

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN,

Petitioner,

No. 20-

-CZ

v

HON.

A.M. Cleaning & Supplies, L.L.C.,

Respondent.

Andrea Moua (P83126)
Darrin F. Fowler (P53464)
Assistant Attorneys General
Michigan Dep't of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

**ATTORNEY GENERAL'S *EX PARTE* PETITION FOR CIVIL
INVESTIGATIVE SUBPOENA**

Parties, Legal Authority, and Venue

1. Michigan's Attorney General is authorized to file an *ex parte* petition with the Circuit Court requesting issuance of investigative subpoenas pursuant to Section 7 of the Michigan Consumer Protection Act ("MCPA"), MCL 445.907, which provides in pertinent part:

(1) Upon the *ex parte* application of the attorney general to the circuit court in the county where the defendant is established or conducts business or, if the defendant is not established in this state, in Ingham county, the circuit court, if it finds probable cause to believe a person has engaged, is engaging, or is about to engage in a method, act, or practice which is unlawful under this act, may, after *ex parte* hearing, issue a subpoena compelling a person to appear before the attorney general and answer under

oath questions relating to an alleged violation of this act....The subpoena may compel a person to produce the books, records, papers, documents, or things relating to a violation of this act.... [MCL 445.907]

2. Respondent A.M. Cleaning & Supplies, L.L.C. (“A.M. Cleaning”) is a Michigan limited liability company. A.M. Cleaning has conducted business both online and at its physical storefront located at 4659 Washtenaw Ave. Ann Arbor, Michigan, 48108. Thus, this Court is an appropriate venue for this Petition.

Factual Background

3. The Attorney General has received eleven consumer complaints against A.M. Cleaning alleging that the store drastically increased its prices of hand sanitizers, namely the popular Purell brand. Many of these complaints were from consumers who had not purchased items at A.M. Cleaning, but wanted to bring the advertised prices to the Attorney General’s attention. (See AG consumer complaint of Sami D., **Exhibit A**). Complaints began after A.M. Cleaning posted a tweet on its store’s Twitter page (@SupplyCleanAM) advertising hand sanitizer at \$5.00 per gram. (Tweet screenshot, **Exhibit B**). This tweet was posted on or about March 7, 2020. It has since been deleted. The tweet includes a photo showing three different sized Purell bottles, priced at \$60.00, \$40.00, and \$20.00, respectively. The tweet began with a hashtag, #Coronavirus. This tweet received much attention on Twitter, prompting many users to respond with negative comments.

4. On March 3, 2020, approximately four days before the above-referenced tweet, the store tweeted a photo of its hand sanitizer prices. (March 3, 2020 Tweet screenshot, **Exhibit C**). The prices reflected in this tweet are much

different. The same bottles of Purell hand sanitizer that were priced at \$60.00, \$40.00, and \$20.00, were priced mere days earlier at \$7.50, \$5.00, and \$2.50. The tweet on March 3, 2020 also began with the same hashtag, #Coronavirus.

5. It is blatantly apparent that A.M. Cleaning sought to make a quick profit on hand sanitizer by increasing prices eight-fold. Further, the #Coronavirus embedded in the tweets demonstrates that A.M. Cleaning sought to tie its Purell pricing to an ongoing and growing pandemic in the United States.

6. A.M. Cleaning's internet activity did not stop there. On March 9, 2020, A.M. Cleaning began responding to negative Google Reviews posted publicly about its business. (Google Review screenshot, **Exhibit D**). The company posted yet another photo, with a caption stating that when it was selling Purell, this photo reflected the true prices they were being sold for. This photo portrays the same 3 bottles of Purell, priced this time at \$13.00, \$8.00, and \$4.50, respectively. Additionally, Exhibit D contains another post by A.M. Cleaning on March 10, 2020, claiming the \$60.00, \$40.00, and \$20.00 Purell photo was a "false advertisement" and reflected the "wrong prices".

7. On March 9, 2020, the same day A.M. Cleaning posted that 12 ounce bottles of Purell were \$13.00, Elizabeth B. of Ypsilanti visited the store. She had just returned from Colorado and wanted to make sure she had enough hand sanitizer given the growing Coronavirus situation. (Affidavit of Elizabeth B., **Exhibit E**). She purchased one 12 ounce bottle of Purell at A.M. for \$36.00 and two 8 ounce bottles of Lucky brand hand sanitizer for \$14.00 each. Therefore, A.M.

Cleaning's claims that bottles of 12 ounce Purell were \$13.00 at that time were blatantly false.

