REPORT OF JUDITH A. MALONE, BENTLEY UNIVERSITY ETHICS OFFICER, CONCERNING DR. JAMES E. HUNTON

Pursuant to the Bentley University Ethics Complaint Procedures ("Ethics Policy"), this report summarizes the results of an eighteen-month investigation into two separate allegations of research misconduct that were received by Bentley in November 2012 and January 2013 against James E. Hunton, a former Professor of Accountancy. The complainants — one a confidential reporter (as defined in the Ethics Policy) and the other a publisher — alleged that Dr. Hunton engaged in research misconduct in connection with two papers that he published while a faculty member at the University: “A Field Experiment Comparing the Outcomes of Three Fraud Brainstorming Procedures: Nominal Group, Round Robin, and Open Discussion,” The Accounting Review 85 (3): 911-935 (“Fraud Brainstorming”) and “The Relationship between Perceived Tone at the Top and Earnings Quality,” Contemporary Accounting Research 28 (4): 1190-1224 (“Tone at the Top”).

Because of concerns regarding Fraud Brainstorming that the editors at The Accounting Review had been discussing with Dr. Hunton since May 2012, the editors withdrew that paper in November 2012. Bentley received the allegation of research misconduct from the confidential reporter later that month. The confidential reporter also raised questions about ten other articles that Dr. Hunton published or provided data for while he was at Bentley, which, the reporter alleged, raised similar questions of research integrity.

In my role as Ethics Officer, it was my duty to make the preliminary determination about whether the allegations warranted a full investigation. To make that determination, I met with Dr. Hunton in person when Bentley received this allegation, after I first instructed Bentley IT to back up and preserve all of his electronic data stored on Bentley’s servers. During that meeting, we discussed the allegation, I explained the process that would be followed if I found an investigation was warranted, and I described the need for his cooperation, including the specific admonition that he preserve, and make available to me, all relevant materials, including electronic and paper documents. This information and these instructions were confirmed in writing to Dr. Hunton. Dr. Hunton resigned shortly after that meeting, which coincided with my determination that a full investigation was warranted.

In January 2013 as the investigation was just getting underway, Bentley received the second allegation of research misconduct from the editor of Contemporary Accounting Research. The editor had contacted Dr. Hunton directly in November 2012 with concerns about Tone at the Top after the Fraud Brainstorming paper was retracted. The journal brought the issue to Bentley’s attention after the response it received failed to resolve its concerns. When Bentley received this second allegation, I informed Dr. Hunton of it, as well.
Pursuant to the Ethics Policy, Professor Daniel Everett, the Dean of Arts and Sciences, and I asked M. Lynne Markus, Poduska Professor of Information Process and Management, and Joseph Newpol, Professor of Law, Taxation and Financial Planning, to be the fact-finders in an investigation into both allegations. I advised Dr. Hunton, and his attorneys, of this decision and I reiterated the necessity that he preserve all documents and information, make these available to the University, and make himself available to be interviewed by the fact-finders.

The fact-finders recently completed their work, and this report is based upon their findings and the information that was gathered for them by a research assistant and a forensic consulting firm retained by the University for the purposes of this investigation.

1. **Dr. Hunton engaged in research misconduct by fabricating the data underlying Fraud Brainstorming and Tone at the Top.**

   Based on the totality of the evidence – the evidence found among Dr. Hunton’s files, the evidence missing from Dr. Hunton’s files, and negative inferences based on Dr. Hunton’s conduct – the conclusion that the data reported in these two papers were fabricated is compelling.

   A. **Summary of the evidence compelling the conclusion that the data were fabricated.**

   In both the case of Fraud Brainstorming and Tone at the Top, Dr. Hunton was the only author who had any access to the original data or to the identity of the firms that were supposedly the sources of the data. Dr. Hunton repeatedly told Bentley, his co-authors and journal editors that strict confidentiality agreements prevented him from sharing with them the original data or the identities of the CPA firm (the supposed source of the data reported in Fraud Brainstorming) and the consulting/training firm (the supposed source of the data reported in Tone at the Top). He claimed that disclosure of either the data or the identities of the firms would result in him being subject to lawsuits, to the loss of his CPA license, and to a loss of confidence in the field and thus access to further research opportunities.

