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Beware of shady business practices in a recession

August 01, 2010

By Laurence M. Kahn

I was recently victimized by unscrupulous business practices of the service department of a local equipment dealer. I had authorized replacement of several parts, two of which did not require replacement. What induced me to replace the parts was the service manager's written and verbal misrepresentations that one of the parts in question was "worn beyond limits"/"worn beyond manufacturer's specifications."

When the used parts were returned to me along with the bill and my piece of equipment, to my lay eyes, they did not look worn much at all. Because of my doubts, I took the parts to three other local repair shops for inspection by their service techs, and my suspicions were unfortunately confirmed three times over. I then shipped the parts to an out-of-town dealer that sells the same equipment as the servicing dealer and whose chief service tech has had the same manufacturer training as the service techs at the servicing dealer. The out-of-town dealer further confirmed my suspicions. I will be presenting all the information I have gathered to the local dealer that serviced my equipment asking for a refund. Depending on the dealer's response, I will consider utilizing one or more other options including a complaint to the Better Business Bureau (BBB), a complaint to the manufacturer about its dealer, a complaint to the Oregon Department of Justice (DOJ), or a small claims action.

I am admittedly a protective consumer having previously prosecuted unfair and deceptive business practices for the Federal Trade Commission (FTC) in Washington, DC. Beyond my personal situation, however, in my position as executive director of Help Now! Advocacy Center, I have had quite a number of recent scams brought to my attention by others in our community as clients of Help Now! Almost 50 Latino families locally and statewide were scammed out of well over \$100,000 by two California companies selling them water filtration equipment on the premise that local drinking water was unsafe for consumption. A local dealer that sells both new and used cars recently sold a client two used cars representing that they were both accident-free whereas, in fact, both had been in accidents. A number of local individuals have been victimized by a mystery shopper scam each losing thousands of dollars in the process. And, perhaps most significantly, a number of local homeowners, desperate to protect their homes from foreclosure, have fallen victim to loan modification scams in which upfront fees have been charged for loan modification assistance but then nothing is done, and monies paid are not refunded.

What all these situations, including mine, have in common are some unscrupulous businesses in difficult times trying to make an extra buck at the expense of others in our community. So what can you do to protect yourself in the present economic environment?

First, remember the old caveat—"buyer beware." Before you buy, do your due diligence not only on the product or service, but also on the business selling it to you. Check the Internet, check BBB, check DOJ's consumer hotline, and check FTC information available online. Also remember the old adage—if it sounds too good to be true, it probably isn't true.

Second, if you have already purchased some product or service and there is a problem with it, before you approach the business that sold it to you, investigate whether others have experienced similar problems with that business, product, or service. Even though after the fact, check on the Internet, with BBB, with DOJ, and with the FTC for complaints. Educate yourself on the business, product, or service by talking to what hopefully are more scrupulous competitors of the business that sold the product or service to you. (Sometimes this may require you not identifying the selling business by name.)

Third, if the business you dealt with is not fly-by-night (if it is, you are probably out of luck), decide whom to talk to there. This involves identifying the decision-maker—typically the owner or manager of the business. Be factual, truthful, non-confrontational, and resolute. Let him or her know you want to work with him or her to solve the issue quickly and not have it go any further. If the business is national, climb the corporate ladder to the district manager only if you do not get satisfaction from the local manager. NEVER speak to the customer service person, who would typically be your initial contact, unless you meet all store policies for returns. If you go to the business, find out the name of the owner or manager before you go and make sure he or she is available when you go.

Finally, remember that, in the current economic environment, there may be more businesses engaging in questionable or dishonest business practices to gain a few extra dollars at the expense of customers. Caution in your purchases should be the word of the day.

Laurence M. Kahn of Jacksonville is executive director of the Help Now! Advocacy Center.

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