

Consumers, Take Action

Remedial steps you can take
if you have been defrauded



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Overview

If your muffler still rattles after it was fixed or your \$250 catalog order still hasn't arrived after two months, you can try several remedies before filing a lawsuit as your last action.

A carefully worded complaint, cancellation of a sales contract or pursuit of monetary losses of up to \$5,000 in small claims court are all options for you before turning to a lawyer.

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Register a complaint

Contact the offending party and try to settle your dispute first before contacting outside help.

Complaints will be more effective if you send **copies** of receipts and other documents explaining your case.

If you are contacting the store or business by mail, send your complaint letter by registered mail and keep a copy for your records. If you are making your complaint in person, try to remain calm, but be firm and make sure you understand the other party.

Cancel your contract

Missouri law provides a right of cancellation for certain types of transactions:

If you sign a **home-solicited credit sales contract**, you may cancel the sale if you send a written notice to the company within three business days after the date of transaction. Keep a copy.

Once the business receives your notice, it has 10 days to refund any goods or money that has been received, return any signed documents and inform you the business will pick up or let you keep items that were left behind.

There are exceptions for emergency home repairs, sales and services, or cases in which circumstances do not allow the goods to be returned in as good condition as they were in when the buyer received them.

You also may cancel within three days any contract in which your house was put up as collateral or security for the contract.

Contracts for vacation timeshares can be canceled within five days.

FILE A COMPLAINT

To file a complaint with the Attorney General's Office, go online or call the Consumer Protection Hotline:
www.ago.mo.gov or 800-392-8222

Contact Better Business Bureau, AG's Office

Contact your local Better Business Bureau and the Attorney General's Office and file a formal complaint if you're not satisfied with a business.

If an individual or a business is violating the law, then action will be quicker if you contact both offices simultaneously.

If the offending party is located outside Missouri, then also contact that state's attorney general.

The Better Business Bureau, has offices in St. Louis (314-645-3300), Kansas City (816-421-7800) and Springfield (417-862-4222). It offers a free consumer arbitration service to settle disputes between businesses and consumers.

Both parties must agree to the process and any decision of the arbitrator is legally binding. An attorney is not needed. The arbitration process can be handled by mail, phone or in the office.



Contact your credit card company



CREDIT CARDS

Credit card companies may offer you some protection in disputes involving purchases.

If you used a credit card to pay for a disputed service or product, you may be able to recover your money from your credit card company.

Write your credit card company a letter recording details of the matter. However, there is

a deadline. You must mail the letter within 60 days after you receive the disputed bill.

Contact an agency to help resolve complaints

Missouri consumers should take aggressive action to halt misleading business practices.

To help consumers take action, the Attorney General's Office has a list of agencies and organizations familiar with consumer complaints and questions.

If you have encountered problems with an individual or business:

- Contact the company in writing regarding your problem. Always
- Never send original documents, such as bills, to a company.
- Consider contacting one of the following agencies if you are

Agency	Services Offered
STATE AGENCIES	
Attorney General's Office - No Call List	Reduce unwanted telemarketing calls by registering for free on the No Call List.
Attorney General's Office - Check a Charity	Donors can find out what percentage of contributions go to the charitable purpose and what percentage goes to administrative costs.
Division of Finance	Handles complaints about debt collectors, harassment, mortgage bankers, credit repair companies and title loan stores and other lenders.
Department of Insurance	Handles complaints regarding insurance companies. The department will verify credentials of insurance agents.

Complaints

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FILE A COMPLAINT

To file a complaint with the Attorney General's Office or to see if complaints have been made against a company, go online or call the Consumer Protection Hotline:
www.ago.mo.gov or 800-392-8222

Complaints but are unable to resolve differences, remember to:

Always keep a copy of your letter for your files.

Keep the originals for your files and send copies.

