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HOW TO RESOLVE A CONSUMER COMPLAINT

This chapter describes the steps that you should follow to resolve a complaint against a business.

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§ 1. Three Steps to Follow

If you have a complaint against a business, we recommend that you follow three steps. First, complain directly to the business. Second, if that doesn't work, try mediation through the Attorney General's Consumer Mediation Service. Third, if your complaint isn't resolved in mediation, consider bringing a case yourself in Small Claims Court, or get assistance from an attorney.

§ 2. Complain to the Business

To effectively complain to the business, you should:

- A. Make sure you have a legitimate grievance and proof that supports it — receipts, repair estimates, warranties, and other documents.
- B. Complain promptly to someone with authority to correct the problem.
- C. Explain exactly what is wrong and how you want it corrected.
- D. State your case politely. Be calm and reasonable, but also firm and persistent.

Your chances of resolving a problem improve when you take the time to plan your complaint strategy. Decide whether to complain by letter, email, phone, or in person. Minor problems may be disposed of quickly and easily by phone, but others may call for a face-to-face meeting and a follow-up letter.

§ 3. Model Consumer Complaint Letter

Write a letter to the business even if you decide to complain in person or by phone. It will help you explain the problem in an orderly and reasonable manner, and the steps you plan to take to correct it. It will also allow you to vent, which should help you keep your cool when talking with the business. Here's an example of a properly constructed complaint letter:

Date _____

Business's Name
Business's Address

Dear Sir/Madam:

I bought a (*brand name*) color television set, model #____, serial #____ from your Pleasant Avenue store on May 21, 20--.

The picture was poor from the start. On June 1, your repair person, (repairer's name) came to my home to try to adjust the set. The focus and color improved slightly, but the image is still blurry. I am left with an unclear picture and a \$50 service charge.

Since my warranty clearly covers the cost of all parts and services for one year after purchase, the bill for the service charge was apparently sent in error. I ask for two things:

- 1) That you confirm in writing that I owe nothing for the June 1 house call; and
- 2) That you either fix the set without charge or replace it with another TV of the same model.

I enclose copies of the sales receipts, warranty, and the June 1 bill.

I hope you will give this matter your prompt attention. Please reply to my letter no later than _____. Thank you.

Sincerely,

Your name
Your address
Your telephone number
Your email address

Describe the item or service you're complaining about completely and accurately.

Be specific about the place and date of purchase.

State your complaint.

Ask for what you want.

Enclose COPIES (not originals) of pertinent documents.

Give a deadline for response (e.g., 10 business days) or use the specific date by which you want a reply (e.g., "no later than August 5, 20__").

§ 4. Complaint Procedure

Once you've figured out how to explain the problem and how you want it corrected, go directly to the source of the problem – the business. Often, you won't have to take your complaint further than the store that sold you the product or service. Most businesses rely on repeat customers so maintaining a good reputation is important. Be firm but pleasant, and use the complaint procedure below:

- A. Identify yourself and explain your problem clearly and concisely. If you're complaining by letter, you'll increase your chances of receiving prompt attention if you limit your letter to *one or two* typed or clearly written pages.
- B. Have receipts and all pertinent documents available for review. If you're complaining by letter, enclose *copies* of these documents. Save the originals and *keep a copy of the letter*.
- C. Send your complaint letter by *certified mail, return receipt requested*, for proof that it was received and when.
- D. Keep a record of the *name and title* of everyone you talk to and the date the conversation took place.

- E. Give the person hearing your complaint a fair chance to respond. Listen attentively and ask for clarification of anything you don't understand. If you're complaining by letter, allow enough time for response. Remember to put in the letter the *actual date* you want to hear from the business (e.g., "Please respond no later than June 15, 2019."). That way, you'll know when you're being ignored. Ten days to 2 weeks is reasonable.
- F. Stand firm and don't accept a solution you feel is inadequate.
- G. Promptly confirm any agreement in writing.
- H. If you think your legal rights have been violated (e.g., you were sold a defective product), you may want to send the business a copy the relevant chapter from the Attorney General's *Consumer Law Guide*.

If you can't resolve your complaint directly with the business, contact the Attorney General's Consumer Mediation Service.

§ 5. The Attorney General's Consumer Mediation Service

Who Can Use the Attorney General's Consumer Mediation Service?

The Attorney General's Consumer Mediation Service is a free service available to Maine consumers who have a complaint against a business, and to out-of-state consumers who have a complaint against a Maine business. We don't accept business to business complaints for mediation. The Attorney General's Office also monitors consumer complaints to help determine the businesses that the Attorney General may want to investigate or sue for unfair and deceptive business practices that harm Maine consumers.

What Is Complaint Mediation?

Complaint mediation is a method of dispute resolution in which the parties to a dispute work through a third person to try to resolve it. The third person is a volunteer "mediator" who's trained by the Attorney General's staff to help the disputing parties understand each other's position and to reach an agreement. The process is simple, informal, and produces results. In a typical year, over 60% of the complaints we accept for mediation are successfully resolved.

