

# HOW TO RESOLVE YOUR CONSUMER COMPLAINT

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## HOW TO RESOLVE YOUR CONSUMER COMPLAINT

Each year, tens of millions of consumers experience problems with a product or service. Here's a step-by-step strategy for resolving many of those complaints.

First contact the seller.

If that does not work, contact a consumer complaint agency. If that does not bring satisfaction, consider other options, such as arbitration or filing a lawsuit.

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## CONTACT THE SELLER

Whether your problem is a defective hair dryer or a leak in your newly installed roof, the first step in resolving your problem is to contact the merchant who sold you the product or service. Most consumer complaints are settled at this level.

Be prepared! Gather together any relevant documents, such as receipts, cancelled checks, photographs, credit card bills, warranties, contracts, or bills of sale. Think about what you would accept as a reasonable resolution of your complaint. Do you want your money back, or would a store credit suffice? Would you accept a replacement item? Can the product be repaired?

In approaching the merchant, call first, indicate that you have a complaint, and ask to make an appointment with the appropriate person, typically the store manager or customer service representative. At that meeting, explain as briefly and accurately as possible both the nature of the problem and what you want the merchant to do. Be firm, but polite, avoiding displays of temper. (If it's not possible or practical to meet with the business, you can try calling or writing.)

If this proves unsuccessful, take your complaint to the person on the next rung up the chain of command. This may be the supervisor or manager, the store owner if the store is locally owned, the corporate consumer complaint department, or even the president or CEO of the company. You may

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also decide at this point to pursue your complaint through the manufacturer, rather than through the merchant, particularly if your problem is covered by a warranty.

At this stage, you should put your complaint in writing. Your one- to two-page letter should be polite, well organized, and either typed or written legibly in ink. It should include:

- your name, address, home and work phone numbers (and when you can generally be reached at those numbers), and your account number, if appropriate;
- a brief statement of the important facts concerning your purchase, including when and where you made the purchase, and specific information about the item in question, including make and model and serial number, if applicable;
- if your complaint involves a service, a description of the service and the name of the person who performed it;
- a brief statement describing your problem with that product or service;
- a description of what you have already done to try to resolve your complaint and the response you received; and
- what you want the merchant to do and a reasonable time period for a response.

You should include copies, **not originals**, of all documents related to your complaint, and you should keep a copy of your letter for your files. Also, be sure to keep copies of any correspondence you receive from the company, and keep dated notes on any telephone conversations you may have regarding the complaint. This documentation could determine your success or failure if you need to take your complaint further.

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## CONTACT A COMPLAINT AGENCY

In most cases, contacting the seller or manufacturer will produce a satisfactory resolution to your complaint.

When the merchant and manufacturer are not cooperative, however, you can seek assistance from a government or non-profit complaint agency. Your phone directory or local library often lists these organizations. It is best to contact them

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individually, instead of copying one letter to many agencies.

#### **STATE, COUNTY, AND CITY CONSUMER PROTECTION OFFICES:**

In most states, there are agencies that seek to resolve consumer complaints. These agencies may be in independent state, county or city offices, the governor's office, the county District Attorney's or City Attorney's office, or the Attorney General's office. It is important to notify these governmental consumer protection offices of any complaints. Consumer complaints that report abusive practices or indicate an on-going pattern of fraud are often the basis of investigations and changes in the law.

Contact the agency first by phone, since most will want to mail you a complaint form to use in filing your complaint. You will also need to provide **copies, not originals**, of relevant documents, and you will need to describe what you have already done to resolve your complaint. If your complaint involves a business in another state, you may be referred to a consumer office in that state.

#### **BETTER BUSINESS BUREAUS:**

Better Business Bureaus (BBBs) are non-profit organizations, sponsored by local businesses, that promote good relations between buyers and sellers. While BBBs have no authority to force even their members to resolve complaints, most will at least contact the merchant, and some offer more formal binding arbitration.

Most BBBs prefer that you call first, so that they can determine whether your complaint is within their jurisdiction and, if so, mail you a complaint form. Once it has received your completed form, the BBB generally will contact the company for its response and try to negotiate a solution. If this effort does not resolve your problem, some BBBs will also offer arbitration, in which both you and the merchant agree to let a neutral third party decide on a fair resolution.

#### **CONSUMER ACTION HOTLINES:**

In some communities a television news program, radio talk show host, or newspaper columnist will offer a hotline to help resolve consumer complaints. These services use the leverage of media exposure to encourage stubborn businesses to respond.

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#### **OTHER NON-PROFIT ORGANIZATIONS:**

A variety of other non-profit organizations try to resolve consumer problems. They include legal clinics associated with law schools and grassroots community organizations.

#### **FEDERAL AGENCIES:**

Most federal agencies do not resolve individual consumer complaints. But it is important for you to bring complaints to their attention so that they can take any appropriate legal or regulatory actions to prevent future problems.

#### **INDUSTRY TRADE ASSOCIATIONS:**

Some industry trade associations offer assistance in resolving complaints pertaining to their members. The assistance offered usually resembles the informal mediation provided by BBBs. Some of the better established services of this type include the Major Appliance Consumer Action Panel (1-800-621-0477) and the Direct Marketing Association Mail Order Action Line (written complaints only to Mail Order Action Line, 6 East 43rd Street, New York, NY 10017).

