

FILING A COMPLAINT



Even the savviest consumer has problems with a good or service at one time or another. It is your right to complain if you have a genuine consumer problem. It is also your responsibility. A problem can't be fixed if no one knows it exists.

CONTACT THE SELLER

The first step in resolving a consumer problem is contacting the seller. You can solve most consumer problems by talking to a salesperson or customer service representative. Do this as soon as possible because some retailers have time limits on returns and refunds. If this doesn't work, ask for a supervisor or manager. If this fails, try going higher up, to the national headquarters of the seller or the manufacturer of the item. Many companies have a special customer relations or consumer affairs division whose primary function is solving consumer problems. Many companies provide a toll free number or address for this office on the product label, warranty, or other papers, you received at the time of purchase. If this is not the case:

- Check the Corporate Consumer Directory portion of this *Handbook* for the contact information of several hundred corporations (p. 71).
- Visit the company's website, and look for a "Contact Us" link.
- Dial the directory of toll free numbers at 1-800-555-1212 to see whether the company has a toll free number listed.
- Ask your local librarian to assist you. Most public libraries have reference books with contact information.
- As you do your search, keep in mind that the name of the manufacturer or parent company is often different from the brand name. The *Thomas Register of American Manufacturers*, a book available at many public libraries, lists the manufacturers of thousands of products.
- With each person you contact, calmly and

accurately explain the problem and what action you would like to be taken. A written letter is a good strategy because you will have a record of your communication with the company. The sample letter (p. 57) will help you prepare a written complaint.

- Be brief and to the point. Note all important facts about your purchase, including what you bought, serial or model numbers, the name and location of the seller, and when you made the purchase.
- State exactly what you want done about the problem and how long you are willing to wait for a response. Be reasonable.
- Don't write an angry, sarcastic, or threatening letter. The person reading your letter probably was not responsible for your problem but could be very helpful in resolving it.
- Send your letter as certified mail or request delivery confirmation.
- Include copies of all documents regarding your problem. Keep the originals.
- Provide your name, address, and phone numbers. If an account is involved, be sure to include the account number.
- Keep a record of your efforts to contact the seller; include the name of the person with whom you spoke and what was done, if anything.

STEPS TO FOLLOW TO RESOLVE A COMPLAINT

- Before starting, start a file or log to record all contacts and documents.
- Contact the seller.
- Contact the manufacturer.
- Contact industry trade associations.
- Contact local and state consumer protection/regulatory/licensing officers.
- Contact the local BBB.

CONTACT THIRD PARTIES

Don't give up if you are not satisfied with the seller's response to your complaint. Once you have given the seller a reasonable amount of time to respond, consider filing a complaint with one or more of these outside organizations:

State or local consumer protection offices (p. 112). These government agencies mediate complaints, conduct investigations, and prosecute those who break consumer laws.

State regulatory agencies that have jurisdiction over the business. For example, banking (p. 126), securities (p. 134), insurance (p. 130), and utilities (p.138) are regulated at the state level.

Local politicians. Your local and state politicians may be able to help you get your complaint addressed.

