

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



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**BILL SCHUETTE**  
ATTORNEY GENERAL

**Dear Michigan Senior,**

As your Attorney General, I have heard countless stories of financial abuse against members of our senior population, ranging from sweepstakes scams to shady offers of home medical equipment and everything in between. Fast-talking telemarketers, phony charities, fly-by-night home repair contractors, and unscrupulous investment "advisors" are but a few examples of the many varieties of criminal predators who target seniors.

My policy is to prosecute companies and individuals that commit fraud against seniors, and many charges have been brought. But in order to prevent criminals from getting away with fraud, I need your help. Knowledge of how scams operate and vigilance in scrutinizing requests for money or personal information are the keys to stopping criminals before they make off with someone's savings or commit a fraud in someone else's name.

This Guide highlights many of the most common scams aimed at seniors. While criminals pitch their scams in many different forms, this Guide will help you to spot the common warning signs and empower you to protect yourself and your loved ones. This booklet also provides a variety of other information I hope you will find of value. This includes tips on protecting your personal information and reducing your exposure to identity theft, including directions for getting your name off unwanted telemarketing and junk mail lists and for exercising your right to receive free annual credit reports. The Guide also gives you advice on reviewing offers for living trusts, burial and funeral contracts, home improvements, investment products, and travel services.

The information and advice in this Guide is supplemented by other free publications of interest to consumers. You can view our consumer alerts online by visiting our website, **[www.michigan.gov/ag](http://www.michigan.gov/ag)** or by calling my Consumer Protection Division, toll-free, at **1-877-765-8388**.

I urge you to read this Guide carefully - and to contact my office if you suspect a scam. Your report to my office may help put a crook behind bars.

Sincerely,

A handwritten signature in cursive script that reads "Bill Schuette".

**Bill Schuette**  
Attorney General

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## CONSUMER SCAMS – AWARE AND AVOID!

### 1. General Consumer Scams

#### A Few Common Scams

*Florence got a phone call from a man claiming to be an officer of her bank. He said he needed to verify her account information in order to install new security measures. Florence got her checkbook and read her account number to him. A few days later, when she was unable to withdraw money from her account, she discovered that all the money had been withdrawn. The caller had no connection to her bank at all, and her bank told her it never calls customers asking for “verification” of personal or financial information.*

Florence fell for one of the oldest scams around. Con artists have sneaky ways of trying to part you from your money, but most of these are variations of "successful" scams that have been used before. Here are just a few examples of prevalent scams you may encounter:

#### **The Bank “Investigation”:**

In this scam, a caller poses as a bank examiner, FBI agent, or police detective and requests your help in an investigation. The caller asks you to go to the bank and withdraw some money and give it to the phony official to use in setting a trap for a criminal, assuring you that the money will be redeposited into your account. But the scammer and your money are never to be seen again.

#### **Work-at-Home Offers:**

Companies advertise opportunities for you to make hundreds, if not thousands, of dollars a week working at home. The “work” could be just about anything – cashing checks, stuffing envelopes for advertisers, preparing mailing lists, making craft projects, or sending out medical bills. In the check cashing scenario, you may unwittingly be cashing checks you didn’t know were bogus – until one of your checks is returned for “insufficient funds” in your account. Most work-at-home scams require a stiff up-front fee – potentially hundreds of dollars – for supplies, software, or an “instructional kit” that will lead the way to a comfortable income. But the information or supplies you receive (if any) are worthless, and your “investment” is down the drain. If you have any luck reaching the company, you’re told “it’s your own fault” if you didn’t make any money.

You can protect yourself against bogus business opportunities. Michigan law requires sellers of business opportunities to register with the Attorney General's office. There are also federal rules governing the types of disclosures that must be provided to consumers thinking about buying a business opportunity. The Attorney General urges consumers to research any potential business “opportunities” thoroughly before investing. Start by checking to see if the company peddling the business opportunity is registered in Michigan by calling the Attorney General's office at 1-877-765-8388. For more information on business opportunities and work-at-home scams, visit the Federal Trade Commission's website at [www.ftc.gov](http://www.ftc.gov).

**Credit Card “Fraud Protection” Scams:**

A telephone caller pretending to represent your credit card company advises you to enroll in a credit card fraud protection program. The caller tells you that computer hackers could access your credit card number and run up thousands of dollars in bogus charges in your name – and warns you that you would be liable for all charges. This is a lie. Under federal law, consumers who promptly report unauthorized charges on their credit cards are not liable for more than \$50. If you agreed to enroll in the “protection” program, your enrollment fee and perhaps account information have landed with a scammer.

**Advance-Fee Loan and Credit Card Scams:**

An e-mail, telemarketer, newspaper ad, or TV commercial “guarantees” that consumers can get a loan or a credit card “no matter how bad” their credit history may be. But consumers who respond are advised they must pay a hefty fee up front – perhaps as much as \$500 – only to find out later that despite the guarantee, you didn’t qualify for the loan or credit card after all. You are unable to get in touch with the company and are out the money you paid.

**International Lottery Scams:**

You receive an e-mail, letter, or phone call from a business offering to buy tickets for you in a foreign lottery, perhaps in Spain, Canada, or Australia. These offers are always scams. It is against U.S. law to buy or sell tickets to foreign lotteries by phone or mail. Consumers who fall for these scams sometimes get “suckered” two or three times. If you agree to send money to buy tickets, you may get a call later saying that you have won a large jackpot, and need to send more money to pay taxes on your winnings or to pay a small fee for currency conversion. Of course, the lottery tickets were never even purchased, and there is no jackpot.

**Foreign Dignitary Schemes:**

Also referred to in news reports as the “Nigerian Letter Scam,” this fraud starts with a letter, fax, or e-mail from someone who claims to be a foreign government executive, prince, diplomat, or doctor. This person says he needs to transfer a large amount of money, perhaps millions of dollars, to the United States in order to protect the money from insurgents or corrupt government officials. The letter offers to pay you a percentage commission if you permit the person to transfer the money into your account. Careful! You are at risk of losing all the money in your bank account if you give the con artist your account information. If you receive such an offer through the U.S. mail, report it to the postal inspector. E-mail offers should simply be deleted.

**Phishing:**

You receive an e-mail message that appears to be from a familiar entity (i.e., your bank, government agency, credit card company) asking you to provide personal information such as your Social Security number (SSN), bank account number, password and/or personal identification number (PIN), or credit card number. This online form of identity theft is known as phishing and, like other forms of ID theft, can lead to substantial financial loss, ruined credit, prevention of account access, and the creation of bogus accounts in your name. To prevent this from happening to you, delete the e-mail without opening any attachments or clicking on any links in the message, and make sure to read the “Identity Theft” chapter of this guide.

**What do these diverse examples have in common?** They all carry warning signs that a fraud may be in the works. Keep your guard up when you encounter these three key signs of a potential fraud:

- **You are contacted by a stranger;**
- **You are offered a “great” deal;**
- **You must act right away; and**
- **You are asked to pay money or disclose sensitive personal or financial information before receiving any benefit.**

When you are contacted under these circumstances, just say “NO.” And remember – NEVER provide personal information to ANYONE who calls you on the phone or sends an unsolicited e-mail request.

