

1 Terry Goddard
2 Attorney General
(Firm State Bar No. 14000)

3 Ann Thompson Uglietta
4 Assistant Attorney General
5 State Bar No. 013696
6 Brook Rosenbaum
7 Assistant Attorney General
8 State Bar No. 023805
9 Consumer Protection and Advocacy Section
10 1275 West Washington
11 Phoenix, AZ 85007-2997
12 Telephone: (602) 542-0883
13 Facsimile: (602) 542-4377
14 Consumer@azag.gov

15 Attorneys For Plaintiff

16 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

17 **IN AND FOR THE COUNTY OF MARICOPA**

18 STATE OF ARIZONA, ex rel. TERRY
19 GODDARD, Attorney General,

20 Plaintiff,

21 v.

22 WAL-MART STORES, INC., a Delaware
23 corporation,

24 Defendant.

NO. CV2006-

**COMPLAINT FOR VIOLATIONS OF
THE CONSUMER FRAUD ACT**

25 The State of Arizona, by its Attorney General, Terry Goddard, for its Complaint,
26 alleges upon information and belief, as follows.

I. NATURE OF THIS ACTION

1. This is an action arising out of defendant Wal-Mart Stores, Inc.'s
("Wal-Mart") repeated failures to post and/or display prices of items for sale in its

1 stores located throughout the State of Arizona, its repeated inaccurate and misleading
2 posting and/or displaying of prices of items for sale in its stores located throughout
3 the State of Arizona; its repeated overcharges on items for sale in its stores located
4 throughout the State of Arizona, and its repeated violations of Arizona price posting
5 and price verification laws, from at least the Year 2001 to the present. Wal-Mart's
6 long history and chronic pattern and practice of omissions and non-disclosures of
7 material pricing information, misrepresentations and misleading statements regarding
8 pricing, overcharges and other deceptive practices, recurring from at least the Year
9 2001 to the present, constitute violations of the Consumer Fraud Act, A.R.S. § 44-
10 1522, for which Wal-Mart is liable for civil penalties, injunctive relief, restitution of
11 losses, investigation expenses, costs and attorneys' fees.

12 **II. JURISDICTION AND VENUE**

13 2. This Complaint is filed and these proceedings are instituted under the
14 provisions of the Consumer Fraud Act, A.R.S. § 44-1521, *et seq.*

15 3. The Superior Court has jurisdiction to enter appropriate orders both
16 prior to and following a determination of liability pursuant to A.R.S. §§ 44-1528,
17 44-1531 and 44-1534.

18 4. Authority for the Attorney General to commence this action for
19 injunctive relief, restitution, civil penalties, investigation expenses, costs, attorneys'
20 fees and such other relief as the Court deems proper, is conferred by, *inter alia*,
21 A.R.S. §§ 41-193(A)(1) and 44-1531.

22 5. The violations alleged herein have been and are being committed in
23 whole or in part, and affect commerce in Maricopa County and elsewhere
24 throughout the State of Arizona. Venue is appropriate in Maricopa County pursuant
25 to A.R.S. § 12-401.
26

III. PARTIES

6. The Attorney General is the chief law enforcement officer and attorney for the State of Arizona.

7. Defendant Wal-Mart Stores, Inc. is a Delaware corporation with its principal place of business located in Bentonville, Arkansas. Wal-Mart is authorized to conduct and does conduct business in Maricopa County and elsewhere in Arizona.

IV. FACTUAL ALLEGATIONS

8. Wal-Mart is one of this nation's largest retailers of consumer merchandise. According to Wal-Mart's website (www.walmartstores.com), Wal-Mart serves more than 138 million customers nationwide per week. Wal-Mart reported net sales for its fiscal year ending January 31, 2006 as \$312.14 billion. Wal-Mart reported net income for that same time period as \$11.2 billion. Upon information and belief, Wal-Mart operates 70 retail stores in Arizona.

9. During all times material to this complaint, Wal-Mart has been subject to and must comply with Arizona price posting and price verification laws. A.R.S. § 41-2081 provides in pertinent part that “a person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way to deceive a person.”

10. From at least Year 2001 to the present, the Arizona Department of Weights and Measures (“DWM”) has conducted price posting (“PRC”) and price verification (“UPC”) inspections of Wal-Mart stores located throughout the State of Arizona. DWM inspections occur as part of the agency’s regular inspection schedule; as a re-inspection after a previously failed inspection; or as a response to

1 receiving a consumer complaint. DWM conducts re-inspections of stores at least
2 within 6 days after a failed inspection¹.

3 11. For PRC inspections, the DWM inspector randomly selects
4 approximately 250 items² and determines whether a definite, plain and conspicuous
5 declaration of price is individually marked on the outside packages of the selected
6 items, or whether a definite, plain and conspicuous declaration of price (including
7 any reduction in price) for that item is properly posted and displayed at the point of
8 display for the selected items in accordance with A.R.S. §§ 41-2081 (F)(4), (K) and
9 (L). Items that are not individually marked with a price or for which there is not a
10 properly and accurately posted or displayed price, are non-compliant items. A.R.S.
11 §§ 41-2081 (C), (F)(4), (K) and (L); AAC § R20-2-402(C).

12 12. For a UPC inspection, the DWM inspector randomly selects
13 approximately 50 items for sale in the store. The inspector determines whether the
14 selected items have a posted price and if so, notes the prices. The inspector then
15 brings the selected items to the store's checkout register, and has the items scanned
16 to determine whether the posted price (if one exists) equals the scanned price. If an
17 item's scanned price exceeds its posted price, the item is non-compliant.³ A.R.S. §
18 41-2081 (C); AAC § R20-2-402(C).

19
20
21 ¹ If a retailer fails a price verification test, a re-inspection occurs after six (6) calendar days. Subsequent re-inspections
22 occur the following business day until such time the retailer achieves 98% on the official test on two consecutive
inspections.

23 ² In certain cases, the DWM inspector may stop an inspection after inspecting less than 250 items, if the DWM inspector
determines that the store clearly will not pass the inspection based upon the accumulating number of violations.

24 ³ Prior to September 2004, DWM considered items with scanned prices above their posted price (over-charges) *and*
25 below their posted price (under-charges) to be UPC non-compliant. During that time frame, DWM included *both* over-
charges and under-charges in calculating Wal-Mart's UPC compliance rate. In September 2004, DWM changed its
26 policy such that it considers only over-charges to be UPC non-compliant. To account for this change in policy, plaintiffs'
claims herein that arise out of Wal-Mart's UPC violations are based only on items with scanned prices *above* their posted
price, that is, over-charges. UPC violations based upon under-charges are not included in this Complaint.

13. A store's compliance rate is computed by dividing the number of compliant items by the sample size. DWM regulations require that stores achieve and maintain no less than a 98% compliance rate for PRC and UPC. Stores with less than 98% compliance rate are subject to re-inspections, stop-sale orders, fines and other enforcement actions by DWM. A.R.S. §§ 41-2066, 41-2115; AAC §§ R20-2-104, R20-2-402.

14. In Year 2001, DWM conducted at least 174 inspections at 33 Wal-Mart locations in Arizona. Wal-Mart failed at least 114 of these inspections in violation of Arizona law. DWM imposed \$68,000 fines for Year 2001 violations. Wal-Mart's Year 2001 violations included:

2001 WAL-MART FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
100 S REGUS RD	CLAYPOOL	11/20/01	PRC	250	20	-	92.0
10603 E APACHE TR	APACHE JUNCTION	8/28/01	PRC	265	25	-	90.6
1305 W MAIN	MESA	7/26/01	UPC	50	-	2 (0)	96
1305 W MAIN	MESA	7/26/01	PRC	300	26	-	91.3
1305 W MAIN	MESA	9/10/01	PRC	250	25	-	90.0
1305 W MAIN	MESA	10/9/01	PRC	250	14	-	94.4
1305 W MAIN	MESA	10/9/01	UPC	50	-	2 (0)	96
1305 W MAIN	MESA	11/20/01	PRC	250	11	-	95.6
1305 W MAIN	MESA	11/20/01	UPC	50	-	3 (2)	94
1305 W MAIN	MESA	12/19/01	PRC	250	13	-	94.8
1305 W MAIN	MESA	12/19/01	UPC	50	-	2 (1)	96
13055 W RANCHO SANTA FE BLVD	AVONDALE	1/10/01	PRC	150	29	-	80.7
13055 W RANCHO SANTA FE BLVD	AVONDALE	5/8/01	PRC	260	6	-	97.7
13055 W RANCHO SANTA FE BLVD	AVONDALE	5/8/01	UPC	50	-	2 (1)	96
13055 W RANCHO SANTA FE BLVD	AVONDALE	7/18/01	PRC	250	13	-	94.8
13055 W RANCHO SANTA FE BLVD	AVONDALE	9/11/01	PRC	250	25	-	90.0
13770 W BELL RD	SURPRISE	6/19/01	PRC	250	19	-	92.4
13770 W BELL RD	SURPRISE	8/7/01	PRC	250	23	-	90.8
13770 W BELL RD	SURPRISE	9/26/01	UPC	50	-	3 (0)	94