<p>Call for Action, Inc. 11820 Parklawn Dr., Suite 340 Rockville, MD 20852 Phone: 240-747-0229 Web: www.callforaction.org</p>		<p>Call for Action, Inc., is a nonprofit network of consumer hotlines that educate and assist consumers with consumer problems. Listed below are hotlines in major markets staffed with trained volunteers who offer advice and mediate complaints at no cost to consumers. Consumers in locations not listed should call the Network Hotline at 240-747-0225 (T, W, F 10 am–2 pm).</p>	
<p>WTAJ-TV Altoona, PA 814-944-9336 M–F 1–3 pm</p>	<p>WJW-TV Cleveland, OH 216-578-0700 M, W, Th 10 am–1:00 pm M 5:30–6:30 pm</p>	<p>KSHB-TV Kansas City, MO 816-932-4321 T–Th 10 am–1 pm</p>	<p>KPNX-TV & KNAZ-TV & The Arizona Republic Phoenix, AZ 602-260-1212 or 1-866-260-1212 M–F 11 am–1 pm</p>
<p>WAGA-TV Atlanta, GA 404-879-4500 M–F 11 am–1 pm</p>	<p>KKTV-TV Colorado Springs, CO 719-457-8211 M–Th 11 am–1 pm</p>	<p>KTNV-TV Las Vegas, NV 702-368-2255 M–F 11 am–1 pm</p>	<p>WPRI-TV Providence, RI 401-228-1850 M–Th 11 am–1 pm</p>
<p>WRDW-TV Augusta, GA 803-442-4550 T–Th 11 am–1 pm</p>	<p>WSYX-TV Columbus, OH 614-821-9799 T–Th 11 am–1 pm</p>	<p>WKOW-TV Madison, WI 608-661-2727 M–F 11 am–1 pm</p>	<p>KTVI-TV St. Louis, MO 636-282-2222 1-800-782-2222 (IL) M–Th 11 am–1 pm</p>
<p>WBRC-TV Birmingham, AL 205-583-4321 M–F 11 am–1 pm</p>	<p>WXYZ-TV Detroit, MI 248-827-3362 M–Th 11 am–1 pm</p>	<p>WTMJ-TV Milwaukee, WI 414-967-5495 M–Th 11 am–1 pm</p>	<p>WTOL-TV Toledo, OH 419-255-2255 T–Th 11 am–1 pm</p>
<p>WBZ Radio Boston, MA 617-787-7070 M–F 11 am–1:30 pm</p>	<p>WINK-TV Fort Myers, FL 239-334-4357 T–Th 11 am–1 pm</p>	<p>WQAD-TV Moline, IL 309-764-2255 M–F 11 am–1 pm</p>	<p>WTOP AM & FM Washington, DC 301-652-4357 T–F 11 am–1 pm</p>
<p>WIVB-TV Buffalo, NY 716-879-4900 M–F 11 am–1 pm</p>	<p>WHTM-TV Harrisburg, PA 717-214-9187 T–Th 11 am–1 pm</p>	<p>WTAE-TV Pittsburgh, PA 412-244-4698 T–Th 9 am–1 pm</p>	

State and local licensing agencies. Doctors, lawyers, home improvement contractors, auto repair shops, debt collectors, and child care providers are required to register or be licensed. The board or agency that oversees this process may handle complaints and have the authority to take disciplinary action. Your state or local consumer protection office (p. 112) can help you identify the appropriate agency.

Better Business Bureaus (p. 66). This network of nonprofit organizations supported by local businesses tries to resolve buyer complaints against sellers. Records are kept on unresolved complaints as a source of information for the seller's future customers. The umbrella organization for the BBBs assists with complaints concerning the truthfulness of national advertising and helps to settle disputes with automobile manufacturers through the BBB AUTO LINE program (p. 65).

Trade associations. Companies selling similar products or services often belong to an industry association that will help resolve problems between its members and consumers (p. 142).

National consumer organizations. Some of these organizations assist consumers with complaints. Others may be unable to help individuals but are interested in hearing about problems that could influence their education and advocacy efforts (p. 109).

Media programs. Local newspapers, radio stations, and television stations often have Action Lines or Hotline services that try to resolve consumer complaints they receive. To find these services, check with your local newspapers or broadcast stations. See the "Call for Action" box above.

DISPUTE RESOLUTION PROGRAMS

Some companies and industries offer programs to address disagreements between buyers and sellers. The auto industry (p. 65) has several of these programs. The Financial Industry Regulatory Authority (FINRA) offers a program to resolve investment-related disputes (p. 144). Some small claims courts also offer a dispute resolution program as an alternative to a trial.

Mediation, arbitration, and conciliation are three common types of dispute resolution. During mediation, both sides involved in the dispute meet with a neutral third party and create their own agreement jointly. In arbitration, the third party decides how to settle the problem. Conciliation is similar, however you and the other party would meet with the conciliator separately (not a group meeting). Request a copy of the rules of any program before making a decision to participate. You will want to know beforehand whether the decision is binding; some programs do not require both parties to accept the decision. Also ask whether participation in the program places any restrictions on your ability to take other legal action. The American Bar Association (p. 142) publishes a directory of state and local dispute resolution programs.