   Since Dr. Hunton never shared the original data or, with one exception, any copies of any confidentiality agreement with anyone, the fact-finders undertook an extensive review of Dr. Hunton’s Bentley data to determine whether they could confirm the validity of the data, the identity of the sources of the data, and the existence of the confidentiality agreements that Dr. Hunton described. Nothing of the kind was found.

   Data: The investigation revealed many copies of summary spreadsheets – the kind of summary information that Dr. Hunton had shared with his co-authors – but nothing that could reasonably be described as original data. There were no copies of completed questionnaires or other raw data that one might have expected to find.

   Sources: With respect to the sources of the data, the investigators mined his files for the identity of any major accounting firm that might reasonably have supplied the data reported in Fraud Brainstorming, and any training or consulting firm that might reasonably have supplied the data reported in Tone at the Top. Each of the accounting firms that, based on the review, might have
partnered with Dr. Hunton on the Fraud Brainstorming study was contacted and each willingly conducted an internal review to answer our inquiries. None was able to find any evidence that it had a research relationship with Dr. Hunton or any evidence that it had been the source of the data. No training or consulting firms (the supposed sources of the data in the Tone at the Top paper) were contacted because none could be identified in Dr. Hunton’s files.

Confidentiality Agreements: The investigation recovered from Dr. Hunton’s computer copies of multiple versions of confidentiality agreements purportedly governing these two articles. These agreements – none of which indicated that they had been executed – all revealed unusual redactions, contradictory dates, and – most damaging of all – evidence that the documents had been revised after allegations were raised to make the documents’ prohibitions of disclosure more stringent.¹ One of the firms, whose name appeared in one version of a confidentiality agreement, reviewed the document at Bentley’s request and reported that it bore no resemblance to any document that it ever used with research partners.

B. **Dr. Hunton’s conduct supports the conclusion that he engaged in research misconduct.**

Despite having been cautioned on numerous occasions to retain all relevant documents concerning these papers, Bentley discovered after Dr. Hunton resigned that his office had been completely cleaned out of all physical files, and that his laptop had been wiped clean of all of his electronic files. Statements by Dr. Hunton found among his emails stored on Bentley’s servers strongly suggest that he had begun the process of removing or destroying files sometime in the fall of 2012 – prior to the time that Bentley had been informed of any allegations but after *The Accounting Review* had approached Dr. Hunton directly about the validity of the data in Fraud Brainstorming.

The investigation required, therefore, that Bentley engage a forensic consulting firm and a research assistant to analyze the hard drive of his laptop computer, to undertake recovery efforts, and to analyze and review the results of those recovery efforts. The consultant’s forensic analysis and recovery efforts revealed that Dr. Hunton’s laptop once housed a great deal of electronic data, and revealed no evidence to suggest that the data had been inadvertently lost. To the contrary, the forensic analysis discovered that an “eraser” utility had been loaded onto the laptop during the fall of 2012. This analysis also revealed that a second utility, which permits users to manipulate the creation dates in certain metadata fields in certain kinds of files, had also been loaded onto the laptop during the fall of 2012. Furthermore, analysis determined that the eraser utility had been run multiple times during that fall in an attempt (only partially successful) to delete all of the files on the laptop – including the metadata manipulation utility.

¹ For example, the one version of one of the agreements that Dr. Hunton shared with one of his co-authors appeared to have been edited in late 2012 to include the names of his co-authors as individuals with whom Dr. Hunton could share the data – but the agreement bore an effective date in 2007, months before one of the co-authors started working with Dr. Hunton.
An exhaustive review was also undertaken of data sequestered at the outset of the investigation, both on Bentley’s active servers and stored in offsite facilities. The fact-finders determined that there were significant gaps in Dr. Hunton’s saved emails. The existence of these gaps, together with Dr. Hunton’s known expertise in information technology and forensic accounting, support the conclusion that Dr. Hunton regularly took steps over the years to prevent relevant emails from being captured on Bentley’s servers and backup programs, and thus from being available for review should questions arise later (even years later).