## Sweepstakes

*Soon after Irvin sent in a sweepstakes entry, he began to receive many other sweepstakes mailings that implied he was close to being a grand prize winner. Thinking he could increase his odds of winning, he began buying books, magazines, and other products through these sweepstakes. He spent \$1,500 but never won anything.*

Before you respond to a sweepstakes mailing or telephone call that says you are their “guaranteed winner,” ask: What’s in it for them?

The truth is, sweepstakes are not trying to give you money – they’re trying to get your money. The only aim of their mailings and telephone calls is to get you to buy products. Fraudulent prize promotions want to trick you into paying for a “processing fee” or to pay by calling a “900” number. Too often, seniors on fixed incomes are lured by the hope of winning a sweepstakes into buying products they don’t need or paying excessive fees. Some people even lose their life savings because they become addicted to entering sweepstakes, ordering merchandise in the mistaken belief that it will increase their chances of winning. They can’t stop because they don’t want to lose what they’ve “invested.” They continue to receive mailings and phone calls that suggest they are close to winning. In reality, their chances of winning a legitimate sweepstakes are very small, and there are many fraudulent sweepstakes that either don’t award any prizes, or offer gifts that turn out to be almost worthless.

- Don’t be pressured into buying anything through a sweepstakes. A sweepstakes must tell you that “No purchase is necessary.” By law, you can enter and have an equal chance of winning without buying anything.
- Be skeptical if a call or letter tells you that you are almost "surely the winner" or that you are "very close to winning." The truth is that thousands of people are getting the same phone call and mail. Your chances of winning are very small.
- Never send money to pay for "taxes," "shipping costs," or "processing fees." Prize winners pay taxes to the Internal Revenue Service, not to sweepstakes promoters.
- Be aware that a request to send money by courier or overnight delivery is a sign of a scam.
- Be wary of sweepstakes that have a name similar to, but not quite the same, as a well-known national charity.

## Home Improvement Scams

*Aretha noticed a leak in her living room ceiling and called a plumber. The plumber told her that all her bathroom pipes were broken and needed to be replaced, at a cost of \$1,500. He said she risked an electrical fire if she didn't have the work done. She sought a second opinion. The other plumber found that the problem was only some failed caulking around the bathtub.*

Home repair fraud is often aimed at senior citizens. Unscrupulous repair persons sometimes use scare tactics to pressure people to have unnecessary, expensive repairs made. They overcharge for shoddy work, or take money and then never show up to do the work.

One of the most common kinds of home repair fraud involves offers from transient work crews. Strangers knock on your door and say they've been working in your neighborhood and have some extra material left. They offer to seal your driveway or fix your roof for a discount, but they take your money and then disappear.

Another scam involves strangers who knock on your door and offer to do a free inspection of your furnace, chimney, or drinking water. Once inside, they pretend to find a serious health or safety problem requiring expensive repairs. Even worse, they may only be trying to get inside your home to steal money or valuables from you.

Be cautious when they demand cash payment or indicate the offer is only good for that day. Don't let yourself be pressured.

It's best to say no thanks to these unsolicited offers, and to not open your door to strangers. Instead, get recommendations for home improvement companies from satisfied friends and neighbors.

- Shop around for a contractor, getting price estimates from several. When requesting an estimate, ask if there is a charge. A smart shopper would also get two or more references on each contractor.
- Get references to see if the work was done properly, on schedule, and at the agreed price.
- Insist on a detailed contract. The contract should include: a specific description of the work to be done, materials, labor cost, timetable, payment schedule, start/ending dates, names of subcontractors, warranty agreements, and cleanup and financing arrangements.
- Check to see if the contractor has been disciplined or if the license has been suspended or revoked. Builders and contractors are licensed by the Licensing Division of the Bureau of Commercial Services, Michigan Department of Licensing & Regulatory Affairs. You may visit the Licensing Division's website, at [www.michigan.gov/lara](http://www.michigan.gov/lara), and click on the links for "Bureau of Commercial Services" and then "Licensing Services." You can also reach the Licensing Division at 1-517-373-8376.

The Bureau's home page for Residential Builders, Maintenance and Alteration Contractors provides general information on issues relating to builders' licenses, including additional tips for consumers.

Consumers may visit the Bureau of Commercial Services' website to verify current license status and check for prior disciplinary action. If possible, use the builder's license number as well as the name of the builder and the business name.

Decisions issued in response to formal complaints are also accessible online.

If you would like to file a complaint against a builder, or check to see if there are complaints about a specific builder, you may also call the **Licensing Services Division at 1-517-373-8376** or write to:

**Bureau of Commercial Services  
P.O. Box 30018  
Lansing, MI 48909**

**Remember:** Always check a home improvement contractor's license and complaint history by calling the Attorney General's Consumer Protection Division, at 1-877-765-8388, and the Bureau of Commercial Services, at 1-517-373-8376.

## Travel Scams

*Hector and Sonia signed up to win a “free trip” at a local fair. A short time later, they received a phone call saying they had won the trip. To claim it, they had to attend a presentation about a travel club. The salesman said the club would let them stay at nice resorts year after year at very little cost, after they paid the initial membership fee. After a long, high-pressure sales talk, they agreed to join and wrote a check for \$2,500. They quickly regretted it. Their free trip was a weekend stay at a run-down hotel in Las Vegas. They tried to use their membership to arrange a stay in Mexico, but the club never had availability there. A few months later, the club went out of business, taking all their money with it.*

**“Free trip”** offers are one of the most common consumer scams. The free trip is usually just a bait to get consumers to buy memberships in expensive timeshares or travel clubs or the trip isn’t really free at all – you have to pay a lot of fees and extra costs. If you receive a phone call or postcard saying you’ve won a vacation, beware. You’ll probably have to attend a sales presentation or tour a campground or timeshare facility to receive your free trip. The salespeople will use high-pressure sales tactics to get you to purchase a membership or timeshare. You may also receive offers from “card mill” companies. They tell consumers that the cards will help them gain access to free or reduced travel.

Many consumers who sign contracts at these presentations later regret their decision. They find out too late that the club is more expensive than they thought because of added fees, dues, and costs. Some consumers can’t get the dates or locations they requested. Others find the accommodations to be of poor quality. Worst of all, some of these companies go out of business, taking all their customers’ pre-paid membership money with them.

- Be skeptical of “free trip” offers. Go to a sales presentation only if you are interested in what the company is selling.
- Never make a decision on the spot. Insist on taking the contract home to study. If the business won’t allow this, leave.
- Understand all the costs. What is and isn’t included? Are there extra fees for maintenance, processing, dues, peak season, upgrades, hotels, airlines, port taxes, and meals?
- Know your cancellation rights. Under Michigan law, if a consumer is offered a prize or merchandise valued at more than \$25 in exchange for attending a sales promotion for goods, services, or memberships – such as a travel club membership – that have a value of \$500 or more, the consumer must be given written notice that they have three business days after signing to cancel the purchase agreement or contract. However, using your right to cancel isn’t always easy, so don’t sign a contract unless you’re sure about your decision.