SMALL CLAIMS COURT

Small claims courts resolve disputes over small amounts of money. While the maximum amount that can be claimed differs from state to state, court procedures are generally simple, inexpensive, quick, and informal. Court fees are minimal, and you often get your filing fee back if you win your case. Typically, you will not need a lawyer—some states do not permit them. If you live in a state that allows lawyers, and the party you are suing brings one, don't be intimidated. Most judges make allowances for consumers who appear without lawyers. Even though the court is informal, the judge's decision must be followed.

If you file a case and win, the losing party should give you what the court says you are owed without further action on your part. But some losers refuse to follow the court's decision. When this happens, you can go back to court and ask for the order to be enforced. Depending on local laws, law enforcement officials might sell a person's property or take money from a bank account or business cash register. If the person who owes the money receives a salary, the court might order an employer to garnish (deduct money from) each paycheck to pay you.

Check your local telephone book under the municipal, county, or state government headings for small claims court offices. Ask the clerk how to use



the small claims court. Before taking your own case to court, observe a small claims court session and ask the court if it has information that will help you prepare your presentation to the judge.

LEGAL HELP AND INFORMATION

If you need an attorney to advise or represent you, ask friends and family for recommendations. You can also contact the Lawyer Referral Service of your state, county, or city bar association listed in your local phone directory. Websites such as www.abalawinfo.org (American Bar Association) and www.nolo.com can help you with answers to general legal questions.

Tips for Choosing an Attorney

Many lawyers who primarily serve individuals and families are general practitioners with experience in frequently needed legal services, such as divorce and family matters, wills and probate, bankruptcy and debt problems, real estate, and criminal and/or personal injury. Some have a narrower focus. Be sure the lawyer you are considering has experience in the area for which you are seeking help.

Once you've identified some candidates:

- Call each attorney on the telephone, describe your legal issue, and find out if he or she handles your situation.
- Ask if you will be charged for an initial consultation.
- Ask for an estimate of what the lawyer usually charges to handle your kind of case.

FILE A COMPLAINT USING SOCIAL MEDIA

Social media offers an alternative to filing a formal consumer complaint. The customer relations staff at many major corporations monitor posts and complaints about their company's service. Someone may respond to your problem quickly, to avoid negative perceptions of their performance by other potential customers. While there is no guarantee that you'll get your problem resolved, it can be a worthwhile effort.

- Ask whether there are hourly charges or your attorney accepts a percentage of the settlement as a fee contingency.

The initial consultation is an opportunity for you and the lawyer to get to know each other. After listening to the description of your case, the lawyer should be able to outline your rights and liabilities as well as alternative courses of action. The initial consultation is the lawyer's opportunity to explain what he or she can do for you and how much it will cost. You should not hesitate to ask about the attorney's experience in handling matters such as yours. Also, do not hesitate to ask about the lawyer's fees and the likely results. If you are considering going beyond the initial consultation and hiring the lawyer, request a written fee agreement before proceeding.

What If You Can't Afford a Lawyer?

If you cannot afford a lawyer, you may qualify for free legal help from a Legal Aid or Legal Services Corporation (LSC) office. These offices generally offer legal assistance for such things as landlord-tenant relations, credit, utilities, family matters (for example, divorce and adoption), foreclosure, home equity fraud, Social Security, welfare, unemployment, and workers' compensation. If the Legal Aid office in your area does not handle your type of case, it may refer you to other local, state, or national organizations that can provide help. Additional resources may be found at www.lawhelp.org or www.freeadvice.com.

