixed rate for three years, you can't really call it a "fixed-rate loan." It's an ARM with an introductory fixed rate)

V. Other Regulations.

A. Privacy Acts

CSC takes consumer privacy seriously and has enacted policies and procedures to ensure compliance with all governing law, including without limitation, the Gramm-Leach-Bliley Act (GLBA), Children's Online Privacy Protection Act of 1988 (COPPA) etc.

1. The GLBA regulates the collection, use, protection, and disclosure of nonpublic information (NPI), and requires that financial institutions:
   - Notify customers about their information sharing practices.
   - Provide customers with a right to opt out if they do not want their information shared with certain unaffiliated third parties, as detailed in the GLBA Financial Privacy Rule.
   - Implement a written information security program to protect NPI from unauthorized disclosure, as detailed in the GLBA Safeguards Rule.
   - Any entity that receives consumer financial information from a financial institution may also be restricted in its reuse and redisclosure of that information.
   - A financial institution must provide notice of its privacy practices to:
     (i) A customer, both:
     (ii) when the relationship is created; and
     (iii) annually thereafter.
   - The privacy notice must be a clear, conspicuous, and accurate statement of the financial institution's privacy practices. CSC utilizes a form model privacy notice, which describes the categories of information that CSC collects and discloses.

2. Children's Online Privacy Protection Act of 1988 (COPPA) is a federal law enforced by the FTC that regulates the online collection and use of personal information from children under the age of 13. It applies to commercial websites and online services that either:
   - Are directed to children under 13 and collect their personal information.
   - Have actual knowledge that they are collecting personal information from children under 13.
   - Among other things, COPPA requires commercial website operators and online services to:

- Obtain verifiable consent from the children's parents before collecting, using, or disclosing children's information (subject to certain limited exceptions).
- Provide notice of their collection, use, and disclosure practices relating to this information. The notice must meet certain specified requirements.
- Collect only personal information reasonably necessary for a child to participate in an activity.
- Create and maintain reasonable security measures to protect this information.

Per CSC's Online Web and Cookie Policy

Per the Mobile Marketing Association's Code of Conduct for mobile marketing for advertising on mobile or wireless devices, as applicable:

- CSC will ask for and obtain an explicit opt-in for all mobile messaging programs
- Implement a simple opt-out process and reasonable technical, administrative, and physical procedures to protect user information from unauthorized use, disclosure, or access

For complete information, *see* CSC's Privacy Policy.

B. Telephone Consumer Protection Act of 1991 (TCPA)

Congress enacted the TCPA in 1991 to balance consumer privacy concerns against use of automatic telephone dialing systems (ATDSs). Generally, the restrictions governing ATDSs and prerecorded or artificial voice calls to cellular phones apply not only to telemarketing calls and text messages, but also to all other types of non-emergency calls, including debt collection and informational calls (47 C.F.R. § 64.1200(a)(1), (3).

To make these calls legally, a company must have the requisite level of prior express consent from the called party, namely:

- Express written consent for calls or texts that are made for a marketing or sales purpose (47 C.F.R. § 64.1200(a)(2)).
- Express oral or written consent for non-telemarketing calls or text messages (47 C.F.R. § 64.1200(a)(1)(iii)).
- Telemarketing calls to residential telephone numbers using prerecorded or artificial voices can be made only with the prior express written consent of the called party (47 C.F.R. § 64.1200(a)(3)).

C. Federal Trade Commission's Do-Not-Call List

The National Do-Not-Call Registry (DNC) was established by the Federal Trade Commission (FTC) in 2008 as part of the FTC's Telemarketing Sales Rule (16 CFR Part 310) and its 2003 added Section 310.4(b) "Abusive Telemarketing Acts or Practices; Pattern of Calls." Consumers that opt into the national do-not-call list may not be contacted with telephone solicitations unless they fall under one of the exemptions stated in the law. Telemarketers that call individuals in violation of the law may be fined up to $1,000 per call. Consumers can register online for free at www.donotcall.gov.

