



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



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STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

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

Petitioner,

-vs-

ELECTRONIC MEDIA MARKETING GROUP,  
INC. DBA GENERALYELLOWPAGES.COM;  
and VLADIMIR ADOLPHE A/K/A VLAD  
ADOLPH, Individually,

Respondents.

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

CPAT 110200.009

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

ELECTRONIC MEDIA MARKETING GROUP INC  
GENERALYELLOWPAGES.COM  
PO BOX 4668  
NEW YORK NY 10163-4668

ELECTRONIC MEDIA MARKETING GROUP INC  
GENERALYELLOWPAGES.COM  
551 VALLEY ROAD, SUITE 376  
UPR MONTCLAIR NJ 07043-1832

VLADIMIR ADOLPHE  
A/K/A VLAD ADOLPH  
ELECTRONIC MEDIA MARKETING GROUP INC  
GENERALYELLOWPAGES.COM  
PO BOX 4668  
NEW YORK NY 10163-4668

WWW.GENERALLYELLOWPAGES.COM  
551 VALLEY ROAD, SUITE 376  
UPR MONTCLAIR NJ 07043-1832

vadph@emmgj.net  
info@emmgj.net

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

## BACKGROUND

1. It appears to the Attorney General of North Dakota that Respondents have engaged in and are engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15, "Unlawful Sales or Advertising Practices." It is necessary and appropriate in the public interest and for the protection of North Dakota residents to restrain Respondents' unlawful acts or practices.

2. Electronic Media Marketing Group, Inc. is a New Jersey Domestic Profit Corporation company with a principal place of business at 551 Valley Road, Suite 376, Upper Montclair, New Jersey 07043. Electronic Media Marketing Group, Inc.'s mailing address is PO Box 4668, New York NY 10163. The registered agent for Electronic Media Marketing Group, Inc. is Business Filings, Inc. located at 802 Bear Tavern Road, West Trenton, NJ 08628. Electronic Media Marketing Group, Inc. does business under the name General Yellow Pages or generallyellowpages.com.

3. Vladimir Adolphe a/k/a Vlad Adolph is the owner and principal of Electronic Media Marketing Group, Inc. and uses the mailing address of 802 Bear Tavern Road, West Trenton, NJ 08628.

4. Vladimir Adolphe a/k/a Vlad Adolph and Electronic Media Marketing Group, Inc. dba generallyellowpages.com ("Respondents") have been the subject of complaints

from North Dakota persons alleging Respondents have engaged in deceptive practices in violations of North Dakota Law. Starting no later than 2010, Respondents engaged in the business of advertising, soliciting and selling of business listings services for online business listings in North Dakota, via telephone. Respondents contacted consumers, churches, businesses and other organizations in North Dakota via telephone to solicit payment for business listing services allegedly ordered and performed.

5. Petitioner alleges that Respondents call unsuspecting employees of North Dakota businesses and represents that the business previously ordered a business listing. Respondents further ask if the person wishes to continue or cancel the service. When the employee requests to cancel the service, Respondents inform the person that a \$599.95 payment is due for listing services already provided for the previous year. Following the phone call, Respondents send an invoice for \$599.95, demanding payment for business listing services. The person receiving the invoice has no way of verifying whether the alleged services were provided, and may not be able to provide proof to contradict Respondents' allegations that the services were ordered.

6. Respondents claim to have proof of the underlying sales transaction. Respondents, however, are able to provide a only a taped recording relating to the collection call and not the initial sales transaction. Respondents argue that the persons' verifications of where to send an invoice constitute authorization for the previous listing and an admission that the amount is due. Respondents attempt to deceive employees into believing that their organization authorized a listing on a website in order to solicit an authorization to send an invoice which Respondents later claim is proof of authorization for the listing. The taped recordings do not indicate that the call recipient consented to purchase the service. Respondents' records of complaints and refusals to pay from their

targets, demonstrate that their alleged customers never authorized or consented to the charges and listings.