- Always think twice before paying a lot of money in advance for a future benefit. What if you invest thousands of dollars and the travel club goes out of business? It's happened to many Michigan seniors.

As a general rule, research any travel service to make sure the company is established and reliable, before paying any costs or signing documents.

### **Incredible Prices That Aren't**

A different kind of travel scam offers you an "unbelievable" price on a vacation. To take advantage of the offer, you have to give your credit card number to hold a reservation. Later, you find out that in order to take the vacation you have to pay a lot more for all sorts of fees, upgrades, hotel taxes, and service charges. In fact, the whole package becomes so expensive that you don't want to even take the trip. If you do, the "deluxe" accommodations turn out to be a pretty ordinary motel.

Before you agree to pay any money for a bargain travel package, ask to have written material that describes all the terms and conditions sent to you. If they won't send it, turn it down.

## 2. Financial & Investment Scams

### Common Investment Scams

Here is a list of popular investment scams:

**1. “Free lunch” seminars.** Often the people getting rich are those running the seminar, making money from the high commission products they sell to attendees. These seminars are marketed through newspaper, radio and TV ads, mass-mailed invitations, and mass e-mails. There’s a certain consistency to the invitations for these events: a free gourmet meal, tips on how to earn excellent returns on your investments, eliminate market risks, grow your retirement funds, and spouses are encouraged to attend.

The bait for many of these seminars is that “income” will be “guaranteed” and substantially higher than the returns someone on a fixed income can expect to get from certificates of deposit, money market investments, or other traditional financial products. Often the speakers at these events use impressive-sounding but sometimes highly misleading titles and professional designations. Many of these designations imply that whoever bears the title has a special expertise in addressing the financial needs of seniors. Often promoters push unsuitable products based on high commissions they receive from selling these products. For example, variable and equity indexed annuities are often unsuitable for senior citizens because those products are generally long-term investments that limit access to invested funds. But sales agents stand to earn high commissions on these investment products so they don’t always adhere to the suitability standards – with dire consequences for seniors. Remember: Make sure your investments match up with your age, your need for access to money, and your risk tolerance.

**2. Unlicensed individuals,** such as life insurance agents, selling securities. To verify that a person is licensed or registered to sell securities, call the Office of Financial and Insurance Regulation at 1-877-999-6442. If the person is not registered, don’t invest.

**3. Affinity group fraud.** Many scammers use their victim’s religious or ethnic identity to gain their trust – knowing that it’s human nature to trust people who are like you – and then steal their life savings. Be wary – no community seems to be without con artists who seek to exploit others for financial gain.

**4. Ponzi/pyramid schemes.** Always in style, these swindlers promise high returns to investors, but the only people who consistently make money are the promoters who set them in motion, using money from new investors to pay previous investors. Inevitably, the schemes collapse. They’re called pyramid schemes because the people on top need to recruit an impossible number of people on the bottom to continually generate profits for everyone. Thus, only the top people profit, while the remaining pyramid population lose money. Ponzi schemes are the legacy of Italian immigrant Charles Ponzi. In the early 1900s, he took investors for \$10 million by promising 40 percent returns from arbitrage profits on International Postal Reply Coupons. Remember that all investments come with some risk. No legitimate investment can guarantee an outrageously large return in a short amount of time. The old adage rings true with respect to Ponzi schemes – if it sounds too good to be true, especially in this economy, it probably is.

**5. Cash gifting schemes.** Cash gifting schemes are the quintessential example of a pyramid scheme, described above. Generally, these gifting "circles," "clubs," or "groups" encourage participants to pay a substantial entry fee (which can range anywhere from \$500 to \$5,000 or more). This entry fee will guarantee the participants a place on a chart of members. The participants will move on the chart every time they recruit more people into the "circle" or "club." And once the participant moves enough on the chart, they are "guaranteed" a large payout. Gifting schemes operate under a variety of names, as con artists that start these schemes are endlessly creative in their quest to con a lot of people out of a lot of money. Con artists also promise that payouts from these schemes are non-taxable "gifts." The IRS disagrees – any payout received from a cash gifting scheme is taxable income. In addition, participation in a cash gifting or other pyramid scheme is illegal in the State of Michigan. If you are approached to participate in a cash gifting scheme, notify your local police department or county sheriff's office.

**6. Promissory notes** are short-term debt instruments issued by little-known or sometimes non-existent companies that promise high returns - upwards of 15 percent monthly - with little or no risk. These notes are often sold to investors by independent life insurance agents.

**7. Internet fraud.** Scammers use the wide reach and supposed anonymity of the Internet to sell thinly traded stocks, bogus offshore "prime bank" investments, and pyramid schemes. Investors should ignore anonymous financial advice on the Internet and in chat rooms.

**8. Payphone and ATM sales.** Investors leased payphones for between \$5,000 and \$7,000 and were promised annual returns of up to 15 percent. The largest of these investments appeared to be nothing but Ponzi schemes.

**9. "Callable" CDs.** These higher-yielding certificates of deposit won't mature for 10 to 20 years, unless the bank, not the investor, "calls," or redeems, them. Redeeming the CD early may result in large losses – upward of 25 percent of the original investment. Regulators say sellers of callable CDs often don't adequately disclose the risks and restrictions.

**10. Viatical settlements.** Originated as a way to help the gravely ill pay their bills, these interests in the death benefits of terminally ill patients are always risky and sometimes fraudulent. In a legitimate investment, the insured is paid a percentage of the death benefit in cash in exchange for the investor getting a share of the death benefit when the insured dies. Because of uncertainties predicting when someone will die, these investments are extremely speculative. In a more recent twist, "senior settlements" – interests in the death benefits of healthy older people – are now being offered to investors.

**11. Prime bank schemes.** Scammers promise investors triple-digit returns through access to the investment portfolios of the world's elite banks. Purveyors of these schemes often target conspiracy theorists, promising access to the "secret" investments used by the Rothschilds or Saudi royalty. The investment may sound good when they tell you it's guaranteed to reap large financial rewards. However, be suspicious when the offer is said to be limited to only a few people and is only good for an immediate response.

## Investment Fraud

*Hassan's insurance agent told him about a unique investment opportunity – nine-month promissory notes that would yield an 18 percent annual rate of return. The notes were supposed to be secured by automobile titles. Hassan agreed to invest \$20,000. When it was time for the note to mature, Hassan found out that all the money was gone. The agent had used the money for his personal expenses and to pay back other investors. It turned out that the agent was not even registered to sell securities.*

Seniors are the primary target of investment con artists. A fast-talking “financial advisor” can swindle an unsuspecting investor out of his or her life savings in a few minutes.

**Beware of strangers touting strange deals.** Trusting strangers is a mistake anyone can make when it comes to their personal finances. Almost anyone can sound nice or honest on the telephone. Say “no” to any investment professional who presses you to make an immediate decision, giving you no opportunity to check out the salesperson, or firm, and the investment opportunity itself. Beware of anyone who suggests investing your money into something you don’t understand or who urges that you leave everything in his or her hands.

