

Washington company that promised Web hits will reboot its sales tactics

Local News

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Posted on : July 9, 2010 at 8:09 am

SEATTLE ‐ A Redmond-based seller of e-commerce services agreed to change course after customers complained the company promised Web hits but struck out, the Washington Attorney General's Office announced today.

“Visible.net and Captures.com promised small businesses that they'd be ‘blown away’ by achieving top Internet search results,” Attorney General Rob McKenna said. “But merchants who paid thousands of dollars hoping to increase sales found the defendants couldn't always deliver on their promises. Today's settlement requires Visible.net and Captures.com to accurately represent their services and will enable us to provide restitution for some customers.”

The Attorney General's Office [sued](#) Visible.net, which also does business as Captures.com and WebMarketingSource.com, and owner Gilbert Walker in November 2008.

The defendants sell Web site design, search-optimization and other Internet marketing services, along with providing e-commerce services to process online purchases. They promote their business through their Web sites and by telemarketing. Packages include an initial startup fee of \$3,749.99 up to \$9,749.99, plus a monthly fee of \$39.99 to \$99.99.

When the suit was filed, the Attorney General's Office and Better Business Bureau had received nearly 90 complaints about the defendants, showing a pattern of recurring problems since at least 2005. Since then, the Attorney General's Office has received an additional 70 complaints.

In April 2010, a King County Superior Court judge [found the defendants in violation](#) of the state's telemarketing law. The [settlement](#) filed late Wednesday in King County Superior Court resolves the state's remaining allegations of consumer protection law violations. The defendants agree to pay \$250,000 to the Attorney General's Office.

Under the settlement, the defendants must not:

- Misrepresent their ability to significantly increase traffic to customer Web sites by achieving top search-engine rankings.
- Fail to provide refunds or honor cancellation requests.
- Claim to provide around-the-clock customer support, technical advice or consultations, unless available. The Attorney General's Office believes the defendants misrepresented customer service representatives could be reached at any time.
- Fail to register with the Department of Licensing as a commercial telephone solicitor.
- Charge consumers' credit cards without authorization.
- Misrepresent their affiliation with other marketers.

Senior Counsel Paula Selis, an assistant attorney general who heads up the Attorney General's Consumer Protection High-Tech Unit, led the investigation. She said the office expects to retain about \$50,000 to reimburse the state's legal expenses and distribute the remaining \$200,000 as restitution for customers who filed complaints. Eligible customers will be

contacted soon by mail and will receive full or partial refunds after the company has made all required payments to the state; that could be early 2012.

DOCUMENTS:

[Complaint](#)

[Order Granting Partial Summary Judgment](#)

[Stipulated Judgment](#)