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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 AUTOZONE, INC., a Nevada corporation,

23 Defendant.

NO. CV2006-

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

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

26 **I. NATURE OF THIS ACTION**

1. This is an action arising out of defendant AutoZone, Inc.'s  
("AutoZone") 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. AutoZone's  
6 long history and chronic pattern and practice of omissions and non-disclosures of  
7 material pricing information, misrepresentations of pricing, overcharges and other  
8 deceptive practices, recurring from at least the Year 2001 to the present, constitute  
9 violations of the Consumer Fraud Act, A.R.S. § 44-1522, for which AutoZone is  
10 liable for civil penalties, injunctive relief, restitution of losses, investigation  
11 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.  
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1 **III. PARTIES**

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

4 7. Defendant AutoZone, Inc. is a Nevada corporation with its principal  
5 place of business located in Memphis, Tennessee. AutoZone is authorized to  
6 conduct and does conduct business in Maricopa County and elsewhere in Arizona.

7 **IV. FACTUAL ALLEGATIONS**

8 8. AutoZone is one of this nation’s largest specialty retailers of  
9 automotive parts and accessories. According to AutoZone’s website  
10 (www.autozone.com), AutoZone is the No. 1 auto parts retailer in America.  
11 AutoZone claims to have 3,655 AutoZone stores in the United States. AutoZone  
12 reported sales of \$5.711 billion for fiscal 2005. Upon information and belief,  
13 AutoZone operates 90 retail stores in Arizona.

14 9. During all times material to this complaint, AutoZone has been subject  
15 to and must comply with Arizona price posting and price verification laws. A.R.S. §  
16 41-2081 provides in pertinent part that “a person shall not misrepresent the price of  
17 any commodity or service sold or offered, exposed or advertised for sale by weight,  
18 measure or count or represent the price in any manner calculated or tending to  
19 mislead or in any way to deceive a person.”

20 10. From at least Year 2001 to the present, the Arizona Department of  
21 Weights and Measures (“DWM”) has conducted price posting (“PRC”) and price  
22 verification (“UPC”) inspections of AutoZone stores located throughout the State of  
23 Arizona. DWM inspections occur as part of the agency’s regular inspection  
24 schedule; as a re-inspection after a previously failed inspection; or as a response to  
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1 receiving a consumer complaint. DWM conducts re-inspections of stores at least  
2 within 6 days after a failed inspection<sup>1</sup>.

3 11. For PRC inspections, the DWM inspector randomly selects  
4 approximately 250 items<sup>2</sup> 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 posted or displayed price, are non-compliant items. A.R.S. §§ 41-2081 (C),  
11 (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.<sup>3</sup> A.R.S. §  
18 41-2081 (C); AAC § R20-2-402(C).

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20  
21 <sup>1</sup> 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 <sup>2</sup> 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 <sup>3</sup> 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-  
26 charges and under-charges in calculating AutoZone's UPC compliance rate. In September 2004, DWM changed its  
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 AutoZone'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 217 inspections at 55 AutoZone locations in Arizona. AutoZone failed at least 125 of these inspections in violation of Arizona law. DWM imposed \$42,820 fines for Year 2001 violations. AutoZone's Year 2001 violations included:

2001 AUTOZONE FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
1025 N ARIZONA AVE	CHANDLER	5/23/01	PRC	250	25	-	90
1025 N ARIZONA AVE	CHANDLER	5/23/01	UPC	50	-	8 (5)	84
1025 N ARIZONA AVE	CHANDLER	7/11/01	PRC	250	25	-	90
1025 N ARIZONA AVE	CHANDLER	7/11/01	UPC	50	-	-	96
1025 N ARIZONA AVE	CHANDLER	8/15/01	PRC	250	17	-	93.2
1025 N ARIZONA AVE	CHANDLER	8/15/01	UPC	50	-	3 (1)	94
1025 N ARIZONA AVE	CHANDLER	9/19/01	PRC	250	21	-	91.6
1025 N ARIZONA AVE	CHANDLER	11/29/01	PRC	250	17	-	93.2
10815 W INDIAN SCHOOL RD	AVONDALE	5/9/01	PRC	250	6	-	97.6
10815 W INDIAN SCHOOL RD	AVONDALE	7/25/01	PRC	250	10	-	96
109 E HWY 260	PAYSON	6/26/01	UPC	50	-	2 (1)	96
11209 N 19TH AVE	PHOENIX	5/30/01	PRC	250	14	-	94.4
11209 N 19TH AVE	PHOENIX	5/30/01	UPC	50	-	3 (3)	94
11209 N 19TH AVE	PHOENIX	7/18/01	PRC	259	9	-	96.5
11209 N 19TH AVE	PHOENIX	7/18/01	UPC	50	-	2 (1)	96
1180 S LITCHFIELD RD	GOODYEAR	6/5/01	PRC	250	12	-	95.2
1180 S LITCHFIELD RD	GOODYEAR	7/25/01	PRC	250	9	-	96.4
1180 S LITCHFIELD RD	GOODYEAR	9/4/01	PRC	250	9	-	96.4
1180 S LITCHFIELD RD	GOODYEAR	9/4/01	UPC	50	-	2 (2)	96
119 N POWER RD	MESA	4/23/01	PRC	250	25	-	90

