

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

March 18, 2020

[REDACTED]

Dear [REDACTED]:

*Re: Ebay Sales*

This letter gives you notice of intended action in accordance with MCL 445.905(2) and directs you 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.* Under this Act, the Attorney General may bring injunctive actions to protect the interests of consumers.

We have learned that you used an Ebay store under the username "[REDACTED]" to sell respirator masks to the public. The masks were sold at 2 for \$28.50 plus \$2.00 for shipping. These masks arrived to the customer in a plastic bag. Given the well-known fears surrounding Coronavirus, it is apparent you were seeking to profit from an evolving public health emergency.

Subsequent to this sale, it is apparent that you withdrew your Ebay storefront and it is no longer active. We have seen communication between yourself and a buyer where you offer to send additional free masks when a complaint about the high pricing were brought to your attention. This consumer explains in the affidavit enclosed with this Notice that after he expressed to you that he did not want additional free masks, he has not received any further communication from you.

These facts implicate the following unfair trade practices, as identified in Michigan's Consumer Protection Act:

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

March 18, 2020

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

[MCL 445.903(1).]

The purpose of this letter is to put you on notice as required by the MCPA. From this point, this Office has the latitude to either commence a lawsuit after ten days or invoke a judicial process for a formal investigation through subpoenas. While we are prepared to follow one or both of these paths, we are willing to enter into an assurance of voluntary compliance—a device anticipated in the MCPA.

Please contact us soon to schedule a meeting to be held on, or before, April 1, 2020. You are welcome and encouraged to consult with, and be accompanied by, an attorney for this discussion.

We look forward to hearing from you soon.

Sincerely,



Andrea Moua  
Darrin Fowler  
Assistant Attorneys General  
Corporate Oversight Division  
(517) 335-7632

ALM/cms

AFFIDAVIT OF KEITH [REDACTED]

State of Michigan        )  
                                  )ss.  
County of Ingham        )

1. I currently live in Dalton, Georgia. I am 58 years old and I am a licensed life insurance agent.
2. In February 2020, the news of Corona Virus began to spread. I became panicked and worried quickly and I began searching for products that I thought would prevent me from getting the illness.
3. I am a regular Ebay shopper and it is typically the first website I visit when I need something. I usually find items I need for good prices on Ebay. I went on Ebay and started searching for face masks. I came across a seller with the username "Jeff [REDACTED]" selling 3m ventilation masks. They were priced at 2 for \$28.00. I ordered them on February 27, 2020 (Exhibit A). I wish I had done my research before I purchased these masks from this user. However, I was panicked and scared and made an impulse purchase.
4. After I placed the order, I was browsing the internet for additional products related to Corona Virus when I noticed Home Depot was selling the same 3m ventilation masks I purchased for \$7.99. I realized I overpaid for the masks on Ebay, and this upset me.
5. I received the masks on March 2, 2020. The package displayed a return address of "Jeffrey [REDACTED] [REDACTED]". The invoice inside the package also showed this name and address for the seller (Exhibit B). The 2 masks themselves arrived in a plastic Ziploc bag.

6. On March 10, 2020, I reached out to Jeffrey [REDACTED] on Ebay. On Ebay's website, there is a messaging platform to communicate with Ebay sellers. I asked him why he overcharged me nearly 4 times as much as other sellers for the 2 masks (Exhibit C). He responded by asking me "Why did you purchase them? Item and price clearly described?" I was angry and responded that it does not matter, and that I felt he took advantage of the Corona Virus situation.
7. His response to this message was offering to send me additional masks for free (Exhibit D). I responded that it does not matter, I felt what he did was wrong. I have not received any reply from the seller since.
8. Jeffrey [REDACTED] Ebay selling page has since been cleared of all items (Exhibit E). I noticed there are 2 negative reviews on the Ebay profile with similar concerns that I have.
9. I contacted Ebay to make them aware of the high price I was charged for 2 face masks. They told me they would review my complaint and get back to me if they could find a solution. I would like some of my money refunded, but I am more concerned with sellers like this taking advantage of consumers like me and I hope that it stops.
10. I am very discouraged that people would take advantage of others in the face of the Corona Virus. It is upsetting and I am embarrassed that I fell for it in a moment of panic.

Further, Affiant sayeth not.

  
[REDACTED]

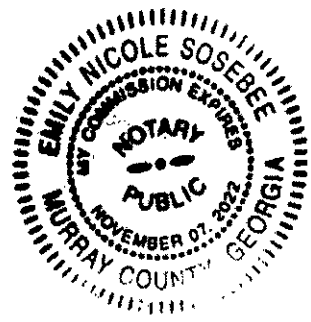
Subscribed and sworn to before me  
this 16 day of March, 2020.

