



COLORADO LAW  
UNIVERSITY OF COLORADO LAW SCHOOL

# WELCOME

## *Schedule of Presentations:*

“Landlord/Tenant Bingo” – Liz Sullivan

What Consumers Need to Know about the new “Sharing Economy” – Otto Hanson

“Protecting your Parents, Grandparents, and Yourself from Telephone Scams” – Mike Havlik

“Online Safety for Consumers: Phishing Scams” – Glenn Sellers

“Colorado Consumer Protection Laws” J. Bryce Wilson

“Payday Loans and ‘Fringe Lending’” – Charlie Clark

“Debt Collections Practices: Your Rights with Debt Collectors” – Andy Marchant

“Debt Sucks: Helpful tools to get on track” – Sierra Moller

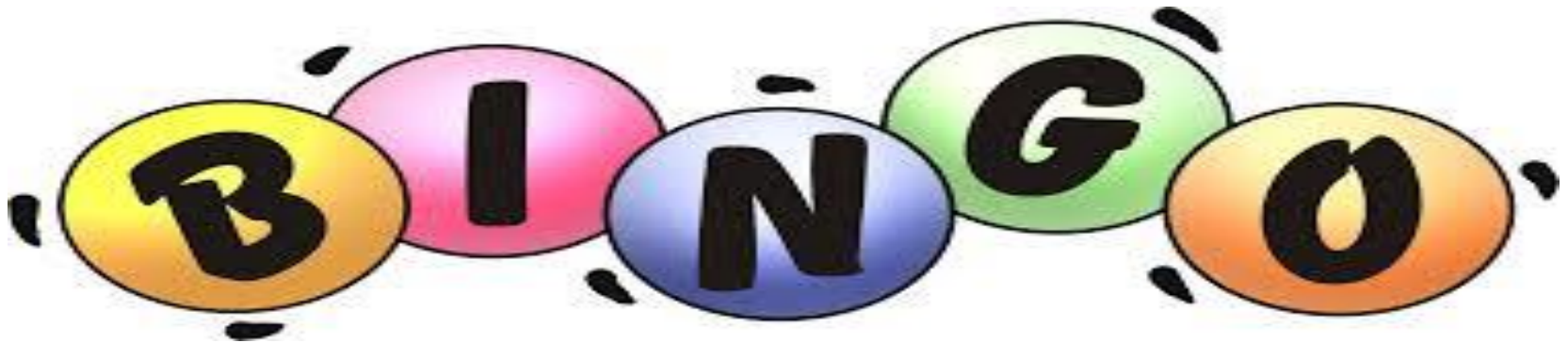
“Warranties on Consumer Goods” – Andre Kaiser

“Your Complaint Matters: Getting a Remedy after a Bad Experience” – Braden Johnson

“Bankruptcy Basics” -- Mike Richardson

# LANDLORD/TENANT

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# Entering a Lease





# Signing a Lease

If you sign a lease, you are bound by it. It does not matter whether or not you took the time to read it. Exception: Fraud

What are the important provisions to look for in a lease???



- Rent
- Lease Term
- Security Deposit, 
- Late Payments
- Pet Policy, 
- Lease Termination



# Joint & Several Liability

- If both tenants sign, both are responsible
- If one tenant doesn't pay rent, the other tenant is still liable for the full amount

Mark, Margaret, and Will live together. Mark causes \$1,000 of damage by driving his car through the garage door. Who can the landlord collect from?



All three tenants are responsible for paying damages.

# Solution: Roommate Agreement

- How much will each roommate pay?
- Who will be responsible for damages?
- Who will pay utilities?



**KEEP  
CALM  
AND**

**Stick to the  
roommate agreement**

# Renter Insurance

- Landlord is not responsible for damage to the tenant's personal property unless damage is caused by landlord's negligence
- The landlord's insurance covers building

What kinds of things could cause damage to the tenant's personal property? 



# The Landlord/Tenant Relationship Throughout the Life of the Lease





# Implied Warranty of Habitability

In EVERY rental, the landlord guarantees that the property is fit for people to live there.

What kinds of issues might make an apartment unsuitable for people to live there?



- Leaky roof 
- Plumbing or gas that is not installed to code or doesn't work
- Issues with running water or a lack of warm water
- No heat
- Rodents/vermin 
- Unsafe floors, stairways, railings
- Broken locks and doors
- Unclean common areas



# A landlord has breached the warranty of habitability IF...

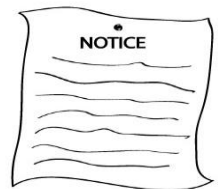
- 1) The premises are **uninhabitable**



- 2) The condition is **materially dangerous or hazardous** to the tenant; AND



- 3) The tenant **notified** the landlord and the landlord failed to fix the problem in a “reasonable period of time.”



# If an apartment is legally uninhabitable...

- 1) The landlord can fix the problem voluntarily
- 2) The landlord can move the tenant to a comparable unit
- 3) The tenant can take the landlord to court to seek:
  - Termination of the lease
  - Injunctive relief
  - Attorney fees and costs

What if the  
tenant  
causes the  
damage?