1	119 N POWER RD	MESA	6/1/01	PRC	250	22	-	91.2
	119 N POWER RD	MESA	7/16/01	PRC	250	18	-	92.8
2	1199 E HWY 89 A	COTTONWOOD	7/18/01	PRC	250	23	-	90.8
3	1199 E HWY 89 A	COTTONWOOD	7/18/01	UPC	50	-	3 (1)	94
	1199 E HWY 89 A	COTTONWOOD	9/6/01	UPC	50	-	5 (2)	90
4	1200 E BUTLER AVE	FLAGSTAFF	12/27/01	PRC	253	7	-	97.2
	1411 W BASELINE RD	TEMPE	4/26/01	PRC	274	24	-	91.2
5	1411 W BASELINE RD	TEMPE	4/26/01	UPC	50	-	6 (4)	88
6	1411 W BASELINE RD	TEMPE	7/2/01	UPC	50	-	2 (1)	96
	1705 E MAIN ST	MESA	5/17/01	PRC	250	10	-	96
7	1705 E MAIN ST	MESA	5/17/01	UPC	50	-	2 (1)	96
	1705 E MAIN ST	MESA	7/17/01	UPC	50	-	-	96
8	2101 W APACHE TRAIL	APACHE JUNCTION	5/15/01	PRC	253	9	-	96.4
9	2101 W APACHE TRAIL	APACHE JUNCTION	7/3/01	UPC	50	-	4 (2)	92
10	2101 W APACHE TRAIL	APACHE JUNCTION	9/4/01	UPC	50	-	2 (1)	96
	2101 W APACHE TRAIL	APACHE JUNCTION	11/14/01	UPC	50	-	5 (3)	90
11	2129 W GUADALUPE RD	MESA	5/22/01	UPC	50	-	2 (1)	96
12	2230 E BELL RD	PHOENIX	5/14/01	PRC	250	6	-	97.6
	2230 E BELL RD	PHOENIX	5/14/01	UPC	50	-	5 (2)	90
13	2418 E SOUTHERN AVE	PHOENIX	5/22/01	PRC	250	8	-	96.8
14	2418 E SOUTHERN AVE	PHOENIX	5/22/01	UPC	50	-	2 (1)	96
	2601 E MCDOWELL RD	PHOENIX	5/11/01	PRC	260	10	-	96.2
15	2601 E MCDOWELL RD	PHOENIX	5/11/01	UPC	50	-	6 (6)	88
	2601 E MCDOWELL RD	PHOENIX	7/9/01	UPC	50	-	3 (2)	94
16	2601 E MCDOWELL RD	PHOENIX	8/7/01	UPC	50	-	3 (2)	94
17	2740 N 1ST AVE	TUCSON	6/22/01	PRC	250	13	-	94.8
	2744 E MCKELLIPS RD	MESA	5/21/01	PRC	250	13	-	94.8
18	2744 E MCKELLIPS RD	MESA	5/21/01	UPC	50	-	4 (2)	92
	2744 E MCKELLIPS RD	MESA	7/17/01	PRC	250	8	-	96.8
19	2744 E MCKELLIPS RD	MESA	7/17/01	UPC	50	-	3 (2)	94
20	2880 W VALENCIA	TUCSON	4/30/01	UPC	50	-	4 (3)	92
	3101 N 19TH AVE	PHOENIX	5/16/01	PRC	266	16	-	94
21	3101 N 19TH AVE	PHOENIX	5/16/01	UPC	50	-	5 (3)	90
	3101 N 19TH AVE	PHOENIX	6/29/01	PRC	269	19	-	92.9
22	3359 W VAN BUREN ST	PHOENIX	7/19/01	UPC	50	-	2 (2)	96
23	35 E BROADWAY RD	TEMPE	5/15/01	PRC	250	11	-	95.6
	35 E BROADWAY RD	TEMPE	5/15/01	UPC	50	-	8 (3)	84
24	35 E BROADWAY RD	TEMPE	9/11/01	PRC	256	6	-	97.7
	35 E BROADWAY RD	TEMPE	9/11/01	UPC	50	-	7 (6)	86
25	35 E BROADWAY RD	TEMPE	11/2/01	PRC	250	18	-	92.8
26	35 E BROADWAY RD	TEMPE	11/2/01	UPC	50	-	11 (8)	78
	35 E BROADWAY RD	TEMPE	12/4/01	PRC	250	24	-	90.4

1	35 E BROADWAY RD	TEMPE	12/4/01	UPC	50	-	-	92
	3908 E THOMAS RD	PHOENIX	5/11/01	PRC	260	10	-	96.2
2	3908 E THOMAS RD	PHOENIX	5/11/01	UPC	50	-	3 (2)	94
	3908 E THOMAS RD	PHOENIX	7/3/01	UPC	50	-	4 (1)	92
3	4155 E MAIN ST	MESA	5/23/01	PRC	250	26	-	89.6
4	4155 E MAIN ST	MESA	5/23/01	UPC	50	-	5 (4)	90
	4155 E MAIN ST	MESA	7/17/01	UPC	50	-	2 (1)	96
5	4319 W INDIAN SCHOOL RD	PHOENIX	5/14/01	PRC	263	13	-	95.1
6	4319 W INDIAN SCHOOL RD	PHOENIX	5/14/01	UPC	50	-	5 (4)	90
	4319 W INDIAN SCHOOL RD	PHOENIX	6/29/01	UPC	50	-	9 (7)	82
7	4319 W INDIAN SCHOOL RD	PHOENIX	7/26/01	UPC	50	-	6 (4)	88
8	4319 W INDIAN SCHOOL RD	PHOENIX	8/10/01	PRC	261	11	-	95.8
9	4319 W INDIAN SCHOOL RD	PHOENIX	8/10/01	UPC	50	-	6 (3)	88
10	4451 E 22ND ST	TUCSON	5/21/01	PRC	252	7	-	97.2
	4832 S CENTRAL AVE	PHOENIX	8/27/01	PRC	250	7	-	97.2
11	5686 W CAMELBACK RD	GLENDALE	5/11/01	UPC	50	-	4 (3)	92
12	6540 W BETHANY HOME RD	GLENDALE	5/9/01	PRC	251	6	-	97.6
	6540 W BETHANY HOME RD	GLENDALE	5/9/01	UPC	50	-	3 (3)	94
13	665 W UNION HILLS DR	PHOENIX	5/10/01	UPC	50	-	2 (1)	96
14	6725 N 35TH AVE	PHOENIX	5/10/01	PRC	260	10	-	96.2
	6725 N 35TH AVE	PHOENIX	5/10/01	UPC	50	-	2 (2)	96
15	7330 W INDIAN SCHOOL RD	PHOENIX	5/14/01	PRC	261	11	-	95.8
16	7330 W INDIAN SCHOOL RD	PHOENIX	7/10/01	PRC	259	9	-	96.5
17	7330 W INDIAN SCHOOL RD	PHOENIX	7/10/01	UPC	50	-	3 (3)	94
	7330 W INDIAN SCHOOL RD	PHOENIX	8/3/01	PRC	272	22	-	91.9
18	7330 W INDIAN SCHOOL RD	PHOENIX	8/3/01	UPC	50	-	5 (3)	90
19	7330 W INDIAN SCHOOL RD	PHOENIX	8/10/01	UPC	50	-	3 (1)	94
20	7330 W INDIAN SCHOOL RD	PHOENIX	9/28/01	UPC	50	-	3 (2)	94
21	746 N COUNTRY CLUB DR	MESA	5/14/01	PRC	250	23	-	90.8
	746 N COUNTRY CLUB DR	MESA	5/14/01	UPC	50	-	4 (2)	92
22	746 N COUNTRY CLUB DR	MESA	7/6/01	PRC	250	18	-	92.8
23	746 N COUNTRY CLUB DR	MESA	7/6/01	UPC	50	-	5 (3)	90
	746 N COUNTRY CLUB DR	MESA	8/2/01	UPC	50	-	6 (3)	88
24	746 N COUNTRY CLUB DR	MESA	9/5/01	UPC	50	-	7 (2)	86
25	746 N COUNTRY CLUB DR	MESA	11/26/01	UPC	50	-	5 (2)	90
26	7501 E MCDOWELL RD	SCOTTSDALE	5/10/01	PRC	250	6	-	97.6
	7501 E MCDOWELL RD	SCOTTSDALE	5/10/01	UPC	50	-	3 (3)	94