**Do not feel indebted to someone who gives you “unsolicited” financial advice.** This person may be trying to gain your trust so he or she can earn fees and commissions by investing your money, sometimes in unsuitable investments. If an investment sounds “too good to be true,” it probably is. Some unscrupulous companies try to entice investors with promises of returns as high as 25%, 50%, or even 500%. Such claims are usually fraudulent. All investments involve risk. Con artists know that you worry about either outliving your savings or seeing all of your financial resources vanish overnight as the result of a catastrophic event, such as costly hospitalization.

**Take your time - don’t be rushed into investment decisions.** Salespersons who use high-pressure tactics to force an investor into an immediate decision are almost always pitching frauds. They don’t want you to think too carefully or find out too much because you may figure out that it’s a scam.

- Ask how, and by whom, the investment advisor is being paid in connection with the services or products being offered.
- Insist on receiving a prospectus or printed offering materials. **READ THEM.** Any investment worth making will still be available after you have had time to read about it.
- Don’t believe the age-old lie that you will lose money if you don’t get in right away. The truth about such claims almost always turns out to be that you will lose money if you do get in.

- If you have questions, ask your attorney, accountant, and financial adviser to explain the investment.
  - The death or hospitalization of a spouse has many sad consequences - financial fraud shouldn't be one of them. If you find yourself suddenly in charge of your own finances, get the facts before you make any decisions.

**Don't throw good money after bad.** Beware of “reload” scams. Con artists know the panic people feel after a sudden financial loss. They know that it's the best time to promise to recover the original funds in another “sure thing” scheme. Don't fall for the same (or a similar) scheme twice.

**Check out your broker or adviser.** Confirm that your broker and financial adviser is registered and in good standing. Contact the Office of Financial and Insurance Regulation, at 1-877-999-6442, to check out your broker or advisor.

**Keep tabs on your investments.**

- Be wary when a financial planner says “leave everything to me,” or “the plan is too complicated to tell you.” Everything should be clear and explainable to you.
- Monitor the activity on your account. Insist on receiving regular statements.
- Never be embarrassed or apologetic about asking questions for trading activity that looks excessive or unauthorized. It's your money, not your broker's.
- Keep all of your records relating to your investments, including notes of conversations you have with brokers, salespeople, financial advisers, and the like.
- Don't compound the mistake of trusting an unscrupulous investment professional by failing to keep an eye on the progress of your investment. Insist on regular written reports. Look for signs of excessive or unauthorized trading of your funds.

**Don't be afraid to complain.** If your broker or advisor stalls or hesitates when you want all or part of the principal of, or profits from, your investment, ask the reason for the holdup. You may have uncovered a questionable practice.

If you suspect that something is wrong and the explanations you receive are not satisfactory, call the Office of Financial and Insurance Regulation at 1-877-999-6442 and file a complaint. Don't let embarrassment or fear keep you from reporting investment fraud or abuse.

**Don't agree to invest with someone just because you share the same religious, cultural or ethnic background.** Unfortunately, con artists will use any means to gain a victim's trust. This includes exploiting a common background. Many investors think that because they met a potential advisor in a church or temple, or at a cultural organization, the advisor must be trustworthy and have their best interests in mind. Con artists then use this trust to steal their clients' money. Don't trust someone with your money just because you have a similar

background. Ask the same questions and demand the same information that you would from any other advisor.

## Financial Exploitation

*Jasmine, who was becoming frail, allowed a woman to move into a room in her home in exchange for some help with light errands. Several months later, Jasmin's daughter discovered that the woman had stolen thousands of dollars from Jasmin's bank account using her ATM card. The woman had also had taken Jasmin to a lawyer and obtained "power of attorney" for herself.*

Financial exploitation is the misuse of someone else's money, without their consent. Many people are swindled by people they know – caregivers, neighbors, even relatives.

Examples of financial exploitation include: threatening someone into giving away money; tricking a person with a memory problem into turning over money; forging signatures on checks or withdrawal slips; making unauthorized withdrawals from bank accounts; charging excessive fees for rent or caregiver services; and committing person-to-person, mail, or telephone fraud scams.

### **What you can do to protect your money:**

- Put all financial instructions in writing. This protects you and reduces the likelihood of misunderstandings. Keep records of all transactions.
- Understand any lifelong care agreements you are entering into. Document the agreement and specify the compensation, if there is any, to be paid to the caregiver.
- Ask someone to review your financial agreements. Your attorney, accountant, or a bank employee can detect changes in your financial activity that may signal a problem. You can also ask a trusted friend or relative to review your monthly statements.
- Be cautious of joint accounts. Both parties are equal owners of the account and both have equal access to the money.
- Before you assign a power of attorney, be sure you understand the authority you are giving to your agent. Know the person to whom you are giving this authority. Write in the agreement whether the agent will be paid or not, and if so, how much.
- Ask a bank employee, a trusted family member, or a social worker or other professional for help when you are unsure about financial matters.
- Stay connected to your community. Social isolation increases your risk of becoming a victim of abuse. Find out about community programs or social activities in your neighborhood.

***Other tips to help you protect your money:***

- Use a direct deposit service for your checks.
- Don't sign blank checks allowing another person to fill in the amount.
- Don't leave money or valuables in plain view.
- Don't sign anything you don't understand.
- Cancel your ATM card if you don't use it.
- Don't give anyone your ATM PIN.
- Check your financial statements promptly and carefully for unauthorized withdrawals.
- Build good relationships with the professionals who handle your money.
- Don't give any account number to a stranger.

## Home Equity Fraud

*Aaliyah received a call from a lender who asked if she'd like to refinance her mortgage and get extra money to pay off debts, travel, or buy a new car. Aaliyah agreed. The lender called again a few months later and persuaded her to refinance again. This happened three times. Soon, almost all of Aaliyah's equity was gone, and she was having trouble keeping up with the monthly payments.*

Seniors often have limited incomes but have built up substantial equity in their homes. That can make them a target of unscrupulous home equity lenders. Some of these lenders promise to refinance your mortgage or give you a home equity loan without disclosing hidden fees and terms. If you can't keep up with the payments, you could lose your home.

### **Some of the fraudulent lending practices to look out for are:**

**Repeated refinancing.** A lender calls and says it's time your home equity started working for you. He says you can get extra money to pay off debts or take a vacation. You agree to refinance. Some months later, the lender calls again and offers you another refinancing deal. The lender charges you high points and fees each time you refinance. With each refinancing, you've increased your debt.

**Hidden loan terms, such as a balloon payment.** The new loan may require payments that only pay the interest each month. At the end of the loan term, the entire principal is due in one lump sum (a balloon payment). If you can't make that payment, you face foreclosure.

**Credit insurance or other charges "packed" into the mortgage.** At closing, the lender may try to include a charge for credit insurance or other "benefits" you did not ask for and don't need, and hope you won't notice when you sign the papers.