1	1380 W ELLIOT RD	TEMPE	3/2/01	PRC	254	25	-	90.2
	1380 W ELLIOT RD	TEMPE	3/2/01	UPC	50	-	4 (1)	92
2	1380 W ELLIOT RD	TEMPE	4/18/01	PRC	253	50	-	80.2
3	1380 W ELLIOT RD	TEMPE	4/18/01	UPC	50	-	3 (1)	94
	1380 W ELLIOT RD	TEMPE	5/31/01	PRC	253	40	-	84.2
4	1380 W ELLIOT RD	TEMPE	5/31/01	UPC	50	-	4 (1)	92
	1380 W ELLIOT RD	TEMPE	6/28/01	PRC	254	25	-	90.2
5	1380 W ELLIOT RD	TEMPE	6/28/01	UPC	50	-	3 (0)	94
6	1380 W ELLIOT RD	TEMPE	7/24/01	PRC	250	15	-	94.0
	1380 W ELLIOT RD	TEMPE	8/20/01	PRC	175	25	-	85.7
7	1380 W ELLIOT RD	TEMPE	10/11/01	PRC	250	16	-	93.6
	1380 W ELLIOT RD	TEMPE	10/30/01	PRC	261	11	-	95.8
8	1607 W BETHANY HOME RD	PHOENIX	2/1/01	UPC	50	-	3 (1)	94
9	1607 W BETHANY HOME RD	PHOENIX	6/23/01	PRC	253	24	-	90.5
	1607 W BETHANY HOME RD	PHOENIX	6/23/01	UPC	50	-	3 (0)	94
10	1795 KIOWA AVE	LAKE HAVASU CITY	6/14/01	PRC	275	25	-	90.9
11	1955 S STAPLEY DR	MESA	7/10/01	PRC	300	14	-	95.3
	1955 S STAPLEY DR	MESA	7/10/01	UPC	50	-	3 (1)	94
12	1955 S STAPLEY DR	MESA	8/7/01	PRC	258	8	-	96.9
	1955 S STAPLEY DR	MESA	8/7/01	UPC	50	-	5 (1)	90
13	1955 S STAPLEY DR	MESA	9/11/01	PRC	250	25	-	90.0
14	1955 S STAPLEY DR	MESA	9/11/01	UPC	50	-	7 (1)	86
	1955 S STAPLEY DR	MESA	10/10/01	UPC	50	-	2 (1)	96
15	1955 S STAPLEY DR	MESA	10/29/01	UPC	50	-	2 (0)	96
	2003 E RODEO DR	COTTONWOOD	2/14/01	PRC	250	8	-	96.8
16	2003 E RODEO DR	COTTONWOOD	5/14/01	PRC	250	18	-	92.8
17	2003 E RODEO DR	COTTONWOOD	7/3/01	PRC	250	12	-	95.2
	2003 E RODEO DR	COTTONWOOD	8/7/01	PRC	250	9	-	96.4
18	2020 N 75TH AVE	PHOENIX	3/23/01	PRC	251	7	-	97.2
	2020 N 75TH AVE	PHOENIX	5/23/01	PRC	250	25	-	90.0
19	2750 S WOODLAND VILLAGE	FLAGSTAFF	4/17/01	PRC	276	26	-	90.6
20	2750 S WOODLAND VILLAGE	FLAGSTAFF	4/17/01	UPC	50	-	2 (0)	96
21	2840 HWY 95	BULLHEAD CITY	5/2/01	PRC	261	11	-	95.8
	2840 HWY 95	BULLHEAD CITY	5/2/01	UPC	50	-	2 (1)	96
22	2840 HWY 95	BULLHEAD CITY	10/9/01	PRC	261	11	-	95.8
	2900 S PACIFIC AVE	YUMA	1/4/01	UPC	50	-	4 (3)	92
23	2900 S PACIFIC AVE	YUMA	3/26/01	UPC	100	-	8 (4)	92
24	2900 S PACIFIC AVE	YUMA	5/1/01	UPC	50	-	6 (1)	94
	2900 S PACIFIC AVE	YUMA	9/10/01	PRC	274	25	-	90.9
25	2900 S PACIFIC AVE	YUMA	9/10/01	UPC	50	-	3 (1)	94
	2900 S PACIFIC AVE	YUMA	10/16/01	PRC	255	6	-	97.6
26	2900 S PACIFIC AVE	YUMA	12/5/01	PRC	266	17	-	93.6
	2900 S PACIFIC AVE	YUMA	12/5/01	UPC	50	-	2 (1)	96

1	300 N BEELINE HWY	PAYSON	6/11/01	PRC	250	21	-	91.6
	300 N BEELINE HWY	PAYSON	8/9/01	PRC	250	21	-	91.6
2	300 N BEELINE HWY	PAYSON	10/11/01	PRC	250	8	-	96.8
3	300 N BEELINE HWY	PAYSON	12/14/01	PRC	250	12	-	95.2
	3050 N HWY 69	PRESCOTT	10/23/01	PRC	250	25	-	90.0
4	3050 N HWY 69	PRESCOTT	10/23/01	UPC	50	-	2 (1)	96
	330 W BELL RD	PHOENIX	7/30/01	PRC	250	26	-	89.6
5	330 W BELL RD	PHOENIX	7/30/01	UPC	50	-	8 (2)	84
	3396 N STOCKTON HILL RD	KINGMAN	1/29/01	PRC	256	8	-	96.9
6	3396 N STOCKTON HILL RD	KINGMAN	4/10/01	PRC	256	6	-	97.7
7	3396 N STOCKTON HILL RD	KINGMAN	4/10/01	UPC	50	-	2 (1)	96
	3396 N STOCKTON HILL RD	KINGMAN	5/14/01	PRC	275	25	-	90.9
8	3396 N STOCKTON HILL RD	KINGMAN	7/2/01	PRC	286	16	-	94.4
9	3396 N STOCKTON HILL RD	KINGMAN	7/2/01	UPC	50	-	4 (1)	92
	3396 N STOCKTON HILL RD	KINGMAN	10/1/01	PRC	270	20	-	92.6
10	3396 N STOCKTON HILL RD	KINGMAN	10/1/01	UPC	50	-	2 (0)	96
	3396 N STOCKTON HILL RD	KINGMAN	11/28/01	PRC	262	12	-	95.4
11	3396 N STOCKTON HILL RD	KINGMAN	11/28/01	UPC	50	-	2 (2)	96
12	3721 E THOMAS RD	PHOENIX	12/6/01	UPC	50	-	4 (1)	92
	3721 E THOMAS RD	PHOENIX	12/19/01	PRC	250	25	-	90.0
13	3721 E THOMAS RD	PHOENIX	12/19/01	UPC	50	-	2 (0)	96
	4617 E BELL RD	PHOENIX	6/12/01	PRC	259	9	-	96.5
14	4617 E BELL RD	PHOENIX	6/12/01	UPC	50	-	4 (0)	92
15	4617 E BELL RD	PHOENIX	7/31/01	PRC	261	11	-	95.8
	4617 E BELL RD	PHOENIX	7/31/01	UPC	50	-	2 (0)	96
16	4617 E BELL RD	PHOENIX	8/28/01	PRC	250	17	-	93.2
	4617 E BELL RD	PHOENIX	9/26/01	PRC	250	21	-	91.6
17	4617 E BELL RD	PHOENIX	9/26/01	UPC	50	-	6 (0)	88
18	4617 E BELL RD	PHOENIX	10/16/01	UPC	50	-	2 (2)	96
	4915 N PIMA RD	SCOTTSDALE	7/17/01	PRC	276	26	-	90.6
19	4915 N PIMA RD	SCOTTSDALE	7/17/01	UPC	50	-	3 (0)	94
20	5401 S WHITE MOUNTAIN RD	SHOW LOW	7/24/01	PRC	255	25	-	90.2
	5401 S WHITE MOUNTAIN RD	SHOW LOW	7/24/01	UPC	50	-	2 (0)	96
21	5845 W BELL RD	GLENDALE	6/20/01	PRC	253	22	-	91.3
22	6131 E SOUTHERN AVE	MESA	1/9/01	UPC	50	-	2 (0)	96
	6131 E SOUTHERN AVE	MESA	7/10/01	PRC	250	8	-	96.8
23	700 MIKE PIKE BLVD	WINSLOW	10/22/01	PRC	255	22	-	91.4
	7150 E SPEEDWAY BLVD	TUCSON	6/13/01	PRC	264	17	-	93.6
24	7635 N LA CHOLLA BLVD	TUCSON	6/11/01	PRC	261	12	-	95.4
	7635 N LA CHOLLA BLVD	TUCSON	6/11/01	UPC	50	-	2 (1)	96
25	7635 N LA CHOLLA BLVD	TUCSON	7/30/01	UPC	50	-	2 (0)	96
26	800 W WARNER RD	CHANDLER	1/18/01	PRC	280	32	-	88.6
	800 W WARNER RD	CHANDLER	1/18/01	UPC	50	-	7 (3)	86

1	800 W WARNER RD	CHANDLER	4/26/01	PRC	250	10	-	96.0
	800 W WARNER RD	CHANDLER	6/5/01	PRC	260	6	-	97.7
2	800 W WARNER RD	CHANDLER	6/5/01	UPC	50	-	6 (3)	88
3	800 W WARNER RD	CHANDLER	7/2/01	PRC	260	13	-	95.0
	800 W WARNER RD	CHANDLER	8/7/01	PRC	500	19	-	96.2
4	800 W WARNER RD	CHANDLER	9/5/01	PRC	250	6	-	97.6
	800 W WARNER RD	CHANDLER	9/21/01	PRC	250	7	-	97.2
5	8200 W PEORIA AVE	PEORIA	7/30/01	PRC	255	26	-	89.8
6	8200 W PEORIA AVE	PEORIA	7/30/01	UPC	50	-	4 (1)	92

15. Wal-Mart paid the Year 2001 fines and continued to violate Arizona price posting and price verification laws. In Year 2002, DWM conducted at least 88 inspections at 25 Wal-Mart locations in Arizona. Wal-Mart failed at least 45 of these inspections in violation of Arizona law. DWM imposed \$17,300 fines for Year 2002 violations. Wal-Mart's Year 2002 violations included:

2002 WAL-MART FAILED PRC AND UPC INSPECTIONS							
Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
1305 W MAIN	MESA	1/8/02	PRC	256	7	-	97.3
1305 W MAIN	MESA	1/8/02	UPC	50	-	2 (1)	96
1305 W MAIN	MESA	2/4/02	PRC	250	7	-	97.2
1305 W MAIN	MESA	2/4/02	UPC	50	-	5 (0)	90
1305 W MAIN	MESA	2/27/02	UPC	50	-	4 (2)	92
1305 W MAIN	MESA	3/18/02	UPC	50	-	2 (1)	96
1325 E FLORENCE BLVD	CASA GRANDE	1/9/02	PRC	255	16	-	93.7
1325 E FLORENCE BLVD	CASA GRANDE	1/9/02	UPC	50	-	4 (2)	92
13770 W BELL RD	SURPRISE	10/28/02	UPC	50	-	8 (1)	84
13770 W BELL RD	SURPRISE	10/2/02	UPC	50	-	3 (0)	94
13770 W BELL RD	SURPRISE	12/3/02	UPC	50	-	2 (0)	96
15355 N NORTHSIGHT BLVD	SCOTTSDALE	1/2/02	UPC	50	-	2 (0)	96
15355 N NORTHSIGHT BLVD	SCOTTSDALE	2/20/02	UPC	50	-	2 (0)	96
15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/8/02	PRC	250	25	-	90.0
15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/8/02	UPC	50	-	4 (2)	92
15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/15/02	UPC	50	-	3 (1)	94
15355 N NORTHSIGHT BLVD	SCOTTSDALE	4/12/02	PRC	250	25	-	90.0
15355 N NORTHSIGHT BLVD	SCOTTSDALE	12/16/02	PRC	250	11	-	95.6
15355 N NORTHSIGHT BLVD	SCOTTSDALE	12/16/02	UPC	50	-	4 (1)	92

1	15355 N NORTHSIGHT BLVD	SCOTTSDALE	12/23/02	UPC	50	-	4 (2)	92
2	1795 KIOWA AVE	LAKE HAVASU CITY	1/2/02	PRC	275	25	-	90.9
3	2840 HWY 95	BULLHEAD CITY	1/3/02	PRC	275	25	-	90.9
4	2840 HWY 95	BULLHEAD CITY	1/3/02	UPC	50	-	5 (1)	90
5	2840 HWY 95	BULLHEAD CITY	10/17/02	UPC	50	-	4 (0)	92
6	2900 S PACIFIC AVE	YUMA	1/10/02	PRC	275	25	-	90.9
7	2900 S PACIFIC AVE	YUMA	1/10/02	UPC	50	-	3 (1)	92
8	2900 S PACIFIC AVE	YUMA	1/24/02	UPC	50	-	2 (0)	96
9	2900 S PACIFIC AVE	YUMA	3/13/02	PRC	256	6	-	97.7
10	2900 S PACIFIC AVE	YUMA	3/13/02	UPC	50	-	2 (1)	94
11	2900 S PACIFIC AVE	YUMA	7/18/02	UPC	50	-	4 (2)	92
12	2900 S PACIFIC AVE	YUMA	10/31/02	UPC	50	-	4 (2)	92
13	2900 S PACIFIC AVE	YUMA	11/27/02	UPC	50	-	3 (3)	94
14	300 N BEELINE HWY	PAYSON	2/21/02	PRC	250	24	-	90.4
15	3050 N HWY 69	PRESCOTT	7/15/02	PRC	265	25	-	90.6
16	3396 N STOCKTON HILL RD	KINGMAN	2/21/02	PRC	257	7	-	97.3
17	3396 N STOCKTON HILL RD	KINGMAN	8/29/02	PRC	255	25	-	90.2
18	3721 E THOMAS RD	PHOENIX	1/17/02	PRC	250	25	-	90.0
19	3721 E THOMAS RD	PHOENIX	2/15/02	PRC	250	25	-	90.0
20	3721 E THOMAS RD	PHOENIX	11/20/02	UPC	50	-	3 (3)	94
21	5401 S WHITE MOUNTAIN RD	SHOW LOW	1/9/02	PRC	250	8	-	96.8
22	5401 S WHITE MOUNTAIN RD	SHOW LOW	7/31/02	UPC	50	-	2 (2)	96
23	5845 W BELL RD	GLENDALE	7/25/02	PRC	250	25	-	90.0
24	5845 W BELL RD	GLENDALE	9/20/02	PRC	250	13	-	94.8
25	700 MIKE PIKE BLVD	WINSLOW	3/19/02	UPC	50	-	5 (1)	90
26	7150 E SPEEDWAY BLVD	TUCSON	1/3/02	UPC	50	-	2 (2)	96

16. Wal-Mart paid the Year 2002 fines and continued to violate Arizona price posting and price verification laws. In Year 2003, DWM conducted at least 86 inspections at 24 Wal-Mart locations in Arizona. Wal-Mart failed at least 53 of these inspections in violation of Arizona law. DWM imposed \$7,600 fines for Year 2003 violations. Wal-Mart's Year 2003 violations included:

2003 WAL-MART FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
10603 E APACHE TR	APACHE JUNCTION	8/26/03	UPC	50	-	2 (0)	96
1325 E FLORENCE BLVD	CASA GRANDE	5/7/03	PRC	250	11	-	95.6

1	13770 W BELL RD	SURPRISE	1/27/03	PRC	250	19	-	92.4
	13770 W BELL RD	SURPRISE	1/27/03	UPC	50	-	5 (5)	90
2	13770 W BELL RD	SURPRISE	3/6/03	PRC	250	14	-	94.4
3	13770 W BELL RD	SURPRISE	3/24/03	PRC	250	6	-	97.6
	15355 N NORTHSIGHT BLVD	SCOTTSDALE	1/28/03	PRC	250	20	-	92.0
4	15355 N NORTHSIGHT BLVD	SCOTTSDALE	1/28/03	UPC	50	-	3 (1)	94
	15355 N NORTHSIGHT BLVD	SCOTTSDALE	2/18/03	PRC	250	16	-	93.6
5	15355 N NORTHSIGHT BLVD	SCOTTSDALE	2/18/03	UPC	50	-	2 (2)	96
6	15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/11/03	PRC	254	19	-	92.5
	15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/11/03	UPC	50	-	3 (0)	94
7	15355 N NORTHSIGHT BLVD	SCOTTSDALE	5/6/03	UPC	50	-	3 (1)	94
	15355 N NORTHSIGHT BLVD	SCOTTSDALE	8/20/03	PRC	250	25	-	90.0
8	15355 N NORTHSIGHT BLVD	SCOTTSDALE	8/20/03	UPC	50	-	4 (0)	92
9	1607 W BETHANY HOME RD	PHOENIX	3/25/03	PRC	250	6	-	97.6
	18551 N 83RD AVE	GLENDALE	2/21/03	PRC	250	11	-	95.6
10	18551 N 83RD AVE	GLENDALE	10/23/03	PRC	250	9	-	96.4
	1955 S STAPLEY DR	MESA	7/16/03	PRC	250	7	-	97.2
11	2020 N 75TH AVE	PHOENIX	7/24/03	PRC	250	10	-	96.0
12	2020 N 75TH AVE	PHOENIX	7/24/03	UPC	50	-	3 (2)	94
	2900 S PACIFIC AVE	YUMA	9/24/03	PRC	250	8	-	96.8
13	2900 S PACIFIC AVE	YUMA	11/19/03	PRC	250	13	-	94.8
	300 N BEELINE HWY	PAYSON	3/17/03	PRC	250	15	-	94.0
14	330 W BELL RD	PHOENIX	2/25/03	PRC	250	26	-	89.6
15	330 W BELL RD	PHOENIX	2/25/03	UPC	50	-	6 (4)	88
	3721 E THOMAS RD	PHOENIX	1/14/03	PRC	250	17	-	93.2
16	3721 E THOMAS RD	PHOENIX	1/14/03	UPC	50	-	5 (2)	90
	3721 E THOMAS RD	PHOENIX	1/22/03	UPC	50	-	3 (2)	94
17	3721 E THOMAS RD	PHOENIX	2/27/03	UPC	50	-	2 (1)	96
18	455 E WETMORE	TUCSON	12/9/03	PRC	250	8	-	96.8
	4617 E BELL RD	PHOENIX	1/13/03	PRC	254	25	-	90.2
19	4617 E BELL RD	PHOENIX	1/13/03	UPC	50	-	4 (0)	92
	4617 E BELL RD	PHOENIX	3/4/03	PRC	259	21	-	91.9
20	4617 E BELL RD	PHOENIX	3/4/03	UPC	50	-	5 (2)	90
21	4617 E BELL RD	PHOENIX	5/28/03	UPC	50	-	2 (0)	96
	5010 N 95TH AVE	GLENDALE	7/17/03	UPC	50	-	2 (1)	96
22	5845 W BELL RD	GLENDALE	3/17/03	PRC	250	6	-	97.6
	5845 W BELL RD	GLENDALE	12/31/03	PRC	250	18	-	92.8
23	5845 W BELL RD	GLENDALE	12/31/03	UPC	50	-	2 (0)	96
24	6131 E SOUTHERN AVE	MESA	5/8/03	UPC	50	-	2 (1)	96
	7150 E SPEEDWAY BLVD	TUCSON	12/9/03	PRC	250	12	-	95.2
25	7635 N LA CHOLLA BLVD	TUCSON	11/20/03	PRC	250	21	-	91.6
	7635 N LA CHOLLA BLVD	TUCSON	11/20/03	UPC	50	-	2 (0)	96
26	800 W WARNER RD	CHANDLER	3/10/03	PRC	250	19	-	92.4
	800 W WARNER RD	CHANDLER	3/24/03	PRC	250	25	-	90.0

