

IF YOU HAVE A  
CONSUMER COMPLAINT



ATTORNEY GENERAL OF TEXAS  
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# CONSUMER complaints

Few things are more frustrating than paying hard-earned money for a product or service only to discover that it doesn't measure up to the promises or your expectations.

# IF YOU HAVE if you have A CONSUMER A consumer COMPLAINT complaint



When that happens, you have a legal right to expect that the problem will be resolved or that your money will be returned. Even careful buyers get stuck now and then. In such a case, you will want to know where and how to proceed to get the best results.

## FIRST CONTACT the Business

Take your problem to the salesperson, manager or company's customer service representative. Most problems are resolved at this level. If you are still not satisfied, contact the owner or the company's headquarters.

## THEN SEEK Help

If the business will not resolve a problem directly, you can file a written complaint with the Office of the Attorney General. A written complaint should explain in detail, with documentation, what the problem is, who it is with, what you have done and what resolution you want. In particular, the complaint should:

1. Identify the Business. Include the name and current address of the business. This agency will not be able to help very much without a current address for the business.
2. Describe the Problem. You should describe as completely as possible the problem with the product or service you purchased. Were you told something that was untrue? If so, the complaint should describe what was said and how it was untrue. Is there a defective product? Explain the defect in detail.
3. Explain What is Wrong. Did the business refuse to honor a warranty? The complaint should explain what repairs are needed and include a photocopy of any warranty.
4. Explain What Is Wanted. The complaint should state what you want the business to do: how much money should be refunded or exactly how a product should be fixed or a service should be performed.

5. Include Photocopies. The complaint should always include photocopies of documents relevant to the complaint, including receipts, warranties, both sides of canceled checks, contracts, etc. Do not send originals. Only send copies, except upon request of the agency to which the complaint is being made.

## DISPUTE RESOLUTION THROUGH the Office of the Attorney General

If you contact our office for assistance, we will send you a complaint form to be filled out and mailed back to us. If we decide your complaint is appropriate for our dispute resolution process, we will ask the business to respond to your allegations. You will receive correspondence regarding our decision as well as the response from the business.

After reviewing your complaint, we may refer you to another agency. Often a state, federal or local agency will have more expertise than our office to handle a particular consumer problem. In such a case, we refer the complaint to the agency best able to help.

If at any time we need more information, we will contact you. If you need to provide us with additional information, please do so in writing. As a reference, include your file number in all correspondence.

If your complaint is not one we can handle, or if we refer your complaint to another agency, we will advise you of

the decision. In any event, we will keep your complaint on file so that we can monitor consumer complaints in the marketplace.

## ARBITRATION or mediation?

If the Office of the Attorney General is unable to resolve a complaint through our informal dispute resolution process, you may seek to resolve the matter through arbitration or mediation. In arbitration, a neutral party hears both sides of a complaint and makes a decision that will be binding on the parties, depending on the terms of the arbitration agreement. Usually, both sides formally agree to submit the dispute to an arbitrator. In mediation, a neutral party tries to get both sides to agree on a resolution of the complaint. Dispute resolution can begin without any formal agreement between the parties.

The Better Business Bureau offers mediation services for resolution of complaints against members. In some cases, the Bureau provides arbitration services if there is an agreement in place with the company complained about or its industry. Consumers may also choose to go to a small claims court as an alternative to arbitration or mediation.

## SPECIAL problems

Some consumer problems may require some extra steps to resolve.

## CREDIT CARD Purchases

In a credit card purchase dispute, the card issuer may credit your account and charge the item back to the business if you follow certain steps.

1. Write to your credit card issuer at the address for errors or inquiries found on your billing statement.
2. Include vital information such as your name and account number, the date and amount of the disputed transaction, and the business name and address.
3. Describe the dispute. Explain in detail actions you have taken in good faith to resolve the complaint and why you feel the business should not be paid.
4. Send photocopies of any papers or other documents you believe relate to the transaction. Do not send originals!

If the card issuer charges the item back to the business, the business must then try to collect the disputed amount directly from you. You or your attorney may wish to consult the federal “Truth-in-Lending” regulations (12 C.F.R. 226.12 and 226.13).

## COMPANY MOVED or Out of Business

Perhaps the most frustrating consumer complaint is one against a company that is out of business or that has moved without leaving a forwarding address. Such complaints are difficult to resolve. Even agencies that assist consumers may not have the resources to find these companies or their owners.

In some rare instances, you may recover some of your money if the company has filed bankruptcy. To have any chance, you must file a “proof of claim.” Obtain a claim form from the clerk of the Federal District Court in which the business has filed for bankruptcy, fill it out, then return it to the clerk. Bankruptcy cases can be very complex, so you may wish to hire an attorney to help—especially if the claim is large.

## IF YOU NEED an attorney

If a complaint cannot be resolved informally, or if it involves a large amount of money, you may want to seek the services of a private attorney.

## PRIVATE Attorneys

The State Bar of Texas and many county bar associations operate lawyer referral programs. Often there is only a small fee for the initial consultation.

## LEGAL AID or Legal Services

If you cannot afford a lawyer, you may be eligible for federally funded legal assistance. Look in the phone book under “Legal Aid” or “Legal Services.”