**Signing over your deed.** If you are having trouble paying your mortgage and the lender has threatened foreclosure, you may feel desperate. Another "lender" may contact you with an offer to help you find new financing. Before he can help you, he asks you to deed your property to him, claiming it's a temporary measure to prevent foreclosure. Once the lender has the deed to your property, he may borrow against it, sell it to someone else or evict you.

- Don't sign any document you haven't read or that has blank spaces to be filled in after you sign.
- Read over your documents carefully and look for any hidden charges, or charges that you know should not be included. If you see a charge for something you know should not be included, ask that it be removed. If the company refuses to remove the charge, don't sign the documents.
- Don't deed your property to anyone without first consulting an attorney, a knowledgeable family member, or someone else you trust.

- Always read contracts carefully. Talk them over with someone you trust, such as a knowledgeable family member or an attorney.

For more information about home equity loans and home equity fraud, see the American Association of Retired Person's website at [www.aarp.org](http://www.aarp.org).

**Remember:** Make monthly mortgage payments only to your lender or servicer. No matter how good it sounds, don't let another person make mortgage payments for you.

Call the Office of Financial and Insurance Regulation at 1-877-999-6442 to check if a loan company is a licensed financial lender or if you think you are a victim of home equity fraud.

## Predatory Lending

Predatory lenders look for people with financial problems who are looking to buy a home, refinance a mortgage, obtain a home equity loan, or save a home from being foreclosed. They blame their outrageous interest and fees on the consumer's shaky credit and take advantage of the consumer's lack of financial knowledge.

### Some red flags to look out for:

- The lender tries to hide high closing costs and fees such as loan origination, underwriting fees, broker fees, and transaction/closing costs. The interest rate should not be well above the market average.
- Monthly payments are small, but a large sum is scheduled at the end. This is a common way for lenders to ensure the consumer will have to apply for another high interest loan.
- The lender pressures the consumer to take out a loan for more than the property value. This sort of loan puts both the consumer and his or her financial record at great risk.
- There is a large penalty for paying off loans early. This pre-payment penalty makes it difficult for the consumer to refinance to a lower and better interest rate.

### Steps you can take to protect yourself:

- Review every document carefully. Do not feel shy to ask for documents in advance to ensure plenty of reading time. Never sign mortgage documents with blank spaces remaining. Most terms such as interest rate, choice of fixed or variable interest, loan length, and pre-payment penalties are negotiable.
- Shop around and compare loan offers. Remember, do not focus just on monthly payments but on all terms such as contract length and how much you're borrowing.

**Remember:** Call the Office of Financial and Insurance Regulation at 1-877-999-6442 to check if a loan company is a licensed financial lender or to complain about predatory lending.

### 3. Health Scams

#### Home Medical Equipment Scams

*Jose was having problems climbing the stairs in his house, so he called a company that advertised it sold stairlifts. A salesman came to his house and promised to install the stairlift within two weeks, and took a payment of \$2,000 from Jose. However, months passed and the company didn't deliver the stairlift, but kept coming up with excuses. Jose finally sued and got some of his money back.*

There are many reputable and reliable home medical equipment suppliers, but unfortunately there are also those that charge for equipment they never deliver or sell seniors expensive equipment they don't really need. They sometimes imply or promise that Medicare will pay for the equipment when that may not be true, and the senior is stuck with expensive bills. Some examples of tactics the salespeople use are staying in your home for a lengthy period of time, preventing you from asking others' advice, and setting up equipment that is hard to move.

#### **Before buying home medical equipment:**

- Get advice from your doctor, hospital discharge planner, or physical therapist, NOT from a salesperson. They know what your needs are better than a salesperson, and they can likely direct you to honest, reputable sellers of home equipment.
- Check the company's reputation with your health care specialist. Call the Attorney General's Consumer Protection Division at 1-877-765-8388 to see if complaints have been filed against the company.
- Be suspicious if the company does not have a store, showroom, or office you can visit.
- Consult your proper medical authorities to verify when equipment is lauded as a "breakthrough" answer to a common ailment.
- Beware of companies that promote themselves as representatives of Medicare, or send literature having Medicare emblems, leading you to believe Medicare endorses their product or service. Medicare does not solicit by telephone or mail and does not authorize anyone to do so. Medicare does not supply equipment, recommend specific suppliers, or provide beneficiary names to suppliers.
- If the medical equipment is something that needs to be installed in the home, call the Bureau of Commercial Services at 1-517-373-8376, to see if the company is licensed.

## **The Michigan Wheelchair Law**

If you buy or lease a wheelchair, you are protected by the Michigan Wheelchair Law, MCL 445.1081. This law requires the manufacturer of a wheelchair to give the consumer an express warranty, covering everything except the wheelchair's tires and batteries (if applicable) for at least one year for new wheelchairs or 60 days for used, refurbished, or reconditioned wheelchairs. If you report a problem with the wheelchair within that year, the manufacturer must pay to fix the problem, replace the wheelchair, or give you a refund.

## **Miracle Cures**

*Several Michigan consumers who had life-threatening illnesses bought a product that was marketed as a “miracle cure” in radio commercials and on the Internet. The treatments cost thousands of dollars and did not appear to help anyone.*

According to the Federal Trade Commission, consumers waste billions of dollars on unproven, sometimes useless health care treatments. As a group, older people have more chronic illnesses than younger people and they are more often targets for fraud. Unfortunately, the “cure” is often useless. The victims who fall prey to the scam waste their money, endure painful treatments, and may even forgo traditional medicine that might be able to help them. They can also hinder senior citizens from pursuing valid and needed medical treatments in a timely fashion.

***Be skeptical if a product is advertised with these kinds of claims:***

- It's a “scientific breakthrough” or has a new, secret ingredient that can cure a wide range of ailments;
- The promoter claims the medical establishment or the government has a conspiracy to suppress the product;
- The promoter uses “testimonials” from people who say they experienced amazing results using the product;
- “Natural” or “herbal” does not equal “safe.” Many herbal ingredients are toxic in certain doses, cause allergic reactions, or react with prescription or over-the-counter medications.

If you have a serious illness or condition, the best advice is to always see a doctor. Discuss any products you are considering taking with your doctor. Be suspicious of taking health advice from an advertisement or stranger.

### **For more information:**

Because there is no cure for arthritis, there are many false arthritis cures and remedies. The Arthritis Foundation says that arthritis should be monitored by a doctor because the condition can worsen if it is not properly treated. For a free brochure about unproven remedies, call the Arthritis Foundation toll-free at 1-800-283-7800.

In addition, the Federal Trade Commission (FTC) has created a website which provides helpful information on health care products and services. The website also includes information about common health care-related scams, including Medicare and Medicare Part D Scams, miracle cures, and prescription assistance programs. For more information, please visit the FTC's "**Who Cares?**" website, at [www.ftc.gov/whocares](http://www.ftc.gov/whocares).