In addition to evidence that Dr. Hunton prevented the retention of, or destroyed, physical and electronic data prior to his resignation from Bentley, Dr. Hunton failed to cooperate with the investigation. He never provided original documents that he agreed to provide after Bentley received the first allegation, and he declined to speak with or meet with the fact-finders. Shortly after the first allegation was made, Dr. Hunton abruptly resigned from Bentley and within several weeks sold his home and moved out of state. He repeatedly declined to participate in this investigation because, according to his lawyer, he has a “crippling” medical condition. Requests for documentation of that condition and offers to make reasonable accommodations to deal with it were met with silence. Bentley University sent Dr. Hunton through his lawyer a copy of this report to give Dr. Hunton an opportunity to respond. Dr. Hunton’s lawyer informed Bentley University that Dr. Hunton continues to assert that he did not fabricate or alter any research data, but Dr. Hunton offered no information to support that assertion and did not dispute any of the factual evidence set out in this report.

One would reasonably expect that someone who worked so deliberately to develop an international reputation for prolific, high-quality research would be eager to assist his home institution and his former colleagues in refuting allegations of research misconduct. Dr. Hunton failed to do that. We can only draw the negative inference from his lack of cooperation with the investigation that he chose that course in order to keep us from learning that he had engaged in research misconduct by fabricating data for the Fraud Brainstorming and Tone at the Top papers.

C. Bentley finds that Dr. Hunton committed research misconduct in the Fraud Brainstorming and Tone at the Top papers.

The evidence summarized in the subsection A regarding data fabrication, coupled with the evidence summarized in subsection B regarding Dr. Hunton’s actions to impede, and not to cooperate with, the investigation require the conclusion that Dr. Hunton is guilty of research misconduct in the Fraud Brainstorming and Tone at the Top papers.

After advising his co-authors on the Fraud Brainstorming and Tone at the Top papers of these findings, we will notify the journals in which these papers were published of the findings, and ask Contemporary Accounting Research to withdraw Tone at the Top (The Accounting Review having already withdrawn Fraud Brainstorming in November 2012).
D. There is no evidence that Dr. Hunton’s co-authors were aware of or complicit in Dr. Hunton’s misconduct.

Dr. Hunton wrote both papers with co-authors who were junior to him, and who relied on his stellar reputation in the fields in which he researched and taught for many years. In both cases, Dr. Hunton was the sole source of the data used in the analyses, and he only provided his co-authors summaries of the data supposedly collected from field research at the CPA and consulting/training firms. In both cases, he told his co-authors that he was subject to strict confidentiality agreements that prohibited him from disclosing the identity of the firms even to them.

Each of the co-authors cooperated in this investigation. The investigation failed to reveal any evidence that the co-authors of Fraud Brainstorming or Tone at the Top were aware of, much less complicit in, any research misconduct in either of those papers.

2. The whole body of Dr. Hunton’s extensive research while a faculty member at Bentley University must now be considered suspect.

Given the conclusive evidence of research misconduct in the Fraud Brainstorming and Tone at the Top papers, Dr. Hunton’s failure to cooperate with the investigation, and his destruction and manipulation of documentary evidence, Bentley must consider the possibility that these are not the only two papers for which the data were fabricated by Dr. Hunton. He published approximately 50 papers while at Bentley, and there is reason to believe that many of those papers involved data that were provided by Dr. Hunton alone, as in the case of the Fraud Brainstorming and Tone at the Top research. Bentley University wrote to all of the authors of the additional papers identified by the confidential reporter to ask if they could personally verify the source of the data. Of the authors who responded, some said they were confident the data were valid, but none was able to produce original data or to identify with certainty the source of the data. Instead, and like in the case of Fraud Brainstorming and Tone at the Top, Dr. Hunton appears to have supplied the data allegedly obtained through his contacts within the accounting field, and provided the co-authors only summary spreadsheets of the data.

