

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.

Next, seek help. If the business will not resolve a problem directly, consumers can file a complaint with the Office of Consumer Protection, the Better Business Bureau or a small claims court. Be sure to read [What Consumer Protection Can \(and Can't Do\)](#) before you continue.

If it involves 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 these steps:

1. Write to your credit card issuer at the address for errors or inquiries given 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 if you have one, may wish to consult the federal "Truth-in-Lending" regulations ([12CFR226.12](#) and [12CFR226.13](#)).

If the company has moved or gone out of business – Perhaps the most frustrating consumer complaint is one against a company that is out of business or has moved without leaving a forwarding address. 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 and 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.

The Complaint Process

If you are not sure which is the appropriate government agency to contact about a problem with a business, check [Common Problems: Who to Contact](#) for help deciding which agency has the legal authority to assist with different kinds of problems. You may also call the Office of Consumer Protection at (406) 444-4500 or (800) 481-6896.

1. To file a complaint about a business:
 - o Fill out and sign the [complaint form](#), and mail the **signed original** (not a copy) to the [Office of Consumer Protection](#).
 - o Enclose photocopies of all documents relevant to your complaint, such as receipts, warranties, both sides of cancelled checks, contracts, etc. In this case, **do not send originals**.

The complaint should explain in detail what the problem is, whom it is with and what you have done. In particular it should:

- o **Identify the business.** Include the name and address of the business.
- o **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.

Make sure you keep copies of everything you send or receive.

2. Consumer Protection investigators then conduct an extensive screening process to determine if any state consumer protection laws or regulations have been violated.
 - o Investigators gather information from the consumer to understand the nature of the complaint and determine the appropriate action. If they determine that there has been a violation, they send the consumer a cover letter along with a consumer complaint form.

- If there is no violation of Montana law, investigators notify the consumer.
 - An investigator evaluates the completed complaint form and documentation, and writes to the business to give it the opportunity to document its position and to resolve the problem if possible.
3. Once the investigation is complete, the investigator notifies the consumer of the results. If the investigative unit is unable to resolve the complaint and there has been a pattern of deception from a particular business, the investigative files are referred to the department's attorneys for possible legal action.

Other 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 of Montana](#) operates a lawyer referral program. Often there is only a small fee for the initial consultation.
- **Montana Legal Services Association** - If you can't afford a lawyer, you may be eligible for federally funded legal assistance. Contact MLSA at 442-9830 or [MontanaLawHelp.org](#).
- **Law School Legal Clinics** - The [University of Montana School of Law](#) operates legal clinics at which law students assist people under the supervision of a law professor or other lawyer.

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** - The [BBB](#) serving Eastern Washington, North Idaho and Montana is a private, neutral, nonprofit organization that is supported by membership dues paid by business and professional groups in its service area. The BBB offers:
 - reports on businesses and charitable organizations
 - consumer counseling
 - education and awareness
 - resolution of consumer disputes with businesses using conciliation, mediation and arbitration services

The BBB often partners with such agencies as the FTC, state licensing divisions, the attorneys general, and regional law enforcement to investigate questionable activity in its service area. Contact the BBB at (800) 356-1007 or e-mail info@thelocalbbb.com.
- **Consumer Action Handbook** - This free governmental publication lists the consumer contacts for all state and federal agencies and most large companies. It can be read or ordered online at the Federal Citizen Information Center's [Consumer Action Website](#).
- **Elected Representatives** - Members of Congress, state legislators, city council members, county commissioners and other elected officials may help constituents with consumer complaints. These are also the people to contact if you believe there should be a law to protect consumers from a particular problem.
- **Federal Communications Commission** - The [FCC](#) regulates interstate and international communications by radio, television, wire, satellite and cable.
- **Federal Trade Commission** - The [FTC](#) enforces fair trade laws and may help consumers resolve complaints.
- **Justice of the Peace or Small Claims Court** - All counties have special courts to handle small claims. The filing fees are usually much less than those charged in the county or district courts and the proceedings are less formal, with citizens often representing themselves. In these courts you can present your side to the judge. Present your case with the same information you would include in a complaint, bringing any documents or witnesses that are relevant.
- **Montana Public Interest Research Group** - The [MontPIRG](#) provides a number of consumer services including helping with landlord-tenant issues. Contact MontPIRG at (406) 243-2908 or e-mail info@montpirg.org.
- **National Association of Consumer Advocates** - The [NACA](#) is a group of consumer attorneys who share information about consumer issues. The Association's website also has a lawyer referral service.
- **National Consumer Law Center** - The [NCLC](#) provides information and articles on a variety of common consumer protection issues. The articles are useful to anyone attempting to understand consumer laws and future trends.
- **Office of the Comptroller of the Currency** - The [OCC](#) handles complaints about federally chartered banks. If you aren't sure whether your bank is federally chartered, ask the OCC.

- **Other State Attorneys General** - If your complaint is against a company in another state, you may be able to get help from that state's attorney general.
- **Private Mediation Services** - Some cities have private mediation or alternative dispute resolution centers. They are usually nonprofit and charge either no fee or a small fee.
- **Trade Associations** - Many industries such as car dealers and contractors have trade associations that perform a variety of functions, often including resolution of complaints against their members.

If Your Claim is Against a Government Agency

If your complaint is with a government agency rather than a business, contact the elected officials with authority over that agency. For example, if it is a federal agency, contact your U.S. representative or senator. For a local agency, contact a city or county official.

Contact Consumer Protection

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