800 W WARNER RD	CHANDLER	4/3/03	PRC	250	8	-	96.8
800 W WARNER RD	CHANDLER	9/3/03	UPC	50	-	4 (3)	92
8200 W PEORIA AVE	PEORIA	7/9/03	PRC	250	9	-	96.4
8200 W PEORIA AVE	PEORIA	9/22/03	PRC	250	12	-	95.2
8280 N CORTARO RD	TUCSON	8/25/03	PRC	250	20	-	92.0
8280 N CORTARO RD	TUCSON	8/25/03	UPC	50	-	5 (2)	90
8280 N CORTARO RD	TUCSON	12/8/03	PRC	250	9	-	96.4

17. Wal-Mart paid the Year 2003 fines and continued to violate Arizona price posting and price verification laws. In Year 2004, DWM conducted at least 134 inspections at 32 Wal-Mart locations in Arizona. Wal-Mart failed at least 70 of these inspections in violation of Arizona law. DWM imposed \$48,250 fines for Year 2004 violations. Wal-Mart's Year 2004 violations included:

2004 WAL-MART FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
1305 W MAIN	MESA	5/17/04	PRC	250	19	-	92.4
1305 W MAIN	MESA	5/17/04	UPC	50	-	4 (0)	92
1305 W MAIN	MESA	9/2/04	PRC	250	25	-	90.0
1305 W MAIN	MESA	9/2/04	UPC	50	-	2 (1)	96
1305 W MAIN	MESA	11/9/04	PRC	250	25	-	90.0
1305 W MAIN	MESA	11/22/04	PRC	250	25	-	90.0
1305 W MAIN	MESA	11/24/04	PRC	250	18	-	92.8
1305 W MAIN	MESA	11/30/04	PRC	250	12	-	95.2
13055 W RANCHO SANTA FE BLVD	AVONDALE	10/5/04	PRC	250	11	-	95.6
1325 E FLORENCE BLVD	CASA GRANDE	3/3/04	PRC	250	25	-	90.0
1325 E FLORENCE BLVD	CASA GRANDE	3/3/04	UPC	50	-	10 (5)	80
13770 W BELL RD	SURPRISE	2/16/04	UPC	50	-	3 (0)	94
13770 W BELL RD	SURPRISE	7/9/04	PRC	250	20	-	92.0
13770 W BELL RD	SURPRISE	7/9/04	UPC	50	-	3 (0)	94
13770 W BELL RD	SURPRISE	12/15/04	PRC	250	18	-	92.8
13770 W BELL RD	SURPRISE	12/29/04	PRC	250	19	-	92.4
15355 N NORTHSIGHT BLVD	SCOTTSDALE	2/26/04	PRC	250	24	-	90.4
15355 N NORTHSIGHT BLVD	SCOTTSDALE	2/26/04	UPC	50	-	6 (2)	88
1607 W BETHANY HOME RD	PHOENIX	3/25/04	PRC	250	8	-	96.8
1650 W VALENCIA	TUCSON	4/29/04	UPC	50	-	2 (1)	96

1	1650 W VALENCIA	TUCSON	10/25/04	PRC	280	31	-	88.9
	1650 W VALENCIA	TUCSON	11/1/04	PRC	295	52	-	82.4
2	1650 W VALENCIA	TUCSON	11/2/04	PRC	259	14	-	94.6
	1650 W VALENCIA	TUCSON	11/3/04	PRC	283	37	-	86.9
3	1650 W VALENCIA	TUCSON	11/8/04	PRC	286	40	-	86.0
	1650 W VALENCIA	TUCSON	11/15/04	PRC	264	19	-	92.8
4	1650 W VALENCIA	TUCSON	11/22/04	PRC	261	14	-	94.6
	1650 W VALENCIA	TUCSON	11/29/04	PRC	259	9	-	96.5
5	1650 W VALENCIA	TUCSON	12/13/04	PRC	263	16	-	93.9
	1650 W VALENCIA	TUCSON	12/20/04	PRC	261	15	-	94.3
6	1650 W VALENCIA	TUCSON	12/27/04	PRC	260	11	-	95.8
7	1741 E FLORENCE	CASA GRANDE	6/29/04	PRC	250	26	-	89.6
	1741 E FLORENCE	CASA GRANDE	6/29/04	UPC	50	-	5 (2)	90
8	18551 N 83RD AVE	GLENDALE	1/13/04	PRC	250	14	-	94.4
	18551 N 83RD AVE	GLENDALE	5/6/04	PRC	250	22	-	91.2
9	18551 N 83RD AVE	GLENDALE	10/15/04	PRC	250	32	-	87.2
	18551 N 83RD AVE	GLENDALE	10/27/04	PRC	250	21	-	91.6
10	18551 N 83RD AVE	GLENDALE	11/3/04	PRC	250	11	-	95.6
	18551 N 83RD AVE	GLENDALE	11/10/04	PRC	250	14	-	94.4
11	18551 N 83RD AVE	GLENDALE	11/17/04	PRC	250	12	-	95.2
12	1955 S STAPLEY DR	MESA	5/26/04	PRC	250	8	-	96.8
	2020 N 75TH AVE	PHOENIX	4/6/04	UPC	50	-	2 (1)	96
13	2020 N 75TH AVE	PHOENIX	7/1/04	PRC	250	16	-	93.6
	2020 N 75TH AVE	PHOENIX	7/1/04	UPC	50	-	4 (0)	92
14	2840 HWY 95	BULLHEAD CITY	4/28/04	PRC	250	10	-	96.0
	300 N BEELINE HWY	PAYSON	7/12/04	PRC	250	9	-	96.4
15	300 N BEELINE HWY	PAYSON	7/12/04	UPC	50	-	2 (1)	96
16	330 W BELL RD	PHOENIX	12/15/04	PRC	250	18	-	92.8
	3721 E THOMAS RD	PHOENIX	9/30/04	PRC	252	20	-	92.1
17	3721 E THOMAS RD	PHOENIX	10/15/04	PRC	250	11	-	95.6
	3721 E THOMAS RD	PHOENIX	10/22/04	PRC	250	18	-	92.8
18	4617 E BELL RD	PHOENIX	5/24/04	PRC	250	8	-	96.8
	4617 E BELL RD	PHOENIX	5/24/04	UPC	50	-	3 (1)	94
19	5122 E UNIVERSITY DR	MESA	3/15/04	UPC	50	-	4 (1)	92
	5250 W INDIAN SCHOOL RD	PHOENIX	10/6/04	PRC	250	7	-	97.2
20	5250 W INDIAN SCHOOL RD	PHOENIX	10/6/04	UPC	50	-	5 (5)	90
	5250 W INDIAN SCHOOL RD	PHOENIX	10/14/04	UPC	50	-	2 (2)	96
21	5605 W NORTHERN AVE	GLENDALE	7/6/04	PRC	250	6	-	97.6
	5605 W NORTHERN AVE	GLENDALE	7/6/04	UPC	50	-	4 (3)	92
22	5845 W BELL RD	GLENDALE	5/4/04	UPC	50	-	5 (1)	90
	6131 E SOUTHERN AVE	MESA	4/14/04	PRC	250	18	-	92.8
23	7575 W LOWER BUCKEYE RD	PHOENIX	11/16/04	PRC	250	9	-	96.4
	7575 W LOWER BUCKEYE RD	PHOENIX	11/16/04	UPC	50	-	2 (2)	96

1	7575 W LOWER BUCKEYE RD	PHOENIX	11/30/04	PRC	250	19	-	92.4
2	7575 W LOWER BUCKEYE RD	PHOENIX	12/8/04	PRC	250	11	-	95.6
3	7575 W LOWER BUCKEYE RD	PHOENIX	12/29/04	PRC	250	13	-	94.8
4	7635 N LA CHOLLA BLVD	TUCSON	2/4/04	PRC	250	13	-	94.8
5	800 W WARNER RD	CHANDLER	3/24/04	UPC	50	-	3 (2)	94
	8200 W PEORIA AVE	PEORIA	1/13/04	PRC	250	13	-	94.8
	8335 GUADALUPE RD	MESA	10/6/04	UPC	50	-	2 (2)	96

18. Wal-Mart paid the Year 2004 fines and continued to violate Arizona price posting and price verification laws. In Year 2005, DWM conducted at least 276 inspections at 36 Wal-Mart locations in Arizona. Wal-Mart failed at least 159 of these inspections in violation of Arizona law. DWM imposed \$206,800 fines for Year 2005 violations. Wal-Mart's Year 2005 violations included:

2005 WAL-MART FAILED PRC AND UPC INSPECTIONS							
Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations All Overcharges	Compliance % Rate
13055 W RANCHO SANTA FE BLVD	AVONDALE	10/4/05	PRC	250	11	-	95.6
13055 W RANCHO SANTA FE BLVD	AVONDALE	10/4/05	UPC	50	-	2	96
13770 W BELL RD	SURPRISE	1/3/05	PRC	250	7	-	97.2
13770 W BELL RD	SURPRISE	1/6/05	PRC	250	22	-	91.2
13770 W BELL RD	SURPRISE	1/14/05	PRC	250	13	-	94.8
13770 W BELL RD	SURPRISE	1/20/05	PRC	250	6	-	97.6
1380 W ELLIOT RD	TEMPE	5/25/05	PRC	250	11	-	95.6
1380 W ELLIOT RD	TEMPE	7/5/05	PRC	250	9	-	96.4
1380 W ELLIOT RD	TEMPE	8/8/05	PRC	250	7	-	97.2
1607 W BETHANY HOME RD	PHOENIX	7/21/05	PRC	250	62	-	75.2
1607 W BETHANY HOME RD	PHOENIX	7/21/05	UPC	50	-	2	96
1607 W BETHANY HOME RD	PHOENIX	8/8/05	PRC	250	26	-	89.6
1607 W BETHANY HOME RD	PHOENIX	8/8/05	UPC	50	-	2	96
1607 W BETHANY HOME RD	PHOENIX	8/17/05	PRC	250	7	-	97.2
1607 W BETHANY HOME RD	PHOENIX	9/2/05	PRC	250	12	-	95.2
1607 W BETHANY HOME RD	PHOENIX	9/21/05	PRC	250	13	-	94.8
1607 W BETHANY HOME RD	PHOENIX	9/29/05	UPC	50	-	3	94
1607 W BETHANY HOME RD	PHOENIX	10/28/05	PRC	250	11	-	95.6
1607 W BETHANY HOME RD	PHOENIX	11/23/05	PRC	250	15	-	94.0

1	1650 W VALENCIA	TUCSON	1/11/05	PRC	259	9	-	96.5
	1650 W VALENCIA	TUCSON	1/18/05	PRC	271	22	-	91.9
2	1650 W VALENCIA	TUCSON	1/25/05	PRC	263	14	-	94.7
3	1650 W VALENCIA	TUCSON	2/14/05	PRC	265	15	-	94.3
	18551 N 83RD AVE	GLENDALE	6/17/05	PRC	250	26	-	89.6
4	18551 N 83RD AVE	GLENDALE	6/17/05	UPC	50	-	3	94
	18551 N 83RD AVE	GLENDALE	6/24/05	PRC	250	6	-	97.6
5	18551 N 83RD AVE	GLENDALE	7/14/05	PRC	250	8	-	96.8
6	18551 N 83RD AVE	GLENDALE	7/22/05	PRC	250	15	-	94.0
	18551 N 83 RD AVE	GLENDALE	8/18/05	PRC	250	7	-	97.2
7	18551 N 83 RD AVE	GLENDALE	9/8/05	PRC	250	17	-	93.2
	2020 N 75TH AVE	PHOENIX	5/10/05	PRC	250	25	-	90.0
8	2020 N 75TH AVE	PHOENIX	6/20/05	PRC	250	25	-	90.0
9	2020 N 75TH AVE	PHOENIX	7/14/05	PRC	250	10	-	96.0
	2020 N 75TH AVE	PHOENIX	7/22/05	PRC	250	7	-	97.2
10	2020 N 75TH AVE	PHOENIX	9/20/05	PRC	250	9	-	96.4
	2501 S AVE B	YUMA	1/28/05	PRC	250	54	-	78.4
11	2501 S AVE B	YUMA	3/8/05	PRC	250	32	-	87.2
12	2501 S AVE B	YUMA	3/15/05	PRC	250	18	-	92.8
	2501 S AVE B	YUMA	3/23/05	PRC	250	25	-	90.0
13	2501 S AVE B	YUMA	4/13/05	PRC	250	16	-	93.6
	2501 S AVE B	YUMA	5/3/05	PRC	250	29	-	88.4
14	2501 S AVE B	YUMA	6/8/05	PRC	250	11	-	95.6
15	2501 S AVE B	YUMA	7/19/05	PRC	250	14	-	94.4
	2501 S AVE B	YUMA	8/8/05	PRC	258	8	-	96.9
16	2501 S MARKET ST	GILBERT	5/17/05	PRC	250	21	-	91.6
	2501 S MARKET ST	GILBERT	5/17/05	UPC	50	-	4	92
17	2501 S MARKET ST	GILBERT	12/20/05	PRC	250	11	-	95.6
18	2501 W HAPPY VALLEY RD	PHOENIX	3/30/05	PRC	250	20	-	92.0
	2501 W HAPPY VALLEY RD	PHOENIX	4/5/05	PRC	250	13	-	94.8
19	2501 W HAPPY VALLEY RD	PHOENIX	4/12/05	PRC	250	7	-	97.2
	2501 W HAPPY VALLEY RD	PHOENIX	4/19/05	PRC	250	20	-	92.0
20	2501 W HAPPY VALLEY RD	PHOENIX	5/3/05	PRC	250	11	-	95.6
21	2501 W HAPPY VALLEY RD	PHOENIX	5/25/05	PRC	250	11	-	95.6
	2750 S WOODLAND VILLAGE	FLAGSTAFF	10/19/05	PRC	250	26	-	89.6
22	2750 S WOODLAND VILLAGE	FLAGSTAFF	10/19/05	UPC	50	-	5	90
23	2750 S WOODLAND VILLAGE	FLAGSTAFF	11/14/05	PRC	125	26	-	79.2
24	2900 S PACIFIC AVE	YUMA	1/28/05	PRC	250	73	-	70.8
	2900 S PACIFIC AVE	YUMA	1/28/05	UPC	50	-	2	96
25	2900 S PACIFIC AVE	YUMA	3/7/05	PRC	250	50	-	80.0
	2900 S PACIFIC AVE	YUMA	3/14/05	PRC	250	14	-	94.4
26	2900 S PACIFIC AVE	YUMA	3/14/05	UPC	50	-	3	94
	2900 S PACIFIC AVE	YUMA	3/22/05	PRC	250	16	-	93.6

1	2900 S PACIFIC AVE	YUMA	4/13/05	PRC	250	10	-	96.0
	2900 S PACIFIC AVE	YUMA	6/7/05	PRC	250	15	-	94.0
2	2900 S PACIFIC AVE	YUMA	7/19/05	UPC	50	-	2	96
3	2900 S PACIFIC AVE	YUMA	8/8/05	PRC	262	12	-	95.4
	2900 S PACIFIC AVE	YUMA	8/8/05	UPC	50	-	2	96
4	2900 S PACIFIC AVE	YUMA	8/10/05	UPC	50	-	2	96
	2900 S PACIFIC AVE	YUMA	8/11/05	UPC	50	-	2	96
5	300 N BEELINE HWY	PAYSON	3/1/05	PRC	250	18	-	92.8
6	300 N BEELINE HWY	PAYSON	5/31/05	PRC	250	10	-	96.0
	300 N BEELINE HWY	PAYSON	6/13/05	PRC	252	21	-	91.7
7	300 N BEELINE HWY	PAYSON	7/11/05	PRC	250	18	-	92.8
	300 N BEELINE HWY	PAYSON	8/19/05	PRC	250	11	-	95.6
8	300 N BEELINE HWY	PAYSON	8/29/05	PRC	250	7	-	97.2
9	330 W BELL RD	PHOENIX	1/4/05	PRC	250	7	-	97.2
	330 W BELL RD	PHOENIX	1/11/05	PRC	250	18	-	92.8
10	3721 E THOMAS RD	PHOENIX	9/7/05	PRC	250	25	-	90.0
	3721 E THOMAS RD	PHOENIX	9/19/05	PRC	250	14	-	94.4
11	3721 E THOMAS RD	PHOENIX	10/5/05	PRC	250	12	-	95.2
12	3925 E GRANT RD	TUCSON	12/7/05	PRC	269	19	-	92.9
	3925 E GRANT RD	TUCSON	12/7/05	UPC	50	-	2	96
13	4230 W UNION HILLS DR	GLENDALE	4/6/05	PRC	250	44	-	82.4
	4230 W UNION HILLS DR	GLENDALE	4/6/05	UPC	50	-	3	94
14	4435 W ANTHEM WAY	ANTHEM	6/23/05	PRC	250	15	-	94.0
15	4435 W ANTHEM WAY	ANTHEM	6/23/05	UPC	50	-	2	96
	4435 W ANTHEM WAY	ANTHEM	8/3/05	PRC	250	18	-	92.8
16	4435 W ANTHEM WAY	ANTHEM	8/24/05	PRC	250	9	-	96.4
	4435 W ANTHEM WAY	ANTHEM	9/27/05	PRC	250	10	-	96.0
17	4505 E MCKELLIPS RD	MESA	5/20/05	PRC	259	12	-	95.4
18	4505 E MCKELLIPS RD	MESA	7/7/05	PRC	257	7	-	97.3
	4505 E MCKELLIPS RD	MESA	8/16/05	PRC	250	16	-	93.6
19	4505 E MCKELLIPS RD	MESA	9/7/05	PRC	250	13	-	94.8
	4505 E MCKELLIPS RD	MESA	9/27/05	PRC	250	12	-	95.2
20	4617 E BELL RD	PHOENIX	3/2/05	PRC	250	16	-	93.6
21	4617 E BELL RD	PHOENIX	3/2/05	UPC	50	-	2	96
	4617 E BELL RD	PHOENIX	3/9/05	PRC	250	11	-	95.6
22	4617 E BELL RD	PHOENIX	3/25/05	PRC	250	8	-	96.8
	4617 E BELL RD	PHOENIX	4/6/05	PRC	250	7	-	97.2
23	4617 E BELL RD	PHOENIX	4/11/05	PRC	250	7	-	97.2
24	4617 E BELL RD	PHOENIX	8/29/05	PRC	250	9	-	96.4
	4617 E BELL RD	PHOENIX	9/19/05	PRC	250	9	-	96.4
25	5010 N 95TH AVE	GLENDALE	6/6/05	PRC	250	20	-	92.0
	5250 W INDIAN SCHOOL RD	PHOENIX	12/9/05	PRC	250	26	-	89.6
26	5250 W INDIAN SCHOOL RD	PHOENIX	12/9/05	PRC	250	25	-	90.0
	5250 W INDIAN SCHOOL RD	PHOENIX	12/9/05	UPC	50	-	4	92