How Do I Start the Mediation Process?

To find out whether your complaint can be mediated, contact the Consumer Mediation Service via email at consumer.mediation@maine.gov; or call between 9 AM – 12 noon, and 1 PM to 4 PM, Monday through Friday at 800-436-2131 or 207-626-8849; or write a letter addressed to the Consumer Mediation Service, Office of the Attorney General, 6 State House Station, Augusta, ME 04333.

How Does the Consumer Mediation Service Work?

Your written complaint is reviewed by the Attorney General's staff to determine if it can be mediated. If it's accepted for mediation, a copy of your complaint is forwarded to the business for response. At the same time, we notify you by letter that we've started the mediation process. A volunteer mediator (not a state employee) is assigned to your case. The mediator will determine the relevant facts through letters and phone calls and will work to bring you and the business closer to agreement. Of course, to reach a satisfactory settlement, the business must agree to participate in the mediation. The business's participation is voluntary. If it refuses to mediate, we can do nothing more and the mediator will close the complaint as unresolved.

§ 6. Bringing Your Case in Small Claims Court

If your complaint isn't resolved in mediation and your claim for damage or a debt owed is for no more than \$6,000 (exclusive of interest and costs), you may consider bringing your case in small claims court, which is part of each county's District Court. Small claims court is a "people's court" because the procedures are simple and informal¹ and you don't need a lawyer to bring a case. You can ask for monetary relief, and equitable relief, which would be in the form of a court order that orders the defendant (the person you're suing) to "return, reform, refund, repair or rescind."² For example, if you win your case against an appliance repair business, the court could grant you equitable relief by ordering the defendant to properly repair your stove. Before a trial, the judge may refer the parties to a free mediation session that usually lasts less than an hour. If you're not able to reach an agreement in mediation, the judge will decide your case after a trial. You can obtain more information on small claims court at the website for Maine's Judicial Branch: http://www.courts.maine.gov/maine_courts/small_claims/index.shtml.

§ 7. Finding an Attorney

Sometimes the nature of your consumer problem will require the assistance of an attorney. Finding an attorney and paying for legal services can be difficult. Here are some suggestions for finding legal assistance:

A. Ask Your Friends

Ask your friends or someone you know and trust for the names of lawyers they've used who do good work.

B. Lawyer Referral Service

The Maine State Bar Association sponsors the Lawyer Referral Service. For a \$25 referral fee, you'll receive a 30-minute consultation with a lawyer in your area to explore whether you have a case worth pursuing. You can contact the Lawyer Referral Service at 207-622-1460 or 1-800-860-1460; or via its website at <https://mainebar.community.lawyer>.

C. Pine Tree Legal Assistance

¹ See 14 M.R.S. §§ 7481 through 7487.

² 14 M.R.S. § 7481.

Pine Tree Legal Assistance has attorneys in six offices throughout Maine who provide free legal service in certain subject areas to low-income individuals. To find out if you're eligible for legal help from Pine Tree and whether it handles your type of problem, contact the office nearest you. Pine Tree has offices in Augusta (207-622-4731); Bangor (207-942-8241); Lewiston (207-784-1558; Machias (207-255-8656); Portland (207-774-8211); and Presque Isle (207-764-4349). It also provides legal services to members of the Micmac, Maliseet, Penobscot and Passamaquoddy Tribes and to other Indians residing in Maine through the Pine Tree Native American Unit, which can be contacted by calling 877-213-5630.

D. Legal Services for the Elderly

Legal Services for the Elderly handles miscellaneous cases at no charge for people who are over 60 years old. It has offices in Augusta, Bangor, Lewiston, Presque Isle, and Scarborough. You can reach Legal Services for the Elderly by calling its Statewide Legal Helpline at 1-800-750-5353.

E. Maine Volunteer Lawyers Project

The Maine Volunteer Lawyers Project ("VLP") is a legal aid organization whose volunteer lawyers provide free legal assistance and representation on civil matters to low income Mainers. In southern Maine, you can call VLP at 1-800-422-4293 on Mondays from 1 to 3:30 P.M. and Fridays from 9 to 11:30 A.M.; and in northern Maine at 888-956-4276 on Tuesdays from 5 to 7 P.M. and Thursdays from 10 A.M. to noon.

F. Cumberland Legal Aid Clinic

Cumberland Legal Aid Clinic is a program through the University of Maine School of Law which provides free representation by student attorneys (who are supervised by licensed attorney faculty members) to low-income people who have civil, criminal, juvenile or family law matters in Southern Maine courts. Clients are asked to pay a \$10 administrative fee, and in some cases, court and other costs. The Clinic's resources are limited. If you're seeking legal help, you can call the Clinic at 207-780-4370 or 877-780-2522 between 8 A.M. and 4:30 P.M., Monday through Friday to see if it is taking new clients.