



Consumer Watch

A Monthly Newsletter from the Connecticut Department of Consumer Protection

William M. Rubenstein, Commissioner

Dannel P. Malloy, Governor

www.ct.gov/dcp

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Our website offers the latest and most comprehensive information that we have on dozens of consumer-related topics!

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Still Getting Telemarketing Calls That You Don't Want?

Don't Get "Hung Up" on Unwanted Calls

The "DO NOT CALL" law is regulated by three different agencies – first, [The Telephone Consumer Protection Act of 1991 \(TCPA\)](#), empowered the Federal Communication Commission (FCC) to impose restrictions on the use of automatic telephone dialing systems, facsimiles and artificial or prerecorded messages. These restrictions require telemarketers to maintain a "do not call list," develop and maintain written policies for maintaining their list, and train employees to follow these policies. Also, telemarketers may not call before 8 a.m. or after 9 p.m. and they must identify themselves to consumers.

Second, the Federal Trade Commission (FTC), in cooperation with the FCC and with input from the Department of Consumer Protection, created a national [Do-Not-Call Registry](#) in 2003. Close to one million Connecticut residential phone numbers were immediately registered into the national Do-Not-Call Registry from Connecticut's own no-call list that the Department of Consumer Protection had implemented a year earlier. Today, the national Do-Not-Call Registry covers both interstate and intra-state telemarketing calls, accepts cell phone numbers, and keeps a number registered until the consumer requests that it be removed, or disconnects the line. The FTC also takes complaints, conducts investigations and penalizes rogue marketers.

Third, Connecticut's own [telemarketing law](#) mirrors the TCPA and enables the Department of Consumer Protection to penalize Connecticut companies that continue to violate the law. If you're on the Do Not Call Registry and a Connecticut company is telemarketing to you, feel free to file a complaint with us. Complaints about out of state companies are best sent directly to the FTC. Either way, continue using any other measures available to you to further protect yourself from unwanted calls.

Commissioner Rubenstein explains: "Although complaints are useful to help regulators identify and stop telemarketers from breaking the law, consumers can and should take steps to *prevent* unwanted calls, and for those that persist, to cut them short." *more, page 4*

From Commissioner Rubenstein

This month we offer more "preventive medicine" to help you steer clear of unwanted telemarketing calls and to be better prepared if the snows of winter ever find us this season. In my view, two of the best consumer advisories are: "If it sounds too good to be true, it probably isn't true," and "Don't give your personal information (bank numbers, credit card numbers, social security numbers, etc.) to **anyone** who calls or emails you – no matter where they say they're from." These caveats go a long way in terms of saving time, worry and money, and we touch on at least one of them in every issue, including this one. And because Valentine's Day is just around the corner, we're including some information for Valentine's Day shoppers as well. Enjoy.



Commissioner Rubenstein was appointed by Governor Malloy and approved by the Legislature in 2011.

3 Surefire Ways to Protect Yourself from Phone Fraud

Leaving no stone unturned, rip-off artists claiming to be with the Do Not Call Registry have reportedly been trying to trick consumers into giving up their personal information. Other con artists have pushed similar schemes through spam email. To avoid this and many other types of fraud, ALWAYS observe the following:

1. Keep information about your bank accounts and credit cards to yourself - including the numbers - unless you know who you're dealing with. This applies to telephone, computer and in-person transactions.
2. Never share your Social Security number with a person you don't know; again whether in person, on the phone or via computer.
3. Don't share your other personal information by phone -- even if someone calls you claiming to represent a "Do Not Call" registry, an organization to stop fraud, or even the federal government. If you get such a call, either hang up immediately or write down the caller's organization and phone number and report it to www.ftc.gov or 1-877-FTC-HELP, or to the Department of Consumer Protection.

If Ice and Snow DO Arrive...

At some point this winter, we're likely to get a few snowstorms that will give our shovels and snow-blowers a real workout. When the snow flies, a common question from homeowners, renters, landlords and property management companies is, "*Who's responsible for clearing the driveway, sidewalks and/or parking lot of snow and ice?*"

In short, **all property owners**, including homeowners who regularly have postal or newspaper delivery, commercial and residential landlords, and shopkeepers, should take care to properly clear ice and snow build-up following a snowstorm.



