



Ohio Attorney General's  
**Consumer Advocate  
Newsletter**

APRIL 2017

SPRING 2017

## Know Your Consumer Rights: Automobiles

For most consumers, cars are one of life's biggest expenses. Buying a car, maintaining it, and repairing it can involve many different costs and decisions. Under Ohio law, consumers do not have a general right to cancel the purchase of a vehicle; therefore, it is important to understand your rights before buying a car.

Ohio's Consumer Sales Practices Act protects consumers from deceptive and unfair practices, including those related to auto sales, repairs, warranties, and car titles. Here are some key points to consider:

- **Buying a car "as is"** - If a used car is sold "as is," it is not protected by a warranty. Buying a used car "as is" means the consumer is responsible to pay for any problems that occur after the purchase is made. Generally, consumers do not have a right to cancel or return a vehicle after they buy it, so be sure to thoroughly research your options before buying or leasing a new or used car.
- **Lemon Law** - Ohio's Lemon Law generally only applies to new vehicles, because the vehicle must be in the first 12 months or first 18,000 miles, whichever comes first, in order to potentially qualify as a lemon. A "lemon" is a new motor vehicle that has one or more problems covered by the warranty that substantially impair the use, value, or safety of the vehicle. Under the Lemon Law, the auto manufacturer must be given a reasonable opportunity to fix the problem, and if the problem is not corrected, the consumer might be eligible for a refund or a replacement.
- **Title Defect Rescission Fund** - Under Ohio law, licensed used motor vehicle dealers participate in a program called the Title Defect Rescission (TDR) Fund. By participating in the fund, dealers are able to sell vehicles before obtaining the titles for those vehicles. The TDR Fund was created to maintain and administer refunds to retail purchasers of motor vehicles who suffer damages from dealers who fail to provide a valid certificate of title in the purchaser's name. Under the TDR law, a consumer has the right to cancel the transaction, and the dealer has an obligation to refund all money paid if the dealer fails to obtain a vehicle title in the consumer's name after 40 days from the date of purchase.
- **Repairs and services** - Ohio law gives consumers the right to a verbal or written estimate for motor vehicle repairs costing more than \$50. Suppliers also are required to obtain the consumer's authorization for additional repairs or services that will cost more than 10 percent of the estimate.

To report a scam or unfair business practice, contact the Ohio Attorney General's Office by visiting [www.OhioProtects.org](http://www.OhioProtects.org) or call 1-800-282-0515.

## Look Out for Spring Home Improvement Scams

It's hard to predict weather from one day to the next, but as the weather heats up and the stormy seasons begin, we can make one prediction: The home improvement scammers will be out in neighborhoods across Ohio preying on consumers.

Often called "storm chasers," these con artists offer to clean up debris, repair roofs, remove tree limbs, and perform other home improvement efforts after a storm, tornado, or other bad weather. After convincing consumers to make a large down payment for the work they promise to perform, some storm chasers simply take the money and run, leaving homeowners with no repairs and no refunds. Other times, they perform shoddy work or only start the promised work, then stop showing up or taking homeowners' phone calls.

In February, Ohio Attorney General Mike DeWine announced that a Cincinnati-area man had been sentenced to two years in prison and ordered to pay \$104,000 in restitution for running a roofing scam that affected dozens of consumers in southwest Ohio.

David M. Nelson, of Norwood, pleaded guilty to one count of engaging in a pattern of corrupt activity and one count of insurance fraud.

"Our goal is to protect Ohio's families and that includes cracking down on scam artists who rip them off," Attorney General DeWine said. "This case involved a classic scam. The defendant took money and provided nothing in return."

According to investigators, Nelson scammed 24 homeowners in multiple counties within the greater Cincinnati area between 2014 and 2015. He contacted consumers at their homes, claimed their roofs were damaged, and encouraged them to file an insurance claim. After accepting their insurance money, he failed to provide any services in return. As part of the scheme, he also damaged consumers' roofs to create the appearance of storm damage and provided false insurance claim information.

The case was investigated by Attorney General DeWine's Economic Crimes Unit with assistance from the Hamilton County Sheriff's Office, Warren County Sheriff's Office, Ohio Department of Insurance, Ohio Organized Crime Investigations Commission, Colerain Police Department, and West Chester Police Department. A special prosecutor with Attorney General DeWine's Economic Crimes Unit handled the case after being appointed by the Hamilton County Prosecutor's Office.

To help consumers avoid home improvement problems, Attorney General DeWine offered the following recommendations:

- **Research a company before making any payments.** Search for complaints on file with the Ohio Attorney General’s Office and Better Business Bureau. Also, conduct an internet search with the name of the business and words like “reviews” or “complaints.” Be skeptical if you find no information. Some operators change business names regularly to make it harder for consumers to detect their record of shoddy work.
- **Get multiple estimates.** For a large job, consider contacting at least three different businesses before making a final selection. Keep in mind that the company that gives you the lowest estimate may not necessarily deliver the best results.
- **Check your cancellation rights.** If a seller does not have a fixed place of business or comes to your door to offer services, you may be entitled to a three-day right to cancel the contract under Ohio’s Home Solicitation Sales Act. Make sure you receive detailed written information about your cancellation rights.
- **Make sure verbal promises are put in writing.** Get a detailed written contract including any verbal claims the contractor makes and other important details, such as the estimated cost of the work, the expected start and end dates, and the names of the individuals who will perform the services.
- **Be wary of requests for large down payments or cash payments.** It’s reasonable for a contractor to require a down payment, but be skeptical if you’re asked to make a large down payment (such as half or more of the total cost) before any work begins. If possible, pay in increments as the work is completed. Also be wary if you’re asked to pay in cash, which will be difficult to recover if something goes wrong.