Telemarketers may continue to call consumers with whom they have an "***established business relationship***," if the consumer has purchased, leased, or rented goods or services from the company within 18 months preceding the call, or if the consumer has submitted an application or made an inquiry to the company within three months preceding the call even if the consumer's name is on the National DNC

Registry.

However, once a consumer specifically requests to be placed on CSC's own do-not- call list (an election that is incorporated into our company's Privacy Policy Statement), then CSC cannot contact the consumer again — in other words, the three-month period can be cut short by the consumer with respect to any particular party. Even if CSC enjoys an established business relationship with a consumer borrower, that borrower can make an election to not receive marketing or mortgage solicitation calls from CSC. That request will trump an established business relationship.

D. Junk Fax Prevention Act And Final Federal Communication Commission's (FCC) Rule

The Junk Fax Prevention Act of 2005 (JFPA),[1] incorporated into the Telephone Communications Protection Act (TCPA) and regulated by the FCC, creates a statutory ***established-business-relationship*** (EBR) exception to the prohibition on unsolicited fax advertising. The law grafts some additional requirements onto that exception, such as the need to include an opt-out notice on the faxed advertisements.

Under the JFPA, it is unlawful for any person to send an unsolicited advertisement via facsimile *unless* (1) the sender has an EBR with the recipient; (2) the sender obtained the fax number through (a) a voluntary communication of the number, within the context of the EBR, from the recipient, or (b) a directory, advertisement, or Internet site to which the recipient voluntarily agreed to make available its fax number for public distribution; and (3) the advertisement contains a notice required by the legislation. The EBR exception does not apply if the sender sends the fax to a recipient who has opted out of future unsolicited advertisements.

Under FCC rules, companies that wish to engage in facsimile advertising may do so, as long as they meet the JFPA requirements. A company may send an advertisement via facsimile if the advertisement is not "unsolicited" — that is, the company has obtained the recipient's prior express invitation or permission. Alternatively, if a company wishes to send an unsolicited fax advertisement (i.e., it does not have prior permission from the recipient), it may do so if it has an EBR with the recipient and has obtained the recipient's fax number voluntarily from the recipient in the context of that relationship or from a public listing where the recipient voluntarily agreed to make the number available.

In *both circumstances*, any faxed advertisement must include an appropriate opt-out notice. And, if the sender receives an opt-out request from a recipient, the sender must cease sending fax advertisements to that recipient, regardless of whether an EBR exists.

E. Restrictions On Sending Commercial E-Mails

The CAN SPAM Act of 2003 (Controlling the Assault of Non-Solicited Pornography and Marketing Act) effective January 1, 2004, published and enforced by FCC regulates spam marketing e-mail messages.

The CAN SPAM Act places numerous restrictions on marketing e-mail messages companies may send to users, levies fines and jail terms for offenders, and instructs the FTC to report to Congress on a plan to create a do-not-spam list similar to the one recently put into place by the FTC relating to telemarketing. CAN SPAM creates tough penalties, such as criminal sanctions with up to five-year jail sentences and fines including statutory damages of up to $2 million per incident (trebled to $6 million for knowing violations).

The Act allows a business to send clearly identifiable commercial e-mail until a recipient requests that the business refrain from doing so. It supersedes any statute, regulation, or rule of a state that expressly

regulates the use of e-mail to send commercial messages, except to the extent that any such statute, regulation, or rule prohibits falsity or deception in any portion of a commercial e-mail message or information. Further, the federal government must be notified by any state that initiates a spam-related lawsuit and the federal government retains the right to join and move the case to a regional US District Court. CAN SPAM is not industry specific. It applies to any person or entity that initiates commercial e-mail advertisements as well as any recipient, without consideration of whether the recipient is an individual or business entity.