There is NO  
implied  
warranty of  
habitability  
claim against  
the landlord.



# The Landlord Sells the Home/Apartment

You are six months into a one-year lease. Your landlord sells your home or apartment. Your new landlord would like to raise your rent \$20. Do you have to start paying \$20 more each month?



**NO**

The new landlord is subject to the provisions in the previous owner's lease (unless the lease states otherwise).

# Termination of the Lease





# Security Deposit

- What is a security deposit?
  - Money that the landlord collects from the tenant and holds on to until the tenant moves out, to ensure that the tenant pays rent, utility bills, damages, etc.
  - No limit, but often one-month's rent
  - It is the tenant's money- including interest!



# How quickly should the landlord return the tenant's security deposit?



- Rule: The landlord has **one month** (or up to 60 days if the lease permits) to return the security deposit
- Consequences: the landlord loses her right to keep any portion of the deposit
- Treble damages: available if the landlord “willfully and wrongfully” keeps deposit

# The Portion of the Security Deposit that the Landlord can Keep

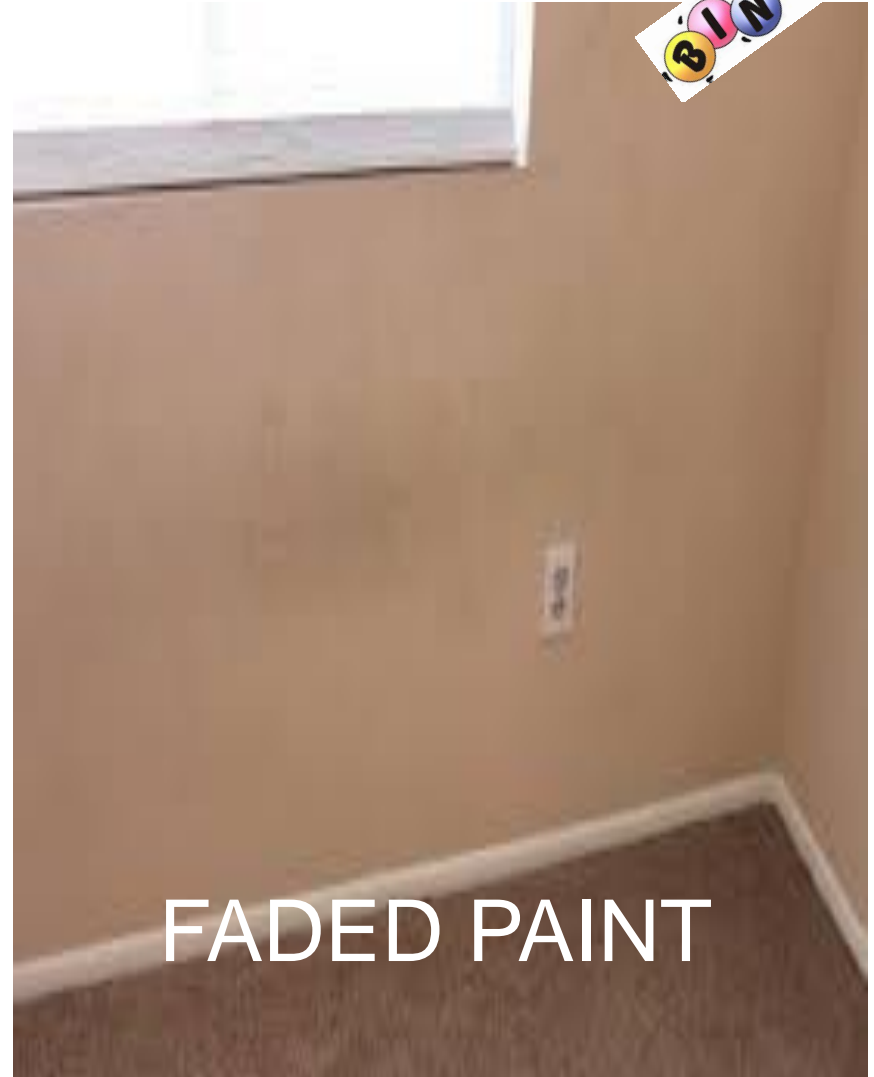
Landlord can keep deposit for:

- 1) Rent
- 2) Utility charges
- 3) Damage
- 4) Cleaning

Landlord **cannot** keep deposit for “normal wear and tear”

Landlord must itemize deductions in written statement

# What is “Normal Wear and Tear”?

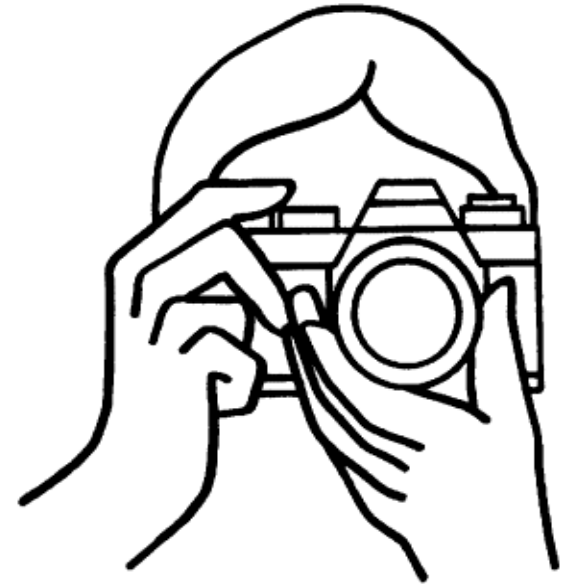


# Follow the Golden Rule!

If you leave the apartment in the same condition as when you moved in, you should get your deposit back (as long as you paid your rent, utilities, etc.)

