

# Lodging Consumer Complaints

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At one time or another, almost all of us have suffered from a consumer purchase problem.

- A new car periodically makes a loud engine noise. Even though you have taken it to the repair shop three times, it still makes the noise.
- A freezer is not cold enough to keep ice cream frozen.
- You ordered a navy blue chair from sample floor models. The chair that is delivered several weeks later is aqua.
- You have heard nothing from a claim you turned in to your insurance agent three months ago.
- You order a book from a California firm through the mail for \$10.95. The check is cashed but the book never arrives.

## Start at the local level

The first step in resolving a consumer complaint is to contact the person who sold you the product or service. If that person does not have the authority to resolve the problem, ask to speak to someone who does have the authority. Often the manager or assistant manager can handle problems most efficiently at the local level.

Most problems can be solved at this level simply by communicating the problem clearly. Explain the problem fully and be firm:

- The freezer you delivered last Tuesday won't keep ice cream frozen.
- I selected a blue chair, yet an aqua chair was delivered. The color is unacceptable.

A calm, business-like approach tends to accomplish more than angry personal attacks directed at the individual with whom you are dealing. Have all supporting material such as sales slips and guarantees available.

Suggest an acceptable solution to the problem:

- I want the freezer repaired or replaced today to avoid having the food in the freezer spoil.
- The color of the chair is unacceptable. Please pick it up as soon as possible and refund my money or replace it with one the correct color.

## Letters

Some consumers may not feel comfortable communicating the problem in person to the retailer, or the retailer may be too far away to contact in person. In such cases, the consumer may be more persuasive and feel more comfortable sending a carefully constructed letter.

An effective letter of complaint should contain the following information:

- ✓ A complete description of the problem, product numbers and date of

purchase.

- ✓ A description of what happened at the local level if and when a complaint was made.
- ✓ A statement of what action you would consider reasonable to resolve the problem.
- ✓ The action intended if satisfactory redress is not obtained.
- ✓ A reasonable deadline for them to respond to your letter (3 weeks is reasonable).
- ✓ Instructions on how to contact you with a response.
- ✓ Copies of relevant documents (keep originals).
- ✓ Indication that copies of the letter are being sent to higher offices in the company and/or government offices (be sure to keep a copy for your files, too).

If you send the letter by certified mail with a return receipt requested, you will be able to prove the company received the letter. If the company receives the letter, does nothing to solve the problem, and claims no knowledge of it, this receipt could be helpful in court.

## What next?

The majority of consumer problems can be resolved at the local level with a store visit or letter. However, if commu-

nications break down or the problem is not resolved, you may want to consider continuing to seek satisfaction.

Weigh the cost of your time and energy pursuing the complaint against the loss resulting from an unsatisfactory product or service. Is it economically worth pursuing? Or, do you want to pursue the problem out of a sense of public responsibility to try and improve market practices? If your answer is yes to either question, there are a number of effective avenues you may want to consider.

### Contact the manufacturer

If redress has not been obtained from the retailer, the next step in making an effective consumer complaint is to inform the manufacturer of your dissatisfaction.

Many companies have established departments of consumer affairs and urge consumers to contact these departments if they have a problem or complaint. Some departments are staffed with personnel who are fully trained to handle complaints quickly and fairly.

However, more effective service can often be found by directly contacting the president of the company. It is the president's responsibility to ensure customer satisfaction with the company's products and services, and he or she is often appreciative of knowing about problems that have arisen.

The president is able to extend more than the usual restitution dictated by policy, if circumstances warrant such an exception.

You may wish to telephone the company president or consumer representative (if there is no toll-free number, consider calling collect) to initially explain the problem. Be sure to find out to whom you are speaking, and if that person cannot offer you satisfactory redress, ask the name and telephone number of the person within the compa-

ny who has that authority. Conduct all your future dealings with that person.

### Media assistance

Many newspapers and radio stations will help with consumer problems. There are several names for this type of service; many are called "Action Line" or "Call for Action."

Although these services are so popular that it is virtually impossible for them to handle every complaint, the settlement rate is generally good.

If you are interested in pursuing this route, contact local newspapers and radio stations to see if the service is offered.

Copies of all previous correspondence should be sent along with the request for assistance, which should also include a description of any personal contacts you had with the seller.

### Public remedies

There are a number of government offices in Missouri that may assist in resolving consumer complaints. When a consumer believes his or her complaint involves an illegal act on the part of a seller, then a government agency is a highly appropriate channel for seeking redress after an effort has been made to obtain satisfaction from the seller, either in person or by mail.