Certain products and services are under the separate jurisdiction of specific state agencies.

#### **BANKING:**

Every state has a banking division which regulates state banks. Many will help consumers resolve complaints involving state-chartered banks.

#### **INSURANCE:**

Consumers with complaints involving insurance companies or agents can get assistance from the state insurance division.

#### **INVESTMENTS:**

Every state has a securities division to regulate securities investments. If you have a complaint about a broker, investment adviser, financial planner, or a specific investment product, call your securities division for assistance.

#### **ELECTRIC, GAS, OR TELEPHONE COMPANY:**

In each state, the Public Utility Commission or Public Service Commission assists consumers with

complaints involving public utilities. In some states, these utility commissions also regulate and handle consumer complaints against in-state moving, trucking, charter buses, and airport shuttle vehicles. In addition, some states have Consumer Utility Boards that will help consumers resolve their utility complaints.

**LICENSED TRADES:**

Many states license certain trades, particularly building trades, such as general contractors, carpenters, plumbers, and electricians. In some states, the departments which license these trades will assist consumers to resolve their complaints about licenses.

**NEW CAR:**

Every state but South Dakota and Arkansas has a “lemon law” establishing procedures to resolve complaints involving chronic car problems. These state laws specify the number of days and repair attempts needed to qualify. Contact your state consumer protection agency for information on the state’s lemon law. Some states also have lemon laws covering used cars.

**MAIL ORDER:**

Postal inspectors assist consumers in resolving mail order problems as well as with fraud cases in which the mails are used in any way to advance the fraud. Contact the postal inspector (not the Post Master), who you will find listed under the Postal Service in the U.S. Government listings or in the white pages of the phone book.



If all else fails, consider pursuing your complaint in court, either through small claims court or, if the amount of money involved is large, through a civil lawsuit.

**SMALL CLAIMS COURT:**

Located in nearly every county and city, small claims courts provide a relatively fast, efficient, and inexpensive way to resolve consumer

problems. Most accept claims up to several thousand dollars and allow consumers to present their own case without the assistance of an attorney. In fact, in some states lawyers are not permitted in small claims court. Many of these courts and some consumer agencies make available written material about the small claims process and how to prepare for it.

When your case is called, you will have a chance to explain your problem to a judge in the presence of the subjects of your complaint. After hearing both sides of the case, and reviewing any written evidence provided, the judge will make a decision. Be aware that collecting small claims court awards may be difficult and include additional cost. Consult the court or your consumer agency about how best to ensure payment.

**CIVIL SUITS:**

If your claim exceeds the small claims court limit, consider pursuing it through a civil suit. For such a suit, you will generally need a lawyer.

To find a lawyer, you can ask friends or any professionals you know for recommendations. If you have a low income, you may be able to get help from the legal aid or legal services office. Also, check to see if your employment benefits include a group legal services plan.

Many lawyers offer initial consultations, typically for half an hour, either for free or for a small fee. Such a consultation does not commit you to using the lawyer or taking your case to court. During that consultation, you should ask the lawyer about his or her experience bringing similar cases. You should present the facts of your case, and ask for an estimate of your chances of success. You will also need to find out how the lawyer charges and what the expected cost for your case would be.

Even if you can’t afford to pay regular attorney’s fees, you may be able to find a lawyer who will take your case on a “contingent fee” basis, where the lawyer is paid a percentage of your recovery if you win and no fee if you lose. Also, consumer laws in some states allow for recovery of “reasonable attorney’s fees.”



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#### LOCAL RESOURCES:

Your librarian can often provide information about your rights, sources of assistance locally, and how to contact state and local agencies.

You can find the addresses and phone numbers of state and local agencies under the government listings in your phone book.

Your state or local consumer protection office can often direct you to the appropriate agency when they cannot help you themselves.

#### NATIONAL PUBLICATIONS:

The *Consumer's Resource Handbook* includes a directory of government, non-profit, and corporate consumer complaint assistance contacts. Single copies of the Handbook can be ordered, free of charge, by writing to Handbook, Consumer Information Center, Pueblo, Colorado 81009.

The *Lemon Book: Auto Rights For New And Used Cars*, by Ralph Nader and Clarence Ditlow, provides a step-by-step guide to pursuing automobile complaints. It can be ordered for \$15.95 from the Center for Auto Safety, 2001 S Street, N.W., Washington, D.C. 20009.

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This brochure was written by Consumer Federation of America (CFA) and the National Association of Consumer Agency Administrators (NACAA). It was produced with assistance from Sprint. A federation of 240 non-profit organizations, CFA represents the consumer interest through advocacy and education. NACAA's 150 members in city, county, state and federal consumer protection offices enforce consumer laws and promote awareness of consumers' rights. Sprint is a diversified telecommunications company providing local, long-distance and cellular services worldwide.

Individual copies of this brochure are available by sending a self-addressed, stamped envelope to: Complaint Resolution, Consumer Federation of America, 1424 16th Street, NW, Washington, DC 20036. Multiple copies are available for a small fee. Write or call CFA (202-387-6121) for more information.