If unable to resolve a problem:

Complaint	Web/Phone
Complaints calls to your home by telemarketers.	www.ago.mo.gov/civil-division/consumer/no-call 866-BUZZOFF (866-289-9633)
Complaints regarding the percentage of their gifts go to charity.	www.ago.mo.gov/civil-division/consumer/check-a-charity/
Complaints regarding collection and credit bureaus, payday lenders.	www.finance.mo.gov/consumers 573-751-3242
Complaints regarding insurance companies and sales representatives.	www.insurance.mo.gov 800-726-7390

Public Service Commission	Investigates complaints against public service problems, overcharges and manufactured housing (such as mobile homes).
Office of Chief Disciplinary Counsel (For Attorneys)	Processes complaints against attorneys.
Secretary of State	Securities/investments: 800-721-7999 Toll-free hot line handles complaints concerning stockbrokers, broker-dealers and investments. Corporations: 573-751-4153 Provides information on registration of fictitious names, benevolent organizations and liability companies.

FEDERAL AGENCIES

Federal Information Center	Provides phone numbers and information for federal agencies and programs.
Aviation Consumer Protection Division	Handles airline service complaints. Consumers are encouraged to first contact the airline to solve the problem.
Federal Communications Commission (FCC)	Handles complaints and inquiries regarding telephone systems, radio or television.
Federal Trade Commission (FTC)	Federal consumer protection agency. Visit www.consumer.gov , a one-stop line for federal information on consumer issues.
Labor Department - Wage and Hour Division	Handles wage disputes.

public utilities including deposits, and mobile homes) defects.	www.psc.mo.gov 800-392-4211
agencies in Missouri.	www.mochiefcounsel.org 573-635-7400
800-996-3333 complaints and inquiries dealers and	www.sos.mo.gov
actions of corporations, organizations and limited	
information about federal	www.info.gov 800-333-4636
Consumers are advised to try to resolve a	www.dot.gov/airconsumer 202-366-2220
complaints regarding telephone	www.fcc.gov 888-225-5322
complaints. (You also can go to a website to a broad range of issues.)	www.ftc.gov (Toll-free) 877-382-4357 (TTY) 866-653-4261
	www.dol.gov Toll-free: 866-487-9243 KC district: 913-551-5721 St. Louis district: 314-539-2706

National Highway Traffic Safety Administration	Provides information about safety-related problems.
U.S. Consumer Product Safety Commission	Receives reports regarding hazardous product-related injuries, and provides information.
U.S. Postal Inspection Service	Handles inquiries involving problems with merchandise or transacting business. If you suspect you have been a victim of a misrepresentation scheme.

PRIVATE AGENCIES

AARP	Lobbies for and promotes programs of interest to seniors.
BBB Wise Giving Alliance	Provides information on national nonprofit organizations.
Better Business Bureaus	Handles consumer complaints through mediation. Offers free mediation services for disputes between customers and businesses.
Direct Marketing Association	Lets you delete your name from mailing lists.

related automotive	www.safercar.gov (Toll-free) 888-327-4236 (TTY) 800-424-9153
ous products or des product-recall	www.cpsc.gov (Toll-free) 800-638-2772 (TTY) 800-638-8270
ms ordering ss by mail, or if n of a mail fraud or	http://postalinspectors.uspis.gov 877-876-2455
as and issues of	www.aarp.org 888-687-2277
onprofit	www.give.org 703-276-0100
oughout Missouri. isputes between	Kansas City www.kansascity.bbb.org 816-421-7800 Springfield www.southwestmissouri.bbb.org 417-862-4222 St. Louis www.stlouis.bbb.org 314-645-3300
any direct mail lists.	www.dmachoice.org

Free Credit Report	Get a free credit report three times a year. The transactions are only yours. The one free report per year from each bureau: Trans Union, Experian and Equifax. Note: This is the only Web site providing a free credit report. Watch for misleading sites that offer another product.
Missouri Lawyer Referral Service	Provides lawyer referrals in your area.
National Consumer League's Fraud Center	Provides general information and online complaint forms.
Pre-Approved Credit Card Offers	Credit bureaus allow you to "opt out" of pre-approved offers of credit and insurance.



a year to make sure e law allows you of the three credit l Equifax. iding a free credit requiring you to buy	www.annualcreditreport.com 877-322-8228
ea. There is a fee.	www.mobar.org Greene County: 417-831-2783 Statewide: 573-636-3635
statistics on scams and	www.fraud.org
ut" of having nsurance sent to you.	www.optoutprescreen.com 888-567-8688



File a lawsuit in small claims court

Missouri's small claims court can help consumers with such problems as a landlord who won't return a deposit or a repairman who said he fixed a pipe that still leaks.