1	7501 E MCDOWELL RD	SCOTTSDALE	7/26/01	PRC	250	9	-	96.4
	7501 E MCDOWELL RD	SCOTTSDALE	7/26/01	UPC	50	-	3 (2)	94
2	7501 E MCDOWELL RD	SCOTTSDALE	8/14/01	PRC	250	25	-	90
	7501 E MCDOWELL RD	SCOTTSDALE	8/14/01	UPC	50	-	8 (4)	84
3	7501 E MCDOWELL RD	SCOTTSDALE	9/19/01	UPC	50	-	2 (1)	96
4	752 E SOUTHERN AVE	MESA	5/10/01	PRC	250	24	-	90.4
	752 E SOUTHERN AVE	MESA	5/10/01	UPC	50	-	8 (5)	86
5	7521 S MCCLINTOCK	TEMPE	5/15/01	PRC	250	13	-	94.8
	7521 S MCCLINTOCK	TEMPE	7/9/01	PRC	250	15	-	94
6	8515 N 7TH ST	PHOENIX	5/23/01	PRC	261	11	-	95.8
	8515 N 7TH ST	PHOENIX	5/23/01	UPC	50	-	2 (2)	96
7	8515 N 7TH ST	PHOENIX	7/3/01	UPC	50	-	2 (1)	96
8	8616 E BROADWAY	TUCSON	5/22/01	PRC	252	6	-	97.6
9	8669 NW GRAND AVE	PEORIA	5/17/01	UPC	50	-	8 (6)	84
	8669 NW GRAND AVE	PEORIA	7/10/01	UPC	50	-	3 (2)	94
10	8669 NW GRAND AVE	PEORIA	8/3/01	UPC	50	-	4 (2)	92
	8669 NW GRAND AVE	PEORIA	8/14/01	UPC	50	-	3 (3)	94
11	8669 NW GRAND AVE	PEORIA	10/3/01	PRC	250	22	-	91.2
	8669 NW GRAND AVE	PEORIA	10/3/01	UPC	50	-	4 (2)	92
12	8669 NW GRAND AVE	PEORIA	11/1/01	UPC	50	-	3 (0)	94
	8669 NW GRAND AVE	PEORIA	12/13/01	UPC	50	-	6 (2)	88
13	955 N GILBERT RD	GILBERT	5/17/01	PRC	250	25	-	90
14	955 N GILBERT RD	GILBERT	7/5/01	PRC	250	20	-	92
15	955 N GILBERT RD	GILBERT	8/2/01	PRC	250	8	-	96.8
	955 N GILBERT RD	GILBERT	8/30/01	PRC	250	14	-	94.4
16	955 N GILBERT RD	GILBERT	10/10/01	PRC	250	11	-	95.6

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15. AutoZone paid the Year 2001 fines and continued to violate Arizona price posting and price verification laws. In Year 2002, DWM conducted at least 45 inspections at 11 AutoZone locations in Arizona. AutoZone failed at least 31 of these inspections in violation of Arizona law. DWM imposed \$10,600 fines for Year 2002 violations. AutoZone's Year 2002 violations included:

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2002 AUTOZONE FAILED PRC AND UPC INSPECTIONS							
Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
1199 E HWY 89 A	COTTONWOOD	10/11/02	PRC	250	14	-	94.4
1940 US HWY 89	CHINO VALLEY	8/7/02	PRC	255	25	-	90.2

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1	1940 US HWY 89	CHINO VALLEY	9/25/02	PRC	250	19	-	92.4
2	2101 W APACHE TRAIL	APACHE JUNCTION	1/11/02	UPC	50	-	3 (1)	94
3	2101 W APACHE TRAIL	APACHE JUNCTION	1/29/02	UPC	50	-	3 (1)	94
4	2101 W APACHE TRAIL	APACHE JUNCTION	2/28/02	UPC	50	-	2 (1)	96
5	2531 S 4TH AVE	YUMA	8/16/02	PRC	125	25	-	80
6	2531 S 4TH AVE	YUMA	8/16/02	UPC	25	-	6 (6)	76
7	2744 E MCKELLIPS RD	MESA	7/12/02	PRC	265	20	-	92.5
8	2744 E MCKELLIPS RD	MESA	7/12/02	UPC	50	-	4 (4)	92
9	2744 E MCKELLIPS RD	MESA	9/16/02	PRC	125	8	-	93.6
10	2744 E MCKELLIPS RD	MESA	9/16/02	UPC	50	-	3 (0)	94
11	2744 E MCKELLIPS RD	MESA	10/23/02	PRC	250	13	-	94.8
12	2744 E MCKELLIPS RD	MESA	10/23/02	UPC	50	-	3 (0)	94
13	2744 E MCKELLIPS RD	MESA	12/3/02	PRC	250	25	-	90
14	2744 E MCKELLIPS RD	MESA	12/3/02	UPC	50	-	4 (2)	92
15	3359 W VAN BUREN ST	PHOENIX	7/26/02	PRC	250	26	-	89.6
16	35 E BROADWAY RD	TEMPE	1/2/02	PRC	250	10	-	96
17	35 E BROADWAY RD	TEMPE	1/2/02	UPC	50	-	6 (6)	88
18	35 E BROADWAY RD	TEMPE	1/30/02	UPC	50	-	4 (4)	92
19	35 E BROADWAY RD	TEMPE	3/22/02	PRC	250	13	-	94.8
20	35 E BROADWAY RD	TEMPE	3/22/02	UPC	50	-	4 (3)	92
21	35 E BROADWAY RD	TEMPE	4/22/02	PRC	250	18	-	92.8
22	35 E BROADWAY RD	TEMPE	4/22/02	UPC	50	-	3 (2)	94
23	35 E BROADWAY RD	TEMPE	5/20/02	PRC	250	15	-	94
24	35 E BROADWAY RD	TEMPE	5/20/02	UPC	50	-	4 (2)	92
25	35 E BROADWAY RD	TEMPE	6/21/02	UPC	50	-	2 (0)	96
26	35 E BROADWAY RD	TEMPE	8/16/02	UPC	50	-	4 (1)	92
27	35 E BROADWAY RD	TEMPE	9/16/02	UPC	50	-	3 (2)	94
28	35 E BROADWAY RD	TEMPE	11/20/02	PRC	250	9	-	96.4
29	812 E FRY BLVD	SIERRA VISTA	2/27/02	UPC	50	-	2 (0)	96