#### 4. Wise Charitable Giving

*Esther received a phone call from a charity that had a name similar to a national cystic fibrosis organization. Touched by the thought of helping children, she agreed to make a donation. Later, she saw a news report that the organization was not the charity she thought it was, but a scam operation.*

The generosity of seniors makes them a favorite target of charity scams. To make the best use of your charitable dollars, always follow these rules:

- Never agree to give money over the phone. Never give credit card or other personal information to a telephone solicitor. If the charity is unfamiliar, ask the caller to send written information about the charity and its work, and read it before making your decision. If someone asking for your donation won't agree give you information until after you have contributed, don't contribute - you should never have to make a pledge to have more information sent to you.
- Call the Michigan Attorney General's Office, Charitable Trust Section at 1-517-373-1152, or visit the Attorney General's website at [www.michigan.gov/agcharities](http://www.michigan.gov/agcharities) to find out if the charity is registered in Michigan, as required. Because not all charities are required to be registered, call our office if the organization is not listed.
- The Attorney General's Charitable Trust Section can tell you what percentage of your donation is used for the organization's charitable mission. While most charities pay outside companies to solicit donations over the phone, in person, or by mail, a few charities permit professional fund-raisers to keep a substantial portion of donors' money – as much as 90% of donations – as their fee. Investigate before you give!

Remember to **BEWARE** when you are asked to donate to a charity and encounter any of these warning signs:

**Bills or invoices sent to you even though you never pledged money to the organization.**

**Evasive, vague, or unresponsive answers to specific questions about the charity and how money is used.**

**Words making up a charity's name that closely resemble a more well-known charity.**

**Allowing no time to reconsider your pledge; they insist on collecting your donation immediately.**

**Refusal to answer questions about where your money will go, refusal to send information about the charity, or refusal to provide a receipt.**

**Emotional appeals and high-pressure tactics to get you to make a quick decision or feel guilty about not contributing.**

## 5. Estate Planning

### Pre-Need Burial and Funeral Contracts

*Jamal told his daughter that he had pre-paid for his funeral and his burial and the contracts would take care of everything. When he died, however, his daughter found out that neither contract paid for interment, which cost an additional \$795 for the grave site alone.*

Many people today choose to plan ahead for funerals and other final arrangements, making informed decisions in advance about burial and cremation and memorials. Many also put aside the funds to pay for these arrangements in a variety of fiscal instruments - trusts, insurance, and other accounts.

But more and more Michigan consumers, especially the elderly, are receiving direct mail and telemarketing calls from sellers of pre-need funeral goods - cemetery lots, urns, and caskets - and are pressed to pay in advance for goods and services they may not need or use in the future.

[Michigan's Prepaid Funeral Contract Funding Act](#) permits anyone to sell funeral goods and services on a pre-arranged basis, as long as they register as a seller with the State of Michigan. The providers of these goods and services are not all the same. For instance, funeral directors in Michigan are tested, regulated, and inspected by the state. Pre-need sellers do not have to be similarly licensed. If you decide you would like to pay in advance for funeral goods and services, make sure your money is safe and will be there when the need arises. Laws safeguarding your money may vary based upon the funeral goods or services being sold.

Consumers are encouraged by the Attorney General's office to obtain a written explanation of exactly how their money is protected in each transaction, and importantly, whether the pre-need contract is guaranteed, revocable, refundable, transferable, and portable.

The Attorney General's Office, the Federal Trade Commission, AARP, ABC News, and Consumer Reports have each done recent investigations into the sale of funeral goods and services. Consumers are entitled to good information upon which to base sensible decisions about funerals before or when the need arises. But they should not be pressured to pay in advance for merchandise or services they may not need. Nor should they be targeted for high-pressure marketing and sales schemes. The Federal Trade Commission's publication "*Funerals: A Consumer Guide*" details the requirements of federal law and provides a more comprehensive overview. The publication is available from the FTC by calling 1-877-382-4357; TDD: 1-202-326-2502 or online at: [www.ftc.gov](http://www.ftc.gov).

Before signing any pre-need contract or paying for anything in advance, consumers should consider the following questions:

- What are you are paying for? Are you buying only merchandise, like a casket and vault, or are you purchasing funeral services as well? Who will eventually provide the services

and merchandise you are purchasing?

- Who are you dealing with? A licensed funeral director? A cemetery salesperson? A commissioned pre-need seller? Who owns the firm? How long have they been in business?
- What happens to the money you've prepaid?
- What happens to the interest income on money that is prepaid and put into a trust account?
- Are you protected if the firm you dealt with goes out of business?
- Can you cancel the contract and get a full refund if you change your mind?
- What happens if you move to a different area or die while away from home? Some prepaid funeral plans can be transferred, but often at an added cost.
- Are these arrangements portable, transferable, and refundable without penalty?
- Have you consulted your family, your religious, spiritual, and financial advisors?
- Are you feeling “pressured” or hurried to make these arrangements or buy something before you really need it? If so, by whom?

**Another resource you may wish to contact includes:**

AARP Fulfillment  
601 E Street, NW  
Washington, DC 20049  
1-800-424-3410  
[www.aarp.org](http://www.aarp.org)

AARP is a nonprofit, nonpartisan organization dedicated to helping older Americans achieve lives of independence, dignity and purpose. Its publication, "Preplanning Your Funeral Arrangements," is available free online or by contacting **AARP**.

## Living Trusts

*Victoria went to a seminar on living trusts. The speaker said a living trust was a way to avoid the high cost of probate, which he said would eat up a third of her estate. She paid \$1,500 for a living trust package. However, she did not understand that she had to personally transfer all of her property to the trust. She missed doing the paperwork on some items, so when she died her estate had to go through probate anyway. As it turned out, the probate fee was only \$500.*

In recent years, for-profit companies have aggressively promoted the sale of living trusts to seniors. They play on people's fears and misconceptions about probate and estate taxes, and promote living trusts as a suitable estate-planning tool for everyone. Probate is a legal process that oversees the transfer of property from a deceased person's estate to the beneficiaries. However, a living trust is NOT suitable for everyone's situation and living trust packages marketed at seminars, by postcard, and on the Internet are usually a waste of money. A living trust lets you direct how property you place in the trust will be distributed after your death. It allows your trust property to pass to your beneficiaries without going through the probate process. Living trusts can be useful if a person owns real estate in more than one state, anticipates that his or her will might be contested, or wants to have someone else manage his or her current assets. However, living trusts are not the best estate planning choice for most people in most circumstances.

Also, living trusts marketed by salespeople may use pre-packaged forms that are not tailored to the consumer's individual circumstances, and may not comply with Michigan laws and regulations. These salespeople often:

- Greatly exaggerate the cost and delay of probating a will. In fact, Michigan's probate process is relatively uncomplicated. Michigan has a streamlined procedure for small estates, and permits a less burdensome probate administration when the beneficiaries consist only of the decedent's spouse, children, or a personal representative.
- Falsely claim that a living trust will cost less than probate. In Michigan, probate fees are modest.
- Sell trust documents that are not drafted by attorneys or are written by attorneys who are not licensed in the consumer's state.
- Do not tell consumers that they must transfer all of their assets to the trust, or the estate will have to go through probate anyway.

