HOW TO PAY A CIVIL MONEY PENALTY USING THE ONLINE PAYMENT PORTAL

Presented by:
Office of Compliance and Enforcement

2018

Disclaimer: This is not a formal dissemination of information by FDA and does not represent Agency position or policy.
AGENDA

- This is the 2nd in a series of 5 webinars for Retailers and Small Businesses.

- How to pay a Civil Money Penalty (CMP) using the online payment portal.
Other webinar topics:

- Introduction to Civil Money Penalty (CMP) and No-Tobacco-Sale Order (NTSO) Complaints
- How to File an Answer and Consequences for Not Filing an Answer
- The Settlement Process
- The Hearing Process
OVERVIEW

• All 5 webinars available on the FDA Tobacco Compliance Webinars webpage.

• Enter key words “Tobacco Compliance Webinars” in the search bar on the main FDA homepage, www.fda.gov, and follow the FDA Tobacco Compliance Webinars link in search results.

• Webinars are organized by year.
How to pay a CMP using the online payment portal:

• Accessing portal using FDA Docket Number and Retailer Case Number

• Submitting an online acknowledgment

• Submitting an online payment through the US Department of Treasury’s Pay.gov website
ACCESSING THE PAYMENT PORTAL

https://userfees.fda.gov/ctpcmp
ACCESSING THE PAYMENT PORTAL

• If there is a message that the system is not available due to scheduled maintenance, please try again after 24 hours.

• For immediate assistance, contact the FDA/CTP at:
  – 1-877-287-1373, extension 6, or
  – By email CTP-CMP@fda.hhs.gov
ACCESSING THE PAYMENT PORTAL

• Review system terms of notice
• Click radio button next to ‘I understand’ to proceed
COVER LETTER: DOCKET NUMBERS AND RETAILER CASE NUMBER

CENTER FOR TOBACCO PRODUCTS

VIA UPS

XYZ LLC
d/b/a ABC Tobacco Store
Attn: Site Manager
123 Main Street
Silver Spring, MD 20993

Re: Civil Money Penalty (CMP) Complaint
   ABC Tobacco Store, 123 Main Street, Silver Spring, MD
   FDA Docket No. FDA-2017-H-1002
   CRD Docket No. T-17-0000
   Retailer Case No. 3099739700

Dear Retailer:

This letter and the enclosed Complaint notify you that the U.S. Food and Drug Administration’s (FDA) Center for Tobacco Products (CTP) has filed an administrative action against you. FDA seeks a $559 civil money penalty for three violations of the Federal Food, Drug, and Cosmetic Act (Act) and implementing regulations within a twenty-four-month period.

You must respond to the attached Complaint. If you do not take action within 30 days after receipt of this Complaint, you will be in default and the Administrative Law Judge may issue an initial decision ordering you to pay the penalty under 21 C.F.R. § 17.11. Instructions for requesting a hearing are enclosed as well as additional options for responding. Please note that this is a federal administrative enforcement action governed by 21 C.F.R. Part 17, and according to those regulations, you may choose, but are not required, to retain counsel at any time.

To contact CTP, please call (877) 287-1373, extension 6, or email CTP-CMP@fda.hhs.gov.
FINDING YOUR CASE IN THE SYSTEM

- Enter FDA Docket Number and Retailer Case Number
- Click ‘Search’
ONLINE ACKNOWLEDGMENT FORM

- Check that the correct case has been pulled up in the system.
- If there are errors, contact the FDA/CTP:
  - 1-877-287-1373, extension 6 or CTP-CMP@fda.hhs.gov

Center for Tobacco Products - Civil Money Penalties Acknowledgment and Payment Portal

<table>
<thead>
<tr>
<th>Customer Name</th>
<th>XYZ LLC d/b/a ABC Tobacco Store</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDA Docket Number</td>
<td>FDA-2017-H-1002</td>
</tr>
<tr>
<td>Retailer Case Number</td>
<td>3000730700</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main Street, City, State</td>
</tr>
<tr>
<td>Zip Code</td>
<td>20893</td>
</tr>
</tbody>
</table>

Payment Due: $550.00
Document Date: 04/18/2018

ACKNOWLEDGMENT FORM
ONLINE ACKNOWLEDGMENT FORM

- Complete all required fields notated with asterisks (*)
ONLINE ACKNOWLEDGMENT FORM

- Read and accept each of the following statements.
- Acknowledge statements by checking the box next to each statement.

ACKNOWLEDGMENT FORM

To complete this Acknowledgment Form, you must read and acknowledge each of the statements below. Acknowledge the statements by checking the box next to each statement and electronically signing the form by filling in your name and title, at the bottom of the screen. Submit the form by selecting the "I Agree" button, at the bottom of the screen.

- [ ] I own, and/or am authorized to settle claims on behalf of TEST DRB and, if represented by counsel, I have conferred with my attorney of record prior to signing this form.