Bentley cannot determine with confidence which other papers may be based on fabricated data. We will identify all of the co-authors on papers Dr. Hunton published while he was at Bentley that involve research data. We will inform them that, unless they have independent evidence of the validity of the data, we plan to ask the journals in which the papers they co-authored with Dr. Hunton were published to determine, with the assistance of the co-authors, whether the data analyzed in the papers were valid. The various journals will then have the discretion to decide whether any further action is warranted, including retracting or qualifying, with regard to any of Dr. Hunton’s papers that they published.
Addendum

Bentley University
Subsequent Report

January 20, 2015
January 20, 2015

Tracey Sutherland, PhD
Executive Director
American Accounting Association
5717 Bessie Drive
Sarasota, FL 34233

Re: Dr. James Hunton

Dear Dr. Sutherland:

I am writing to confirm the information that we learned subsequent to our report in July 2014 finding that our former faculty member, James Hunton, committed research fraud with respect to two articles. As noted in that report, Bentley’s investigation led us to conclude that all of Dr. Hunton’s work was open to question. In that report we stated that we would contact the coauthors of all of the data papers that Dr. Hunton wrote while at Bentley and share the responses from those coauthors with the journals that had published the papers so that they could make their own determination as to what action, if any, to take. We also committed to assisting the journals to the extent possible in this endeavor.

We contacted the coauthors of the articles. Two of the coauthors responded and asked whether there was any evidence that either Bear Stearns or Raymond James might be the source of some of the data. One of the co-authors stated that he recalled receiving data in the first quarter of 2006 directly from what he believed was the IT group at Bear Stearns. We went to our data and found an email to this author on April 1, 2006 late in the day from STEARNSTECHSERVICES.COM. The author confirmed that it was the email that he was referring to.

We ran fresh searches of all of the data that we had recovered and reviewed in the course of our investigation, which included all of Dr. Hunton’s recoverable email - i.e., both his emails that were archived and off-site; the emails that were backed up on Bentley’s servers shortly before Dr. Hunton resigned and all of the other electronic data that were backed up, recovered or restored at that time.

Raymond James & Bear Stearns

The only mention of Raymond James (or “raymondjames*”) that we were able to locate was in an email that Dr. Hunton sent to a coauthor on January 25, 2006. In that email, Dr. Hunton told a coauthor that he was going to be meeting with “some old friends at Raymond James” in Tampa in a few weeks and that he expected that they were going to agree to “put our study on their internal servers.” We were unable to locate any other documents or communications evidencing any relationship between Dr. Hunton and Raymond James.
The only specific mention of "Bear Stearns" (or "bearstearns*") that we were able to find was in a series of emails on or about March 17, 2008 - when the news of that firm's collapse became public. Among those emails was one to co-authors in which Dr. Hunton discussed the firm’s demise. We were unable to locate any other documents or communications evidencing any relationship between Dr. Hunton and Bear Stearns.

**StearnsTechServices.com**

In addition to searching all of Dr. Hunton’s files for this domain name, we undertook to investigate the issue more closely using a web tool called Domain Tools. The following summarizes what we found.

The domain **STEARNSTECHSERVICES.COM** was registered on April 1, 2006, the same day that the dataset was sent to the coauthor. The domain was created using a service called **REGISTER.COM**. A PDF of the domain history available through Domain Tools is attached with the registration date highlighted. The domain became available for re-registration/purchase in January 2008 and historical ownership information is not available through Domain Tools - a consequence, from what we can tell, of the registrant having selected the most restrictive privacy options. Other information found among Dr. Hunton’s files confirms, however, that Dr. Hunton - not Bear Stearns - was the registrant of this domain.

First, Dr. Hunton was familiar with **REGISTER.COM**. A year earlier (i.e., in May 2005), Dr. Hunton used it to register his own private domain, **HUNTONUNIVERSE.COM** and to create two emails using that domain - one for himself (jhunton@huntonuniverse.com) and one for his wife (ehunton@huntonuniverse.com).

Second, Dr. Hunton registered a domain using **REGISTER.COM** early in the day on April 1, 2006. We discovered several automatic receipts from that service within his archived emails - noting his online activity and providing him with a means to activate and access his new email account using the domain. Copies of these receipts are attached. They identify the domain registered to Dr. Hunton on April 1, 2006 as **STEARNSTECHSERVICES.COM**.