To act upon the complaint, the agency will need copies of all your previous correspondence with both the local retailer and the manufacturer.

The state agencies also may have their own forms that will need to be completed. You might also check with your local city or county attorney or prosecutor, Chamber of Commerce, or Better Business Bureaus. In some areas they will be of assistance in settling consumer complaints.

## State agencies

### Office of the Attorney General

The Office of the Attorney General handles complaints involving fraud, misrepresentation and deception in the sale or advertisement of goods or services. Also, it distributes information on such things as small claims court, auto repair and credit. Consumers who want to file a consumer complaint can fill out a complaint form or call the Consumer Protection Hotline at 1-800-392-8222.

**Mailing address:** Consumer Protection Division, P.O. Box 899, Jefferson City, MO 65102.

**Web address:**  
<http://www.ago.state.mo.us/conprot.htm>

**Office location:** 1700 Jefferson Street, Jefferson City, MO 65109; (573) 751-3321 or toll-free: 1-800-392-8222

### Other Missouri agencies

Other Missouri agencies that assist in consumer complaints not involving fraud:

#### Missouri Department of Insurance

For complaints against insurance companies, agents and/or brokers.

Missouri Department of Insurance, Truman Office Building, Room 830, P.O. Box 690 Jefferson City, MO 65102  
1-800-726-7390

<http://www.insurance.state.mo.us>

#### Missouri Division of Professional Registration

For complaints against licensed professionals.

Missouri Division of Professional Registration, 3605 Missouri Blvd., Suite 380, Jefferson City, MO 65102  
(573) 751-0293

<http://www.ecodev.state.mo.us/pr>

#### Missouri Public Service Commission (PSC)

Regulates all privately owned utilities in the state, including gas, electric, water, sewer and telephone. Does not

regulate municipal utilities, propane or electrical cooperatives.

Missouri Public Service Commission, Governor Office Building, 200 Madison Street, P.O. Box 360, Jefferson City, MO 65102

(573) 751-3234 (Consumer Services Department) or toll-free: 1-800-392-4211

#### Missouri Public Service Commission

Handles complaints on mobile homes manufactured after January 1974, and oversees construction standards for mobile homes.

Missouri Public Service Commission, Manufactured Housing and Modular Unit Program, P.O. Box 360, Jefferson City, MO 65102

Call toll-free: 1-800-819-3180

#### Missouri Division of Finance

Regulates state banks, state savings and loan associations and small loan companies. Enforces Missouri's usury laws. Handles complaints about collection agencies, credit bureaus, mortgage bankers/brokers.

Missouri Division of Finance, Harry S. Truman Building, Room 630, 301 W. High Street, P.O. Box 716, Jefferson City, MO 65101

(573) 751-3242

<http://www.ecodev.state.mo.us/finance>

#### Missouri Department of Economic Development

Regulates state credit unions.

Missouri Department of Economic Development, Division of Credit Unions, 2410-A Hyde Park Road, Jefferson City, MO 65102

(573) 751-3419

<http://www.ecodev.state.mo.us/cu>

#### Missouri Commission on Human Rights

Handles complaints concerning discrimination.

Missouri Commission on Human

Rights, 3315 West Truman Boulevard, P.O. Box 1129 Jefferson City, MO 65102-1129

(573) 751-3325

<http://www.dolir.state.mo.us/hr>

#### Office of the Lieutenant Governor

Office of the Lieutenant Governor serves in the capacity of state ombudsman directing consumers to the appropriate agency when they have complaints.

Office of the Lieutenant Governor, State Capitol Building, Room 121, Jefferson City, MO 65101

(573) 751-4727

<http://www.ltgov.state.mo.us>

#### Secretary of State

Secretary of State, State Information Center, 600 West Main Street, Jefferson, MO 65101

##### Securities and Investments:

1-800-721-7996. Handles complaints and inquiries concerning stockbrokers, broker-dealers and investors.

**General Inquiries:** (573) 751-4153.

Provides information on registration of corporations, fictitious names and benevolent organizations.

<http://www.sos.state.mo.us/securities>

#### Federal agencies

##### Federal Trade Commission

Notify if encountering deceptive trade practices.

Federal Trade Commission, Midwest Region, 55 E. Monroe Street, Suite 1860, Chicago, IL 60603-5701

1-877-FTC-HELP (382-4357)

<http://www.ftc.gov/ro/midwest.htm>

##### Food and Drug Administration

Notify if encountering problems with impure or unsafe foods, drugs or cosmetics, or questionable therapeutic devices.