Under CAN SPAM, marketers are required to label e-mails containing advertisements by including a *clear and conspicuous* identification that the message is an advertisement or solicitation. Marketers must also include a clear and conspicuous notice that allows the recipient to opt out. The *opt-out mechanism* must include a functioning return address or an automated method to opt out. Further, the opt-out mechanism must work for at least 30 days after the e-mail was sent. The sender has 10 days to remove someone who asks to be removed. The law also requires that an advertisement must contain a valid physical postal address.

Prohibitions under this law are directed toward deceptive practices that mislead consumers.

- Advertisements must not utilize subject lines that are likely to mislead a recipient.
- CAN SPAM expressly prohibits masking of a marketer's identity in the reply address, use of materially false or misleading header information, or falsifying registration information.
- CAN SPAM prohibits the harvesting of e-mail addresses on the Internet or randomly generating e-mail addresses by computer as harvesting activities are considered aggravated violations, which may result in trebled fines
- Use of a commercial e-mail advertisement containing certain sexually oriented material without requisite warning labels is also prohibited.

(a) Do-Not-E-Mail Registry

The Act does not mandate creation of a federal do-not-e-mail registry. However, the FCC was directed to issue a report that sets forth a plan and timetable for establishing a nationwide marketing do-not-e-mail registry with implementation no sooner than nine months after the date of enactment. The FCC did just that in 2004, with recommendation of NOT to create such a registry as it would prove to be ineffective. Today, there is no national do-not-e-mail registry.

(b) Final FCC Rules on Unwanted Mobile Service Commercial Messages

The FCC also adopted rules (47 CFR Part 64 subpart BB, 47 CFR § 64.3100) pursuant to the authority conferred by the CAN SPAM Act and by the Communications Act of 1934, as amended. (47 USC 151.) Section 14 of the CAN SPAM Act gives consumers the right to avoid mobile service commercial messages (MCSMs), as long as the address they seek to shield includes a reference to the internet and is for a wireless device. The FCC's new rules address Congress's concern that there are real costs, such as wear on the batteries of mobile devices and interference with consumers' ability to access their own wireless devices in emergency situations, associated with the delivery and receipt of unwanted MSCMs.

Prohibition on MCSMs

In discussion of the proposed rules with industry and related agencies, the FCC considered implementation of a national registry containing mobile addresses of those who had opted not to receive MSCMs, but rejected the creation of such a do-not-call list, citing many of the same privacy concerns that were discussed in relation to the proposed do-not-e-mail registry. Notably, the FCC recognized that no national

database of mobile service numbers now exists in part because currently, security risks arising from creation of such lists severely limit their overall benefits. Creation of a decentralized opt-out mechanism was also considered but was rejected as insufficient to provide the level of protection Congress intended for consumers. In sum, the FCC determined that the public interest will be best served by a rule generally prohibiting transmission of commercial messages to any internet domain names associated with wireless subscriber messaging services and a separate mechanism whereby willing consumers can affirmatively elect to receive MSCMs.

Publication of Wireless Domain Addresses

To help senders of MSCMs identify domain addresses associated with wireless subscriber messaging services, the rule requires that mobile service providers submit the domain names used by their services to the FCC (in a manner and timeframe that will be released at a later date) for inclusion in a list that will be made publicly available (at an even later date). After the FCC publishes the list of domain names used by mobile service providers, an MSCM sender will be required to regularly scrub their call lists against the list of those subscribers to whom they would send MSCMs, to remove any numbers for which the sender has not obtained express prior authorization to send MSCMs. A person who receives commission or is otherwise paid to forward a message to a wireless device other than their own is subject to the rules and will be required to scrub against the domain name registry.

The FCC has determined that in the event that a complaint is filed “the burden of proof rests squarely on the sender,” to establish that authorization has been obtained in written or oral or electronic form. Upon receipt of a complaint, the FCC will require the sender to provide clear and convincing evidence to support any defense that an MSCM was authorized and that the form of the authorization was compliant.