1	5250 W INDIAN SCHOOL RD	PHOENIX	12/20/05	PRC	250	25	-	90.0
2	5401 S WHITE MOUNTAIN RD	SHOW LOW	12/28/05	PRC	255	26	-	89.8
	5605 W NORTHERN AVE	GLENDALE	3/17/05	PRC	250	7	-	97.2
3	5605 W NORTHERN AVE	GLENDALE	5/9/05	PRC	250	10	-	96.0
	5605 W NORTHERN AVE	GLENDALE	6/21/05	PRC	250	13	-	94.8
4	5605 W NORTHERN AVE	GLENDALE	7/21/05	PRC	250	10	-	96.0
	5605 W NORTHERN AVE	GLENDALE	10/19/05	PRC	250	15	-	94.0
5	5845 W BELL RD	GLENDALE	3/2/05	PRC	250	26	-	89.6
6	5845 W BELL RD	GLENDALE	7/26/05	PRC	250	26	-	89.6
	5845 W BELL RD	GLENDALE	8/2/05	PRC	250	7	-	97.2
7	5845 W BELL RD	GLENDALE	8/23/05	PRC	250	8	-	96.8
8	6145 N 35TH AVE	PHOENIX	5/10/05	PRC	250	32	-	87.2
	6145 N 35TH AVE	PHOENIX	5/10/05	UPC	50	-	3	94
9	6145 N 35TH AVE	PHOENIX	6/10/05	PRC	250	15	-	94.0
	6145 N 35TH AVE	PHOENIX	6/21/05	PRC	250	31	-	87.6
10	6145 N 35TH AVE	PHOENIX	6/21/05	UPC	50	-	4	92
	6145 N 35TH AVE	PHOENIX	6/28/05	PRC	250	19	-	92.4
11	6145 N 35TH AVE	PHOENIX	6/28/05	UPC	50	-	2	96
12	6145 N 35TH AVE	PHOENIX	7/21/05	PRC	250	25	-	90
	6145 N 35TH AVE	PHOENIX	8/24/05	PRC	250	17	-	93.2
13	6145 N 35TH AVE	PHOENIX	8/24/05	UPC	50	-	2	96
	6145 N 35TH AVE	PHOENIX	10/12/05	PRC	250	11	-	95.6
14	6145 N 35TH AVE	PHOENIX	11/30/05	PRC	250	8	-	96.8
15	6145 N 35TH AVE	PHOENIX	12/8/05	PRC	250	15	-	94.0
	7575 W LOWER BUCKEYE RD	PHOENIX	2/16/05	PRC	250	14	-	94.4
16	7575 W LOWER BUCKEYE RD	PHOENIX	3/14/05	PRC	250	9	-	96.4
17	7575 W LOWER BUCKEYE RD	PHOENIX	4/11/05	PRC	250	17	-	93.2
18	7575 W LOWER BUCKEYE RD	PHOENIX	5/9/05	PRC	250	22	-	91.2
	7575 W LOWER BUCKEYE RD	PHOENIX	6/22/05	PRC	250	37	-	85.2
19	7575 W LOWER BUCKEYE RD	PHOENIX	7/14/05	UPC	50	-	3	94
20	7575 W LOWER BUCKEYE RD	PHOENIX	7/22/05	PRC	250	18	-	92.8
21	7575 W LOWER BUCKEYE RD	PHOENIX	8/1/05	UPC	50	-	2	96
	7575 W LOWER BUCKEYE RD	PHOENIX	8/10/05	PRC	250	26	-	89.6
22	7575 W LOWER BUCKEYE RD	PHOENIX	8/18/05	PRC	250	15	-	94.0
23	7635 N LA CHOLLA BLVD	TUCSON	1/18/05	PRC	260	10	-	96.2
	7635 N LA CHOLLA BLVD	TUCSON	2/16/05	PRC	258	8	-	96.9
24	7635 N LA CHOLLA BLVD	TUCSON	2/16/05	UPC	50	-	3	94
25	7635 N LA CHOLLA BLVD	TUCSON	2/28/05	PRC	259	9	-	96.5
	7635 N LA CHOLLA BLVD	TUCSON	3/14/05	PRC	268	18	-	93.3
26	7635 N LA CHOLLA BLVD	TUCSON	3/23/05	PRC	270	20	-	92.6

1	7635 N LA CHOLLA BLVD	TUCSON	5/23/05	PRC	256	6	-	97.7
	7635 N LA CHOLLA BLVD	TUCSON	5/31/05	PRC	284	34	-	88.0
2	7635 N LA CHOLLA BLVD	TUCSON	6/15/05	PRC	265	15	-	94.3
3	7635 N LA CHOLLA BLVD	TUCSON	6/23/05	PRC	257	7	-	97.3
	7635 N LA CHOLLA BLVD	TUCSON	7/13/05	PRC	264	14	-	94.7
4	800 W WARNER RD	CHANDLER	7/28/05	PRC	300	50	-	83.3
	800 W WARNER RD	CHANDLER	8/17/05	PRC	250	20	-	92.0
5	800 W WARNER RD	CHANDLER	8/24/05	PRC	250	14	-	94.4
6	8280 N CORTARO RD	TUCSON	4/20/05	PRC	287	37	-	87.1
	8280 N CORTARO RD	TUCSON	5/24/05	PRC	260	10	-	96.2
7	8280 N CORTARO RD	TUCSON	6/2/05	PRC	261	11	-	95.8
	8280 N CORTARO RD	TUCSON	7/5/05	PRC	262	12	-	95.4
8	8280 N CORTARO RD	TUCSON	10/22/05	PRC	264	14	-	94.7

19. Wal-Mart paid the Year 2005 fines and continued to violate Arizona price posting and price verification laws. Thus far, in Year 2006, DWM has conducted at least 218 inspections at 61 Wal-Mart locations in Arizona. Wal-Mart failed at least 85 of these inspections in violation of Arizona law. Thus far, DWM has imposed \$102,950 fines for Year 2006 violations. Wal-Mart paid the Year 2006 fines imposed to date. Wal-Mart's Year 2006 violations include:

2006 WAL-MART FAILED INSPECTIONS							
Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations All Overcharges	Compliance % Rate
100 S REGUS RD	CLAYPOOL	3/27/06	PRC	250	10	-	96.0
1175 S ARIZONA AVE	CHANDLER	1/11/06	PRC	250	25	-	90.0
1175 S ARIZONA AVE	CHANDLER	2/13/06	PRC	250	24	-	90.4
1175 S ARIZONA AVE	CHANDLER	2/20/06	PRC	250	24	-	90.4
1280 GAIL GARDNER WAY	PRESCOTT	1/24/06	PRC	250	40	-	84.0
1280 GAIL GARDNER WAY	PRESCOTT	1/24/06	UPC	50	-	2	96
1305 W MAIN	MESA	3/13/06	PRC	250	25	-	90.0
13055 W RANCHO SANTA FE BLVD	AVONDALE	2/22/06	PRC	250	8	-	96.8
13770 W BELL RD	SURPRISE	1/25/06	PRC	250	7	-	97.2
13770 W BELL RD	SURPRISE	1/25/06	UPC	50	-	2	96
13770 W BELL RD	SURPRISE	2/15/06	UPC	50	-	2	96
15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/16/06	PRC	250	14	-	94.4
15355 N NORTHSIGHT BLVD	SCOTTSDALE	3/16/06	UPC	50	-	2	96