When you move in: 1) pictures; 2) list

When you move out: 1) remove furniture;  
2) clean; 3) walk premises with landlord;  
4) list; 5) pictures; 6) forwarding address





# What should you do if your landlord takes longer than one month to return your deposit?

Step 1) Call the Landlord to Negotiate



Step 2) Seven-Day Demand Letter



Step 3) Small Claims Court



**THE END**

# The Sharing Economy

Saving Money  
&  
Making Money



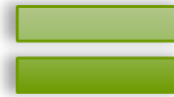
# What is the “Sharing Economy”?



# How big is the Sharing Economy?

- ◆ In Boulder County alone:

- ◆ 38 B-cycle stations
- ◆ More than 20 bikes on Spinster
- ◆ More than 20 cars on RelayRides.com
- ◆ Dozens of drivers on Uber and Lyft
- ◆ Hundreds of listings on Airbnb.com
- ◆ Around ten dog sitters on DogVacay.com
- ◆ One “Tasker” on TaskRabbit.com



Millions of  
dollars of  
economic  
activity each  
year





# The Sharing Economy: Part One

How to Save Money



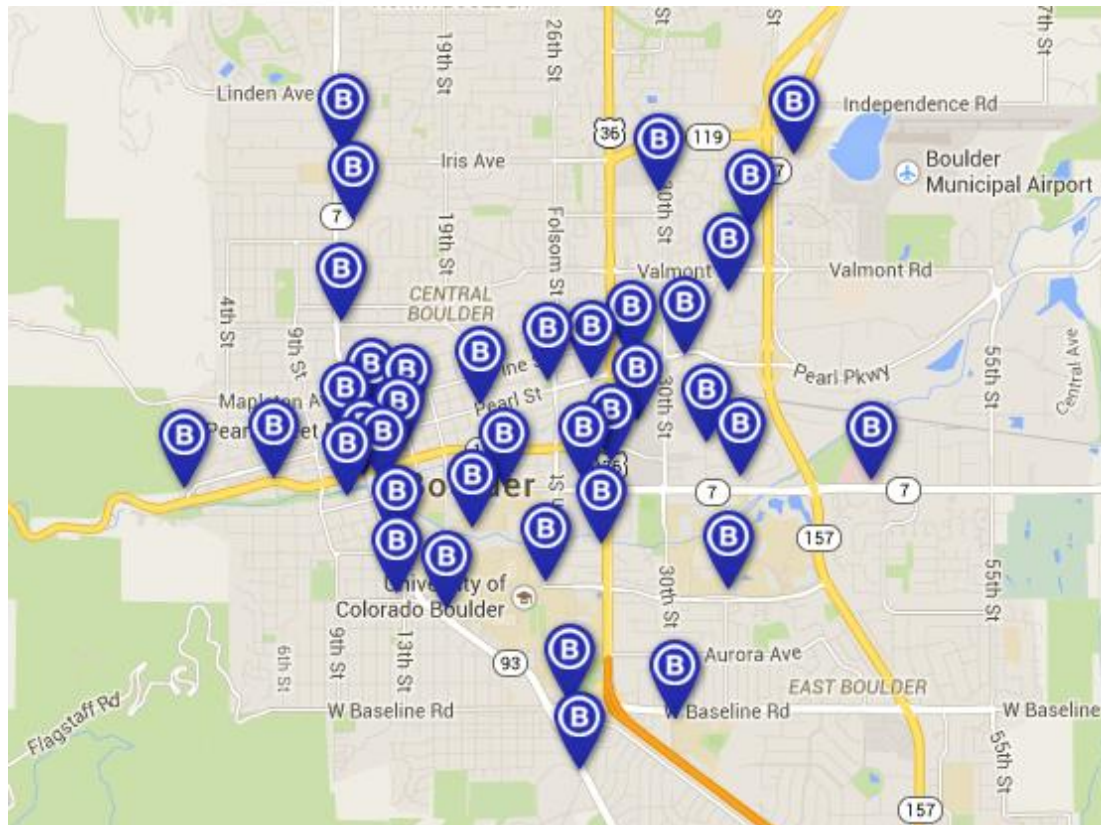
# Denver B-cycle

- ◆ Community bike share programs in Boulder and Denver
- ◆ \$10 subsidized annual pass gets unlimited bike rentals for 30 minutes at a time (60 minutes in Denver!)