8. On March 10, 2020, A.M. Cleaning responded to an outraged Twitter user, stating its Purell prices were actually \$24.00, \$16.00, and \$8.00, respectively (Twitter reply screenshot, **Exhibit F**). This makes the fourth set of pricing on Purell hand sanitizer offered by A.M. Cleaning within a matter of days, all at abundantly higher prices than March 3, 2020. (**Exhibit C**).

9. It is apparent that all four photos are of the same sized bottles, on the same shelf, in the same location. It appears A.M. Cleaning thought that in posting its "true" Purell prices that it meant it did nothing wrong. However, even if the corrected prices are true, the prices are much higher than mere days earlier. Thus, A.M. Cleaning, in an attempt to clean up the negative backlash on the internet, only provided more evidence of its unlawful and unethical pricing scheme.

10. A.M. Cleaning's attempts at explaining the changing prices of Purell did not stop there. On March 13, 2020, WOODTV visited A.M. Cleaning in Ann Arbor. (<https://www.woodtv.com/health/coronavirus/accused-price-gouger-60-purell-bottle-was-accident/>) Anthony Marshall, identified in the news video as the owner, stated that the \$60.00 Purell was priced "accidentally". Moments later, in the same video, an unnamed woman identified as Mr. Marshall's co-owner states that the photo circulating the internet was a "joke photo". The identity of this woman and her role in A.M. Cleaning remains unclear at this time.

11. Regardless of the multiple different explanations for the Purell pricing provided by Mr. Marshall and his unnamed co-owner, A.M. Cleaning clearly sought to take advantage of the growing panic behind the Coronavirus by increasing prices on products many consumers were desperate for.

12. The Attorney General sent A.M. Cleaning and Anthony Marshall a Notice of Intended Action on March 11, 2020. Anthony Marshall, the owner of A.M. Cleaning, responded to the Attorney General's Notice of Intended Action via email on March 22, 2020. (A.M. Cleaning Response, **Exhibit G**). In his response, Mr. Marshall states that \$60.00, \$40.00, and \$20.00 were actually the prices of eight packs of different sized Purell hand sanitizer. He then states he "broke apart" the eight packs into individual bottles and sold them for \$7.50, \$5.00, and \$2.50, respectively. Mr. Marshall continues his explanation by stating that the viral photo showing Purell for \$60.00, \$40.00, and \$20.00 was posted before the shelf tags could be updated.

13. These statements are simply not true as evidenced by Elizabeth B.'s experience. Elizabeth spent \$36.00 on one 12 ounce bottle of Purell hand sanitizer on March 9th, and provided the receipt (**Exhibit E**). Mr. Marshall would like the Attorney General to believe his blatant price gouging during a worldwide health crisis can be chalked up to a misunderstanding or mistaken post on Twitter. However, the amount of conflicting statements that have been made by A.M. Cleaning and Anthony Marshall warrant further investigation and inquiry into this business.

14. There is probable cause to believe Respondent engaged in one or more of the following unfair trade practices prohibited by the MCPA by using the anxiety and panic caused by the Coronavirus to sell Purell products at high prices.

(a) Advertising or representing goods or services with intent not to dispose of those goods or services as advertised or represented.

(b) Charging the consumer a price that is grossly in excess of the price at which similar property or services are sold.

(c) Causing coercion and duress as the result of the time and nature of a sales presentation.

15. An investigation into the sales transactions, and the choices made by Respondent, is appropriate.

Conclusion and Relief Sought

A.M. Cleaning & Supplies, L.L.C. has attempted to take advantage of Michigan consumers through mechanisms prohibited under the MCPA as described above. Further, its owner has compounded this misconduct by attempting to mislead the Attorney General about its actions. These circumstances creates authority for an investigation under MCL 445.907.

The Attorney General asks this Court to authorize an investigation under the MCPA. Through this investigation, the Attorney General will issue subpoenas for records from A.M. Cleaning & Supplies, L.L.C. to shed light on the number of transactions, the choices made, and the extent to which there are affected consumers beyond those complaining to the Attorney General. The Attorney General will specifically investigate the prices at which A.M. Cleaning sold Purell,

hand sanitizers, and other cleaning products throughout the month of March 2020.

The Attorney General will also seek the investigative testimony of Anthony Marshall and any other co-owners whose names are unknown at this time. A proposed order authorizing the issuance of subpoenas for this investigation is included as **Exhibit H**.

