

**NATIONAL RAILROAD PASSENGER CORPORATION
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
INVESTIGATIVE REPORT**

TITLE: Sunshine Promotions-False Statements CASE NUMBER: 08-123

DATE OF REPORT: January 5, 2010

REPORT PREPARED BY: SSA [REDACTED]

Closing Report

Allegation

Amtrak received notice that a mailing was being sent using a reference to Amtrak, and possibly was an identity theft or financial theft scheme. The mailing also contained an Amtrak logo. The promotion was allegedly sent by Sunshine Promotions, 901 31st Street NW, Washington, DC 20007.

Finding of Facts

OI verified Sunshine Promotions was located at 3050 K Street NW, Suite 901, Washington, DC 20007. A security guard informed Agents the office is usually open in the evening and no one is present during the day.

Agents found references to Sunshine Promotions on the internet. Several internet sites dedicated to complaints had messages reporting Sunshine Promotions as a scam or difficult company to provide reported products or services. Agents found reference to a possible affiliation between Sunshine Promotions and a company called CERTS, Inc.

CERTS, Inc. has a website, certsinc.biz, which describes the company as providing promotional premiums and travel certificates to companies and third parties. The business address is shown as 424 East Central Blvd. #413, Orlando, FL 32801.

A check of Sunshine Promotions on the website of the Better Business Bureau (BBB) of Washington, DC showed 10 complaints against Sunshine Promotions since August 2008. Seven complaints were resolved. A check of CERTS, Inc. on the BBB of Central Florida website showed 204 complaints in the last 36 months. Seventy-nine complaints were resolved. No criminal actions were found against either company.

CLOSED

Sunshine Promotions reported to OI that, the mailing referencing Amtrak was provided by a third party marketing firm, CERTS. The caller also reported the promotion involving Amtrak tickets was over.

OI contacted [redacted] of Branding and Promotions for Amtrak, in reference to her knowledge of Sunshine Promotions and this allegation. [redacted] inquired within her department and other marketing and promotion personnel, and found no known business dealings between Amtrak and Sunshine Promotions or CERTS, Inc.

OI sent a referral to the Legal Department requesting they determine:

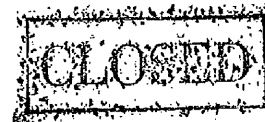
1. Is the use of Amtrak name and logo by Sunshine Promotions without the permission of Amtrak a trademark violation?
2. If the use constitutes a violation, is legal action against Sunshine Promotion warranted?

OI received notice from the Legal Department that they had sent a letter to Sunshine Promotions and CERTS, Inc., requesting both companies to cease and desist in using Amtrak's name and logo in their promotions.

OI received a copy of a letter sent to the Legal Department from CERTS, Inc. stating, CERTS, Inc. had received notice to cease using unauthorized Amtrak logo's in promotion mailings, and that CERTS, Inc. would no longer distribute materials that violate Amtrak's intellectual property rights.

Recommendations

Based on the action of the Legal Department and the response from CERTS, Inc., it is recommended to close this case pending further information.



Supervisor [redacted]

Regional Supervisor [signature]

Deputy Inspector General/ Counsel [signature] 1/20/2010