1	1607 W BETHANY HOME RD	PHOENIX	2/13/06	PRC	250	13	-	94.8
	1607 W BETHANY HOME RD	PHOENIX	2/13/06	UPC	50	-	3	94
2	1607 W BETHANY HOME RD	PHOENIX	3/28/06	PRC	252	15	-	94.0
3	1607 W BETHANY HOME RD	PHOENIX	3/28/06	UPC	50	-	4	92
	1650 W VALENCIA	TUCSON	1/25/06	PRC	282	32	-	88.7
4	1650 W VALENCIA	TUCSON	2/1/06	PRC	269	19	-	92.9
	1650 W VALENCIA	TUCSON	2/14/06	PRC	260	10	-	96.2
5	1695 N ARIZONA BLVD	COOLIDGE	1/30/06	PRC	337	87	-	74.2
6	1695 N ARIZONA BLVD	COOLIDGE	3/7/06	PRC	260	11	-	95.8
	1710 S GREENFIELD RD	MESA	2/14/06	PRC	250	21	-	91.6
7	1741 E FLORENCE	CASA GRANDE	1/24/06	PRC	313	63	-	79.9
	1741 E FLORENCE	CASA GRANDE	2/21/06	PRC	262	13	-	95.0
8	1741 E FLORENCE	CASA GRANDE	4/5/06	PRC	255	6	-	97.6
9	18680 S NOGALES HWY	SAHUARITA	2/15/06	PRC	257	7	-	97.3
	18680 S NOGALES HWY	SAHUARITA	2/27/06	PRC	263	18	-	93.2
10	18680 S NOGALES HWY	SAHUARITA	2/27/06	UPC	50	-	2	96
	18680 S NOGALES HWY	SAHUARITA	3/6/06	PRC	255	8	-	96.9
11	18680 S NOGALES HWY	SAHUARITA	3/15/06	UPC	50	-	2	96
12	1955 S STAPLEY DR	MESA	3/13/06	PRC	250	10	-	96.0
	2003 E RODEO DR	COTTONWOOD	1/26/06	PRC	250	23	-	90.8
13	2003 E RODEO DR	COTTONWOOD	1/26/06	UPC	50	-	2	96
	2501 S AVE B	YUMA	3/7/06	PRC	250	13	-	94.8
14	2501 S MARKET ST	GILBERT	1/31/06	PRC	250	16	-	93.6
15	2501 W HAPPY VALLEY RD	PHOENIX	2/14/06	PRC	250	12	-	95.2
	2501 W HAPPY VALLEY RD	PHOENIX	2/14/06	UPC	50	-	3	94
16	2501 W HAPPY VALLEY RD	PHOENIX	3/2/06	PRC	250	21	-	91.6
	2501 W HAPPY VALLEY RD	PHOENIX	3/29/06	PRC	250	18	-	92.8
17	2750 S WOODLAND VILLAGE	FLAGSTAFF	1/25/06	PRC	268	64	-	76.1
18	2750 S WOODLAND VILLAGE	FLAGSTAFF	3/28/06	PRC	262	13	-	95.0
19	2823 W VALENCIA RD	TUCSON	2/14/06	PRC	258	8	-	96.9
	2823 W VALENCIA RD	TUCSON	2/14/06	UPC	50	-	2	96
20	2823 W VALENCIA RD	TUCSON	3/1/06	UPC	50	-	3	94
	300 N BEELINE HWY	PAYSON	3/28/06	PRC	250	9	-	96.4
21	3050 N HWY 69	PRESCOTT	1/24/06	PRC	250	52	-	79.2
22	3050 N HWY 69	PRESCOTT	1/24/06	UPC	50	-	8	84
	330 W BELL RD	PHOENIX	2/14/06	PRC	250	29	-	88.4
23	3925 E GRANT RD	TUCSON	1/17/06	PRC	259	9	-	96.5
	3925 E GRANT RD	TUCSON	2/1/06	PRC	260	11	-	95.8
24	3925 E GRANT RD	TUCSON	2/16/06	PRC	256	6	-	97.7
25	4230 W UNION HILLS DR	GLENDALE	2/17/06	UPC	50	-	2	96
	4505 E MCKELLIPS RD	MESA	3/22/06	PRC	250	7	-	97.2
26	4505 E MCKELLIPS RD	MESA	3/22/06	UPC	50	-	2	96
	4505 E MCKELLIPS RD	MESA	1/9/06	PRC	250	19	-	92.4

1	455 E WETMORE	TUCSON	2/8/06	PRC	250	11	-	95.6
	4915 N PIMA RD	SCOTTSDALE	3/13/06	PRC	250	16	-	93.6
2	5010 N 95TH AVE	GLENDALE	1/23/06	PRC	250	31	-	87.6
3	5010 N 95TH AVE	GLENDALE	1/23/06	UPC	50	-	3	94
	5122 E UNIVERSITY DR	MESA	3/15/06	PRC	250	14	-	94.4
4	5122 E UNIVERSITY DR	MESA	3/15/06	UPC	50	-	3	94
	5250 W INDIAN SCHOOL RD	PHOENIX	1/17/06	PRC	250	26	-	89.6
5	5250 W INDIAN SCHOOL RD	PHOENIX	1/17/06	UPC	50	-	6	88
6	5250 W INDIAN SCHOOL RD	PHOENIX	2/15/06	PRC	250	37	-	85.2
	5250 W INDIAN SCHOOL RD	PHOENIX	2/15/06	UPC	50	-	3	94
7	5250 W INDIAN SCHOOL RD	PHOENIX	4/19/06	PRC	250	12	-	95.2
	5250 W INDIAN SCHOOL RD	PHOENIX	4/19/06	UPC	50	-	4	92
8	5250 W INDIAN SCHOOL RD	PHOENIX	5/11/06	UPC	50	-	2	96
9	5401 S WHITE MOUNTAIN RD	SHOW LOW	3/28/06	PRC	250	15	-	94.0
	6131 E SOUTHERN AVE	MESA	3/15/06	PRC	250	12	-	95.2
10	6145 N 35TH AVE	PHOENIX	4/21/06	PRC	250	20	-	92.0
11	6145 N 35TH AVE	PHOENIX	4/21/06	UPC	50	-	4	92
	7150 E SPEEDWAY BLVD	TUCSON	1/4/06	PRC	271	21	-	92.3
12	7575 W LOWER BUCKEYE RD	PHOENIX	2/14/06	PRC	250	20	-	92.0
13	7635 N LA CHOLLA BLVD	TUCSON	1/25/06	PRC	324	74	-	77.2
	7635 N LA CHOLLA BLVD	TUCSON	2/15/06	PRC	265	15	-	94.3
14	7635 N LA CHOLLA BLVD	TUCSON	2/15/06	UPC	50	-	2	96
	800 W WARNER RD	CHANDLER	2/6/06	PRC	250	35	-	86.0
15	800 W WARNER RD	CHANDLER	3/1/06	PRC	250	26	-	89.6
16	8200 W PEORIA AVE	PEORIA	2/16/06	PRC	250	39	-	84.4
	8200 W PEORIA AVE	PEORIA	2/16/06	UPC	50	-	2	96
17	8280 N CORTARO RD	TUCSON	2/16/06	PRC	291	44	-	84.9
	8280 N CORTARO RD	TUCSON	1/26/06	PRC	344	94	-	72.7
18	8921 W THOMAS RD	PHOENIX	1/26/06	PRC	250	14	-	94.4

20. As described above, from at least the Year 2001 to the present, DWM conducted at least 976 inspections of Wal-Mart stores. Of those inspections, Wal-Mart failed at least 526 DWM inspections at Wal-Mart's stores located throughout the State of Arizona. At least 366 of these failed inspections were for PRC and at least 160 of these failed inspections were for UPC. On average over that time period, Wal-Mart failed 63.4% of DWM inspections for price posting (PRC) and 40.1% of DWM inspections for price verification (UPC).

1 21. Truthful pricing requires that prices (1) be stated (PRC) and (2) be
2 accurate (UPC). From Year 2001 to the present, Wal-Mart repeatedly has failed in
3 both of these categories at its stores located throughout Arizona. In failing to post
4 prices (PRC), Wal-Mart failed to disclose material and relevant facts that Arizona
5 consumers are entitled to know by law. In such circumstances, Arizona consumers
6 have no reasonable way to know the price of items on the shelves, no reasonable
7 way to comparison shop for the lowest priced items, no reasonable way to know
8 whether they are being overcharged at the register, and no reasonable way to
9 establish rights and obtain remedies for overcharges and other pricing violations. In
10 failing to post accurate prices (UPC), Wal-Mart makes misrepresentations and
11 deceives Arizona consumers about material and relevant facts that Arizona
12 consumers are entitled to know by law. In such circumstances, Arizona consumers
13 are misled and deceived as to the accuracy of the price on the shelf and when they
14 are charged more at the register than the price posted on the shelf.

15 22. Wal-Mart's repeated violations of Arizona pricing laws were not
16 limited to one store, one city or even one region within the State. Almost
17 everywhere Wal-Mart offered merchandise for sale in Arizona during the relevant
18 time frame, Wal-Mart violated Arizona pricing laws. For example, Wal-Mart stores
19 in Phoenix, Kingman, Show Low, Yuma, Bullhead City, Payson, Tucson, Flagstaff
20 and elsewhere throughout the State chronically failed DWM pricing inspections.
21 Wal-Mart's statewide PRC and UPC violations demonstrate a corporate philosophy
22 to disregard Arizona laws requiring truthful pricing.

23 23. From at least the Year 2001 to the present, DWM inspections showed
24 that Wal-Mart violated price posting laws on at least 6,674 inspection lots of items
25 and that Wal-Mart violated price verification laws on at least 269 inspection lots of
26 items during failed inspections at its Arizona stores. DWM's inspections show only

1 a “snapshot” of pricing violations on the day of the inspection and only as to those
2 items randomly selected for inspection. Upon information and belief, it therefore is
3 reasonable to conclude that, from at least Year 2001 to present, the number of
4 pricing violations on the tens of thousands of items for sale each day at Wal-Mart’s
5 stores was significantly higher than the number of pricing violations found on the
6 items subject to DWM’s inspections. In other words, upon information and belief,
7 the number of violations documented by DWM is merely the “tip of the iceberg”
8 constituting Wal-Mart’s pricing misconduct at its Arizona stores.

9 24. From at least Year 2001 to the present, Wal-Mart has received actual
10 notice of its repeated violations of Arizona price posting and price verification laws
11 at its stores located throughout the State of Arizona. On the date of each inspection,
12 DWM provided Wal-Mart managers and/or other on-site representatives with a
13 written inspection report specifying the price posting and price verification
14 violations by item for the stores during the subject inspections. These inspection
15 reports were signed by Wal-Mart managers, acknowledging the results of the
16 inspections showing the occurrence of price posting and price verification violations
17 at the inspected store. Over the relevant time frame, Wal-Mart received and signed
18 hundreds of such inspection reports for its Arizona stores. Notwithstanding Wal-
19 Mart’s explicit acknowledgement of the occurrence of persistent violations at its
20 stores, Wal-Mart did not correct its illegal conduct, instead continuing to violate
21 Arizona price posting and price verification laws at these and other Wal-Mart
22 locations throughout the State of Arizona.