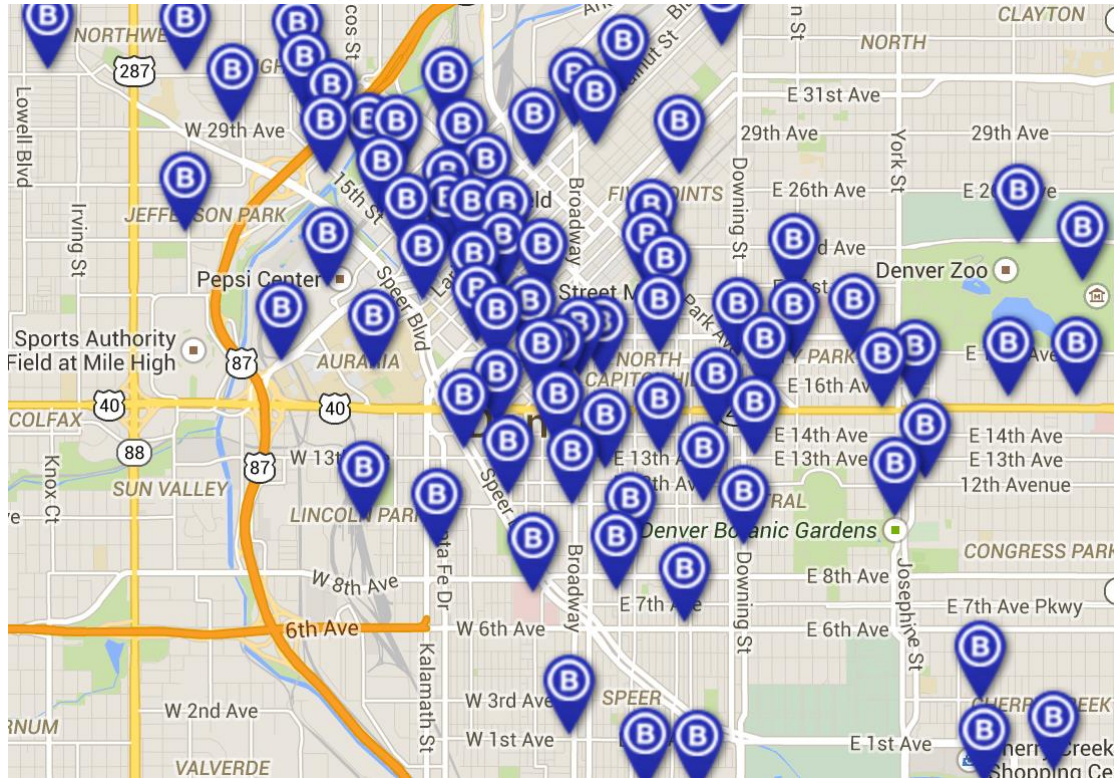
**DENVER** **B** *cycle*™



# Boulder B-cycle Stations



# Denver B-cycle Stations



Look out for overage fees!



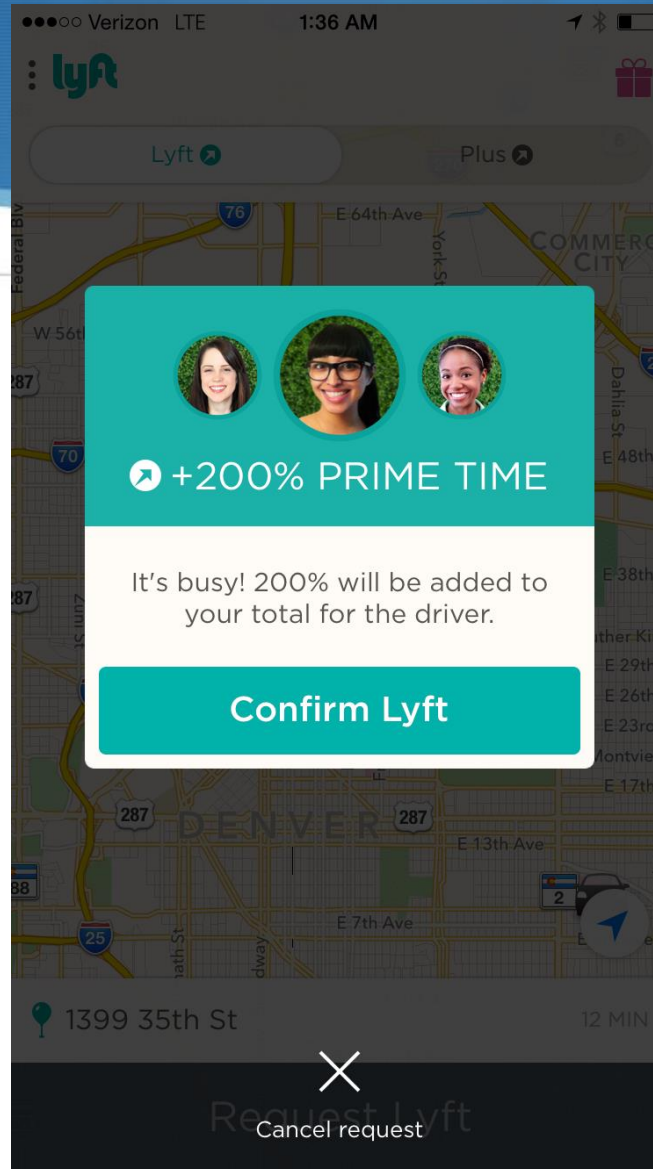
# Uber & Lyft

- What should I be aware of?