- To find the Legal Aid office nearest to you, check a local telephone directory or contact:

National Legal Aid and Defender Association
1625 K St., NW, 8th Floor
Washington, DC 20006
Phone: 202-452-0620
✉: info@nlada.org
www.nlada.org

- To find the LSC office nearest you, check a local telephone directory or contact:

LSC Public Affairs
3333 K St., NW, 3rd Floor
Washington, DC 20007
Phone: 202-295-1500
www.lsc.gov

Free assistance could also be available from a law school program where students, supervised by attorneys, handle a variety of legal matters. Some of these programs are open to all, others limit their service to specific groups, such as senior citizens or low-income persons. Contact a law school in your area to find out whether such a program is available.

REPORT FRAUD & SAFETY HAZARD

If you suspect a law has been violated, contact your local or state consumer protection agency (p. 112). This agency may take action or refer you to another state organization that has authority where you live. A local law enforcement officer could also be able to provide advice and assistance.

Violations of federal laws should be reported to the federal agency responsible for enforcement. While federal agencies are rarely able to act on behalf of individual consumers, complaints are used to document patterns of abuse, allowing the agency to take action against a company.

Throughout Part I of this *Handbook*, you will find references to federal agencies you can contact for more information, which is usually the same agency to contact with your complaint. You can also find the appropriate federal agency by using the Federal Agency Directory (p. 96).

People who have no intention of delivering what is sold, misrepresent items, send counterfeit goods, or otherwise try to trick you out of your money are committing fraud. If you suspect fraud, there are some additional steps to take:

- Contact the Federal Trade Commission (p. 106).
- Scams that use the mail or interstate delivery service should also be reported to the U.S. Postal Inspection Service (p. 108). It is illegal to use the mail to misrepresent or steal money.

Reporting fraud promptly improves your chances of recovering what you have lost and helps law enforcement authorities stop scams before others are victimized.

If you suspect you have a product that poses a safety hazard, report the problem to the appropriate federal agency:

- **Animal Products.** Food and Drug Administration (p. 100)
- **Automobiles.** National Highway Traffic Safety Administration (p. 104)
- **Consumer Household Products.** U.S. Consumer Product Safety Commission (p. 97)
- **Drugs, Cosmetics, and Medical Devices.** Food and Drug Administration (p. 100)
- **Food.** Food and Drug Administration (p. 100), U.S. Department of Agriculture (p. 96)
- **Household Chemicals.** Environmental Protection Agency (p. 105)
- **Seafood.** Food and Drug Administration (p. 100), U.S. Department of Commerce (p. 97)
- **Toys, Baby, and Play Equipment.** U.S. Consumer Product Safety Commission (p. 96)

Keep copies of all of your letters, faxes, e-mails, receipts and related documents.

Your Address
Your City, State, ZIP Code
Date

Name of Contact Person, if available
Title, if available
Company Name
Consumer Complaint Division (if you have no specific contact)
Street Address
City, State, Zip Code

Dear (Contact Person):

Re: (account number, if applicable)

On (date), I (bought, leased, rented, or had repaired) a (name of the product, with serial or model number or service performed) at (location, date and other important details of the transaction).

- describe purchase
- name of product, serial number
- include date and place of purchase

Unfortunately, your product (or service) has not performed well (or the service was inadequate) because (state the problem). I am disappointed because (explain the problem: for example, the product does not work properly, the service was not performed correctly, I was billed the wrong amount, something was not disclosed clearly or was misrepresented, etc.).

- state problem
- give history

To resolve the problem, I would appreciate your (state the specific action you want—money back, charge card credit, repair, exchange, etc.). Enclosed are copies (do not send originals) of my records (include receipts, guarantees, warranties, canceled checks, contracts, model and serial numbers, and any other documents).

- ask for specific action
- enclose copies of documents

I look forward to your reply and a resolution to my problem and will wait until (set a time limit) before seeking help from a consumer protection agency or Better Business Bureau. Please contact me at the above address or by phone at (home and/or office numbers with area code).

- allow time for action
- state how you can be reached

Sincerely,

Your name

Enclosure(s)

Download a copy of the sample complaint letter at:
www.usa.gov/topics/consumer/complaint/complaint-letter.shtml