

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

March 6, 2020

*Email* [REDACTED]  
*and first-class mail*

[REDACTED]  
True Value  
5425 Lake Michigan Dr.  
Allendale, MI 49401

Dear [REDACTED]:

Following up on our telephone conversation, we ask your voluntary response to the following requests by 5:00 p.m. on March 13th:

1. Please confirm in writing the specific style of 3M N95 mask that your store had separated into plastic bags for individual sales.
2. Tell us the base cost True Value has for the packages of these masks that it separated for the individual sales. Provide recent documentation verifying this base cost.
3. Confirm the usual retail price your store has charged for these packages of ten in recent months. The media has reported this figure as betting under \$29 per package, and you confirmed this in our discussion.
4. Confirm the suggested retail price for single-mask packages of this style of mask. During our discussion, I understood you to say this was a price between \$5-\$6. Provide a copy of documentation supporting your response.
5. Confirm in writing the retail price at which you were selling these single-mask packages during January 2020. During our conversation, I understood you to say this price was between \$6-\$7. Provide at least one copy of a point-of-sale document confirming your response.
6. Provide copies of all point-of-sale documentation related to your sales of the individual masks you and your team sold in plastic bags. I understood you to say this documentation will date back to approximately February 24th.

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7. Provide documentation of all expenses your store incurred in separating the masks for sale as you described. From our conversation, I anticipate this will mean you will provide copies of receipts for plastic bags and rubber gloves.

As I did multiple times during our conversation, I am reiterating that you should consider consulting an attorney in communicating with this Office. From the information you conveyed to Joseph Potchen and myself we felt strongly you described a course-of-conduct by True Value Allendale that violates MCL 445.903(1). While our enforcement role here is civil rather than criminal, an attorney is still a good idea for your business; such counsel may help you avoid future situations like this.

While providing the above information is voluntary, I also reiterate the warning I made during our call: if you do not supply responses voluntarily, the Attorney General will seek subpoenas to compel documents and testimony as provided for under the Michigan Consumer Protection Act. See MCL 445.907.

Our goal in getting the above information quickly is to work with you toward a prompt agreement resolving this dispute. We understand you believe True Value Allendale has done nothing wrong. We disagree. But we anticipate we can work with you on a resolution that will avoid the need to involve the courts in this matter.

You can provide me the requested information at the below address, or electronically using the email from which I have sent this letter. Feel free to call if you have questions, or to have your attorney call should one be retained.

Sincerely,



Darrin F. Fowler  
Joseph E. Potchen  
Assistant Attorneys General  
Corporate Oversight Division  
(517) 335-7632

DFP/cms