Emily Nicole Joeselne  
\_\_\_\_\_, Notary Public

\_\_\_\_\_, County, Murray

My Commission expires: Nov. 7, 2022

Acting in the county of Whitfield



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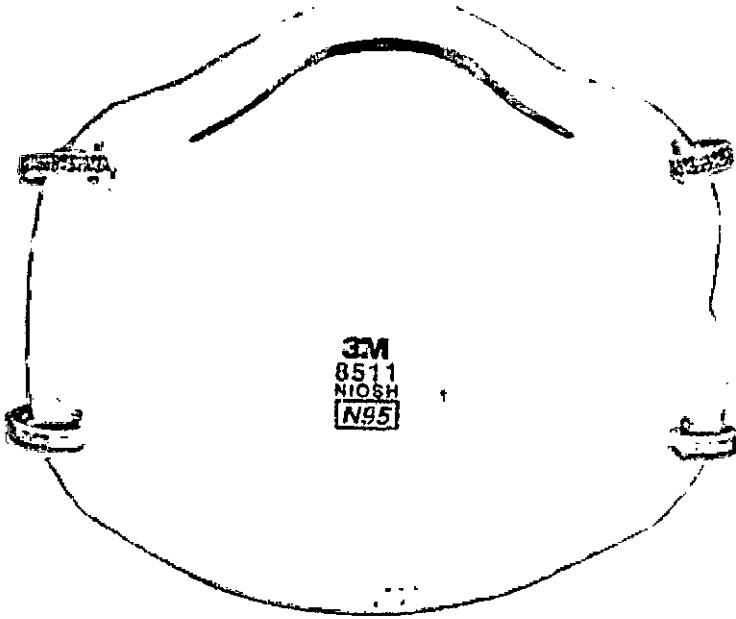
Item



Sell One Like This

More Options

1 of 1



**N95 Mask 3M Cool Flow valve 8511  
Respirator Mask N95 PRO (2 Pack)**

☆☆☆☆☆ (15)

**US \$28.50** +US \$2.00 Shipping

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Invoice / Packing Slip

Quantity	Part #	Part Name	Price	Subtotal
1	12170000000	Web Page 201 Great Free Value 65 (1) Macintosh Apple 1445 (Web 20 Parts)	\$29.50	\$29.50

Shipping & Handling (USPS Flat Class Package) \$22.00  
 Sales Tax N/A  
 Other charges (for charges) \$0.00  
**Total \$51.50**

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6 of 114



**You have responded to this message**

From:

jeff [redacted]



Mar 10, 6:28 PM

**Subject: Re: [redacted] has sent a question about item #283798080952, that ended on Feb-28-20 08:49:45 PST - N95 Mask 3M Cool Flow valve 8511 Respirator Mask N95 PRO (2 Pack)**

**Item: 283798080952**



New message from: jeff [redacted] (3,105 ★)

Why did you purchase them? Item and price clearly described?

**Reply**

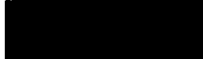
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**You have responded to this message**

From: **jeff**  

Mar 10, 6:44 PM

Subject: Re:  has sent a question about item #283798080952, that ended on Feb-28-20 08:49:45 PST - N95 Mask 3M Cool Flow valve 8511 Respirator Mask N95 PRO (2 Pack)

Item: **283798080952** 

New message from: **jeff**  (3,105 ★)

Would you like some more for Free.

**Reply**

Your previous message

Does not matter...you took advantage of situation and you know it!!!

**jeff** :

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Shop by category

Search for anything

Home > Community > Feedback forum > Feedback profile

## Feedback profile

jeffil [redacted] (3111 ★) ⓘ

Positive Feedback (last 12 months): 98.3% ⓘ

Member since: Dec-07-98 in United States

### Feedback ratings ⓘ

Detailed s

	1 month	6 months	12 months	Average
⊕ Positive	71	98	128	Accu ★★★
○ Neutral	2	2	2	Shipp ★★★
⊖ Negative	2	2	2	

All received Feedback

Received as buyer

2 Feedback received (viewing 1-2)

Search Feedback received as seller with an item title or ID: ⓘ

e.g. Vintage 1970's Gibson Guitars



### FEEDBACK

- ⊖ **Loose mask in ziplock bag..not sanitary. Price gouging 2 mask for \$27**  
N95 Mask 3M Cool Flow valve 8511 Respirator Mask N95 PRO (2 Pack) (#
- ⊖ **Not Happy w them put in zip lock bags no original bagging , not sanita**  
N95 Mask 3M Cool Flow valve 8511 Respirator Mask N95 PRO (2 Pack) (#

Reply by jeff [redacted] Left within past month.

Item states masks are transferred from bulk packaging to individual pac