Under state law, municipalities may adopt ordinances requiring property owners to remove snow and ice on their sidewalks and establish penalties for failing to do so. Municipalities may also adopt ordinances transferring their liability for damages associated with snow and ice on sidewalks to the property owner. Many municipalities have adopted one or both types of ordinances; check with town officials for local requirements, including how soon the sidewalks must be cleared. Many towns require cleanup within 18 to 24 hours after the end of a storm.

- **Homeowners** are responsible for any injuries on their property due to snow and ice. While homeowner's insurance will cover the costs of injuries that happen to you or anyone hurt on your property, you're directly responsible for any costs that extend beyond the coverage allotted in your insurance policy.
- If you **rent or lease a single family home**, you're likely to be responsible for taking care of snow and ice, unless your contract indicates otherwise.
- If you live in an **apartment complex** with multiple rental units, then your landlord or property management company is responsible for taking care of snow and ice.
- Always refer to your **rental agreement** to find out your landlord's policy on snow and ice removal. Even if they should take care of snow and ice, many try to put something in the rental agreement to clear them of liability.
- If there is any doubt, it's best to side with precaution and keep walkways clean – for yourself, friends and family, and anyone who might come by.

And, if you are the person responsible for clearing ice and snow outside of your residence, remember to:

- Pay attention to downspouts coming from the roof. Snow or ice may melt and drain out of gutters, and freeze to ice on the walkway. If your downspout is likely to cause a hazard you need to clear it.
- Arrange for snow and ice clearing if you are going out of town.

Showing your love?



If you're one of about 2 million Connecticut residents who will spend an average of \$120 this Valentine's Day on someone you love, on some combination of flowers, dinner, jewelry or other gifts, here are some things to keep in mind:

Because jewelry is one of the more expensive items purchased on Valentine's Day, be sure to shop around beforehand and compare quality, price and service. If you're not familiar with jewelers in your area, ask trusted friends or family members for recommendations.

Anything less than 10 karat gold cannot legally be sold as gold. "Gold-fill," "overlay," or "electroplate" indicates a thin gold coating, which eventually wears off. If you're buying gold jewelry, check for the appropriate karat markings.

Don't fall for promises of huge discounts offered by some retailers! These are often tagged onto grossly overpriced stock. Visit a number of jewelry stores to get a realistic range of prices. Ask for the store's refund and return policy before you buy. Have the jeweler write on the sales slip any special information about your purchase, such as the gemstone's weight, size, or gemological grading report.

Online jewelers may offer lower prices, but you won't be able to inspect the jewelry before buying it in order to gauge its quality. Mounting might be sold separately, and sizing could cost extra, so be sure to check the details. Deal with only well-known, reputable online sellers. Confirm their return policies and keep printouts with details about the item, the transaction, and the refund and return policies in case you're not satisfied.

Pay for jewelry and other costly items with a major credit card, if possible. If problems arise later, you may be able to dispute the charges with your credit provider.

While flowers are a traditional Valentine's gift, they too can bring headaches for the unprepared. Ask trusted neighbors, family and friends for names of quality local florists.

While many online floral services are reputable, be cautious about doing business with online florists that don't list a street address with their phone number. Some schemers advertise heavily to sell flowers at this busy time of year. They may use a town name as part of their own business name so callers think it's a local enterprise. Callers are unknowingly forwarded to an out-of-town processing operation. The operator takes the order and credit card information and -- if you're lucky -- forwards the order to an area florist. These hucksters then pocket a processing fee and usually a percentage of the sale -- for a transaction that you could have handled locally. You might even find out that the delivered flowers were not what you ordered, or were never delivered at all.

When ordering flowers, always ask the florist to itemize the charges. In addition to the price of the arrangement, most florists charge a delivery fee and taxes. If you must order flowers to be delivered in another city or state, most local florists will be able to take your order and make those arrangements for you.

