

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30218
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

March 15, 2023

Intoxalock
c/o Consumer Safety Technology, LLC
11035 Aurora Avenue
Des Moines, IA 50322

Re: **Intoxalock Solicitations**

To Whom It May Concern:

We have received information from multiple sources that Intoxalock is contacting individuals who have entered pleas for operating while intoxicated (“OWI”) but have not been sentenced. Intoxalock uses mailings that have the appearance of government-issued forms to induce recipients to purchase an expensive breath alcohol ignition interlock device (“BAIID”), which may not be necessary. Intoxalock should cease and desist from these or similar communications to individuals who reside in Michigan or are involved in proceedings before Michigan courts.

Michigan consumers have reported receiving documents they perceive to be either issued by a governmental entity or reflecting a mandatory obligation resulting from a legal proceeding. This perception is understandable. The solicitations identify consumers, by name and address, as having been charged with OWI offenses. In addition to the consumers’ name and address, the solicitations purport to identify the consumer’s arrest date and a “charge code” of OWI. The solicitations do not conspicuously identify themselves as solicitations but, rather, as “Arrest Information.” They contain “section[s],” demarcated by Roman numerals, entitled “Arrest Record,” “Notice,” and “Instructions.” The solicitations are formatted in a way that resembles forms such as those promulgated by Michigan’s State Court Administrative Office. A redacted sample of one of the solicitations presented to this Office is attached for your reference. (**Exhibit 1.**)

Moreover, it appears Intoxalock is contacting consumers to solicit them to purchase expensive BAIIDs prior to the consumers’ sentencing hearing or, worse yet, after the consumer receives a sentence that does not require a BAIID. Although some language in the solicitation does suggest that this purchase may not be strictly necessary, the solicitation is readily susceptible to an interpretation that the purchase is strongly advised, if not court-ordered. For example, individuals are

instructed to call a phone number “[t]o learn more about regaining your driver’s license.”

As you are aware, at least one individual reported to this office that he unnecessarily installed a BAIID after being misled by an Intoxalock solicitation similar to the one attached here. He further reported that, when he learned that a BAIID was never necessary—his license had been suspended entirely—Intoxalock refused to schedule a removal appointment without a letter from the Michigan Department of State. Of course, the BAIID having been unnecessary in the first place, no such letter of authorization was forthcoming. Meanwhile, this individual claims he was charged \$120 per month for this unnecessary device for 12 months. In a letter responding to this complaint, Intoxalock defended its solicitation, stating that it “does not in any way communicate that the recipient must or has been court ordered to obtain one” and “the content of the letter provides transparency in our status as an approved IID vendor in the state but makes it clear that we are not a representative of the state or any court.” (**Exhibit 2.**)

But complaints forwarded to this office by individuals, probation officers, and judges tell a different story. The solicitation is, indeed, misleading, and it is causing stress and financial harm to Michigan consumers.

By masquerading as government-issued notices and misleading individual consumers regarding their need for a BAIID, these solicitations may violate the Michigan Consumer Protection Act (MCPA), MCL 445.901 *et seq.*, among other laws. Relevant here, the MCPA prohibits the following conduct:

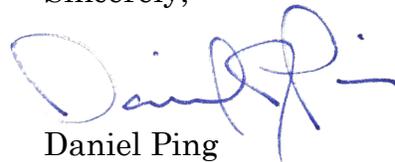
- (c) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have.
- (n) Causing a probability of confusion or of misunderstanding as to the legal rights, obligations, or remedies of a party to a transaction.
- (w) Representing that a consumer will receive a rebate, discount, or other benefit as an inducement for entering into a transaction, if the benefit is contingent on an event to occur subsequent to the consummation of the transaction.
- (aa) Causing coercion and duress as the result of the time and nature of a sales presentation.

Intoxalock
Page 3
March 15, 2023

(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. [MCL 445.903(1).]

We would like to discuss this practice with you further and learn more about your policies and procedures related to these solicitations, the methods by which you obtain the consumers' information, and any steps taken by Intoxalock to confirm a consumer's obligation to obtain a BAIID. Please contact me to set up a meeting to discuss this matter.

