Commissioner Feldman - Take Other Action Vote
Not Approved by the Commission

Segway Powersports Inc. Settlement Agreement Take Other Action

(1) Staff is directed to continue negotiations with Segway Powersports Inc. (SPI) seeking additional monetary relief including a provision clarifying that SPI's future financial commitments, including any affiliate loans, financial support, financial guarantees, or similar representations about SPI's finances, including any commitments included in an ATV action plan as well as future SPI profits, for a period of 10 years after the Settlement is agreed to, shall be considered as evidence of SPI's ability to pay the suspended amount of the civil penalty included in the Settlement Agreement and allow for payment of any remaining suspended amounts that the Commission determines are within SPI's financial capability. Staff shall include a provision requiring SPI to document regularly during this 10-year period, and no less than once per year, its ability to pay the suspended amount.

(2) Staff is further directed to consult with the Department of Justice to determine whether conduct by SPI, its parent company Ninebot Limited, or any of the firms' individual directors, officers, or agents, constitutes a knowing and willful violation of 15 U.S.C § 2068, and if so, to make any appropriate referrals for criminal prosecution.

(3) If SPI agrees to the provisions in paragraph (1), staff shall present a new Consent Order Agreement and Order to the Commission for review and provisional acceptance under 16 C.F.R. § 1118.20(d).

(4) If SPI does not agree to the provisions in paragraph (1), then staff is authorized to refer the matter to the Department of Justice for litigation.