Respectfully submitted,

DANA NESSEL
Attorney General

/s/Andrea Moua
Andrea Moua (P83126)
Darrin F. Fowler (P53464)
Assistant Attorneys General
Michigan Dep't of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

Dated: March 27, 2020

E
X
H
I
B
I
T

A

Michigan Office Of Attorney General Consumer Complaint Form

Web Complaint Number: 2020-cp03101826994-A

Submitted: 3/10/2020 6:26:10 PM

Consumer Information

Your Last Name: [REDACTED] First Name: Sami M.I.: [REDACTED]
Your Street Address: [REDACTED] City: [REDACTED]
Your State: [REDACTED] Zip Code: [REDACTED]
Your County:
Your Home Phone: Your Work Phone: Ext.:
Fax Number: E-mail Address: [REDACTED]

Primary Company Or Person Your Complaint Is About

Company or Person? Company

Complainee Last Name:

Complainee First Name:

Company Name: A.M. Cleaning And Supplies
L.L.C.

Street Address: 4659 Washtenaw Ave

City: Ann Arbor

State: MI

Zip Code: 48108

County:

Phone:

Fax Number:

E-mail Address:

Web Site Address: <http://www.amcleaning.biz>

Product Offered:

Primary Jurisdiction: None

Secondary Company Or Person Your Complaint Is About

Company or Person? Company

Complainee Last Name:

Complainee First Name:

Company Name:

Street Address:

City:

State: MI

Zip Code:

County:

Phone:

Fax Number:

E-mail Address:

Web Site Address:

Motor Vehicle Warranty Complaint Information

Vehicle Make, Model, and Year:

Vehicle VIN No.:

Complaint Information

Incident Date\Time: 3/10/2020 1:00:00 AM

Incident Location:

Approximate Monetary Value:

Did you sign a contract?

Where did you sign this contract?

Is a court action pending?

Do you have an attorney representing you on this matter?

Are you willing to testify in court regarding this complaint?

Did you complain directly to the business?

What was the response from the business?

If no complaint was given to the business directly, why?

Was this complaint filed with any other agencies?

Complaint Detail/Inquiry Information

This store is advertising that they have hand sanitizer, but then they are charging \$40 to \$60 per individual pump bottle. Yesterday's ad was \$14 to \$24 per bottle.

[True] Check if this referral is just to give us information and you do not need us to respond to you directly.

[False] Check if you want to send documentation. After you submit this form you will be provided with a postal mail address, and facsimile number, to which you may send documents.

[False] Check if you want to sign up for the Consumer Protection Listserv.

[False] Check if you want to sign up for the AG Press Release Listserv.

[False] Check if you want to sign up for the Attorney General Opinions Listserv.

(*I certify that the information on this form is true and accurate to the best of my knowledge.

(*I consent to releasing to the Michigan Attorney General any information or document relative to the investigation of this complaint. By checking this box, I also certify that I have had the opportunity to review the Michigan Attorney General Privacy Policy before submitting this complaint.

E
X
H
I
B
I
T

B



AM Cleaning and Supplies
@SupplyCleanAM



#Coronavirus We are the last place to have Perull Hand Sanitizer. Only \$5 per gram. In store only. 4659 Washtenaw Ave. Ann Arbor Michigan. Open today until 5. 734-544-1052



World's most expensive hand sanitizer
39 minutes ago

E
X
H
I
B
I
T

C

AM Cleaning and Supplies Retweeted



AM Cleaning and Supplies
@SupplyCleanAM



[#coronavirus](#) [#SuperTuesday](#) [#CoronaVirusUpdate](#)
[#handsanitizer](#) [#handwashing](#)

We have Hand Sanitizer!!! 4659 Washtenaw Ave. Ann Arbor. In the Glencoe Crossing next to the Secretary of State. 734-544-1052. Hurry up while supplies last!



9:17 AM · Mar 3, 2020 from Pittsfield, MI · [Twitter for Android](#)

1 Retweet 1 Like

E
X
H
I
B
I
T

D



A.M. Cleaning & Supplies L.L.C.
2 days ago



When we had Purell for sale this is what we sold them for.
Sorry for false Post

Latest Updates



A.M. Cleaning & Supplies L.L.C.
1 day ago



A false advertising on Purell Hand Sanitizer. We have never sold them at the prices that other are posting. The post was had the wrong prices. We have had our 200 happy customer that have been to our store. We are Sorry for any... More



A.M. Cleaning & Supplies L.L.C.
2 days ago



A.M. Cleaning & Supplies L.L.C.

a false advertising about our business. We do never sold them at that prices. Sorry for any provide great products that are cheaper than so provide free shipping* in the lower 48 States front that is open 7 days a week. 96 rolls of \$41.00. Latex Gloves \$8.00. Nitrile Gloves \$8.50 bags, paper towels and 1000's of more great household and office. We can handle ANY SIZE adding more great quality products for the 7 days a week Visit us at 4659 Washtenaw Ave. to the Secretary of State! We have the lowest

