



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL, AND COURIER

22 November 2013

Kacy Manning
Dynamic Dolphin, Inc. (IANA ID# 941)
5023 W 120th Ave #233
Broomfield CO 80020

Fax: + 1-303-496-1710
Email: admin@dynamicdolphin.com
kmanning@mediabreakaway.com

RE: NOTICE OF TERMINATION OF REGISTRAR ACCREDITATION AGREEMENT

Dear Ms. Manning:

Please be advised that Dynamic Dolphin, Inc.'s ("Dynamic Dolphin") Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 9 June 2010 ("RAA") is terminated pursuant to Section 5.3.1 of the RAA. The termination shall become effective 20 December 2013, 28 days from the date of this notice.

The termination is due to:

- Dynamic Dolphin's material misrepresentation, material inaccuracy, or materially misleading statement in its application for accreditation or any material accompanying the application, in violation of Section 5.3.1 of the RAA.

Please refer to the chronology for details regarding this breach.

Dynamic Dolphin is further advised that the logo license Appendix to the RAA is revoked as of 20 December 2013. Please remove all ICANN trademarks, name and logo from Dynamic Dolphin's website and business materials that have been licensed to Dynamic Dolphin under the terms of that Appendix by 20 December 2013.

Domain Name Transition Process

To protect domain name registrants, ICANN will commence the domain name transition process and will solicit bids for a qualified ICANN-accredited registrar to manage the domain

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names currently managed by Dynamic Dolphin.

ICANN will follow the [De-Accredited Registrar Transition Procedure](#) (“Procedure”). Consistent with the Procedure, please designate a bulk transfer recipient by 25 November 2013 and inform ICANN’s Registrar Liaison Team at RegTransition@icann.org.

ICANN reserves all its rights under the RAA. Please note that all rights and obligations under the RAA will remain in effect after expiration as applicable, including, but not limited to, Sections 3.4 Retention of Registered Name Holder and Registration Data, 3.9 Accreditation Fees, 5.6 Resolution of Disputes Under this Agreement, and 5.7 Limitations on Monetary Remedies for Violations of this Agreement.

If you have questions or require assistance, please contact Owen Smigelski at owen.smigelski@icann.org

Sincerely,

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



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Chronology:

Date of Notice	Deadline for Response	Details
21 Feb 2013	28 Feb 2013	ICANN sends first compliance notice to Dynamic Dolphin via email to admin@dynamicdolphin.com, requesting information and records regarding domain names. Registrar did not respond.
1 Mar 2013	8 Mar 2013	ICANN sends second compliance notice to Dynamic Dolphin via email to admin@dynamicdolphin.com and kmanning@mediabreakaway.com.
8 Mar 2013	N/A	Registrar responds to the second compliance notice via email.
11 Mar 2013	N/A	ICANN acknowledges receipt of registrar's response to the second compliance notice. Subsequent detailed review by ICANN determined that registrar's response was insufficient and contained inconsistent records and information.
1 Apr 2013	N/A	ICANN attempts to call registrar's primary contact listed in RADAR at 1-720-872-3477. The call was not answered and a voice message was left, indicating the insufficiency of the information sent in Dynamic Dolphin's reply. Registrar did not respond.
2 Apr 2013	N/A	ICANN again attempts to call registrar's primary contact listed in RADAR at 1-720-872-3477. The call was not answered and a voice message was left, indicating the insufficiency of the information sent in Dynamic Dolphin's reply. Registrar did not respond.



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Date of Notice	Deadline for Response	Details
17 Apr 2013	24 Apr 2013	ICANN sends a third compliance notice to Dynamic Dolphin via email to support@dynamicdolphin.com, admin@dynamicdolphin.com, and kmanning@mediabreakaway.com (with copy to the primary contact's fax at 1-303-496-1710). ICANN added additional inquiries based upon review of Dynamic Dolphin's data and information, and asked clarifying questions regarding insufficient and inconsistent data and information provided by the registrar on 8 March 2013.
24 Apr 2013	N/A	Registrar replies via email that its privacy service is not a legal entity separate from the registrar itself, requested clarification regarding the non-compliant registration agreement and provided insufficient and inconsistent records and information regarding the domain names.
25 Apr 2013	N/A	ICANN makes several attempts to call the registrar primary contact at 1-720-872-3477 and all calls were answered with an automated voice message. A voicemail was left informing registrar that ICANN wanted to discuss the identified compliance issues and would schedule a conference call to discuss.
26 Apr 2013	N/A	ICANN schedules conference call with registrar to discuss outstanding compliance issues.
30 Apr 2013	6 May 2013	Conference call between ICANN and registrar to discuss compliance issues. ICANN explained deficiencies found in registrar's registration agreement. Registrar agreed to send revised agreement by 6 May 2013.



