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Effective Consumer Complaints

How do I make an effective consumer complaint?

You often can solve problems by going to the business where you made the purchase. The seller may want to make a fair settlement. Here are some steps you should follow.

You should have a specific complaint. Make your complaint as soon as you can. The faster you complain, the better your chances are to solve the problem. You should avoid complaining over the phone. If you must complain over the phone, take notes. Write down the name of everyone you speak with, the date and time of the call, and what was said.

You should complain in person and be prepared. When you go to complain in person, take copies of receipts and all the papers you got when you made the purchase. Leave originals at home. Talk with a sales person or customer service person, explain the problem, and say what action you would like taken. If the sales person or customer service person is not helpful, ask to speak with a supervisor, manager, or higher person in authority, and repeat your complaint. Do not be put off by “pass the buck” tactics. Write down the name of everyone you speak with, the date, time and place where you complained, and what was said.

What if my complaint in person is not solved?

If your problem is not solved in a few days, complain by writing a letter. When you complain by letter, be specific. Put the business name and address in your letter, and your name and return address. Tell the business the date you purchased the product or service, what the problem is, and when you first noticed it. Tell the business what action you would like taken, and by what date. You should allow 2 or 3 weeks. Enclose copies, not originals, of all your papers about the complaint. Sign and date your letter.

Copy your letter and save it. You may want to send your letter by certified mail, return receipt requested. Save the certified mail receipt and the green return receipt. Keep track on a calendar of the deadline you gave the business to solve your problem. If it is not solved by then, send a second complaint in writing.

Your second letter should repeat the first letter’s message, with a few additions. Tell the business when you last wrote. Point out that the problem still has not been solved. Tell the business that if you don’t get action within 2 or 3 weeks this time, you will seek outside help.

Again, enclose copies, not originals, of all your papers about the complaint. Also enclose a copy of your first complaint letter. Copy your second complaint letter and save it. You should send your second complaint letter by certified mail, return receipt requested. Save the certified mail receipt and the green return receipt.

What if my complaint in writing is not solved?

If you have complained in writing and still are not satisfied, you should get outside help. The Office of the Attorney General of Virginia has a Consumer Protection Section. You may call their Consumer Protection Hotline toll-free at (800) 552-9963, if calling from Virginia. You also may call at (804) 786-2042, if calling from the Richmond area or from outside Virginia. Their business hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

The Consumer Protection Section handles problems between individuals and businesses. They do not handle problems between individuals where no business or merchant is involved. They also do not handle problems about products or services intended for business use.

The Consumer Protection Section does not give legal advice or representation. They do not file lawsuits for individuals. However, they will look into your complaint and try to solve your problem. To get their help, you need to send them an Official Consumer Complaint Form. You may get this by writing to the Office of the Attorney General of Virginia - Consumer Protection Section, 900 East Main Street, Richmond, VA 23219. You also may get the form by calling the Consumer Protection Hotline. You can find the form at the web site: <http://www.oag.state.va.us/files/ConsumerComplaintFormOAG.pdf>

How do I complain to the Office of Consumer Affairs?

You should fill out the complaint form as completely and accurately as possible. When you are done, make a copy for yourself. Mail back the original complaint form, copies of all your papers about the complaint, and copies of your complaint letters.

When the Office of Consumer Affairs gets your complaint form, they should contact the business named in the complaint. They will ask the business to help solve the problem. The Office of Consumer Affairs will tell you about their actions. They will give the business 30 to 45 days to respond. If the problem can't be solved in 45 days, you will be told this and get advice about other things to do. This includes filing a lawsuit in the General District Court.

How do I file a lawsuit in General District Court?

Virginia has a system of General District Courts. You may file a lawsuit for money or return of your property. You can file a lawsuit for up to \$25,000. You can learn more about this by going to the web site: <http://www.courts.state.va.us/gdc/gdc.htm>. The General District Court also has a Small Claims Division, where attorneys are not allowed. You can file a lawsuit in the Small Claims Division for up to \$5000. You can learn more about this by going to the web site: http://www.courts.state.va.us/pamphlets/small_claims.html .

You must file in one of two places. One place is the county or city where the business or person you want to sue is located. The other place is the county or city where you bought the product or service. You can file this lawsuit by yourself without an attorney. The filing fee is about \$53. If you win, the judgment will include your filing fee. If you can't afford the filing and service fees, ask for the "Petition for Proceeding in Civil Case Without Payment of Fees or Costs." This also is called "Form CC-1414."

If your case is simple, you may not need an attorney in General District Court. If your case is complicated, or if the other side has an attorney, it will help if you have an attorney.

To file a lawsuit, you must go to the General District Court Clerk's office. Ask for the proper court form. To sue for money, fill out a "Warrant in Debt." To sue for return of property, fill out a "Warrant in Detinue." Even though these court forms are called "warrants," they are not used in criminal cases. They are used in civil (non-criminal) cases.

What do I need when I file a lawsuit in General District Court?

You must have the complete name and address of the business or person you want to sue. The address must be a physical address, not a mailing address such as a post office box. The name of the business or person must be correct. Sometimes, a business or person will not use their real name. This is an "assumed or fictitious" name. The Circuit Court Clerk has a list of these names. If you are suing a corporation, you need the name and address of its registered agent. You can get this by calling the State Corporation Commission at (804) 371-9733.

Write on the warrant your name and address, the name and address of the business or person you want to sue, the amount of your claim, and the reason for your lawsuit. After your warrant is filed, the clerk should give you two copies. Mail one copy to the business or person you're suing, at least 10 days before trial. The warrant says when and where to appear for court. The clerk gives a copy of the warrant to the Sheriff's Department to deliver (or serve) on the business or person you're suing. Your lawsuit can't be heard unless the other side is served.

How do I get witnesses to come to General District Court?

You should ask any witnesses who knows something that might help your case to come to court. If a witness will not come, ask the clerk for a subpoena to make the witness come. This costs \$12.00 and must be done at least 10 days before trial. You must have the complete name and physical address of the witness.

What happens in General District Court at trial?

If you do not come to court on your trial date, the court will dismiss your lawsuit. If you come to court and the other side does not, you should get a judgment. If both sides come to court, the judge will hear both sides and decide who wins.