16. AutoZone paid the Year 2002 fines and continued to violate Arizona price posting and price verification laws. In Year 2003, DWM conducted at least 49 inspections at 15 AutoZone locations in Arizona. AutoZone failed at least 32 of these inspections in violation of Arizona law. DWM imposed \$4,950 fines for Year 2003 violations. AutoZone's Year 2003 violations included:

2003 AUTOZONE FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations (Items Overcharged)	Compliance % Rate
10645 N 67TH AVE	GLENDALE	9/15/03	PRC	250	18	-	92.8
10645 N 67TH AVE	GLENDALE	9/15/03	UPC	50	-	4 (3)	92
10645 N 67TH AVE	GLENDALE	11/25/03	UPC	50	-	3 (0)	94
10815 W INDIAN SCHOOL RD	AVONDALE	9/25/03	PRC	250	23	-	90.8
1199 E HWY 89 A	COTTONWOOD	1/28/03	PRC	250	25	-	90
221 E CAMELBACK RD	PHOENIX	9/8/03	PRC	125	13	-	89.6
221 E CAMELBACK RD	PHOENIX	9/8/03	UPC	25	-	6 (5)	76
2601 E MCDOWELL RD	PHOENIX	9/5/03	PRC	125	11	-	91.2
2601 E MCDOWELL RD	PHOENIX	9/23/03	PRC	125	4	-	96.8
2601 E MCDOWELL RD	PHOENIX	11/6/03	PRC	125	5	-	96
2705 W CAMELBACK RD	PHOENIX	9/11/03	PRC	125	4	-	96.8
2705 W CAMELBACK RD	PHOENIX	9/11/03	UPC	25	-	2 (0)	92
2705 W CAMELBACK RD	PHOENIX	10/9/03	PRC	125	8	-	93.6
2744 E MCKELLIPS RD	MESA	3/20/03	PRC	250	16	-	93.6
2744 E MCKELLIPS RD	MESA	3/20/03	UPC	50	-	9 (7)	82
2744 E MCKELLIPS RD	MESA	4/24/03	PRC	250	16	-	93.6
2744 E MCKELLIPS RD	MESA	4/24/03	UPC	50	-	2 (1)	96
2744 E MCKELLIPS RD	MESA	6/27/03	UPC	50	-	4 (2)	92
2744 E MCKELLIPS RD	MESA	8/1/03	UPC	50	-	2 (1)	96
35 E BROADWAY RD	TEMPE	1/30/03	PRC	250	8	-	96.8
3908 E THOMAS RD	PHOENIX	12/3/03	UPC	25	-	2 (2)	92
4229 W CACTUS BLVD	PHOENIX	2/19/03	UPC	50	-	3 (2)	94
4229 W CACTUS BLVD	PHOENIX	6/10/03	UPC	50	-	3 (1)	94
5115 W GLENDALE AVE	GLENDALE	3/18/03	PRC	250	19	-	92.4
5115 W GLENDALE AVE	GLENDALE	3/18/03	UPC	50	-	6 (3)	88
5115 W GLENDALE AVE	GLENDALE	5/12/03	UPC	50	-	3 (2)	94
5115 W GLENDALE AVE	GLENDALE	6/24/03	PRC	252	6	-	97.6
746 N COUNTRY CLUB DR	MESA	8/26/03	PRC	125	6	-	95.2
7501 E MCDOWELL RD	SCOTTSDALE	11/6/03	PRC	125	4	-	96.8
7501 E MCDOWELL RD	SCOTTSDALE	11/6/03	UPC	25	-	4 (1)	92
970 N PINAL AVE	CASA GRANDE	5/12/03	PRC	150	25	-	83.3
970 N PINAL AVE	CASA GRANDE	5/12/03	UPC	25	-	6 (5)	76

17. AutoZone paid the Year 2003 fines and continued to violate Arizona price posting and price verification laws. In Year 2004, DWM conducted at least 99

1 inspections at 21 AutoZone locations in Arizona. AutoZone failed at least 71 of  
 2 these inspections in violation of Arizona law. DWM imposed \$38,100 fines for  
 3 Year 2004 violations. AutoZone's Year 2004 violations included:  
 4

5 2004 AUTOZONE FAILED PRC AND UPC VIOLATIONS

6 Store Locations	7 City	8 Date	9 Inspection Type	10 # of Items Inspected	11 PRC Violations	12 UPC Violations (Items Overcharged)	13 Compliance % Rate
10645 N 67TH AVE	GLENDALE	3/11/04	PRC	250	20	-	92
10645 N 67TH AVE	GLENDALE	3/11/04	UPC	50	-	2 (1)	96
10645 N 67TH AVE	GLENDALE	6/8/04	PRC	250	26	-	89.6
10645 N 67TH AVE	GLENDALE	6/8/04	UPC	50	-	2 (2)	96
10815 W INDIAN SCHOOL RD	AVONDALE	1/20/04	PRC	250	17	-	93.2
10815 W INDIAN SCHOOL RD	AVONDALE	8/24/04	PRC	250	22	-	91.2
109 E HWY 260	PAYSON	7/14/04	PRC	250	23	-	90.8
109 E HWY 260	PAYSON	7/14/04	UPC	50	-	5 (2)	90
12230 N CAVE CREEK RD	PHOENIX	9/9/04	PRC	250	11	-	95.6
12230 N CAVE CREEK RD	PHOENIX	9/9/04	UPC	50	-	6 (5)	88
1960 S ALMA SCHOOL RD	CHANDLER	3/9/04	PRC	250	14	-	94.4
1960 S ALMA SCHOOL RD	CHANDLER	3/9/04	UPC	50	-	5 (3)	90
1960 S ALMA SCHOOL RD	CHANDLER	4/28/04	PRC	250	10	-	96
1960 S ALMA SCHOOL RD	CHANDLER	4/28/04	UPC	50	-	3 (0)	94
1960 S ALMA SCHOOL RD	CHANDLER	7/26/04	PRC	250	17	-	93.2
1960 S ALMA SCHOOL RD	CHANDLER	7/26/04	UPC	50	-	3 (3)	94
1960 S ALMA SCHOOL RD	CHANDLER	9/27/04	PRC	252	15	-	94
1960 S ALMA SCHOOL RD	CHANDLER	9/27/04	UPC	50	-	2 (2)	96
1960 S ALMA SCHOOL RD	CHANDLER	11/26/04	PRC	250	10	-	96
1960 S ALMA SCHOOL RD	CHANDLER	11/26/04	UPC	50	-	5 (5)	90
1960 S ALMA SCHOOL RD	CHANDLER	12/24/04	UPC	50	-	3 (3)	94
2418 E SOUTHERN AVE	PHOENIX	9/23/04	PRC	125	8	-	93.6
2418 E SOUTHERN AVE	PHOENIX	10/5/04	PRC	125	12	-	90.4
2418 E SOUTHERN AVE	PHOENIX	10/15/04	PRC	125	7	-	94.4
2418 E SOUTHERN AVE	PHOENIX	10/20/04	PRC	125	18	-	85.6
2418 E SOUTHERN AVE	PHOENIX	10/27/04	PRC	125	17	-	86.4
2418 E SOUTHERN AVE	PHOENIX	10/29/04	PRC	125	12	-	90.4
2418 E SOUTHERN AVE	PHOENIX	11/3/04	PRC	125	5	-	96
2418 E SOUTHERN AVE	PHOENIX	11/12/04	PRC	125	5	-	96