23 25. From at least Year 2001 to the present, in addition to the actual notice
24 of violations provided via the inspection reports described above, DWM sent at least
25 260 “Notice of Violation” (“NOV”) letters to Wal-Mart at its corporate offices in
26 Bentonville, Arkansas, expressly identifying the offending store location, date of

1 inspection, inspection type and fines imposed for PRC and UPC violations. From
2 Year 2001 to present, DWM fined Wal-Mart a total of approximately \$450,900 for
3 PRC and UPC violations⁴. Wal-Mart did not seek any appeal or otherwise challenge
4 the NOVs. Rather, Wal-Mart paid the fines as imposed and continued to violate
5 Arizona price posting and price verification laws. Upon information and belief,
6 Wal-Mart considers DWM's fines merely as "the cost of doing business" in
7 Arizona. Wal-Mart's history of paying DWM's fines without correcting its
8 misconduct, thereby leading to further violations and additional fines, in continuing
9 reiteration, demonstrates Wal-Mart's flagrant disregard for pricing accuracy, pricing
10 verification, pricing integrity and other material aspects and objectives of Arizona
11 laws enacted to protect Arizona consumers.

12 26. Since at least the Year 2001 to the present, DWM has conducted at
13 least three Corporate Education seminars at no charge for Wal-Mart managers,
14 during which DWM has explained the specific requirements of Arizona price
15 posting and price verification laws as applicable to Wal-Mart, provided specific
16 examples of Wal-Mart's violations of those laws in Arizona, and recommended
17 specific corrective measures to be implemented at Wal-Mart's Arizona stores.
18 These seminars have been attended by Wal-Mart managers at the corporate, regional
19 and store levels. DWM's educational efforts were to no avail. In addition, DWM
20 has conducted numerous informal walk-throughs of Wal-Mart stores with Wal-Mart
21 managers, during which DWM conducts a "mock inspection" of the stores, free
22

23 ⁴ By statute, DWM can impose fines totaling up to \$5000 for any 30-day period as to each business location (with the
24 possibility of doubling the fine if the "maximum civil penalty has been imposed on a retailer for a price posting or price
25 verification violation and in a re-inspection, if conducted within ninety days, the failure rate is ten per cent or more and
26 at least one error is in favor of the retailer." A.R.S. §§ 41-2115(A) & (B). Thus, solely by operation of this statutory
limitation, DWM was precluded from imposing fines for price posting and price verification violations occurring at
certain Wal-Mart locations that already had been subjected to the maximum allowable fines. But for this limitation, the
total amount of DWM's fines imposed upon Wal-Mart between Year 2001 and the present would have been
significantly higher by approximately \$349,650.00.

from penalty or other enforcement, to provide further explanation of how Wal-Mart could operate in compliance with Arizona pricing laws. Despite these educational efforts by DWM, Wal-Mart did not correct its statewide pricing violations. Rather, Wal-Mart continued to violate Arizona's price posting and price verification laws at stores located throughout the State of Arizona.

27. Of the 526 DWM inspections that Wal-Mart failed between at least Year 2001 to the present, at least 308 represented failures during *re*-inspections of Wal-Mart stores. Wal-Mart's repeated failure to comply with Arizona pricing laws and regulations even upon *re*-inspection demonstrates Wal-Mart's incorrigibility and its indifference to the serious need for undertaking corrective actions at its stores. Especially egregious are the multiple repeat offender stores – those stores that have failed DWM *re*-inspections time after time, NOV after NOV, and fine after fine. These stores are the “worst of the worst” in terms of pricing violations for Wal-Mart in Arizona. That Wal-Mart continues to operate these recidivistic, noncompliant stores in a manner that violates Arizona pricing laws, shows Wal-Mart's corporate contempt for truthful dealing with Arizona consumers in the Arizona marketplace. Following is a list of twenty particularly egregious Wal-Mart stores and a summary of their failed DWM inspections:

Store Location	City	Number of Failed Inspections (Total) (2001-2006)	Number of Re-inspection Failures (2001-2006)	Penalties Paid (2001-2006)
2900 S PACIFIC AVE	Yuma	31	17	\$28,150
1305 W MAIN	Mesa	24	18	\$18,750
4617 E BELL RD	Phoenix	23	16	\$10,100
13770 W BELL RD	Surprise	22	10	\$8,100
15355 N NORTHSIGHT BLVD	Scottsdale	22	12	\$6,000

1	800 W WARNER RD	Chandler	20	13	\$16,350
2	7635 N LA CHOLLA BLVD	Tucson	20	14	\$16,150
3	1607 W BETHANY HOME RD	Phoenix	19	12	\$22,250
	1650 W VALENCIA	Tucson	19	16	\$19,950
4	3721 E THOMAS RD	Phoenix	16	9	\$17,750
5	18551 N 83 RD AVE	Glendale	16	12	\$22,800
6	7575 W LOWER BUCKEYE RD	Phoenix	16	10	\$32,450
	1380 W ELLIOT RD	Tempe	15	12	\$15,650
7	300 N BEELINE HWY	Payson	15	11	\$12,200
8	6145 N. 35TH AVE	Phoenix	15	12	\$30,000
9	5250 W INDIAN SCHOOL RD	Phoenix	14	9	\$15,300
	2020 N 75TH AVE	Phoenix	12	7	\$7,150
10	3396 N STOCKTON HILL RD	Kingman	12	6	\$4,050
11	1955 S STAPLEY DR	Mesa	11	6	\$3,300
12	5845 W BELL RD	Glendale	11	3	\$9,250

28. Wal-Mart's long history and chronic pattern and repeated practice of price posting and price verification violations from at least Year 2001 to the present constitute violations of the Consumer Fraud Act, A.R.S. § 44-1522, on a massive scale, for which Wal-Mart is liable for civil penalties, injunctive relief, restitution of losses, investigation expenses, costs and attorneys' fees.

COUNT ONE: VIOLATIONS OF CONSUMER FRAUD ACT

29. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

30. This Claim is brought for injunctive relief, civil penalties, restitution of losses, investigation expenses, costs and attorneys' fees as a result of defendant's wrongful conduct described above.

1 31. A.R.S. § 44-1522(A) provides in part:

2 The act, use or employment by any person of any deception, deceptive
3 act or practice, fraud, false pretense, false promise, misrepresentation,
4 or concealment, suppression or omission of any material fact with intent
5 that others rely upon such concealment, suppression or omission, in
6 connection with the sale or advertisement of any merchandise whether
7 or not any person has in fact been misled, deceived, or damaged
8 thereby, is declared to be an unlawful practice.

9 32. Defendant, by engaging in the wrongful conduct described above,
10 perpetrated in connection with the sale of merchandise, violated and continues to
11 violate A.R.S. § 44-1522(A).

12 33. Defendant's conduct as alleged in this Complaint constitutes deceptive
13 acts or practices, fraud, false promise, misrepresentation, concealment, suppression
14 or omission of material fact in violation of A.R.S. § 44-1522(A) in that:

15 a. From at least the Year 2001 to the present, defendant has failed
16 to disclose material facts in connection with the sale or advertisement of
17 merchandise, and has committed a deceptive trade practice, with intent that
18 others rely upon such concealment, suppression or omission, in that defendant
19 repeatedly and consistently has failed to post and/or display prices of items for
20 sale in its stores located throughout the State of Arizona;

21 b. From at least the Year 2001 to the present, defendant has made
22 false and misleading statements of material facts in connection with the sale or
23 advertisement of merchandise, and has committed a deceptive trade practice,
24 in that, defendant repeatedly and consistently posted and/or displayed prices
25 of items for sale in its stores located throughout the State of Arizona, in an
26 inaccurate and misleading manner;

1 c. From at least the Year 2001 to the present, defendant has made
2 false and misleading statements of material facts in connection with the sale or
3 advertisement of merchandise, and has committed a deceptive trade practice,
4 in that, at the point of sale, the defendant computed/scanned prices that
5 exceeded the posted and/or displayed prices on items for sale in defendant's
6 stores located throughout the State of Arizona, resulting in overcharges.

7 34. While engaging in the acts and practices alleged in this complaint,
8 defendant was at all times acting willfully as defined by A.R.S. § 44-1522(B).

9 35. Defendant is liable for civil penalties of \$10,000 per willful violation
10 of the Consumer Fraud Act, as defendant knew or should have known that its
11 conduct was of the nature prohibited by A.R.S. § 44-1522(A). A.R.S. §§ 44-
12 1531(A) and (B).

13 WHEREFORE, Plaintiff prays as follows:

14 A. That the Court adjudge and decree that Defendant has engaged
15 in the conduct alleged herein;

16 B. That the Court adjudge that the defendant's conduct is unlawful
17 and in violation of A.R.S. § 44-1522(A);

18 C. That the Court enjoin and restrain defendant and its officers,
19 servants, agents, and employees, and those in active concert or participation
20 with them, from continuing to engage in such conduct or other conduct having
21 similar purpose or effect;

22 D. That pursuant to A.R.S. 44-1531, the Court enter an order
23 requiring defendant to pay civil penalties of \$10,000 per violation;

24 E. That pursuant to A.R.S. 44-1528(A), the Court enter an order
25 restoring to all persons any monies which may have been acquired by any
26 practice alleged herein to be in violation of the Arizona Consumer Fraud Act;

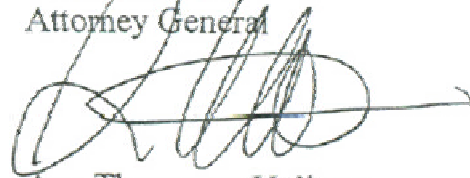
1 F. That plaintiff recovers from defendant the costs of this action,
2 including investigation expenses, costs and its reasonable attorneys' fees;

3 G. That the Court order such other and further relief as it may deem
4 appropriate.

5 DATED this 6th day of July 2006.

6 Respectfully Submitted,

7
8 Terry Goddard
Attorney General

9
10 

11 Ann Thompson Uglietta
12 Assistant Attorney General
13 Brook Rosenbaum
Assistant Attorney General

14 Attorneys for Plaintiff
15
16
17
18
19
20
21
22
23
24
25
26