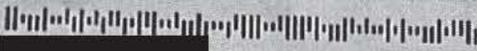
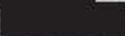
Sincerely,



Daniel Ping
Assistant Attorney General
Corporate Oversight Division
(517) 335-7632

EXHIBIT 1

Michigan Breath Alcohol Ignition Interlock Device (BAIID) Intoxalock Arrest Information

SECTION I ARREST RECORD	
<p>TO:</p> <p style="text-align: center;">   Detroit, MI  </p>	<p>ARREST DATE  2022</p> <p>CHARGE CODE OWI</p> <p>ENROLL PHONE (833) 227-0979</p> <p>ENROLL WEBSITE MI.REGAINLICENSE.COM</p>

SECTION II NOTICE

Call (833) 227-0979 to enroll and schedule an Intoxalock ignition interlock installation.

Public records indicate that on  2022, you were arrested for OWI (Operating While Intoxicated). Per state law, your driver's license could be suspended by the DMV for 6-12 months for a first offense and at least 1 year for multiple offenses. However, you may be able to regain your driving privileges with the installation of an Ignition interlock device.

If convicted by the court for OWI, you may be ordered to install an Ignition interlock device for a minimum of 1 year. If a BAIID is required by the court, failure to install a device may result in not being able to reinstate your driving privileges.

Call (833) 227-0979 upon receipt of this letter and a trained Michigan BAIID specialist from Intoxalock will walk through each step and answer any questions.

* To learn more about regaining your driver's license call (833) 227-0979.

- SECTION III INSTRUCTIONS**
- To regain your full driving privileges you may need to:
- | | |
|---------------------------------------|--|
| 1. Install an ignition interlock | 4. Complete community service and/or jail time |
| 2. Submit paperwork and pay all fines | 5. Provide proof of insurance |
| 3. Serve suspension period | 6. Satisfy all other requirements |



Scan QR Code now for immediate assistance.



Open the camera on your phone



Aim it at the Flowcode



Tap the banner that appears

Intoxalock Ignition Interlock Information

Call: (833) 227-0979

Visit: MI.RegainLicense.com

Intoxalock is a privately owned Ignition Interlock Device (IID) vendor that can fulfil requirements directed by a court or administrative body but is not a governmental agency. Intoxalock is not the sole authorized provider in Michigan and products are not owned or operated by The State of Michigan. This is not intended to be legal guidance or advice so if necessary, consult a licensed attorney for specific legal questions. Please provide vehicle make, model, year and VIN number when contacting Intoxalock. If you received this mail in error, please discard or contact remove@intoxalock.com and provide your first name, last name, and address to be removed from further mailings. © 2022 Consumer Safety Technology

EXHIBIT 2

February 21, 2022

Chad M. Canfield
Operations Manager
Consumer Protection
Email: cp_email5@michigan.gov

RE: AG No.: [REDACTED]

Mr. Canfield:

We are in receipt of your letter dated February 2, 2022 regarding AG No. [REDACTED]. Thank you for allowing Intoxalock the opportunity to respond to this complaint, as we take all complaints very seriously.

A member of the Intoxalock management has been in contact with [REDACTED]. We regret any poor experience he has had with Intoxalock. Intoxalock has agreed provide a credit in the amount of \$168.51 equal to 3 months of lease payments of the Intoxalock device to [REDACTED] account. A check will be mailed to [REDACTED] in the amount of \$102.52 for the credit balance on his account after subtracting the current balance showing due on his account.

Following receipt of the complaint, Intoxalock reviewed the mailer currently being distributed in the state of Michigan. Our review showed that the correspondence provides the recipient with valuable information about the use of an ignition interlock device (IID) but does not in any way communicate that the recipient must or has been court ordered to obtain one. For example, it includes language such as, "You may be able to regain your driving privileges..."; "If convicted..., you may be ordered to install..."; and "To regain your driver's license, you may need to...".

Further, the content of the letter provides transparency in our status as an approved IID vendor in the state but makes it clear that we are not a representative of the state or any court. For example, Intoxalock includes language on every page that states, "Intoxalock is a privately owned ignition interlock device (IID) vendor...but is not a governmental agency." We also clarify that our "products are not owned or operated by the State of Michigan."

We understand that the complainant has issue with our mailer, and, as such, we have confirmed that this individual's contact information is currently not included on any of our future mailing lists.

Please let me know what else we can do to assist in this matter.

Sincerely,

Mike Voigt
State Regulation Specialist