True or False? (answers, page 4)

1. My car needed new brakes, but the shop wouldn't show me the old brakes after they were removed. I know I'm entitled to all the old parts taken off my car, if I want them. **True or False?**
2. When my car was in for the brake job, the shop replaced some fuses and belts that I didn't authorize and can't afford to pay for. Because they didn't ask me first, I believe that I don't have to pay for them. **True or False?**

Unwanted Phone Calls? *(continued from page 1)*

"Check your registration on the Do-Not-Call website and never provide your phone number on feedback forms, surveys or other transaction documents," Commissioner Rubenstein recommends. "Finally, be sure to expressly tell the businesses that you deal with to put you on their no-call list, and if unwanted calls come through, don't hesitate to just hang up."

While we hope consumers will file complaints with us to help us catch violators, please understand that your complaint to the Department or to the FTC will not immediately stop a company from calling you. Agencies need time to gather information, verify the complaint, and contact the company to fully assess the existence of a violation, and then formulate the appropriate penalty and remedy.

Exemptions to the "Do Not Call" Registry

Unless you tell them to add you to their own no-call list, marketers with whom you have conducted business in the last eighteen months are exempt from the "Do Not Call" requirement. So are calls from:

- a business about an existing debt, contract or payment,
- from a business that just started within the last year.
- Tax-exempt or nonprofit entities and political campaigners also may still call.
- Prerecorded messages may be sent for emergency calls needed for health and safety, prior consent, non-commercial, tax-exempt, non profit or the business that you have a pre existing relationship.

Auto-Dialed and Pre-Recorded Calls

Calls using artificial or prerecorded voice messages – including those that do not use auto-dialers – may not be made to home phone numbers -- **except for**:

- emergency calls needed to ensure the consumer's health and safety;
- calls for which you have given prior express consent;
- non-commercial calls;
- calls that don't include or introduce any unsolicited advertisements or constitute telephone solicitations;
- calls by, or on behalf of, tax-exempt non-profit organizations; or
- calls from entities with which you have an established business relationship.

The Do Not Call laws apply to consumer phone lines only – they don't cover businesses that receive telemarketing calls.

Once again, you can **prevent** unwanted calls by verifying your registration on the Do-Not-Call website at www.donotcall.gov, by NOT providing your phone number on feedback forms, surveys or other business transaction documents, and by **telling businesses** that you want to be on their no-call list. If an unwanted call does get through, exercise your right to just hang up.

What Does Phone Fraud Sound Like?

Every fraudulent telemarketing operation typically has seasoned operators who make their pitch to **hundreds** of people each day, so they're quite good at it. Telephone fraud has no race, ethnic, gender, age, education or income barriers. Anyone with a phone can be victimized by telemarketing scam artists.

When you find yourself at the other end of a telemarketing call, you should **feel free to just hang up** if you're not interested. But if you choose to stay on the line, be sure to listen for these common lines:

- "You've been *specialy selected* to hear this offer."
- "You'll get a wonderful *free bonus* if you buy our product."
- "*You've won* one of five valuable prizes."
- "You've won *big money* in a foreign lottery."
- "You must send money *right away*."
- "This investment *is low-risk* and provides a higher return than you can get anywhere else."
- "You have to decide *today*."
- "You need to visit our *local seminar* to claim your prize."
- "We'll only put shipping and handling charges on your *credit card*."

By learning how to spot and report telephone fraud, you can help stop many types schemes, including those that offer:

- ✓ buying club memberships
- ✓ credit & loan offers
- ✓ government or college grants
- ✓ medical discount plans
- ✓ sweepstakes & lotteries
- ✓ low-cost travel
- ✓ work-at-home & business opportunities

True or False? *(answers)*

1. **The answer is True.** You are entitled to the return of any replaced parts, but you should request them before or at the time the car is returned to you. Many shops dispose of old parts quickly to keep the work area obstruction-free. If the parts have to be returned to the manufacturer, you are entitled to inspect them before they are sent.

2. **The answer is True.** You are entitled to a written estimate before the work is done if the total cost will be more than \$50. The repair shop cannot charge you for any work done without your authorization. If additional work is required beyond the original estimate, the shop needs your authorization before they continue. If the work cannot be estimated, you may waive your right to a written estimate and give a general written authorization allowing the shop to make all "reasonable and necessary" repairs, but tell the shop the **maximum** amount of money you're willing to spend.