## LAW SCHOOL Legal Clinics

Some law schools operate legal clinics at which law students assist people under the supervision of a law professor or other lawyer. Each law school can provide you with more information about their programs.

## OTHER SOURCES of help

There are a variety of public and private sources that may be better able to help with resolution of consumer complaints.

## BETTER BUSINESS Bureau

Most cities have a BBB that offers complaint mediation services. In some cases, the BBB also provides arbitration services. Some businesses pledge to arbitrate all consumer complaints filed with the BBB that are not resolved by mediation.

## LOCAL CONSUMER Offices

Some cities and counties have consumer affairs offices or other programs to assist consumers. Check the blue pages of your phone book.

## JUSTICE OF THE PEACE OR Small Claims Court

Counties have special courts established by law to handle small claims. The filing fees are usually much less than those charged in the county or district courts and the proceedings are less formal, with citizens often representing themselves. In these courts, consumers may present their side to the judge, using the same information they would include in a complaint, and bringing any documents or witnesses that are relevant.

## PRIVATE MEDIATION Services

Many cities have private mediation or alternative dispute resolution centers. They are usually non-profit and charge either no fee or a small fee.

## CONSUMER Reporters

Some television and radio stations and newspapers have consumer reporters who help people with complaints.

## TRADE Associations

Many industries have trade associations that perform a variety of functions, often including resolution of complaints against their members.

## FEDERAL TRADE Commission

The FTC enforces fair trade laws and may help consumers resolve complaints. The commission has a regional office in Dallas. You may reach them at (214) 979-0213.

## OTHER STATE Attorneys General

If your complaint is against a company in another state, you may be able to get help from that state's attorney general.

## ELECTED Representatives

Members of Congress, state legislators, city council members, county commissioners and other elected officials may help constituents with consumer complaints. These are also the people to contact if you believe that there should be a law to protect consumers from a particular problem.

## CLAIM AGAINST a Government Agency

If your complaint is against a government agency rather than a business, you should contact the elected officials with authority over that agency. For example, if it is a federal agency, you would contact the U.S. Representative or Senator in your district or state. If the complaint is against a state agency, contact the director of that agency. For a local agency, contact a city or county

official. For more information, contact your nearest attorney general regional office (listed on the back of this brochure).

## IF YOU SEEK our assistance...

If you seek our assistance in resolving a consumer complaint, please understand the following:

## WE CAN ONLY FILE SUIT to Protect the Public Interest.

Our office files suits against companies that violate the laws protecting consumers. We file these lawsuits to protect the public interest. Whether a lawsuit is in the public interest depends on several factors:

- Severity of the case in terms of economic loss or the number and gravity of law violations;
- Possibility of halting a deceptive scheme quickly;
- Extent to which consumers will benefit from public enforcement;
- Costs of enforcement as compared to the benefits to the public; and
- Likelihood of collecting penalties and restitution from the business.

## A LAWSUIT MAY NOT RECOVER Money for Consumers.

When filing suit to stop illegal business practices, we make every effort to recover actual damages suffered by identified consumers hurt by the business.

However, in some cases it is simply not possible to recover actual damages.

For example, a company's practices may have affected so many people that it is impossible to prove each person's damages. A company facing a lawsuit may go out of business, the owners may not be held legally responsible or they may simply disappear to avoid punishment. Finally, a company may have used up or hidden its money and other assets, leaving nothing with which to repay consumers.

In such situations, we may file suit to stop illegal practices even though we know we will be unable to recover consumers' money.

## WE CANNOT ACT AS Your Private Attorney.

State law prohibits our office from giving individual citizens legal advice or opinions or acting as their private attorney. We cannot file a lawsuit whose only purpose is to recover money or property for a single person. In those instances, it is appropriate for you to seek legal advice from a private attorney, legal aid society or other organization.

## CONSUMER information

The Office of the Attorney General has brochures on the following topics in English and Spanish, available upon request:

- Access to Health Care
- Business Opportunities
- Buying A Used Car
- Car Repair
- Charitable Raffles
- Credit Cards & ATM Cards
- Debt Collection
- Door-to-Door Sales
- Giving to Charities
- Home Improvement
- Mail Order Sales
- Protecting Senior Texans
- Telemarketing Fraud
- Overview of Tenant Rights

## CONTACT INFORMATION

For more information or to obtain copies of brochures, call the Attorney General's Consumer Protection Hotline at 1-800-621-0508, or contact your nearest Attorney General regional office.

- Austin: 512-463-2070
- Dallas: 214-969-5310
- El Paso: 915-542-4800
- Houston: 713-223-5886
- Lubbock: 806-747-5238
- McAllen: 956-682-4547
- San Antonio: 210-225-4191

All consumer complaints must be made in writing. Please call or write for a complaint form. Write to:

Office of the Attorney General  
Consumer Protection Division/010  
P.O. Box 12548  
Austin, Texas 78711-2548

Complaint forms and additional information can also be found in the consumer protection section of our Web site, at [www.oag.state.tx.us](http://www.oag.state.tx.us).