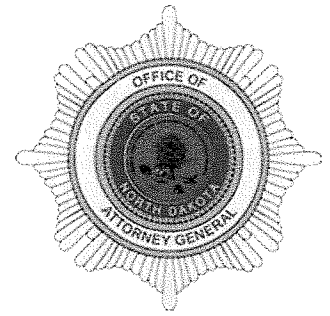




OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION
GATEWAY PROFESSIONAL CENTER
1050 E INTERSTATE AVENUE, STE 200
BISMARCK, NORTH DAKOTA 58503-5574



701-328-5570 (Telephone)
701-328-5568 (Facsimile)

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

411 YP LIST

Respondent.

**CEASE AND DESIST ORDER,
NOTICE OF CIVIL PENALTY
AND NOTICE OF RIGHT
TO REQUEST A HEARING**

CPAT 130382.002

To the individuals and entities identified below (hereinafter "Respondent"):

411 YP LIST
PO BOX 145
MONTREAL, QC H3B 3J5
CANADA

411 YP LIST
1180 ST ANTOINE STREET WEST SUITE 206
MONTREAL QC H3C184
CANADA

411yplist@bell.net

(including all of those entities' officers, directors, owners, agents, servants, employees and representatives as well as all other persons in active concert or participation with them, extending to all "doing business as" names, formal corporate names, fictitious names of any kind or any variations of the same)

BACKGROUND

1. The Attorney General of North Dakota has reasonable grounds to believe Respondent has engaged in and is engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15, "Unlawful Sales or Advertising Practices." It is necessary and appropriate in the public interest and for the protection of North Dakota residents to restrain Respondent's unlawful acts or practices.

2. 411 YP LIST ("Respondent") is a Canadian company with a principal place of business at 1180 St Antoine Street West, Suite 206, Montreal, Quebec H3C184. Respondent's mailing address is P O Box 145, Montreal, Quebec H3B 3J5.

3. Respondent has been the subject of a complaint from a North Dakota person alleging Respondent has engaged in deceptive practices in violations of North Dakota Law. Respondent is engaged in the business of advertisement, solicitation and sale of business listings services for online business listings, via telephone and mailed solicitations. Respondent has contacted persons in North Dakota via telephone to solicit payment for business listing services allegedly ordered and performed.

4. Petitioner alleges that Respondent calls unsuspecting employees of North Dakota entities and represents that a business listing was previously ordered. Respondent further asks if the person wishes to continue the service. When the employee requests to cancel the service, Respondent claims that payment is due for listing services already provided for the previous year and demands payment for services provided. Following the phone call, Respondent sends an invoice via facsimile, demanding payment for business listing services. The person receiving the invoice from Respondent has no way of verifying whether the alleged services were

provided, and may not be able to provide proof to contradict Respondent's allegations that the services were ordered. Respondent claims to have proof of the underlying sales transaction. However, Respondent has only been able to provide an alleged recording relating to the collection call and not the initial sales transaction.

5. Based on the complaint and information received, it appears to the Attorney General that Respondent has engaged in a practice that is commonly referred to as a "business directory scam" or "invoice scam," and that Respondent has made untrue, deceptive and misleading representations, has engaged in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in violation of N.D.C.C. § 51-15-02. It also appears to the attorney General that Respondent has sent, delivered, or transmitted invoices or statements of account due to solicit payment of money by another person for goods not yet ordered or for services not yet performed and not yet ordered, in violation of N.D.C.C. § 51-15-02.2.

6. Petitioner believes Respondent's unlawful conduct has affected numerous persons in North Dakota, whom Respondent has called or sent invoices in an attempt to deceive them and pressure them into paying Respondent for online business listing services that Respondent alleges have already been performed. Petitioner further believes that the North Dakota persons, who receive phone calls or invoices from Respondent, have never ordered any services from Respondent and do not have any records of ever receiving any business listing services from Respondent.

7. Based on the complaint and other information received, it appears to the Attorney General that Respondent has engaged in violations of N.D.C.C. ch. 51-15. Therefore, on March 27, 2014, the Attorney General, pursuant to his authority under N.D.C.C. § 51-15-04, issued an Order to Produce Information to Respondent regarding

its business practices in North Dakota. The Order to Produce Information was provided to Respondent via mail and email. Petitioner requested Respondent respond by April 8, 2014.

8. On April 5, 2014, Petitioner received a letter, via facsimile, from Respondent with a response to the consumer complaint. The letter did not address or provide a response to the Order to Produce Information. The letter was signed by Don Simpson, Consumer Relations Coordinator, 411 YP List.

9. On April 7, 2014, Petitioner sent an e-mail to Respondent, to the attention of Don Simpson, explaining that the facsimile would not be considered an adequate response to the Order to Produce Information, and further explaining the need to comply with the Order to Produce Information.

10. On April 8, 2014, the Attorney General's Consumer Protection Division received a phone call from Don Simpson in response to the email. The Division explained to Mr. Simpson that his company is required to comply with the Order to Produce Information by producing the information requested therein. Mr. Simpson indicated that a response would require him to go into the archives and that he would need some additional time. Petitioner granted Mr. Simpson additional time and Mr. Simpson represented that he would start producing the information in the next week or two. Respondent did not provide Petitioner any response or information. On April 25, 2014, Petitioner sent another e-mail to Respondent requesting a response no later than May 2, 2014. Respondent did not provide a response.