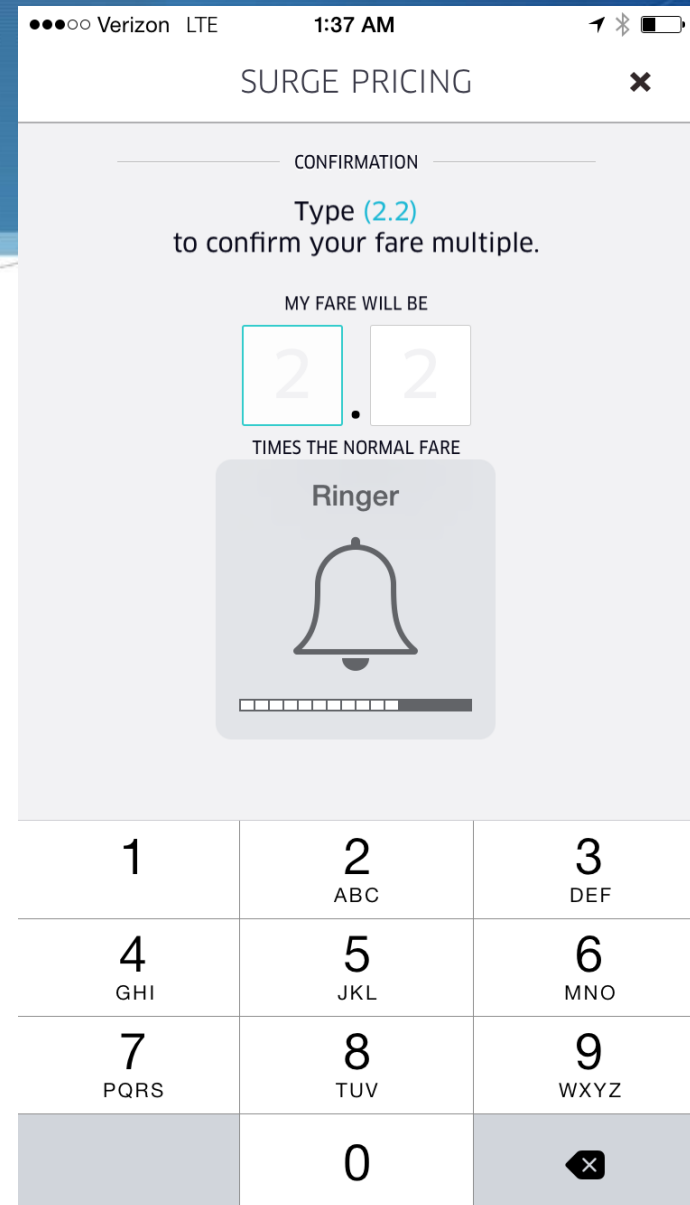
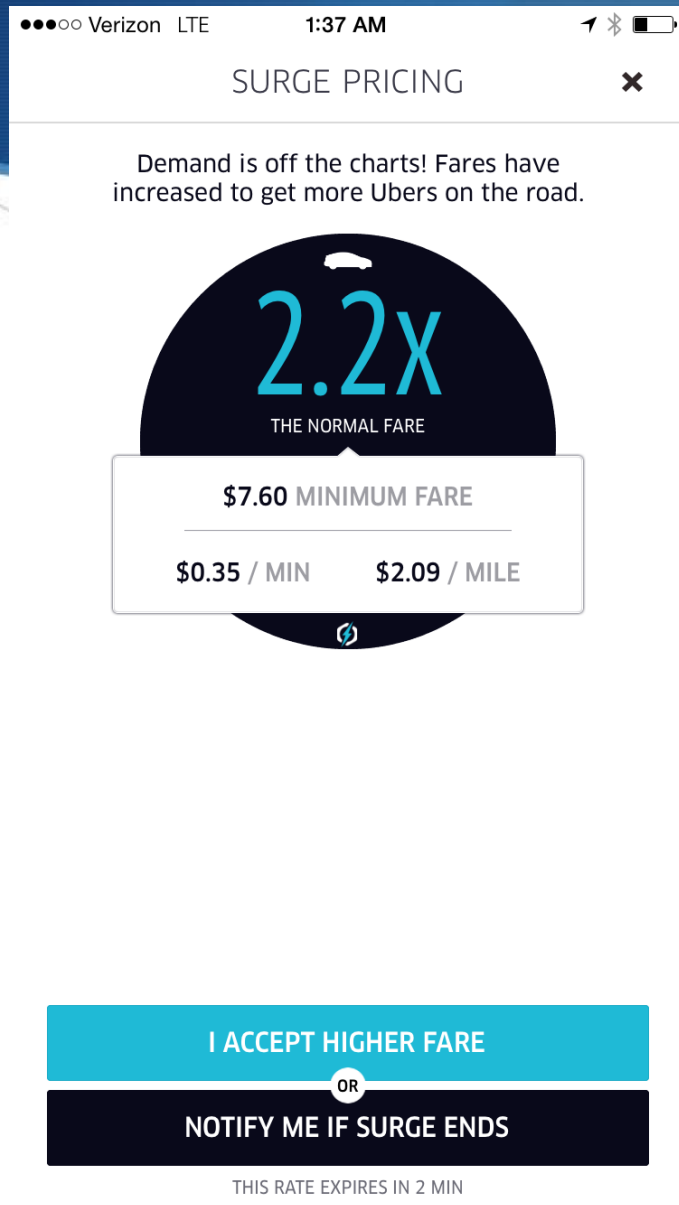
- Safety
- Pricing
- Reviews