7. Respondents appear to deliberately target churches and similar organizations that often are run by volunteers who are less likely to know whether the listing has been previously authorized by others. These organizations often are less experienced in dealing with business related issues like advertising and, therefore, less likely to identify Respondents' scheme and more likely to be scared and pressured into paying to make Respondents go away. Respondents add additional pressure by stating "pending legal action" on their invoices, which is a false and deceptive statement.

8. Respondents continue to bill and attempt to collect on disputed invoices. It also is believed that entities that expressly cancel during the recorded call from Respondents are still being billed for subsequent years of alleged services. Respondents add late fees to the charges resulting in invoices for amounts as high as \$3,620.63. As an example; on or about April of 2010, a North Dakota business received a phone call from Respondents asking whether the business wanted to continue or to discontinue services with Respondents. Respondents provided a taped recording in which the business expressly stated it wanted to discontinue any services provided by Respondents. Respondents informed the business that \$599.95 is owed from the business for the 2009-2010 listing cycle, which Respondents claimed the business previously authorized and agreed to purchase. A year later, the business paid Respondents \$600.00 to pay off the invoice. In May of 2014, Respondents billed the business \$3,620.63 for the 2010-2011, 2011-2012, 2012-2013 and 2013-2014 listing cycle, together with \$1,220.83 in late fees or interest charges (disclosed as a compound monthly rate of 2% since the invoice date). Although the business canceled back

in April of 2010 and later agreed to pay to get rid of the invoice, the business is now facing a demand from Respondents for \$3,620.63.

9. Respondents also solicit customers through free trial offers. Respondents cold call businesses, informing them that they have been selected to receive a “risk free trial.” These calls are deceptive and misleading, as the recipients of the calls are not clearly informed of the consequence of confirming their business information to Respondents. The call is not presented as a sales-call; the recipient is never asked to accept or reject any offer or to agree to a trial. The business is not asked to give any payment information, which makes the business less suspicious that the call may result in future charges. If the business, however, does not cancel, they will be billed, after the fact, for services allegedly rendered. Although Respondents’ sales representatives quickly list the cost if the person would like to continue services and that they will only bill for services if the person decides not to cancel, evidence of the misleading nature of this trial offer includes the fact that Respondents’ sales representatives state that the question of who within the business would pay for services is “just a hypothetical question.” Alleged customers are not aware of the material terms of the agreement and did not expressly consent to the terms.

10. Respondents use misrepresentations and deception in order to obtain and collect payment from North Dakota persons who never agreed to purchase services from Respondents. Based on the complaint and information received, it appears to the Attorney General that Respondents engaged in a practice that is commonly referred to as a “business directory scam” or “invoice scam,” and that Respondents made untrue, deceptive and misleading representations, have engaged in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in violation of N.D.C.C. § 51-15-02. It also appears to the Attorney General that Respondents

sent, delivered, or transmitted invoices or statements of account due to solicit payment of money by another person for goods not yet ordered or for services not yet performed and not yet ordered, in violation of N.D.C.C. § 51-15-02.2.

11. The information received by the Attorney General suggests that Respondents' unlawful conduct has affected numerous persons in North Dakota, whom Respondents called or sent invoices in an attempt to deceive them and pressure them into paying Respondents for alleged online business listing services. The information further indicates that Respondents allege North Dakota customers owe payment for services when, in fact, the alleged "customers" never ordered or authorized any services from Respondents and that they do not have any records of ever receiving any business listing services from Respondents.

12. Based on the complaint and other information received, it appears to the Attorney General that Respondents have engaged in and are engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15. Due to the risk of ongoing violations of North Dakota law and the continued risk of injury to North Dakota residents, it is necessary and appropriate in the public interest and for the protection of the state's residents to restrain the Respondents' unlawful acts or practices.