11. Respondent has failed to respond to the Order to Produce Information. Pursuant to N.D.C.C. § 51-15-07, the Attorney General may issue a cease and desist

order for Respondent's failure or refusal to file a statement or report under N.D.C.C. § 51-15-04.

12. Based on information received, it appears to the Attorney General that Respondent has engaged in and is engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15. Respondent has refused to comply with the Attorney General's request for information pursuant to N.D.C.C. § 51-15-04. Due to the risk of ongoing violations of North Dakota law and the continued risk of injury to North Dakota residents, it is necessary and appropriate in the public interest and for the protection of the state's residents to restrain the Respondent's unlawful acts or practices.

ORDER

Based upon the foregoing information, it appears to the Attorney General that Respondent has engaged in violations of N.D.C.C. ch. 51-15, and that Respondent has failed or refused to respond to the Order to Produce Information as required by N.D.C.C. § 51-15-04; **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondent and its agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with Respondent, whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) advertising, soliciting, or selling merchandise to North Dakota persons; 2) advertising, soliciting, or selling merchandise to North Dakota persons through the use of mailings that could reasonably be interpreted to be a bill, invoice, or a statement of account due in violation of N.D.C.C. § 51-15-02.2; 3) soliciting payment from North Dakota persons for goods or services that have not yet been ordered or properly authorized; 4) collecting, attempting to collect, or

contacting Dakota persons regarding collection of payment for merchandise allegedly ordered, delivered or performed; and 5) using untrue, deceptive or misleading representations or engaging in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in connection with the sale or advertisement of merchandise, in violation of N.D.C.C. § 51-15-02. Respondent also shall immediately **CEASE AND DESIST** from issuing or mailing any invoices or bills to North Dakota persons for the sale of merchandise, as defined by N.D.C.C. § 51-15-01(3), and **CEASE AND DESIST** from taking, collecting, charging, billing or accepting any payment from any North Dakota person, including, but not limited to, cash, check, direct credit, debits or withdrawals from North Dakota person's credit cards, debit cards or bank accounts for any alleged past or future order or sale of merchandise, in the State of North Dakota.

YOU ARE NOTIFIED that, pursuant to N.D.C.C. § 12.1-09-03, a person is guilty of a criminal offense if he or she intentionally "alters, destroys, mutilates, conceals, or removes a record, document, or thing with intent to impair its verity or availability" in an official proceeding. As such, intentional destruction of any documents related to this matter may result in criminal prosecution.

NOTICE OF CIVIL PENALTIES

YOU ARE FURTHER NOTIFIED that, pursuant to N.D.C.C. § 51-15-07, any violation of this Cease and Desist Order is subject to civil penalties not to exceed \$1,000 per violation. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-15 may result in additional civil penalties of not more than \$5,000 per violation. Such penalties are separate and in addition to any civil penalties, costs, expenses, investigation fees, and attorney fees pursuant to N.D.C.C. ch. 51-15 or any other applicable statute. Nothing in

this Order is intended to limit or waive any rights and remedies available to the State of North Dakota or its residents.

NOTICE OF RIGHT TO REQUEST HEARING

YOU ARE NOTIFIED that, pursuant to N.D.C.C. § 51-15-07, you may request a hearing before the Attorney General if such a request is made in writing WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THIS ORDER. Respondent has the right to be represented by legal counsel at the hearing.

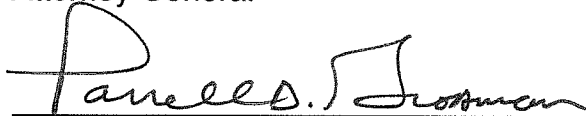
Dated this 10th day of June, 2014.

STATE OF NORTH DAKOTA

Wayne Stenehjem

Attorney General

BY:



Parrell D. Grossman, ID No. 04684

Assistant Attorney General

Director, Consumer Protection and
Antitrust Division

Office of Attorney General

Gateway Professional Center

1050 E. Interstate Ave., Suite 200

Bismarck, ND 58503-5574

(701) 328-3404

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

411 YP LIST

Respondent.

**AFFIDAVIT OF SERVICE OF
CEASE AND DESIST ORDER**

CPAT 130382.002

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

Alexis Bieber states under oath as follows:

1. I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct and made upon personal knowledge.


2. I am of legal age and on the 10th day of June, 2014, I served the CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon the following by placing true and correct copies thereof in an envelope addressed as follows:

411 YP LIST
PO BOX 145
MONTREAL, QC H3B 3J5
CANADA

411 YP LIST
1180 ST ANTOINE STREET WEST SUITE 206
MONTREAL QC H3C184
CANADA

and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota, as first class mail.

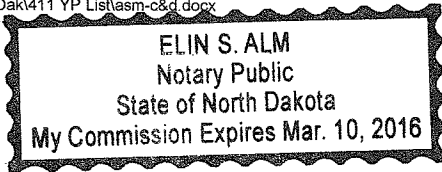
3. Also on the 10th day of June, 2014, I served CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon Respondent via electronic mail by e-mailing the document to 411yplist@bell.net.


Alexis Bieber

Subscribed and sworn to before me
this 10th day of June, 2014.


NOTARY PUBLIC

G:\CPAT\NoDak\411 YP List\asm-c&d.docx



[News Release](#)