

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

February 1, 2019

**VIA EMAIL & US MAIL**  
**[accessfitness@live.com](mailto:accessfitness@live.com)**

Steven Millenbach  
37917 Saddle Lane  
Clinton, MI 49236

Steven Millenbach  
3121 E. Grand River Ave  
Lansing, MI 48912

Heather Bailey  
Go Workout Frandor  
134 E. Edgewood Blvd  
Lansing, MI 48911

Re: Notice of Intended Action to Steve Millenbach and Go Workout Frandor

Dear Mr. Millenbach:

This letter is to give you notice of intended action in accordance with MCL 445.905(2), and to give you an opportunity to immediately cease and desist from engaging in the unlawful business practices described below.

As background, this Office is responsible for enforcement of the Michigan Consumer Protection Act, MCL 445.901 *et seq.* During the past few months, our Consumer Protection Division has received more than 20 complaints against Go Workout Frandor. Several of the complainants reference their interactions with you, Steve Millenbach. The consumer complaints contain similar assertions, including that:

- You were advertising no-contract gym memberships but selling customers 12-month gym contracts;
- You continued selling membership contracts after you knew Go Workout Frandor would not continue offering services at the same location, and failed to inform customers that the gym was closing or relocating;
- You failed to inform customers of the gym's closing or relocating, and customers were either unable to reach you about the problem or offered excuses;
- You offered wholly inadequate alternatives to customers, specifically, a hotel facility without comparable space, equipment, or amenities, or requiring customers to go to distant alternative locations that did not offer the same benefits; and

- You have failed to provide refunds to customers.

We have interviewed several of the complainants. While you have purported to take steps to resolve some of the complaints, many of our previous letters to you have not received responses. We are deeply concerned about your intentions relating to these complainants, particularly those who have been promised refunds but who have been unable to collect them.

The above practices violate the following provisions of the Michigan Consumer Protection Act:

- (g) Advertising or representing goods or services with intent not to dispose of those goods or services as advertised or represented.
- (n) Causing a probability of confusion or of misunderstanding as to the legal rights, obligations, or remedies of a party to a transaction.
- (q) Representing or implying that the subject of a consumer transaction will be provided promptly, or at a specified time, or within a reasonable time, if the merchant knows or has reason to know it will not be so provided.
- (s) Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.
- (u) Failing, in a consumer transaction that is rescinded, canceled, or otherwise terminated in accordance with the terms of an agreement, advertisement, representation, or provision of law, to promptly restore to the person or persons entitled to it a deposit, down payment, or other payment, or in the case of property traded in but not available, the greater of the agreed value or the fair market value of the property, or to cancel within a specified time or an otherwise reasonable time an acquired security interest.
- (bb) Making a representation of fact or statement of fact material to the transaction such that a person reasonably believes the represented or suggested state of affairs to be other than it actually is.
- (cc) Failing to reveal facts that are material to the transaction in light of representations of fact made in a positive manner.

[MCL 445.903(1).]

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You should cease and desist the unlawful business practices described in this Notice. Further, Steve Millenbach and Go Workout Frandor are hereby given notice that the Attorney General may commence suit against them on or after February 11, 2019. This lawsuit would seek equitable relief under MCL 445.905, and money damages on behalf of affected Michigan consumers pursuant to MCL 445.910 and/or MCL 445.911. In addition to claims under the Michigan Consumer Protection Act, be advised the Attorney General may include claims for conversion and may seek a writ of *quo warranto* to dissolve the limited liability company.

Prior to filing a lawsuit, we would welcome the opportunity to discuss resolving these issues. To further these discussions, please provide us with a list of Go Workout Frandor's members that includes their sign-up date, and any other information you believe would be helpful. We look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Levin".

Aaron W. Levin  
Ashlee N. Lynn  
Assistant Attorney General  
Corporate Oversight Division  
(517) 335-7632