A.M. Cleaning & Supplies L.L.C.

g on Purell Hand Sanitizer. We have never sold them at the prices that other are posting. The post was had the wrong prices. We have had our 200 happy customer



When we had Purell for sale this is what we sold them for. Sorry for false Post
2 days ago

Search for

View 15+ more

E
X
H
I
B
I
T

E

AFFIDAVIT OF ELIZABETH [REDACTED]

State of Michigan)
)ss.
County of Ingham)

Elizabeth [REDACTED], being duly sworn, states and deposes as follows:

1. I live in Ypsilanti, Michigan with my husband. We have grown children. I am a retired personal trainer.
2. I returned from a ski trip in Colorado at the beginning of March 2020 when media coverage and cases of the Coronavirus began increasing in the United States. When I got home to Michigan, I decided I needed to purchase additional cleaning and other Coronavirus related products. I googled hand sanitizer in my area. A.M. Cleaning & Supplies in Ann Arbor came up as a result. I saw on their website that they sold hand sanitizer.
3. On March 9, 2020, I called the store and asked if they had any hand sanitizer in stock. The man who answered the phone said yes. I asked if they could hold a few bottles of hand sanitizer for me, to which the man on the phone answered no. I drove across town that same day to get to the store before they sold out.
4. When I arrived, the shelves at A.M. Cleaning were fully stocked with hand sanitizer. I was the only customer in the store. There was a male employee named Anthony working as the cashier, and a female employee whose name I do not know stocking the shelves. The female employee was Caucasian and had dark, shoulder length hair. Right away I noticed the prices for hand

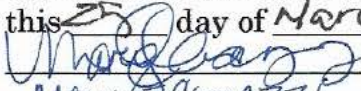
sanitizer were shockingly high. A 12-ounce bottle of Purell had a shelf price of \$36.00. 8-ounce bottles of “Lucky” brand hand sanitizer were \$14.00.

5. I asked both employees about the high pricing of the hand sanitizer. Both employees laughed it off. The male employee had a “well, we have what everyone needs!” type of response although I do not recall his exact words. I knew that the hand sanitizer prices were very high, but because of the spreading Coronavirus, I decided I needed to stock up and did not want to risk other stores being sold out.
6. I bought one 12-ounce bottle of Purell for \$36.00 and two 8-ounce bottles of Lucky brand hand sanitizer at \$14.00 each (Exhibit A). My total for three bottles of hand sanitizer was \$67.84. I was given a free roll of toilet paper with my purchase.
7. Afterward, I saw online that A.M. Cleaning & Supplies claimed that any accusations of increased prices of hand sanitizer in their store were all false. However, my experience was that they did drastically increase the price of hand sanitizer to prices I have never seen before. I did not feel any sense of remorse or culpability from the two A.M. employees about the high prices they were charging when I asked them about the prices.

8. I have personal knowledge of the facts stated in this affidavit and I am competent to testify about them if called upon to do so.

FURTHER, AFFIANT SAYETH NOT.


Elizabeth 

Subscribed and sworn to before me
this 25 day of March, 2020.

Mary O'Connell, Notary Public
Washtenaw County, Michigan
My Commission expires: 1/3/24
Acting in the county of Washtenaw

E
X
H
I
B
I
T

A



AM CLEANING & SUPPLIES

4659 Washtenaw Ave.
Ann Arbor, MI 48108
7346781383
<http://www.amcleaning.biz>

Thank you for shopping at A.M. Cleaning & Supplies LLC.

ORDER: 100114

09-Mar-2020 12:15:09PM
Transaction 000035

- 1 Purell Hand Sanitizer 12oz US\$36.00
- 2 Lucky Hand Sanitizer Preferred Formula Vitamin E 8oz US\$28.00

Subtotal US\$64.00
Tax US\$3.84
Total US\$67.84

DEBIT CARD SALE US\$67.84
Station: employee station

09-Mar-2020 12:15:56PM
US\$67.84 | Method: EMV

US DEBIT [REDACTED]
ELIZABETH [REDACTED]
Ref # [REDACTED]
MID: [REDACTED]
AID: [REDACTED]
AthNtwkNm: STAR
RtInd: DEBIT
PIN VERIFIED

Only unopened items may be returned within 10 days of this receipt.
No returns on clearance items.