I understand that by signing this document and submitting payment:
- [ ] I am acknowledging that all of the violations described in the Complaint, FDA-2016-H-7501, including, but not limited to, the violations cited in any Warning Letter(s) referenced in the Complaint occurred;
- [ ] I am agreeing to make sufficient payment to settle this matter;
- [ ] I waive the establishment's ability to contest these violations in the future; and
- [ ] I understand that these violations may be counted in determining the total number of violations for purposes of future enforcement actions.
ONLINE ACKNOWLEDGMENT FORM

- Enter full name in the ‘First Name’ and ‘Last Name’ fields.
- This is your electronic signature.
- Equivalent to a binding legal signature.
ONLINE ACKNOWLEDGMENT FORM

- Select a title from the ‘Title’ dropdown list.
- If title is not in the dropdown list, contact the FDA/CTP.
- 1-877-287-1373, extension 6 or CTP-CMP@fda.hhs.gov
ONLINE ACKNOWLEDGMENT FORM

• Enter a phone number.
• Extension field is optional.
• Enter an email address (optional).
• Enter an address if mailing address is different from retail establishment address noted at top of the page (optional).
• Click ‘I Agree’ after completing all required information.
- Displays after the acknowledgment form is submitted.

<table>
<thead>
<tr>
<th>Customer Name</th>
<th>XYZ LLC d/b/a ABC Tobacco Store</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status</td>
<td>Payment Due</td>
</tr>
<tr>
<td>FDA Docket Number</td>
<td>FDA-2017-H-1002</td>
</tr>
<tr>
<td>Invoice Number</td>
<td>11200019759</td>
</tr>
<tr>
<td>Retailer Case Number</td>
<td>3009739700</td>
</tr>
<tr>
<td>Balance</td>
<td>$559.00</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main Street</td>
</tr>
<tr>
<td>City, State</td>
<td>Silver Spring, MD</td>
</tr>
<tr>
<td>Zip Code</td>
<td>20993</td>
</tr>
<tr>
<td>Document Date</td>
<td>04/18/2018</td>
</tr>
</tbody>
</table>

The acknowledgment form has been submitted for the case listed above.

To print the completed acknowledgment form, click here: Print Form

To pay the entire balance of your civil money penalty in the amount of $559.00, click here: Pay Penalty

To exit the window at this time for any reason, including if you are pursuing settlement, click here: Close Window
Click ‘Print Form’ to view, save, or print a copy of the acknowledgement form.
A new window will open with a printable version of the acknowledgment form.
‘Pay Penalty’ button takes you to the payment page, where you can pay the CMP in full.

The acknowledgment form has been submitted for the case listed above.

To print the completed acknowledgment form, click here [Print Form].

To pay the entire balance of your civil money penalty in the amount of $559.00, click here [Pay Penalty].

To exit the window at this time for any reason, including if you are pursuing settlement, click here [Close Window].
PAY PENALTY BUTTON

- When you click the ‘Pay Penalty’ button, a warning will appear:
  
  ![Warning Message]

  To pay the full penalty of $559.00, click "OK". Otherwise, click "Cancel" and contact the FDA employee listed on the communication you received from FDA.

  After clicking "OK", please wait for the request to process.

- If the penalty amount in the warning is incorrect, click ‘Cancel’ and contact the FDA/CTP at 1-877-287-1373, extension 6 or CTP-CMP@fda.hhs.gov.

- To proceed to payment, click ‘OK’.
• Click ‘Print Invoice’ button to view, save, or print a copy of the invoice.
SUBMITTING PAYMENT ONLINE

- Click ‘Pay Now’ button to make online payment.
- Available online payment methods:
  - Electronic check (Automated Clearing House, ACH), also known as eCheck
  - Credit Card
    - Discover
    - Visa
    - Master Card
    - American Express
If the ‘Pay Now’ button does not display, contact FDA/CTP.

1-877-287-1373, extension 6

CTP-CMP@fda.hhs.gov
Submit Payment

• A new window will open automatically for the U.S. Department of the Treasury’s Pay.gov website.

• Follow the instructions to submit an online payment.
• Tracking ID number is generated once the payment process is completed through Pay.gov.

• Keep the tracking ID number for your records.

• Tracking ID number is not a confirmation that FDA has received and processed the payment.

• Can take up to two business days for the payment to process AFTER the Pay.gov tracking ID is generated.
FDA/CTP CONTACT INFORMATION

- Phone: 1-877-287-1373, extension 6
- Email: CTP-CMP@fda.hhs.gov
SUMMARY

- Accessing the Payment Portal
- Submitting an Acknowledgment Form
- Paying the Penalty
- Printing the Invoice
WHAT’S NEXT?

Additional webinars:

- Introduction to CMP and NTSO Complaints
- How to File an Answer and Consequences for Not Filing an Answer
- The Settlement Process
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HOW TO FIND THE WEBINARS

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