### **ORDER**

Based upon the foregoing information, it appears to the Attorney General that Respondents engaged in violations of N.D.C.C. ch. 51-15; **NOW, THEREFORE, IT IS ORDERED** pursuant to N.D.C.C. § 51-15-07 that Respondents and their agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with Respondents,

whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) advertising, soliciting, or selling merchandise to North Dakota persons; 2) advertising, soliciting, or selling merchandise to North Dakota persons through the use of mailings that could reasonably be interpreted to be a bill, invoice, or a statement of account due in violation of N.D.C.C. § 51-15-02.2; 3) soliciting payment from North Dakota persons for goods or services that the person did not order or properly authorize; 4) collecting, attempting to collect, or contacting Dakota persons regarding collection of payment for merchandise allegedly ordered, delivered or performed; and 5) using untrue, deceptive or misleading representations or engaging in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in connection with the sale or advertisement of merchandise, in violation of N.D.C.C. § 51-15-02. Respondents also shall immediately **CEASE AND DESIST** from issuing or mailing any invoices or bills to North Dakota persons for the sale of merchandise, as defined by N.D.C.C. § 51-15-01(3), and **CEASE AND DESIST** from taking, collecting, charging, billing or accepting any payment from any North Dakota person, including, but not limited to, cash, check, direct credit, debits or withdrawals from North Dakota person's credit cards, debit cards or bank accounts for any alleged past or future order or sale of merchandise, in the State of North Dakota.

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

## NOTICE OF CIVIL PENALTIES

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

## NOTICE OF RIGHT TO REQUEST HEARING

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

Dated this 5<sup>th</sup> day of September, 2014.

**STATE OF NORTH DAKOTA**  
Wayne Stenehjem  
Attorney General

BY:

  
Parrell D. Grossman, ID No. 04684  
Assistant Attorney General  
Director, Consumer Protection and  
Antitrust Division  
Office of Attorney General  
Gateway Professional Center  
1050 E. Interstate Ave., Suite 200  
Bismarck, ND 58503-5574  
(701) 328-3404

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

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

Petitioner,

-vs-

ELECTRONIC MEDIA MARKETING GROUP,  
INC. DBA GENERALYELLOWPAGES.COM;  
and VLADIMIR ADOLPHE A/K/A VLAD  
ADOLPH, Individually,

Respondents.

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

CPAT 110200.009

STATE OF NORTH DAKOTA     )  
  ) ss  
COUNTY OF BURLEIGH     )

Jessica Seibel states under oath as follows:

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

2. I am of legal age and on the 5<sup>th</sup> day of September, 2014, I served the CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon the following by placing true and correct copies thereof in an envelope addressed as follows:

ELECTRONIC MEDIA MARKETING GROUP INC  
GENERALYELLOWPAGES.COM  
PO BOX 4668  
NEW YORK NY 10163-4668

VLAD ADOLPH  
ELECTRONIC MEDIA MARKETING GROUP INC  
PO BOX 4668  
NEW YORK NY 10163-4668

WWW.GENERALYELLOWPAGES.COM  
551 VALLEY ROAD SUITE 376  
UPR MONTCLAIR NJ 07043-1832

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

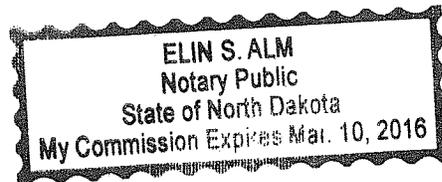
3. Also on the 5<sup>th</sup> day of September, 2014, I served CEASE AND DESIST ORDER, NOTICE OF CIVIL PENALTY AND NOTICE OF RIGHT TO REQUEST A HEARING upon Respondents via electronic mail by e-mailing the document to vadph@emmgj.net and to info@emmgj.net.

  
\_\_\_\_\_  
Jessica Seibel

Subscribed and sworn to before me  
this 5<sup>th</sup> day of September, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC

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