The bottom line? A subject as important as estate planning should be discussed with professional counsel, not with a salesperson. Don't buy a living trust package that may not be valid and may be just a waste of money. To determine if a living trust is right for you, consult an attorney who is admitted to practice law in Michigan and who specializes in estates and trusts.

***For more information:***

The American Association of Retired Persons (AARP) offers the publication, “*A Consumer’s Guide to Living Trusts and Wills.*” See the AARP website at [www.aarp.org](http://www.aarp.org).

The Legal Hotline for Michigan Seniors provides free legal advice to any Michigan resident age 60 or older. To reach the Legal Hotline for Michigan Seniors, call 1-800-347-5297.

## 6. Identity Theft

### ID Theft – Tips to Reduce Your Risk

*Ichiro received a phone call from an auto finance company that said it was going to repossess his truck. Ichiro did not own a truck. He found out that someone using his name and Social Security number had applied for a car loan and had never made the payments. He also found out this same stranger had opened up two credit accounts in Ichiro's name and charged thousands of dollars.*

When someone else uses your name, Social Security number, bank account number, credit card number, or any other personal identifying information to commit fraud, it's called identity theft. The imposter may open credit accounts, get a driver's license, or rent an apartment in your name, and wreak havoc with your finances. An identity thief may even rack up criminal charges or declare bankruptcy in your name.

You should suspect identity theft if: you receive a letter from a bank or creditor confirming your recent change of address—and you haven't moved; you receive a call or letter stating that you have been approved or denied credit for which you never applied; or a collection agency says it is trying to collect on an account that you didn't open.

#### **To reduce your vulnerability of becoming a victim of identity theft:**

- Don't give personal information over the phone, through the mail, or on the Internet unless you've initiated the contact. Thieves lie to trick you into disclosing information. Don't hesitate to end the communication and if necessary follow-up at a number or address you know to be accurate (i.e., the number you find in the phone book or on your billing statement).
- Treat your mail and trash carefully. Place outgoing mail in a secure collection box and promptly remove mail from your mailbox.
- Tear or shred private records including charge receipts, credit applications, insurance forms, physician statements, checks and bank statements, expired charge cards that you're discarding, and credit offers. Also shred anything that has your Social Security number or an account number.
- Stop mail credit offers by calling toll-free 1-888-567-8688 or visiting [www.optoutprescreen.com](http://www.optoutprescreen.com). You will be asked to provide your Social Security number so the consumer reporting companies can match your request with your file. These systems are automated, so you won't be able to speak to an operator when you call.
- Carefully and promptly review statements and bills for unauthorized charges or fraudulent use. Make a written report of any problems.
- Don't carry your Social Security card or number; instead leave it in a secure place.

- Don't leave personal information where others can see it, particularly if you have roommates, employ outside help, or are having work done in your home.
- If you need to order check refills, instead of having your checks mailed to you, pick them up at your bank or credit union.
- Limit the information on personal checks. Your middle name, phone number, Social Security number and driver's license number do not have to be on your checks.
- Keep a secure master list or photocopies of all important identification and account numbers – driver's license, Social Security card, credit cards, bank and utility account numbers, expiration dates, and the phone numbers of the customer service fraud departments of your card issuers. Keep in a safe place - but not your purse, wallet, or a car – so that you can respond quickly in case your identification is lost or stolen.
- Check your credit reports every four months. Use the form attached at Appendix A if you wish to do so by mail. You may also order reports by phone at 1-877-322-8228, or online at [www.annualcreditreport.com](http://www.annualcreditreport.com). You are entitled to one free report from each of the three credit reporting agencies each year. Remember to request that only the last four digits of your Social Security number appear on your report.
- If you do not think you will need to apply for credit in the near future, you may also wish to consider adding a "security freeze" to your credit reports. A "security freeze" essentially locks, or freezes, your credit reports – that means that potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. For more information on how to place security freezes on your credit reports, please see the Attorney General's consumer alert entitled "*Security Freeze Information for Michigan Consumers*," available at [www.michigan.gov/ag](http://www.michigan.gov/ag).

If you discover that someone is using your identity fraudulently, immediately report it to one of the consumer reporting companies: Equifax: 1-800-846-5279; Experian 1-888-397-3742; or TransUnion: 1-800-680-7289. The company you call is required to contact the other two companies. Also close the accounts that have been tampered with or opened fraudulently, and file a report with your local police. These and other steps are detailed in the Federal Trade Commission's publication, "*Take Charge: Fighting Back Against Identity Theft*" available at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).

### **How to Reduce Telemarketing Calls and Junk Mail**

Tired of annoying telemarketing calls and junk mail filling your mailbox? Take the following steps to reduce your interruptions.

#### **To reduce telemarketing calls:**

- The Federal Trade Commission (FTC) has made it easier for consumers to block telemarketers with the National Do Not Call Registry. This program allows consumers to register their phone numbers and be placed on a national list of numbers that telemarketing companies are not allowed to call. To register by phone, call 1-888-382-1222, or online at [www.donotcall.gov](http://www.donotcall.gov). Consumers DO NOT need to reregister their phone numbers – registrations will not expire. If a company tries to contact you after the initial 31 day registration period, consumers may file a complaint at 1-888-382-1222.
- When you get a telemarketing call, simply say “Put me on your ‘do not call’ list.” The federal Telephone Consumer Protection Act of 1991 requires companies to keep this list. Your request must be honored for five years.
- Get an unlisted number.

### **To reduce junk mail:**

- Register with the Direct Marketing Association’s Mail Preference Service to get off many national mailing lists. Register online ([www.dmachoice.org](http://www.dmachoice.org)) or complete the form in Appendix A and send it along with \$1 check or money order payable to the DMA (instructions included on form). Your registration is good for three years.
- Tell the credit reporting agencies that you don’t want to receive pre-approved offers of credit. Those credit card offers that come in the mail are from companies who get your name and address from one of the credit reporting agencies. Call toll-free: 1-888-567-8688. You may also visit [www.optoutprescreen.com](http://www.optoutprescreen.com). You may choose to opt out for five years, or permanently. You can also call the same number or visit the same website to opt back in.
- Tell magazines to which you subscribe, and charities to which you donate, that you don’t want them to share your name with other businesses or charities. Request the same from mail order companies.
- Read the privacy policies of your credit card companies and banks. The policies must give you an “opt-out” option, by which you can tell the bank not to share your personal information with other companies. The bank may still be allowed to share your information with its “affiliate” companies.
- Don’t enter sweepstakes and drawings. The main purpose of many contests is to compile mailing lists. If you enter one contest, you are likely to receive mailings from other contests.

### **More Help**

Get more ideas on how to stop junk mail and telemarketing by visiting [www.michigan.gov](http://www.michigan.gov)

Read more about your rights under the Telephone Customer Protection Act at the Federal Communications Commission website, [www.fcc.gov/cib/](http://www.fcc.gov/cib/).

For more information on how to avoid telemarketing fraud visit the Federal Trade Commission website, [www.ftc.gov](http://www.ftc.gov).