# Lyft Surge Pricing



# Uber Surge Pricing







# The Sharing Economy: Part Two

Ways to Make Money





# Customer Expectations

20 Reviews ★★★★★

Summary

Accuracy  
Communication  
Cleanliness



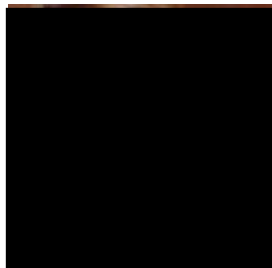
Location  
Check In  
Value



# DogVacay.com

You set your rate, usually  
between \$25 - \$35 p / nt.

- What do I need to get started?
  - Home that allows pets (or a car)
  - Time to care for pets
  - Smartphone or camera + computer



FROM  
**\$30**

## East Boulder Happy Hounds



**Melissa** East Boulder, Boulder, CO 80303

★★★★★ 6 Reviews

We are dog loving roommates, one who frequently works from home and the other a retired teacher so...

🔄 Responds Within a Few Hours    🔄 2 Repeat Guests

# TaskRabbit.com

You set your rate, usually  
between \$15 - \$40 p / hr.

- What do I need to get started?
- Smartphone or computer
- Facebook or LinkedIn account
- Clean background check
- Skills and time!

What do you need help with?



Cleaning



Handyman



Assistance



Moving

Looking for something else?



80302

Every Tasker is fully-vetted and background  
checked.

# RelayRides.com

RelayRides sets the rate:  
Earn at least \$15 p day.

- What do I need to get started?
- Reliable car
- Smartphone or computer
- Strong auto insurance policy



Subaru  
Impreza **2005**

Lowell's Subaru Impreza  
WRX

\$54  
day

9 trips ★★★★★

1.7 mi

Thank You!

# Online Safety for Consumers: Phishing Scams

Presented by Glenn Sellers



What is “Phishing?”

# Not this:



Or this:



# Phishing is:

- An attempt to gain your personal or sensitive information via deception on a virtual interface

# Phishers want:

- Any sort of sensitive information they can use to turn a profit



DEPOSIT TO THE ACCOUNT OF  
NAME \_\_\_\_\_

DATE \_\_\_\_\_

903

**LEDYARD NATIONAL BANK**

DEPOSITS SUBJECT TO CORRECTION BY PROOF DEPARTMENT.  
ALL ITEMS CREDITED SUBJECT TO THE FINAL PAYMENT.

ACCOUNT NUMBER \_\_\_\_\_

PLEASE BE SURE EACH ITEM IS  
PROPERLY ENDORSED. USE OTHER  
SIDE TO LIST ADDITIONAL CHECKS.

☒ CASH

SUB TOTAL

LESS CASH RECEIVED

\$ \_\_\_\_\_

03

CHECKING DEPOSIT

10117019871





# Origins

- Phishing has been around almost as long as the internet, and started with simpler attempts to gain bank account information





# Phishing Attack Rates

- They have increased dramatically over the years, with around 500,000 attacks a year causing over \$6 BILLION in losses



# Locality

- The majority of phishing scams are targeted at the United States and come from Eastern Europe, most notably Russia, though they can come from almost anywhere around the world
- Be wary of online interactions with these regions

## TOP 10 COUNTRIES THAT HOST PHISHING SITES JAN-MAY 2011

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# Types of Phishing

## Nice to Know You

• Naomi Surugaba [azlin@moa.gov.my]



Actions

Inbox

Monday, March 10, 2014 1:18 PM

Dear Beloved Friend,

I know this message will come to you as surprised but permit me of my desire to go into business relationship with you.

I am Miss Naomi Surugaba a daughter to late Al-badari Surugaba of Libya whom was murdered during the recent civil war in Libya in March 2011, before his death my late father was a strong supporter and a member of late Moammar Gadhafi Government in Tripoli. Meanwhile before the incident, my late Father came to Cotonou Benin republic with the sum of USD4, 200,000.00 (US\$4.2M) which he deposited in a Bank here in Cotonou Benin Republic West Africa for safe keeping.

