

If You Have a Consumer Complaint

First, contact the business. Take your problem to the salesperson, manager or the 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, consumers can file a complaint with the Office of the Attorney General, the Better Business Bureau, or a small claims court. The complaint should explain in detail, with documentation, what the problem is, who it is with, what you have done and what you want. In particular it should:

1. **Identify the business.** Include the name and current address of the business. An agency will not be able to help very much without the firm's current address.
2. **Describe the problem.** Describe as completely as you can the problem with the product or service you have purchased. Were you told something that was untrue? Describe what you were told and how it was untrue. Is it defective? Explain what is wrong. Did the business refuse to honor a warranty? Explain what needs repair and include a photocopy of the warranty.
3. **Explain what you want.** Explain what you want the business to do: how much money should be refunded or exactly how you want a product fixed or a service performed.
4. **Include photocopies.** Always include photocopies of documents relevant to your complaint receipts, warranties, both sides of cancelled checks, contracts, etc. Do not send originals. Only send copies, except upon request of the agency to which you are making your complaint.

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!

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. It is almost always impossible to resolve. Even agencies that assist consumers may not have the resources to find these companies.

In some rare instances, consumers may recover some of their 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 want to hire an attorney to help you - especially if your claim is large.

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. Mediation can begin without any formal agreement between the parties. The Better Business Bureau offers mediation services. In some cases, the bureau provides arbitration services.

Filing a Consumer Complaint with the Attorney General

Our consumer complaint form is now available on your computer through this website. We ask that you read this section and the next one ("How Our Dispute Resolution Process Works") before you file your complaint. If you file a complaint with our office, please understand the following:

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.

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. If you feel that you need legal advice, you will have to turn to another source such as a private attorney, legal aid society or other organization.

We Can Only File Suit To Protect The Public Interest. State law prohibits our office from filing a lawsuit whose only purpose is to recover money or property for a single person. In those instances, it is appropriate for the consumer to seek legal advice from a private attorney, legal aid society or other organization. Our office does file suit against companies that violate the laws protecting consumers. However, we file these lawsuits to protect the public interest, not private interests.

A Lawsuit Might Not Recover Money For Consumers. Even if we sue a business against which you have made a complaint, we may not be able to recover any money for you. We make every effort to recover actual damages, in some cases it is simply not possible. The 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 and the owners may not be found, or they may not be held legally responsible. Finally, a company may have used or hidden its money and other assets, leaving nothing with which to repay consumers. In these, and other cases, we may file suit to stop illegal practices even though we know we will be unable to recover consumers' money.

How Our Dispute Resolution Process Works

If we decide your complaint is appropriate for dispute resolution, we will ask the business to respond to your allegations and to make you a settlement offer. You will receive written notice of the decision as well as the response from the business.

If at any time we need more information, we will contact you. If you need to provide us additional information, please do so in writing. We do not have the staff to handle numerous telephone inquiries.

If your complaint is not appropriate for dispute resolution, 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 illegal practices in the marketplace.

Sources of Assistance

If You Need An Attorney. If you cannot resolve your complaint, or it involves a large amount of money, you may want to hire a lawyer.

- **Private Attorneys.** The State Bar Association 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 can't 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.** Many law schools operate legal clinics at which law students assist people under the supervision of a law professor or other lawyer. Contact the law school nearest you for more information.

Other Sources of Help.

There are a variety of public and private sources that may be able to help with your complaint.

- **Better Business Bureau.** Most cities have a Better Business Bureau offering 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.** Many cities and counties have consumer affairs offices or have programs to assist consumers. Check the blue pages of your phone book.
- **Office of Consumer Credit Commissioner (OCCC)** offers a toll-free helpline for consumers who have complaints and questions about misrepresentation, fraud, and deceptive practices on the part of pawnshops, regulated lenders, or creditors. The helpline is open Monday through Friday, 8:00 a.m. to 5:00 p.m., at (800) 538-1579.

Provided by

OFFICE OF THE CONSTABLE
Millicent "Missy" Bindseil
Precinct Four Burnet County



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Marble Falls, Texas 78654

CONSUMER PROTECTION

WHAT CAN I DO WHEN I HAVE A COMPLAINT AGAINST A BUSINESS?

Provided by

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AND

OFFICE OF THE ATTORNEY GENERAL
CRIME VICTIMS' COMPENSATION
KEN PAXTON