In summary, we found no evidence that Dr. Hunton had a relationship with personnel at Raymond James or Bear Stearns or conducted research through their firms, no evidence that "stearnstechservices.com" was a legitimate website related to Bear Stearns, but we did find substantial evidence to suggest that the domain was a creation of Dr. Hunton.

I hope that this information is helpful to you. Please let me know if you have any questions.

Sincerely,

[Signature]

Judith A. Malone
General Counsel and Ethics Officer

Enclosures
### Hosting History for Stearnstechservices.com

Enter any domain name and Hosting History will list IP address, name server and registrar history. If a domain name has changed its web host or transferred its domain name to another registrar you will be able to see the old value, the new value, and when the event happened. Note: Hosting History covers domains in the TLDs .com, .net, .org, .biz, .us, and info only.

#### Lookup the Hosting History of a Domain

stearnstechservices.com

#### IP Address History

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<th>Pre-Action IP</th>
<th>Post-Action IP</th>
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<tbody>
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<td>216.21.299.197</td>
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<td>Change</td>
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<td>2007-05-13</td>
<td>Not Resolvable</td>
<td>66.45.238.60</td>
<td>66.45.238.60</td>
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### Event History

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<td>66.45.238.60</td>
<td>-none-</td>
</tr>
</tbody>
</table>

Note: The current IP location and IP Whois may not be the same as it was on the event date.

### Registrar History

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<td>2007-06-25</td>
<td>China-Channel.com</td>
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### Name Server History

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<th>Pre-Action Server</th>
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<td>New</td>
<td>-none-</td>
<td>Register.com</td>
</tr>
<tr>
<td>2007-05-07</td>
<td>Delete</td>
<td>Register.com</td>
<td>-none-</td>
</tr>
<tr>
<td>2007-06-14</td>
<td>New</td>
<td>-none-</td>
<td>Name-services.com</td>
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<td>2007-06-18</td>
<td>Transfer</td>
<td>Name-services.com</td>
<td>Onlineic.net</td>
</tr>
<tr>
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<td>-none-</td>
<td>Idite-na-hui.com</td>
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<td>2008-01-12</td>
<td>Delete</td>
<td>Idite-na-hui.com</td>
<td>-none-</td>
</tr>
</tbody>
</table>
Subject: Thank you for your business with Register.com

From: invoice@register.com

Date: 4/1/2006 9:03:44 AM

To: Hunton, James

Dear James,

Thank you for choosing Register.com as your domain name and Web services provider. Here is confirmation of your order:

Services Term Status Price
- [image](http://image.register.com/images/bullets/blue_bullet.gif) stearnstechservices.com 1 year FULFILLED $35.00

Total: $35.00

Take advantage of the following services included with your order:
- [image](http://image.register.com/images/bullets/salmon_bullet.gif) Build a one-page starter site using the FirstStepSite® template included with your domain name. Log in to your Account Manager and select FirstStepSite from the main menu to get started.
- [image](http://image.register.com/images/bullets/salmon_bullet.gif) Use Register.com's Basic Web Site Forwarding service to point a domain name to an existing site.
- [image](http://image.register.com/images/bullets/salmon_bullet.gif) Access our industry-leading, toll-free phone support 24/7 if you need help with your account or setting up your Web services.

Click the button below to go to your Account Manager now:
[Manage your account](https://new.register.com/retail/myaccount/productdisplay.rcmx)

Your Account Manager can provide status of your account, including your automatic renewal settings [for your services and locking settings](http://help.register.com/cgi-bin/register_help.cgi/php/enduser/std_adp.php?p_faqid=1248&p_created=1096914417) for your domain name(s).

In addition, Register.com offers many other valuable services to help you make the most of your online presence:

[Build A 5- OR 20-PAGE WEB SITE](http://new.register.com/retail/product/website.rcmx)
NOW! <http://new.register.com/retail/product/website.rmx> >
Our easy-to-use WebSiteNOW!™ site building tool lets you do-it-yourself with dozens of
templates to choose from and a simple step-by-step process. And, if you build your one-page
starter site first, you can easily upgrade to the 5- or 20-page WebSiteNOW! site without having to
start from scratch.