.....
How are we doing?
Text "tuug9c" to 73752
.....
Your feedback

E
X
H
I
B
I
T

F

This Tweet is unavailable. [Learn more](#)

 Mar 10 ▼
[@dananessel](#) this establishment was selling hand sanitizer for 36 dollars a bottle, it's marked in this photo. I know you tweeted about this recently, please follow up on this. Thanks!
1  1  11 



AM Cleaning and Supplies
[@SupplyCleanAM](#) ▼

Replying to [@CatHadleyA2](#) and [@dananessel](#)

We just got new Perull prices are \$8.00 4oz, \$16.00 8oz, \$24.00 12oz. We also have other hand sanitizer starting at \$9.50 8oz. I will post it on Tuesday morning. Thanks

3:28 AM · Mar 10, 2020 · [Twitter for Android](#)

1 Like

E
X
H
I
B
I
T

G

A.M. Cleaning & Supplies L.L.C.

Est.2004

4659 Washtenaw Ave
www.amcleaning.biz

(p) 734-544-1052
am.cleaning@yahoo.com

Attn: Corporate Oversight Division

I would like to take this time to address your concerns regarding any complaints that your office received about over-pricing on Purell hand sanitizers.

A photo was posted on social media that showed 12oz, 8oz, and 4oz bottles of sanitizer on a shelf above price tags that read: \$60.00, \$40.00, and \$20.00. Actual pricing of sanitizer is as follows: 12oz - \$7.50, 8oz - \$5.00, and 4oz - \$2.50 for individual bottles and \$60.00 for an 8pack of 12oz ($\$7.50 \times 8 = \60.00), \$40.00 for an 8pack of 8oz ($\$5.00 \times 8 = \40.00), and \$20.00 for an 8pack of 4oz bottles ($\$2.50 \times 8 = \20.00).

I decided to break apart the 8 packs and sell them at their individual marked prices of \$7.50, \$5.00, and \$2.50, but the photo in question was taken when the shelves were in the middle of being restocked and it is misleading of actual prices because the bottles in the photo LOOK LIKE they are on the shelf as being sold individually, but for 8 pack pricing. Once the shelf was fully restocked, the price tags were changed to reflect their individual prices of \$7.50, \$5.00, and \$2.50, therefore, the re-posting of actual prices.

I want to make it clear that I was not trying to sell individual bottles of Purell at the prices listed in the photo and that the negative reviews and complaints that you received have come from online people, that have not been actual customers and are only responding based on that 1 misleading photo. Actual customers that have been to the store are very pleased with our prices and are giving a lot of positive feedback about the low prices on all of my products.

In regards to your inquiry about the GoFundMe, I am not clear as to why there are concerns. My GoFundMe page was recently updated in January, but was established years ago. I was under the impression that anyone can start a GoFundMe for any reason as long as it was truthful. My page simply asks for anyone that may be interested to donate to a small business in support of their effort to maintain low prices.

There is no lying or scamming involved with the GoFundMe page nor have I sold hand sanitizer at the prices suggested in the misleading photo. I apologize for any confusion that my GoFundMe or Twitter photo may have caused. Please feel free to visit my store anytime.

Sincerely,

Anthony Marshall

E
X
H
I
B
I
T

H

STATE OF MICHIGAN
IN THE 22nd JUDICIAL CIRCUIT COURT FOR THE COUNTY OF
WASHTENAW

DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN,

Petitioner,

File No.: 20-

HON.

v

A.M. CLEANING & SUPPLIES, L.L.C.
and ANTHONY MARSHALL,

Respondents.

Andrea Moua (P83126)
Darrin F. Fowler (P53464)
Assistant Attorneys General
Michigan Dep't of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632
FowlerD1@michigan.gov
MouaA@michigan.gov

**ORDER AUTHORIZING ISSUANCE OF CIVIL INVESTIGATIVE
SUBPOENAS**

At a session of said Court, held on
_____, 2020, in the City of Ann Arbor, Michigan.
Present: HON.

The Attorney General has presented this Court with an *Ex Parte* Petition for Civil Investigative Subpoenas, related to an investigation of Respondents A.M. Cleaning & Supplies, L.L.C. Through the *Ex Parte* Petition, the Attorney General

alleges that there is probable cause to believe respondents have violated the Michigan Consumer Protection Act (the Act), MCL 445.901 *et seq.*

Having had an opportunity to review these materials, this Court finds that probable cause exists to believe respondents have violated the Act.

THEREFORE, IT IS ORDERED that the Attorney General, acting through her assistants, is authorized to issue the proposed subpoenas to Respondent.

IT IS FURTHER ORDERED that the Attorney General, acting through her assistants, is authorized to issue additional subpoenas seeking testimony and documentation from persons and entities that are identified through the subpoenas being issued under this Order.

IT IS SO ORDERED.

Hon.
Circuit Court Judge