



## FORT SILL LEGAL ASSISTANCE

### CONSUMER COMPLAINTS – WHERE TO FILE?



If you have had an issue with a mortgage lending group, debt collection agency, credit card company, student loan institution, or similar organization, and you are thinking about filing a complaint, the following information will guide you in accomplishing that task.

There are a variety of resources for reporting consumer issues, including the state Attorney General's (AG) office, the local Better Business Bureau (BBB), the Federal Trade Commission (FTC), and the recently developed complaint center- the Consumer Financial Protection Bureau (CFPB).

The process for filing a complaint with the state AG's Office varies from state-to-state. However, most states provide an online complaint form that can be filled out by the consumer and submitted through the AG's website or through the mail. The AG's office may take action against an organization if it believes the organization is operating in violation of state law. Many states also compile complaints in order to educate the public about emerging scams or problem areas.

The BBB is a corporation consisting of a number of separately governed and incorporated local BBB organizations in the United States and Canada. It is not affiliated with federal, state, or local government, and has no direct affiliation with any consumer protection government authority. The BBB gathers and archives information it receives about businesses, both locally and nationally. It uses the information it gathers from consumers and other businesses to encourage businesses to become members. The BBB collects information on business reliability, alerts the public to frauds against consumers and businesses, provides information on ethical business practices, and acts as mutually trusted intermediaries between consumers and businesses to resolve disputes. A complaint can be filed with the BBB online at <https://www.bbb.org/consumer-complaints/file-a-complaint/get-started>.

The FTC's complaint center, the Consumer Sentinel, is a clearing-house/data center for complaints. An online complaint can be filed at [https://www.ftccomplaintassistant.gov/FTC\\_Wizard.aspx?Lang=en&OrgCode=PU05](https://www.ftccomplaintassistant.gov/FTC_Wizard.aspx?Lang=en&OrgCode=PU05). When a consumer files a complaint with the Consumer Sentinel, the complaint is searchable by law enforcement agencies, who may then decide to investigate individual cases. Generally, cases are investigated by the FTC if law enforcement agencies believe that the complaint is part of a larger scheme being run by the organization.

One problem with these databases is that there is no requirement that ANY action be taken once a complaint is filed. As a result, the consumer may feel he or she has simply submitted a complaint into a void, without any corresponding payback to themselves.

The CFPB was created in 2011 and it is rapidly expanding its complaint processing capabilities to cover the full array of financial markets for which it has responsibility. Its mission is to make markets for consumer financial products and services work for Americans. You can access the complaint center through the website at <http://www.consumerfinance.gov/> and go to "submit a complaint" area.

One important characteristic of the CFPB complaint database, that distinguishes it from other databases, is that submitting a complaint triggers a required response. After the complaint is submitted by a consumer, the CFPB then forwards the complaint to the "offending" financial institution for their response. After the consumer receives the agency's response, they can either accept the explanation/response, or request further action from the CFPB. From there, if further action is requested, a response specialist from the CFPB will investigate the complaint, gather evidence from the consumer and the financial institution, and potentially take further action through the CFPB's enforcement arm. In addition to receiving a response from the financial institution, when a consumer files a complaint with the CFPB, the data is also used to help guide the bureau when they undertake their rule-making responsibility, as well as their supervisory powers. So the effect is two-fold; the consumer receives an individual response, and their complaint also becomes part of the larger framework for shaping future consumer protections.

For more information about filing a consumer complaint, feel free to schedule an appointment with a legal assistance attorney.

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If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0800 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4<sup>th</sup> floor of Building 4700, Hartell Hall (Welcome Center) on Mow-Way Road.