<http://new.register.com/retail/product/email.rmx> ADD A PERSONALIZED EMAIL
ADDRESS <http://new.register.com/retail/product/email.rmx> >
Complete your online presence with email at your domain name. Email is an essential element of
your online presence and a low-cost marketing tool. Register.com has a full suite of email services
to choose from.

<http://new.register.com/retail/product/hosting.rmx> SET UP A WEB HOSTING ACCOUNT
<http://new.register.com/retail/product/hosting.rmx> >
When you're ready to start selling online, we can offer you flexible hosting packages with Web
site building tools so you can create an online store, process payments in real time and keep track
of your Web site traffic and orders.

<https://new.register.com/retail/myaccount/productdisplay.rmx> PROTECT YOUR WEB
SERVICES WITH SAFERENEW™ <http://new.register.com/retail/product/website.rmx> >
You can help protect your domain name and Web services with SafeRenew, our automatic
renewal service. Using SafeRenew is a convenient way to help protect your services from being
deleted should you forget to renew them. For more information about renewing your domain name
or to disable your SafeRenew service, visit: http://help.register.com/cgi-bin/register_help.cgi/php/enduser/ask.php <http://help.register.com/cgi-bin/register_help.cgi/php/enduser/ask.php> . You can also check whether your services are
enrolled in SafeRenew by logging in to your account.

<http://new.register.com/retail/business_center.rmx> TRY OUR OTHER SERVICES FOR
SMALL BUSINESS OWNERS <http://new.register.com/retail/business_center.rmx> >
Our focus is on helping small business owners succeed. We listen to what our customers tell us
and provide tools like an automatic data back up service and a professional design service, so you
can off load some of the pressure of doing it all yourself.

If you have any questions or would like to speak with a Web Services Consultant who can help
you choose, set up and use the Web services you need for your online success, call us at one of the

We appreciate your business.

Sincerely,

Billing Support
http://help.register.com
Register.com, Inc
Toll free in the U.S. and Canada: (877) 731-4442
Outside the U.S. and Canada +1 (902) 749-5919
Register.com <http://new.register.com/retail/index.rcmx> offers domain names
<http://new.register.com/retail/product/registration.rcmx>, Web sites
<http://new.register.com/retail/product/website.rcmx>, hosting
<http://new.register.com/retail/product/hosting.rcmx>, email
<http://new.register.com/retail/product/email.rcmx>, data backup

©2004 Register.com, Inc. All Rights Reserved
Register.com
575 Eighth Avenue, 11th Floor
Message0013

Subject: Register.com - Accessing your Email account

From: support@register.com

Date: 4/1/2006 10:13:23 AM

To: Hunton, James

Message Body

Welcome to your new Register.com email account! Check out our Webmail and other services.

WEBMAIL
Log into Webmail <http://new.register.com/retail/product/email/login_webmail.rmx>

You can access your Register.com email account from anywhere you have an Internet connection, 24 hours a day by going to <http://mail.steamtechservices.com>

BASIC AND PRO MAIL
Use Microsoft® Outlook with Your Basic or Pro Email Accounts

Your purchase of our Basic or Pro email services lets you enjoy the benefits of email at your Web address while still being able to use a POP3 client, such as Microsoft® Outlook to read, send and manage your messages.

Check Out Our Email Moving Guide <http://new.register.com/retail/product/email/movingguide_step1.rmx>

Get ready to make the switch from your current email provider to Register.com.

Find Answers to the Most Frequently Asked Questions:


View All Email Related FAQs Now <http://help.register.com/cgi-bin/register_help.cfg/php/enduser/std_adp.php?p_li=&p_page=1&p_cvw=1.2%3B2.0&p_prods=2%2C0&p_cats=0&p_hidden_prods=1%5C lv1=2%5C lv2=0%5C cat_lv1=0&p_search_text=&p_new_search=1>

Additional Questions?
Finding the answers you need is as simple as signing into your email account, then selecting Help from the left-hand menu. You can also find the answers to the most frequently asked questions about email on our Web site.

Plus, our Web Services Consultants are on hand 24 hours a day, seven days a week to help you choose, set up and use the Web services you need to achieve your goals. Call us anytime you need help or have a question.

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http://help.register.com