The FTC's Telemarketing Sales Rule helps protect you from abusive and deceptive telephone sales practices. The rule restricts calling times to the hours between 8 a.m. and 9 p.m., and puts other limits on telemarketers, too. For example:

- Telemarketers must tell you it's a sales call, the name of the seller, and what they're selling before they make their pitch.
- It's illegal for telemarketers to lie about their goods or services, earnings potential, profitability, risk or liquidity of an investment, or the nature of a prize in a prize-promotion scheme.
- Before you pay, telemarketers must tell you the total cost of the goods they're selling, any restrictions on receiving or using them, and if a sale is final or non-refundable. In a prize promotion, they must tell you the odds of winning, that no purchase or payment is necessary to win, and any restrictions or conditions on receiving the prize.
- It's illegal for a telemarketer to withdraw money from your checking account without your expressed, verifiable authorization.
- It's illegal for a telemarketer to call you if you have asked not to be called.

## 7. Michigan's New Scanner Law

### The 2011 Shopping Reform and Modernization Act

*After putting the groceries in the trunk of her car, Marianna sat down in the driver's seat to take a closer look at the sales receipt. She noticed that she paid 89 cents each for two cans of corn instead of the sale price of 69 cents. She distinctly recalls seeing the shelf tag that displayed 69 cents. Marianna went back into the store and at the service desk received a refund of 20 cents on each can of corn, AND she got an additional amount of ten times the difference on one can of corn. The total she received was \$2.40.*

Effective September 1, 2011, Michigan's Item Pricing Act was replaced by the Shopping Reform and Modernization Act ("Scanner Law"). While the new Scanner Law retains many provisions of the former Pricing and Advertising of Consumer Items Act ("Item Pricing Act"), the most fundamental change is that retailers are required to display the price of items offered for sale in the store at the place where the item is located, but are no longer required to individually mark the price on the item itself.

**Mandatory item pricing has been replaced by some form of price display.** Items on store shelves are no longer required to have individual price tags on them. Instead, prices of items in a store must be "displayed", which can be by a shelf sign, electronic reader, individual price tag, or any other method that:

- (1) **clearly and reasonably** shows the price of the item on the shelf to consumers when in the store;
- (2) **at the place where the item is located.**

The same small list of items that were exempt from item pricing under the old law are still exempt from the new price display requirement (items sold in vending machines, live plants, unpackaged food, motor vehicle parts, animals, and others).

**What is a clear and reasonable price display?** The new law does not define or state how a price must be displayed to satisfy the requirement that it "clearly and reasonably" conveys price information. The only express mandate in the new law relates to placement: the price must be clearly conveyed to a consumer in the store at the place where the item is located. A common sense meaning of "clearly and reasonably" would require the price to be displayed in such size, color, contrast, and location that a reasonable person would readily notice and understand.

Report a store's failure to properly display the price of an item by contacting:

The Department of Agriculture and Rural Development  
Weights & Measures Section  
940 Venture Lane  
Williamston, MI 48895  
Phone: 1-517-655-8202

If the price of an item on the shelf is not apparent to you, it probably isn't apparent to other shoppers either.

The Department of Agriculture and Rural Development is responsible for investigating whether the store has violated the law by failing to properly display prices. Violations of the law are punishable by a fine of not more than \$1,000 for the first violation, and \$5,000 for the second and any subsequent violation. The Attorney General has enforcement authority to file a lawsuit against a seller for violations of the law.

The new law provides for penalties in the same manner as the old law. **If an automatic checkout system (scanner) charges you more than the displayed price of an item, and:**

- 1) the transaction has been completed, and
- 2) you have a receipt indicating the item purchased and the price charged for it.

**Then:**

You must notify the seller that you were overcharged, within 30 days of the transaction, either in person or in writing. Within two days of receiving your notice, the seller may choose to refund you the difference between the amount charged and the price displayed plus a "bonus" of ten times the difference, with a minimum of \$1.00 and a maximum of \$5.00. If the seller refuses to give you both the refund and the bonus, you may bring a lawsuit to recover your actual damages or \$250.00, whichever is greater, plus reasonable attorney fees up to \$300.00. If you purchase several identical items at once and were overcharged on each, you may collect the bonus only once, but you are entitled to the refund of the difference for each identical item.

Additional information regarding the law is available in the Attorney General's consumer alert "Michigan's New Scanner Law, the 2011 Shopping Reform and Modernization Act." The alert and a wallet size "Scanner Error Bill of Rights" card are available on the Attorney General's website ([www.michigan.gov/ag](http://www.michigan.gov/ag)) or by calling the Consumer Protection Division, 1-877-765-8388.

## **Helpful Resources**

**Consumer Protection Division, Michigan Attorney General's Office** website:

[www.michigan.gov/ag](http://www.michigan.gov/ag)

### ***General consumer complaints:***

To file a complaint against a business or to check a business's complaint history

8:30 a.m. to 4:30 p.m., Monday-Friday

1-517-373-1140

Toll-free: 1-877-765-8388

Fax: 1-517-241-3771

### ***Other Locations:***

#### **Franchise Section, Consumer Protection Division, Michigan Attorney General's Office**

To inquire into sellers of franchises, business opportunities, or multi-level marketing programs.

1-517-373-7117

Toll-free: 1-877-765-8388

#### **Charitable Trust Section, Consumer Protection Division, Michigan Attorney General's Office**

To inquire into a charitable organization's registration in Michigan.

1-517-373-1152

Toll-free: 1-877-765-8388

#### **Office of Financial and Insurance Regulation, Department of Licensing and Regulatory Affairs**

To inquire into lenders and sellers of securities, or for questions about mortgages and mortgage lenders.

1-517-373-0220

Toll-free: 1-877-999-6442

[www.michigan.gov/ofir](http://www.michigan.gov/ofir)

#### **Legal Hotline for Michigan Seniors**

To get legal advice over the phone, for Michigan consumers over the age of 60.

Toll-free: 1-800-347-5297

## Free Annual Credit Reports – Order Yours Today

You have the right to get a free copy of your credit file disclosure, commonly called a credit report, once every 12 months, from each of the nationwide consumer credit reporting companies – Equifax, Experian and TransUnion. To maximize your protection against fraudulent activity, order one report from a different credit reporting company every fourth month.

Order your free credit report any one of three ways:

- **By Mail**  
Complete the Annual Credit Report Request Form available online at the only truly free credit report website:  
<https://www.annualcreditreport.com/cra/requestformfinal.pdf>.
- **By Telephone**  
Call 1-877-322-8228 (toll free).
- **Online**  
[www.annualcreditreport.com](http://www.annualcreditreport.com)  
**Caution:** Misspelling this site or using another site with similar words will take you to a site that will try and sell you something or collect your personal information.

These are the only ways to get free credit reports without any strings attached. The "free" credit reports advertised by other sources are not really free!

We recommend that when you order you request that no more than the last four digits of your Social Security number appear on copies of your credit report.

If you are a victim of identity theft, you are entitled to place a fraud alert on your file and to receive copies of your credit report from each of the three credit reporting companies free of charge, regardless whether you have previously ordered your free annual reports.