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Date of Notice	Deadline for Response	Details
7 May 2013	N/A	Registrar sends ICANN a revised version of its registration agreement.
May 2013	N/A	ICANN reviews corporate and court records from the State of Delaware Division of Corporations, the Registrar of Corporations from the Government of Anguilla, and from the State of Colorado.
17 Jun 2013	25 Jun 2013	ICANN sends registrar a follow up to third compliance notice via email to admin@dynamicdolphin.com and kmanning@mediabreakaway.com (with copy to the primary contact's fax at 1-303-496-1710) requesting proof that Dynamic Dolphin received payment from its customers for the registration of the domain names identified in the first compliance notice. ICANN requested registrar to provide further information regarding the domain names registered by the three customers using the registrar's privacy service and addressed still existing deficiencies in the new version of the registrar's registration agreement. ICANN requested that the registrar provide information regarding any civil litigation, arbitration or mediation, or criminal prosecution in any jurisdiction against Dynamic Dolphin, its parent company Media Breakaway, LLC, their affiliated registrar New Great Domains, Inc. and its parent company, Intercontinental Domain, Inc., as well as for its officers and directors.



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Date of Notice	Deadline for Response	Details
24 Jun 2013	N/A	Registrar asks for an extension to respond to the follow up to third compliance notice.
25 Jun 2013	1 Jul 2013	ICANN grants the registrar's request for an extension.
1 Jul 2013	N/A	Registrar replies to the follow up to third compliance notice and stated that it had 13,280 domain names registered behind its privacy service, of which 9,933 were with three named beneficial users. Registrar did not provide details regarding the felony conviction of its CEO or a recent default judgment against Intercontinental Domain, Inc., parent company of its affiliated registrar, New Great Domains, Inc. Registrar subsequently updated RADAR.
30 Aug 2013	9 Sep 2013	ICANN sends a follow up to third compliance notice to registrar via courier, email to admin@dynamicdolphin.com, kmanning@mediabreakaway.com, and support@dynamicdolphin.com, and fax to +1 303-496-1710, inquiring about (1) inconsistencies in payment information provided by the registrar in its reply and in Dynamic Dolphin's registration agreement, (2) the registrar's failure to disclose that Scott Richter was the CEO, director, and Secretary of the registrar since 2012, (3) the registrar's failure to disclose Scott Richter's felony conviction and (4) other inconsistencies in the registrar's reply to ICANN's follow up notice.



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Date of Notice	Deadline for Response	Details
3 Sep 2013	N/A	Registrar replies asking for a one-week extension to reply to ICANN's follow up to third compliance notice.
4 Sep 2013	16 Sep 2013	ICANN grants the registrar's request for an extension.
16 Sep 2013	N/A	The registrar replies to ICANN's follow up to third compliance notice. The information provided was insufficient.
4 Oct 2013	25 Oct 2013	ICANN sends notice of breach to Dynamic Dolphin regarding the failure to disclose and remove an officer and director (Scott Richter) who was convicted of a felony related to financial activities.
4 Oct 2013	N/A	Email from Dynamic Dolphin requesting call with ICANN to discuss notice of breach. Email from ICANN to Dynamic Dolphin proposing times for a conference call.
8 Oct 2013	N/A	Conference call between ICANN and Dynamic Dolphin discussing the issues identified in the notice of breach.



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Date of Notice	Deadline for Response	Details
9 Oct 2013	N/A	ICANN sends summary of conference call to Dynamic Dolphin. Dynamic Dolphin requests clarification of one item in the notice of breach.
23 Oct 2013	25 Oct 2013	ICANN sends email to Dynamic Dolphin requesting information regarding the voting shares of Dynamic Dolphin owned by Scott Richter over time.
25 Oct 2013	N/A	Dynamic Dolphin sends email to ICANN indicating that Scott Richter was removed as an officer on 9 October 2013.
25 Oct 2013	N/A	ICANN sends email to Dynamic Dolphin confirming receipt of email and requesting that Dynamic Dolphin provide the requested ownership information.
25 Oct 2013	N/A	Dynamic Dolphin responds via email inquiring why it had to provide the ownership information.
25 Oct 2013	30 Oct 2013	ICANN sends email to Dynamic Dolphin explaining that the requested additional information is to validate the actions by Dynamic Dolphin to cure the breaches in the 4 October 2013 notice of breach.



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Date of Notice	Deadline for Response	Details
28 Oct 2013	N/A	Dynamic Dolphin responds via email inquiring why it has to provide the requested information.
1 Nov 2013	6 Nov 2013	ICANN sends email to Dynamic Dolphin requesting that it provide this information to validate the registrar's steps to cure the breaches and to assess whether there have been past breaches or failures to disclose required information.
6 Nov 2013	N/A	Dynamic Dolphin sends email in response to ICANN's request for additional information from 25 October 2013, regarding the voting shares of Dynamic Dolphin owned by Scott Richter over time.
8 Nov 2013	N/A	<p>ICANN reviews information provided regarding Dynamic Dolphin's voting shares. Prior to this review, ICANN had no knowledge that Scott Richter was the 100% beneficial owner of Dynamic Dolphin.</p> <p>In light of this review, ICANN initiates a review of the application for accreditation from 2011.</p> <p>Based on Section II. B. of the Statement of Registrar Accreditation Policy, Dynamic Dolphin did not disclose in its application for accreditation that Scott Richter was the 100% beneficial owner of Dynamic Dolphin or that Scott Richter was convicted in 2003 for a felony relating to financial activities.</p>