



OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

MARK BRNOVICH
ATTORNEY GENERAL

CIVIL LITIGATION DIVISION
CONSUMER PROTECTION & ADVOCACY SECTION

STEPHANIE ELLIOTT
SENIOR LITIGATION COUNSEL
(602) 542-8798
STEPHANIE.ELLIOTT@AZAG.GOV

March 27, 2020

VIA MAIL AND EMAIL

Mountainside Fitness
7135 E Camelback Rd #235
Scottsdale, AZ 85251
info@mountainsidefitness.com

Mountainside Fitness
3345 S. Val Vista Drive
Gilbert, AZ 85296

To Whom It May Concern,

The Arizona Attorney General's Office writes to alert you about a troubling policy it has discovered about your gym's membership cancellation policies. As of March 27, 2020, your website stated:

***** Cancellations may not be done from this page. All cancellations should be done in person at one of our 18 Valley locations.**

<https://mountainsidefitness.com/contact/>

Requiring in-person cancellation of services is problematic under normal circumstances and may violate the Arizona Consumer Fraud Act, A.R.S. §§ 44-1521–44-1534. Requiring in-person cancellation of services at a time when your gyms are closed due to a national and state health emergency where social distancing is emphatically prescribed is even more problematic. We urge you to change these policies immediately and alert your customers to allow cancellation by phone or email. At a minimum, your remote cancellation policy should be maintained for the duration of mandated closures.

We appreciate the circumstances your business is facing and the fact that Mountainside has frozen all accounts until the gyms are operational again, but consumers still should be given the opportunity to cancel remotely if needed.

Using the contact information below, please inform our office by Friday, April 3, 2020, whether you have changed this policy and provide a copy of the notice you sent to your customers. If you elect not to change this policy, please preserve all written and

Mountainside Fitness

March 27, 2020

Page 2

electronic materials related to this policy in anticipation of a possible consumer fraud investigation.

If you have questions, please contact me at (602) 542-8798 or Stephanie.Elliott@azag.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Elliott", is centered on the page. The signature is written in a cursive, flowing style.

Stephanie Elliott
Senior Litigation Counsel

#Q5CEHH6V0DN78U