1	2418 E SOUTHERN AVE	PHOENIX	11/29/04	PRC	125	4	-	96.8
2	2705 W CAMELBACK RD	PHOENIX	2/13/04	PRC	125	4	-	96.8
	2705 W CAMELBACK RD	PHOENIX	2/13/04	UPC	25	-	4 (4)	84
3	2705 W CAMELBACK RD	PHOENIX	5/5/04	PRC	250	22	-	91.2
4	3359 W VAN BUREN ST	PHOENIX	9/20/04	UPC	50	-	2 (2)	96
5	3908 E THOMAS RD	PHOENIX	1/21/04	PRC	125	5	-	96
	3908 E THOMAS RD	PHOENIX	1/21/04	UPC	25	-	2 (1)	92
6	3908 E THOMAS RD	PHOENIX	2/26/04	PRC	125	4	-	96.8
	3908 E THOMAS RD	PHOENIX	9/8/04	PRC	125	9	-	92.8
7	4229 W CACTUS BLVD	PHOENIX	7/23/04	UPC	50	-	4 (2)	92
8	5686 W CAMELBACK RD	GLENDALE	6/2/04	PRC	250	16	-	93.6
	5686 W CAMELBACK RD	GLENDALE	6/2/04	UPC	50	-	2 (1)	96
9	634 W VALENCIA RD	TUCSON	12/22/04	PRC	271	21	-	92.3
10	634 W VALENCIA RD	TUCSON	12/22/04	UPC	50	-	7 (7)	86
	6540 W BETHANY HOME RD	GLENDALE	6/28/04	PRC	250	16	-	93.6
11	746 N COUNTRY CLUB DR	MESA	3/24/04	PRC	250	13	-	94.8
12	7501 E MCDOWELL RD	SCOTTSDALE	1/29/04	PRC	125	7	-	94.4
13	8515 N 7TH ST	PHOENIX	9/17/04	PRC	125	18	-	85.6
	8515 N 7TH ST	PHOENIX	9/17/04	UPC	25	-	3 (3)	88
14	8669 NW GRAND AVE	PEORIA	9/24/04	PRC	125	10	-	92
	8669 NW GRAND AVE	PEORIA	10/8/04	PRC	125	21	-	83.2
15	8669 NW GRAND AVE	PEORIA	10/13/04	PRC	125	26	-	79.2
	8669 NW GRAND AVE	PEORIA	10/19/04	PRC	125	7	-	94.4
16	8800 N 43RD AVE	GLENDALE	6/3/04	PRC	250	26	-	89.6
17	970 N PINAL AVE	CASA GRANDE	9/28/04	PRC	250	48	-	80.8
	970 N PINAL AVE	CASA GRANDE	9/28/04	UPC	50	-	4 (4)	92
18	970 N PINAL AVE	CASA GRANDE	10/13/04	PRC	250	17	-	93.2
	970 N PINAL AVE	CASA GRANDE	10/13/04	UPC	50	-	3 (3)	94
19	970 N PINAL AVE	CASA GRANDE	10/14/04	PRC	262	40	-	84.7
20	970 N PINAL AVE	CASA GRANDE	10/14/04	UPC	50	-	7 (7)	86
	970 N PINAL AVE	CASA GRANDE	10/19/04	PRC	256	17	-	93.4
21	970 N PINAL AVE	CASA GRANDE	10/19/04	UPC	50	-	2 (2)	96
	970 N PINAL AVE	CASA GRANDE	10/20/04	UPC	50	-	4 (4)	92
22	970 N PINAL AVE	CASA GRANDE	10/21/04	PRC	250	12	-	95.2
23	970 N PINAL AVE	CASA GRANDE	10/21/04	UPC	50	-	6 (6)	88
	970 N PINAL AVE	CASA GRANDE	10/28/04	UPC	50	-	2 (2)	96
24	970 N PINAL AVE	CASA GRANDE	11/3/04	PRC	250	13	-	94.8
	970 N PINAL AVE	CASA GRANDE	11/3/04	UPC	50	-	6 (6)	88
25	970 N PINAL AVE	CASA GRANDE	11/9/04	PRC	252	6	-	97.6
26	970 N PINAL AVE	CASA GRANDE	11/15/04	PRC	250	12	-	95.2
	970 N PINAL AVE	CASA GRANDE	11/15/04	UPC	50	-	4 (4)	92
	970 N PINAL AVE	CASA GRANDE	11/17/04	UPC	50	-	4 (4)	92

18. AutoZone paid the Year 2004 fines and continued to violate Arizona price posting and price verification laws. In Year 2005, DWM conducted at least 267 inspections at 44 AutoZone locations in Arizona. AutoZone failed at least 126 of these inspections in violation of Arizona law. DWM imposed \$66,900 fines for Year 2005 violations. AutoZone's Year 2005 violations included:

2005 AUTOZONE FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations All Overcharges	Compliance % Rate
10645 N 67TH AVE	GLENDALE	5/9/05	PRC	250	11	-	95.6
10815 W INDIAN SCHOOL RD	AVONDALE	6/23/05	UPC	50	-	2	96
10815 W INDIAN SCHOOL RD	AVONDALE	8/10/05	UPC	50	-	2	96
109 E HWY 260	PAYSON	6/1/05	UPC	50	-	3	94
109 E HWY 260	PAYSON	6/13/05	UPC	50	-	3	94
11209 N 19TH AVE	PHOENIX	4/28/05	PRC	250	45	-	82
11209 N 19TH AVE	PHOENIX	4/28/05	UPC	50	-	4	92
11209 N 19TH AVE	PHOENIX	5/9/05	PRC	250	13	-	94.8
11209 N 19TH AVE	PHOENIX	5/9/05	UPC	50	-	3	94
11209 N 19TH AVE	PHOENIX	8/9/05	PRC	250	22	-	91.2
11209 N 19TH AVE	PHOENIX	8/9/05	UPC	50	-	11	78
11209 N 19TH AVE	PHOENIX	8/15/05	PRC	250	22	-	91.2
11209 N 19TH AVE	PHOENIX	8/15/05	UPC	50	-	8	84
11209 N 19TH AVE	PHOENIX	8/23/05	PRC	250	6	-	97.6
11209 N 19TH AVE	PHOENIX	8/31/05	UPC	50	-	6	88
11209 N 19TH AVE	PHOENIX	9/9/05	PRC	250	8	-	96.8
11209 N 19TH AVE	PHOENIX	9/9/05	UPC	50	-	4	92
11209 N 19TH AVE	PHOENIX	9/19/05	UPC	50	-	5	90
11209 N 19TH AVE	PHOENIX	9/29/05	PRC	250	10	-	96
11209 N 19TH AVE	PHOENIX	9/29/05	UPC	50	-	12	76
11209 N 19TH AVE	PHOENIX	10/17/05	PRC	250	15	-	94
11209 N 19TH AVE	PHOENIX	10/17/05	UPC	50	-	5	90
11209 N 19TH AVE	PHOENIX	10/24/05	PRC	250	11	-	95.6
11209 N 19TH AVE	PHOENIX	10/24/05	UPC	50	-	7	86
11209 N 19TH AVE	PHOENIX	10/31/05	PRC	250	9	-	96.4
11209 N 19TH AVE	PHOENIX	10/31/05	UPC	50	-	5	90
11209 N 19TH AVE	PHOENIX	11/8/05	UPC	50	-	5	90
11209 N 19TH AVE	PHOENIX	11/15/05	PRC	250	8	-	96.8

1	11209 N 19TH AVE	PHOENIX	11/15/05	UPC	50	-	6	88
	11209 N 19TH AVE	PHOENIX	11/21/05	UPC	50	-	4	92
2	119 N POWER RD	MESA	1/11/05	UPC	50	-	2	96
	12230 N CAVE CREEK RD	PHOENIX	4/25/05	UPC	50	-	2	96
3	12230 N CAVE CREEK RD	PHOENIX	5/19/05	UPC	50	-	2	96
4	12230 N CAVE CREEK RD	PHOENIX	5/24/05	UPC	50	-	5	90
5	1375 E WARNER RD	GILBERT	5/27/05	PRC	250	15	-	94
	1375 E WARNER RD	GILBERT	5/27/05	UPC	50	-	3	94
6	1375 E WARNER RD	GILBERT	6/28/05	PRC	250	10	-	96
	1375 E WARNER RD	GILBERT	6/28/05	UPC	50	-	4	92
7	14 W BASELINE	PHOENIX	5/26/05	PRC	250	6	-	97.6
8	14 W BASELINE	PHOENIX	5/26/05	UPC	50	-	7	86
	14 W BASELINE	PHOENIX	6/23/05	UPC	50	-	2	96
9	14 W BASELINE	PHOENIX	7/21/05	PRC	255	8	-	96.8
10	14 W BASELINE	PHOENIX	8/17/05	PRC	250	11	-	95.6
	14 W BASELINE	PHOENIX	8/17/05	UPC	50	-	8	84
11	14 W BASELINE	PHOENIX	10/17/05	PRC	250	27	-	89.2
	14 W BASELINE	PHOENIX	10/17/05	UPC	50	-	4	92
12	14 W BASELINE	PHOENIX	11/7/05	PRC	250	18	-	92.8
	14 W BASELINE	PHOENIX	11/7/05	UPC	50	-	11	78
13	14 W BASELINE	PHOENIX	11/21/05	PRC	250	17	-	93.2
14	14 W BASELINE	PHOENIX	11/21/05	UPC	50	-	3	94
	14 W BASELINE	PHOENIX	12/5/05	UPC	50	-	2	96
15	14 W BASELINE	PHOENIX	12/27/05	UPC	50	-	9	82
16	1705 E MAIN ST	MESA	1/4/05	PRC	250	22	-	91.2
	1705 E MAIN ST	MESA	1/4/05	UPC	50	-	6	88
17	1712 W 8TH ST	YUMA	5/3/05	PRC	250	16	-	93.6
	1935 E MISSOURI ST	TUCSON	7/19/05	UPC	50	-	3	94
18	1960 S ALMA SCHOOL RD	CHANDLER	1/24/05	UPC	50	-	2	96
19	1960 S ALMA SCHOOL RD	CHANDLER	3/2/05	UPC	50	-	3	94
20	1960 S ALMA SCHOOL RD	CHANDLER	3/25/05	UPC	50	-	2	96
	1960 S ALMA SCHOOL RD	CHANDLER	5/27/05	PRC	250	11	-	95.6
21	1960 S ALMA SCHOOL RD	CHANDLER	5/27/05	UPC	50	-	3	94
22	1960 S ALMA SCHOOL RD	CHANDLER	6/10/05	UPC	50	-	2	96
23	1960 S ALMA SCHOOL RD	CHANDLER	7/19/05	PRC	250	7	-	97.2
	1960 S ALMA SCHOOL RD	CHANDLER	7/19/05	UPC	50	-	2	96
24	1960 S ALMA SCHOOL RD	CHANDLER	8/11/05	UPC	50	-	2	96
25	1960 S ALMA SCHOOL RD	CHANDLER	12/2/05	UPC	50	-	2	96
26	1960 S ALMA SCHOOL RD	CHANDLER	12/9/05	UPC	50	-	2	96