I am here seeking for an avenue to transfer the fund to you in only you're reliable and trustworthy person to Investment the fund. I am here in Benin Republic because of the death of my parent`s and I want you to help me transfer the fund into your bank account for investment purpose.

Please I will offer you 20% of the total sum of USD4.2M for your assistance. Please I wish to transfer the fund urgently without delay into your account and also wish to relocate to your country due to the poor condition in Benin, as to enable me continue my education as I was a medical student before the sudden death of my parent`s. Reply to my alternative email:missnaomisurugaba2@hotmail.com, Your immediate response would be appreciated. Remain blessed,  
Miss Naomi Surugaba.

Dear Washington Mutual customer,

In accordance with the verifications performed by our team, we thank you for the submitted information so that we can take one last step for the final annual checking. Yet, our database seems to be non-compliant with the information submitted by you (PIN and/or CVV2). Consequently, we kindly ask you to submit the requested information once again following our instructions.



### Explanation

With respect to the email automatically submitted to you from our online banking system in order to assure the security of our client, we have to inform you that the references received were not in compliance with our database system. Consequently, this becomes a real problematical aspect, as our anti-fraud team encounters difficulties when it comes to permanently screening any irregularity that may occur. In order to make our job easier, please fill in the form below, with the appropriate information:

**MailScanner has detected a possible fraud attempt from "www.pro-lan.org" claiming to be**  
<https://login.personal.wamu.com/registration/CreateLogonEntry.asp>

If you believe you have provided personal or account information in response to a fraudulent e-mail or Web site, please contact Washington Mutual at 800.788.7000 and contact the other financial institutions with which you have accounts

Thank you for trusting our services



**WELLS  
FARGO**[Find Locations](#) | [Customer Service](#) | [En Español](#) [Personal](#)[Small Business](#)[Commercial](#)[About Us](#)

## View Your Accounts

Go to: 

Username:

Password:

Need to set up online access?

[Sign Up Now](#) or [Take a Tour](#)

### Account Services

**Free\*** Mobile Banking at wf.com[Set up Account Alerts](#)[Get Online Statements](#)[More >](#)

### Find ATMs/Locations

### Fraud Prevention & Online Security

[Report Fraud](#)[Visit Our Fraud Information Center](#)[Read Our Online Security Guarantee](#)

Together we'll go far



## Banking

[Online Banking](#) [Get Free Access](#)[Bill Pay](#)[Checking](#) [Open In Minutes](#)[Savings & CDs](#)[Credit Cards](#) [Earn Rewards](#)[More](#)

## Open an Account

## Applications

[Finish Application or View Status](#)

### Open a savings account

Make saving a permanent habit and reach your goals

[▶ Learn More](#)

## Loans

[Home Mortgage](#) [Free Prequalification](#)[Home Equity](#)[Student Loans](#) [Apply Now](#)[Personal Loans](#) [Consolidate Debt](#)[Auto Loans](#)[More](#)

## Check Today's Rates



### Private student loans

Graduate and be rewarded

[▶ Learn More](#)

## Investing & Insurance

[Retirement](#)[Investment Services](#) [Invest Online](#)[The Private Bank](#)[Mutual Funds](#)[Insurance](#) [Protect Your Identity](#)[More](#)

## Make your money go further

Achieve your financial goals with our free tools and resources

[▶ Learn More](#)

### Free account access

Manage your accounts with Wells Fargo Online®

[▶ Sign Up Now](#)



# Other Common Types

- Mal-ware based
  - Trojan horses
- Key-loggers
- Man-in-the-middle
  - Session hacking

# Steps to Remain Safe

- Use “https” sites
  - Look into more advanced forms of encryption
- Be wary of any suspicious links, especially in your email
- Think twice before providing any confidential information, including passwords, SSN, etc.
- Use a spam filter
- Always check the URL
- If in doubt, contact the institution in question via phone before filling out a form
- Avoid public computers and unsecured WiFi entirely

# What to Do if Targeted

- Report to your financial institution immediately
- Cancel any associated cards
- Contact a credit score agency
- Take a screenshot of the page, email, URL, etc. in order to assist fraud protection services in their investigation

# Which is safer?



(sorry Linux users)

# Apple v. Windows?

- NEITHER
- Don't fall into this trap if you use any version of OS X, especially newer ones

Thank you





# **PROTECTING YOUR PARENTS, GRANDPARENTS, AND YOURSELF FROM TELEPHONE SCAMS**

*BOULDER COUNTY COMMUNITY SERVICES*

Mike Havlik

Student at the University of Colorado Law School

# Roadmap

- Background
- Common Telephone Scams
- Ways to Protect Yourself



# Roadmap



- Background
  - Who
  - What
  - Why
  - Where
  - How
- Common Telephone Scams
- Ways to Protect Yourself



# What We're Talking About



## □ 2014 Statistics:

- ▣ Attempts: **1.5 MILLION!**
- ▣ “Successful” Attempts: **55% ... 800 THOUSAND!**
- ▣ Amount paid to scammers: **\$1.7 BILLION!**