Food and Drug Administration, 12 Sunnen Drive, Suite 122, St. Louis, MO 63143

(314) 645-1167, or:

Food and Drug Administration, 11630 W. 80th Street, Lenexa, KS 66214

(913) 752-2121

<http://www.fda.gov>

##### Consumer Product Safety Commission

Notify if encountering problems with dangerous or unsafe products.

U. S. Consumer Product Safety Commission, Central Regional Center, 2305 Dearborn Street, Room 2944, Chicago, IL 60604-1601

(312) 353-8260 or toll-free: 1-800-638-CPSC (national)

<http://www.cpsc.gov>

##### Federal Consumer Information Centers

The federal government has established federal information centers across the nation. You can call to ask questions about any federal program or agency. The federal consumer information centers can help you determine which federal agency has jurisdiction in specific areas.

<http://www.pueblo.gsa.gov>

Toll-free hotline: 1-800-688-9889.

#### Other remedies

##### Small claims court

The purpose of the Small Claims Court is to resolve disputes quickly, informally, and with little cost. You are limited to recovering \$3,000 plus court costs and interest in Small Claims Court. For a small filing fee (\$5-\$10), and a fee for serving papers to the defendant, the case is heard before a judge who will usually give an immediate judgment. It is not necessary to have an attorney present. For more details, contact the local circuit clerk. For more information on small claims court, see MU publication GH 3550, *Small Claims Court — How to File a Claim and Present Your Case*.

### Other legal redress

For the consumer with a complaint, the threat of lawsuit is all advantage, whereas an actual lawsuit tends to be all disadvantage.

One may file a civil suit against the retailer or manufacturer. Most consumers will find the cost to be a barrier. In consumer damage cases, generally the consumer pays for his or her own legal costs if he or she wins, and for both his or her own and the seller's costs if he or she loses.

### Better Business Bureau

The Better Business Bureau (BBB), supported by local business establishments, may also help with a complaint matter if no satisfaction has been obtained by the consumer at the local level. Complaints are processed by the BBB in the area of the country where a complaint is filed. In order for your complaint to be filed with the BBB officially, you must fill out a complaint form. The BBB system processes nearly 500,000 complaints each year. They are unable to process complaints submitted via e-mail or telephone.

You may call for information concerning the reputation of a particular business. There are three BBBs in Missouri. The one located nearest the seller should be contacted.

**Better Business Bureau of Greater Kansas City, Inc.**, 306 E. 12th Street, Suite 1024, Kansas City, MO 64106-2418

(816) 421-7800

[www.Kansascity.bbb.org](http://www.Kansascity.bbb.org)

**Better Business Bureau of East Missouri and South Illinois**, 12 Sun-

nen Drive, Suite 121, St. Louis, MO 63110-1400

(314) 645-3300

<http://www.stlouis.bbb.org>

**Better Business Bureau of Southwest Missouri, Inc.**, 205 Park Central East, Suite 509, Springfield, MO 65806-1326

(417) 862-4222

<http://www.springfield-mo.bbb.org>

### Industry associations

The past few years have seen a number of industry-sponsored associations with complaint-handling functions. The range of effectiveness varies from merely forwarding a complaint to the offending company to actually arbitrating an agreement between the company and the buyer. The associations will generally only accept those complaints consumers have first tried to resolve at the local level.

Consult your local library's reference section for names and addresses of these associations.

### Legislative protections

A number of federal consumer protection laws may help the consumer who is withholding payment. The following is a brief description of some of the rights and protections these laws afford.

#### Fair credit reporting

If the consumer withholds payment causing an unfavorable report to be entered into the individual's credit rating file, a statement by the consumer explaining the circumstances regarding the withheld payment can also be entered into the file. If a credit card company has made a billing error, the consumer may withhold payment for

the amount in dispute while the error is investigated.

#### Fair debt collection practices

This law regulates the types of activities in which a debt collection agency may engage, severely limiting the harassment techniques that might be used against consumers.

#### Defense against third-party creditors (Repeal of "Holder in Due Course" Doctrine)

If a consumer has a complaint against a retailer who has sold the installment credit contract to a third party (such as a bank), the consumer may withhold payment to the third party while the complaint is investigated.

#### Warranty protection

If a seller refuses to honor a product warranty, the consumer may be protected against a suit for withholding payment while the complaint is investigated.

#### Unordered merchandise

If a consumer receives unordered merchandise through the mail it is considered a gift and payment does not have to be made.

### Other helpful Web sites

University of Missouri Outreach and Extension, <http://missourifamilies.org>

University of Missouri Outreach and Extension publications: <http://muextension.missouri.edu/explore/hesguide/>

### References

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