1	2129 W GUADALUPE RD	MESA	7/1/05	UPC	50	-	4	92
2	221 E CAMELBACK RD	PHOENIX	6/1/05	PRC	250	8	-	96.8
	221 E CAMELBACK RD	PHOENIX	6/1/05	UPC	50	-	6	88
3	221 E CAMELBACK RD	PHOENIX	6/8/05	UPC	50	-	3	94
	221 E CAMELBACK RD	PHOENIX	7/8/05	UPC	50	-	2	96
4	2230 E BELL RD	PHOENIX	4/19/05	PRC	250	52	-	79.2
	2230 E BELL RD	PHOENIX	4/19/05	UPC	50	-	7	86
5	2230 E BELL RD	PHOENIX	4/25/05	UPC	50	-	5	90
6	2418 E SOUTHERN AVE	PHOENIX	11/23/05	PRC	250	12	-	95.2
	2418 E SOUTHERN AVE	PHOENIX	11/23/05	UPC	50	-	4	92
7	2418 E SOUTHERN AVE	PHOENIX	12/3/05	PRC	250	7	-	97.2
	2418 E SOUTHERN AVE	PHOENIX	12/19/05	PRC	250	7	-	97.2
8	2418 E SOUTHERN AVE	PHOENIX	12/19/05	UPC	50	-	4	92
9	2531 S 4TH AVE	YUMA	3/22/05	PRC	250	26	-	89.6
	2531 S 4TH AVE	YUMA	3/22/05	UPC	50	-	11	78
10	2531 S 4TH AVE	YUMA	4/13/05	PRC	250	22	-	91.2
	2531 S 4TH AVE	YUMA	4/13/05	UPC	50	-	12	76
11	2531 S 4TH AVE	YUMA	5/3/05	PRC	250	13	-	94.8
12	2531 S 4TH AVE	YUMA	5/3/05	UPC	50	-	3	94
	2601 E MCDOWELL RD	PHOENIX	5/19/05	PRC	250	8	-	96.8
13	2880 W VALENCIA	TUCSON	3/1/05	PRC	292	42	-	85.6
	2880 W VALENCIA	TUCSON	3/1/05	UPC	50	-	8	84
14	3101 N 19TH AVE	PHOENIX	4/11/05	PRC	250	25	-	90
	3101 N 19TH AVE	PHOENIX	4/11/05	UPC	50	-	11	78
15	3101 N 19TH AVE	PHOENIX	4/26/05	UPC	50	-	3	94
16	3359 W VAN BUREN ST	PHOENIX	9/22/05	PRC	250	14	-	94.4
	3359 W VAN BUREN ST	PHOENIX	9/22/05	UPC	50	-	4	92
17	3359 W VAN BUREN ST	PHOENIX	10/20/05	PRC	250	8	-	96.8
	3359 W VAN BUREN ST	PHOENIX	10/20/05	UPC	50	-	4	92
18	3868 E THUNDERBIRD RD	PHOENIX	3/29/05	PRC	250	23	-	90.8
19	3868 E THUNDERBIRD RD	PHOENIX	3/29/05	UPC	50	-	4	92
20	3908 E THOMAS RD	PHOENIX	3/18/05	PRC	250	9	-	96.4
	3908 E THOMAS RD	PHOENIX	4/1/05	PRC	250	6	-	97.6
21	3908 E THOMAS RD	PHOENIX	4/8/05	PRC	250	9	-	96.4
22	4155 E MAIN ST	MESA	6/28/05	UPC	50	-	4	92
	4607 E CHANDLER BLVD	PHOENIX	5/18/05	UPC	50	-	2	96
23	4607 E CHANDLER BLVD	PHOENIX	7/21/05	UPC	50	-	4	92
24	5115 W GLENDALE AVE	GLENDALE	10/10/05	UPC	50	-	4	92
25	5115 W GLENDALE AVE	GLENDALE	10/25/05	UPC	50	-	4	92
	540 W BROADWAY DR #110	MESA	5/24/05	UPC	50	-	2	96
26	540 W BROADWAY DR #110	MESA	7/19/05	UPC	50	-	4	92

1	6725 N 35TH AVE	PHOENIX	4/20/05	PRC	250	86	-	65.6
	6725 N 35TH AVE	PHOENIX	4/20/05	UPC	50	-	8	84
2	6725 N 35TH AVE	PHOENIX	4/26/05	UPC	50	-	7	86
3	6725 N 35TH AVE	PHOENIX	5/17/05	UPC	50	-	4	92
	7330 W INDIAN SCHOOL RD	PHOENIX	7/20/05	UPC	50	-	2	96
4	7330 W INDIAN SCHOOL RD	PHOENIX	10/13/05	UPC	50	-	2	96
5	7330 W INDIAN SCHOOL RD	PHOENIX	12/6/05	UPC	50	-	2	96
6	746 N COUNTRY CLUB DR	MESA	1/4/05	PRC	250	11	-	95.6
	746 N COUNTRY CLUB DR	MESA	1/4/05	UPC	50	-	9	82
7	7501 E MCDOWELL RD	SCOTTSDALE	4/29/05	PRC	251	12	-	95.2
8	7501 E MCDOWELL RD	SCOTTSDALE	4/29/05	UPC	50	-	3	94
	752 E SOUTHERN AVE	MESA	3/28/05	PRC	250	14	-	94.4
9	752 E SOUTHERN AVE	MESA	3/28/05	UPC	50	-	4	92
10	812 E FRY BLVD	SIERRA VISTA	4/18/05	UPC	50	-	4	92
	845 S DOBSON RD	MESA	1/7/05	PRC	250	9	-	96.4
11	845 S DOBSON RD	MESA	1/7/05	UPC	50	-	9	82
	8616 E BROADWAY	TUCSON	8/31/05	UPC	50	-	3	94
12	8800 N 43RD AVE	GLENDALE	5/16/05	PRC	250	7	-	97.2

19. AutoZone 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 169 inspections at 71 AutoZone locations in Arizona. AutoZone failed at least 41 of these inspections in violation of Arizona law. Thus far, DWM has imposed \$7,600 fines for Year 2006 violations. AutoZone paid the Year 2006 fines imposed to date. AutoZone's Year 2006 violations include:

2006 AUTOZONE FAILED PRC AND UPC INSPECTIONS

Store Locations	City	Date	Inspection Type	# of Items Inspected	PRC Violations	UPC Violations All Overcharges	Compliance % Rate
1005 W REX ALLEN DR	WILLCOX	3/8/06	UPC	50	-	3	94
10815 W INDIAN SCHOOL RD	AVONDALE	3/22/06	UPC	50	-	2	96
10815 W INDIAN SCHOOL RD	AVONDALE	4/18/06	UPC	50	-	3	94
1199 E HWY 89 A	COTTONWOOD	1/26/06	UPC	50	-	5	90
14 W BASELINE	PHOENIX	1/10/06	UPC	50	-	8	84
1411 W BASELINE RD	TEMPE	1/11/06	PRC	251	10	-	96
1411 W BASELINE RD	TEMPE	1/11/06	UPC	50	-	8	84



1 throughout the State of Arizona. At least 190 of these failed inspections were for  
2 PRC and at least 236 of these failed inspections were for UPC. On average over that  
3 time period, AutoZone failed 47.1% of DWM inspections for price posting (PRC)  
4 and 53.2% of DWM inspections for price verification (UPC).

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

19 22. AutoZone's repeated violations of Arizona pricing laws were not  
20 limited to one store, one city or even one region within the State. Almost  
21 everywhere AutoZone offered merchandise for sale in Arizona during the relevant  
22 time frame, AutoZone violated Arizona pricing laws. For example, AutoZone stores  
23 in Phoenix, Casa Grande, Cottonwood, Yuma, Prescott, Payson, Tucson, Flagstaff  
24 and elsewhere throughout the State chronically failed DWM pricing inspections.  
25 AutoZone's statewide PRC and UPC violations demonstrate a corporate philosophy  
26 to disregard Arizona laws requiring truthful pricing.