Under state law, consumers who have a claim for up to \$5,000 can, **without hiring a lawyer**, file a lawsuit in small claims court to recoup their money.

Before you file suit in small claims court, make sure there is no other way of settling your dispute. You may save yourself a lot of time and effort.

HOW SMALL CLAIMS LAWSUITS ARE FILED

- The plaintiff (the consumer who files the lawsuit) submits the legal documents in the associate circuit court of the county in which he lives. The associate circuit court is housed in the county courthouse. If the person or business you are suing is located in another county or if the product or service was bought in another county, you should file the lawsuit in that county.
- Forms for small claims court are available at www.courts.mo.gov.
- Once the lawsuit is filed, a hearing date is scheduled. Hearings may be held in the evening or on Saturday.
- There are modest filing fees in small claims court. You also must pay the cost of mailing the summons by certified mail or delivering it by the sheriff.
- Consumers can file only twelve lawsuits a year in small claims court.

HOW TO PREPARE YOUR SMALL CLAIMS LAWSUIT

Some points to remember:

1. Organize relevant materials such as bills, receipts and letters so you can make a complete and orderly presentation at the hearing.
2. Prepare a full but brief statement of the facts in your case.
3. Determine what witnesses, if any, you want to have testify. Reluctant witnesses may be subpoenaed if they are important.
4. Check with the court before the hearing to find out if the defendant has been served with the summons. If service has not been made, the clerk can tell you your options. You may seek a continuance — or postponement — of the court date for this or a similar good reason.
5. Be on time for the hearing. Failure to do so may result in dismissal of your lawsuit.

WHAT HAPPENS IN COURT

When the court date arrives, the consumer who filed the lawsuit tells his side of the story to the judge. The consumer can call witnesses or use any additional information to explain his case.

The defendant (the party being sued) also explains his side of the story to the judge. Do not be intimidated if the defendant is represented by an attorney. The judge has a responsibility to ensure the proceedings remain informal so your lack of legal knowledge will not hinder you.

The judge then questions all parties associated with the case before making a final decision.

If the judge rules in favor of the consumer who filed the lawsuit, the losing party in the case must pay that consumer.

Court officials, however, do not collect money associated with the judge's ruling.

Consumers who have trouble recouping money awarded in small claims court have additional legal remedies under the law. Associate circuit court officials can explain those options.

The losing party in small claims court also can file an application for a new trial, which will be heard in circuit court. (You usually will need a lawyer's help.) Those applications must be filed in small claims court within 10 days after the judge's order or the losing party in the case is liable for costs associated with the judgment.

Need a lawyer?

Contact the Missouri Bar Lawyer Referral Service at one of these phone numbers:

Greene County: 417-831-2783

Statewide: 573-636-3635

There is a fee.

Seek legal action in other courts

When other remedies fail and if small claims court is not available to you because the amount in controversy is more than \$5,000, you may want to pursue your case in court. You may wish to contact a lawyer to help you.

Missourians who think they have been defrauded or victimized by unfair practices can file a lawsuit under consumer protection laws seeking actual damages.

In addition to contract and fraud claims, Missourians are offered legal recourse under the Merchandising Practices Act. This law protects Missourians against unfair, misleading and deceptive practices in connection with the sale or advertisement of any merchandise or the solicitation of any funds for any charitable purposes in Missouri.

The law, found in Chapter 407 of the Missouri Revised Statutes, allows any person who buys or leases goods or services primarily for personal, family or household use and suffers an ascertainable loss of money or personal property as a result of unfair or deceptive trade practices to bring a private civil action.

The lawsuit may be filed in either the circuit court of the county in which the seller or lessor resides or in which the transaction took place to recover actual damages. The court may at its discretion award punitive damages (damages awarded in excess of normal compensation to the plaintiff to punish a defendant for a serious wrong) and may award to the prevailing party attorney's fees, based on the amount of time reasonably spent.



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