

December 7, 2020

ATTORNEY GENERAL RAOUL SUPPORTS FTC AUTHORITY TO SEEK RESTITUTION FOR VICTIMS OF CONSUMER FRAUD

Chicago — Attorney General Kwame Raoul today led a bipartisan coalition of 30 attorneys general in [filing an amicus brief](#) to urge the U.S. Supreme Court to affirm a decision upholding the Federal Trade Commission's (FTC) authority to seek restitution for victims of anticompetitive, unfair, and deceptive trade practices when enforcing consumer protections under Section 13(b) of the FTC Act.

Raoul and the coalition filed the brief in support of the FTC in *AMG Capital Management, LLC v. Federal Trade Commission*. In the brief, Raoul and the coalition argue that the FTC's authority to seek restitution, which most often takes the form of refunds or other monetary payments to consumers, benefits states and their residents, and is critical to combating anticompetitive, unfair and deceptive trade practices.

"The partnership between Illinois and other states with the FTC is critical in protecting consumers from scammers and other bad actors. The FTC's ability to seek restitution is a key aspect of this partnership," Raoul said. "I urge the court to affirm the FTC's authority and maintain the tools in place that help combat fraud and other unfair trade practices and protect consumers."

In April 2012, the FTC filed a lawsuit against Scott Tucker and several of his companies that provided high-interest, short-term loans online, alleging that the loan business violated the FTC Act. The district court ruled in the FTC's favor, ordering Tucker to pay approximately \$1.27 billion in restitution. Tucker appealed to the U.S. Court of Appeals for the 9th Circuit and argued that the FTC did not have the authority to demand restitution. The appellate court affirmed the district court's decision, and Tucker appealed to the Supreme Court.

For decades, courts have recognized the FTC's authority to seek restitution. Raoul and the attorneys general argue in the brief that denying the FTC this authority will negatively harm states and their residents and will impede federal-state collaborations to combat anticompetitive, unfair, and deceptive practices. Between 2016 and 2019 alone, the FTC has mailed more than \$1 billion in refunds to consumers affected by such practices.

States rely on partnerships with federal regulators, such as the FTC, to protect millions of Americans from monopolists and fraudsters. While Attorney General Raoul and other attorneys general regularly obtain restitution through their own enforcement actions under state law, states also benefit from the FTC's independent authority to investigate and address violations of federal law.

If the FTC was prohibited from seeking restitution, Raoul and the attorney generals argue, that would embolden those who seek to take advantage of vulnerable consumers. Restitution prevents wrongdoers from benefitting from their actions by requiring them to return ill-gotten gains to affected consumers. Without the FTC's authority to seek restitution, these practices would erode consumer confidence and deter competition.

Joining Raoul in filing the brief are the attorneys general of Alaska, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington and Wisconsin.