If you suspect a home improvement scam or an unfair business practice, report it to the Ohio Attorney General’s Office by calling 800-282-0515 or visiting [www.OhioProtects.org](http://www.OhioProtects.org).

## Resolving Disputes Through the Attorney General’s Office

Have you hired a contractor to perform home repairs that weren’t provided as promised? Maybe you saw an ad for a “buy one, get one free” sale, but the seller doubled the price of the first item overnight. If you have a consumer problem you can’t resolve on your own, the Ohio Attorney General’s Office may be able to help.

The Ohio Attorney General’s Consumer Protection Section is here to ensure that Ohio consumers are protected in the marketplace, and it takes complaints from consumers about suspected unfair or deceptive sales practices.

The next time you don’t see eye-to-eye with a business, first contact the business directly. Consider writing the business a letter that explains your concern and how the business could satisfactorily resolve the problem. Give the business a deadline. If that fails to resolve the complaint, call the Ohio Attorney General’s Help Center at 800-282-0515, or file a complaint on the Attorney General’s [website](http://www.OhioProtects.org). We are here to help.

Your complaint may be placed in our informal dispute resolution process. It is through this process where Ohio consumers have the most direct contact with the Attorney General's Consumer Protection Section. In 2016, the section received more than 24,000 complaints, and complaint specialists worked one-on-one with consumers and businesses, often arriving at positive resolutions.

Generally, the most common category of complaint is motorized vehicles, including problems with car titles, used car sales, new car sales, or car repairs. Other complaint categories vary from professional services, such as tax services or landscaping, to shopping, food, or beverages, in addition to complaints about online shopping, department stores, or gift cards.

After receiving a complaint, a complaint specialist will attempt to resolve the dispute by working with the consumer and the business. The specialist will send an initial supplier letter, which gives the supplier 10 days to respond to the complaint. If we don't receive a response within that time period, a second letter will be sent to the supplier giving the supplier an additional 10 days.

Complaint specialists are trained to identify problems. If there appears to be a consistent pattern of deceptive behavior, the office may investigate further and possibly take legal action against the supplier on behalf of all Ohioans. This legal action can be taken in order to stop current bad conduct, prevent future misconduct, or obtain civil penalties.

One complaint category that demands special attention is identity theft, which requires a different process to resolve complaints.

In 2012, Ohio Attorney General Mike DeWine established the Identity Theft Unit to help Ohioans rectify the effects of identity theft by working with credit reporting agencies, creditors, collectors, and any other entity that may have information obtained under fraudulent circumstances, and by providing the necessary information to victims of identity theft to remedy the effects themselves.

The Identity Theft Unit currently offers two programs: Traditional Assistance and Self-Help Assistance.

With Traditional Assistance, our office will provide you with a consumer advocate who will reach out to credit agencies, creditors, collectors, or other agencies on your behalf to resolve the effects of the identity theft. The advocate will be responsible for communicating with those entities and for keeping you informed. This option is ideal for individuals who do not feel comfortable attempting to correct the effects of identity theft themselves.

The Self-Help Assistance option involves our office providing you with a step-by-step guide for you to attempt to rectify the effects of identity theft yourself. The guide will include necessary contact information and form letters to help you dispute information on your credit report, dispute charges, and seek other corrections. This option is ideal for individuals who prefer to move at their own pace and contact credit reporting agencies, creditors, and other organizations themselves.

Since its inception, the Identity Theft Unit has taken more than 5,000 complaints and eliminated approximately \$1.8 million in fraudulent charges for victims of identity theft.

To get help resolving identity theft or other consumer complaints, contact the Ohio Attorney General's Office by visiting [www.OhioProtects.org](http://www.OhioProtects.org) or calling 800-282-0515.

## **In the Market for a New Job? Beware of Employment Scams**

Job hunting can be time consuming and stressful. As a result, offers for high-paying work-from-home jobs or lucrative online positions may be tempting, but unfortunately, they're often scams.

Never assume a job offer is real just because you find it on a legitimate website or in a newspaper. Many job scams promise good money but offer only a vague job description, or claim to pay more than what you would expect to earn based on the experience or skills required. Also, proceed with caution anytime you receive an unexpected job offer or complete an online job application. Scammers often create phony job postings and applications in an effort to steal personal information from unsuspecting jobseekers. They may even falsely pose as representatives of real Fortune 500 companies.

One Ohioan recently received an email about a work-at-home job. He expressed interest and participated in an online interview. He got a job offer and was told he needed to purchase startup materials for his new home office. The "employer" sent him a \$1,600 check, telling him to deposit it into his bank account, then use a money-transfer service to send the same amount to a Texas-based "vendor." Next, he was told that more money was required, which led him to send another \$1,600 to that same vendor. Both checks were determined by the bank to be fraudulent, leaving the consumer with an overdrawn bank account and no real work-at-home job.

Signs of a job opportunity scam include:

- Demands for upfront payment via prepaid credit card or wire transfer
- Requests for personal information, especially early in the application process
- Unrealistic salaries, benefits, or incentives
- Vague job descriptions
- Claims such as "No Experience Necessary!" or "Guaranteed Placement!"
- High-pressure sales tactics
- Interviews in suspicious locations
- Offer of employment after only online interviews in a chat room or by using an instant messaging app
- No written information provided
- Being selected for a mystery shopping job you never applied for

When applying online, make sure a website is secure before entering your personal information. The web address should read “https” rather than “http.” The “s” stands for secure, meaning that the information is encrypted and less likely to be hacked by scammers. Also, consider applying for a job directly through the hiring organization’s website rather than submitting your information to a third-party job search site.

If you suspect a job opportunity scam or an unfair business practice, report it to the Ohio Attorney General’s Office by calling 800-282-0515 or visiting [www.OhioProtects.org](http://www.OhioProtects.org).