1           23.     From at least the Year 2001 to the present, DWM inspections showed  
2     that AutoZone violated price posting laws on at least 2,843 inspection lots of items  
3     and that AutoZone violated price verification laws on at least 832 inspection lots of  
4     items during failed inspections at its Arizona stores. DWM’s inspections show only  
5     a “snapshot” of pricing violations on the day of the inspection and only as to those  
6     items randomly selected for inspection. Upon information and belief, it therefore is  
7     reasonable to conclude that, from at least Year 2001 to present, the number of  
8     pricing violations on the tens of thousands of items for sale each day at AutoZone’s  
9     stores was significantly higher than the number of pricing violations found on the  
10    items subject to DWM’s inspections. In other words, upon information and belief,  
11    the number of violations documented by DWM is merely the “tip of the iceberg”  
12    constituting AutoZone’s pricing misconduct at its Arizona stores.

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

1           25.     From at least Year 2001 to the present, in addition to the actual notice  
2 of violations provided via the inspection reports described above, DWM sent at least  
3 220 “Notice of Violation” (“NOV”) letters to AutoZone at its corporate offices in  
4 Memphis, Tennessee, expressly identifying the offending store location, date of  
5 inspection, inspection type and fines imposed for PRC and UPC violations. From  
6 Year 2001 to present, DWM fined AutoZone a total of approximately \$170,970 for  
7 PRC and UPC violations<sup>4</sup>. AutoZone did not seek any appeal or otherwise  
8 challenge the NOV’s. Rather, AutoZone paid the fines as imposed and continued to  
9 violate Arizona price posting and price verification laws. Upon information and  
10 belief, AutoZone considers DWM’s fines merely as “the cost of doing business” in  
11 Arizona. AutoZone’s history of paying DWM’s fines without correcting its  
12 misconduct, thereby leading to further violations and additional fines, in continuing  
13 reiteration, demonstrates AutoZone’s flagrant disregard for pricing accuracy, pricing  
14 verification, pricing integrity and other material aspects and objectives of Arizona  
15 laws enacted to protect Arizona consumers.

16           26.     Since at least the Year 2001 to the present, DWM has conducted at  
17 least one Corporate Education seminar at no charge for AutoZone managers, during  
18 which DWM explained the specific requirements of Arizona price posting and price  
19 verification laws as applicable to AutoZone, provided specific examples of  
20 AutoZone’s violations of those laws in Arizona, and recommended specific  
21 corrective measures to be implemented at AutoZone’s Arizona stores. This seminar  
22

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23 <sup>4</sup> 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 AutoZone locations that already had been subjected to the maximum allowable fines. But for this limitation, the  
total amount of DWM’s fines imposed upon AutoZone between Year 2001 and the present would have been  
significantly higher by approximately \$20,100.

1 was attended by AutoZone managers at the corporate, regional and store levels. In  
2 addition, DWM has conducted at least three informal walk-throughs of AutoZone  
3 stores with AutoZone managers, during which DWM conducts a “mock inspection”  
4 of the stores, free from penalty or other enforcement, to provide further explanation  
5 of how AutoZone could operate in compliance with Arizona pricing laws. Despite  
6 these educational efforts by DWM, AutoZone did not correct its statewide pricing  
7 violations. Rather, AutoZone continued to violate Arizona’s price posting and price  
8 verification laws at stores located throughout the State of Arizona.

9 27. Because AutoZone consistently failed inspections and re-inspections  
10 over the years, AutoZone is listed as one of the top ten “Needs Most Improvement”  
11 companies on the annual DWM Price Verification Survey results released to the  
12 public and media for Years 2003, 2004 and 2005.

13 [http://www.azdwm.gov/Shoppers/upc\\_inspection.htm](http://www.azdwm.gov/Shoppers/upc_inspection.htm).

14 28. Of the 426 DWM inspections that AutoZone failed between at least  
15 Year 2001 to the present, at least 249 represented failures during *re*-inspections of  
16 AutoZone stores. AutoZone’s repeated failure to comply with Arizona pricing laws  
17 and regulations even upon *re*-inspection demonstrates AutoZone’s incorrigibility  
18 and its indifference to the serious need for undertaking corrective actions at its  
19 stores. Especially egregious are the multiple repeat offender stores – those stores  
20 that have failed DWM *re*-inspections time after time, NOV after NOV, and fine  
21 after fine. These stores are the “worst of the worst” in terms of pricing violations for  
22 AutoZone in Arizona. That AutoZone continues to operate these recidivistic,  
23 noncompliant stores in a manner that violates Arizona pricing laws shows  
24 AutoZone’s corporate contempt for truthful dealing with Arizona consumers in the  
25 Arizona marketplace. Following is a list of thirteen particularly egregious AutoZone  
26 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)
11209 N 19TH AVE	Phoenix	29	25	\$22,150
35 E BROADWAY RD	Tempe	23	18	\$10,600
1960 S ALMA SCHOOL RD	Chandler	22	19	\$8,150
970 N PINAL AVE	Casa Grande	20	18	\$15,000
2744 E MCKELLIPS RD	Mesa	18	13	\$9,530
2418 E SOUTHERN AVE	Phoenix	16	11	\$7,400
14 W BASELINE	Phoenix	15	13	\$10,850
746 N COUNTRY CLUB DR	Mesa	12	4	\$4,800
7501 E MCDOWELL RD	Scottsdale	12	7	\$2,550
8669 NW GRAND AVE	Peoria	12	9	\$9,700
3908 E THOMAS RD	Phoenix	11	7	\$550
7330 W INDIAN SCHOOL RD	Phoenix	10	8	\$4,440
2531 S 4TH AVE	Yuma	10	6	\$7,050

29. AutoZone’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 AutoZone is liable for civil penalties, injunctive relief, restitution of losses, investigation expenses, costs and attorneys’ fees.

**COUNT ONE: VIOLATIONS OF CONSUMER FRAUD ACT**

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

31. 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.

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

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

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

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

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

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

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                   35.       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                   36.       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;

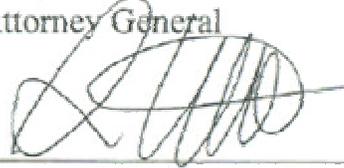
1 F. That plaintiff recovers from defendant the costs of this action,  
2 including investigation expenses, costs and its reasonable attorneys' fees;

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

5 DATED this 6<sup>th</sup> day of July 2006.

6 Respectfully Submitted,

7  
8 Terry Goddard  
9 Attorney General

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11 \_\_\_\_\_  
12 Ann Thompson Uglietta  
13 Assistant Attorney General  
14 Brook Rosenbaum  
15 Assistant Attorney General

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26 Attorneys for Plaintiff