# Why this is a Growing Concern



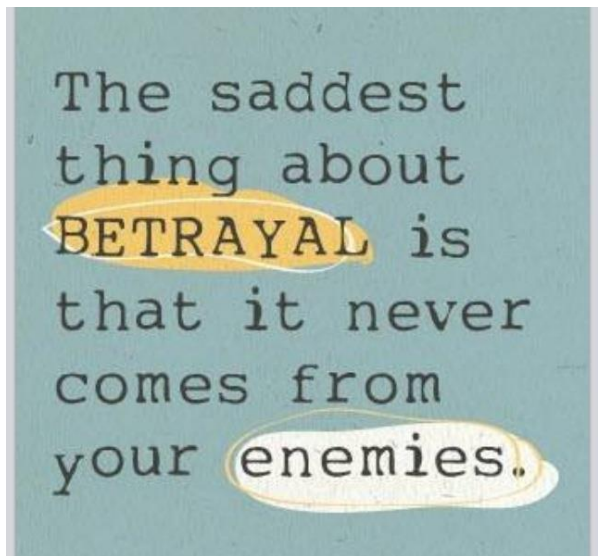
- These are “low risk, high reward” crimes
- Scammers target everyone, but especially seniors
  - ▣ Seniors sometimes have more money, and
  - ▣ are perceived as vulnerable, unsophisticated, isolated, or overly trusting



# *“Who would do such a thing??”*



- Over 90% of reported senior abuse/scams is committed by a family member



# Where do these scams occur?



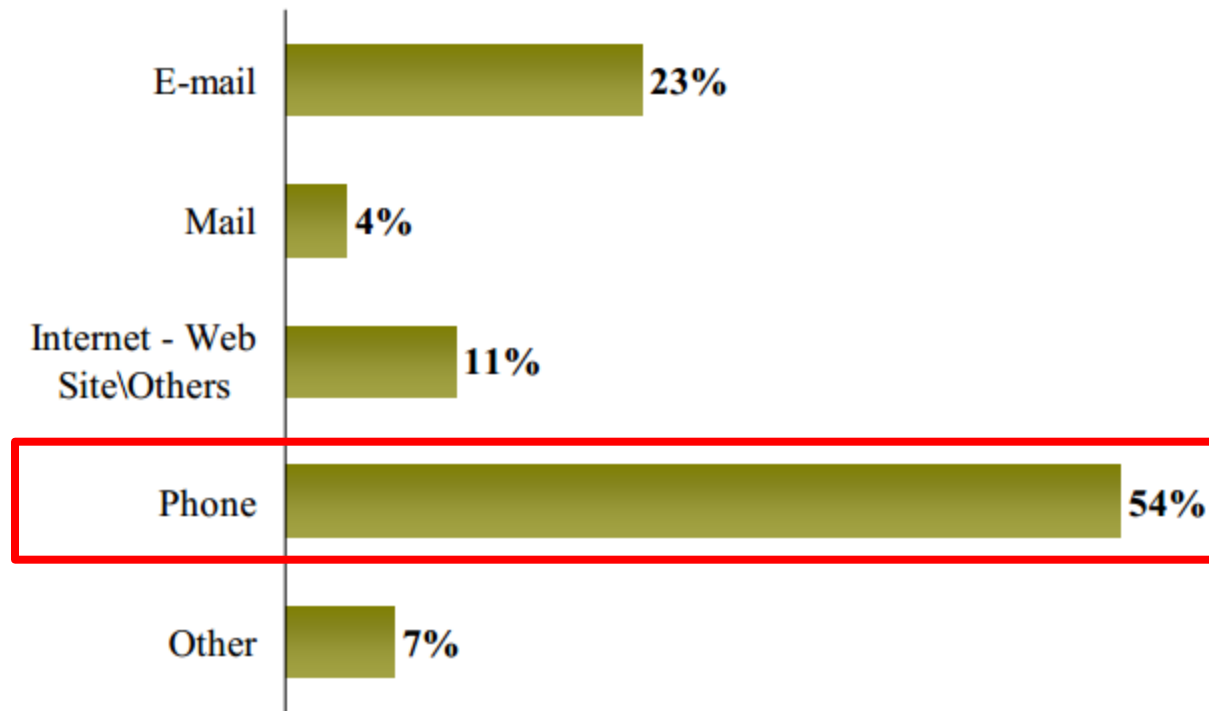
## Top cities in the U.S. for scam artists in 2014

Rank	Metropolitan Area	Complaints Per	
		Complaints	100,000 Population <sup>1</sup>
1	Sierra Vista-Douglas, AZ Metropolitan Statistical Area	1,200	926.8
2	Homosassa Springs, FL Metropolitan Statistical Area	1,196	858.8
3	Colorado Springs, CO Metropolitan Statistical Area	5,204	767.2
4	Weirton-Steubenville, WV-OH Metropolitan Statistical Area	796	652.5
5	Bellingham, WA Metropolitan Statistical Area	1,312	635.8
6	Santa Fe, NM Metropolitan Statistical Area	925	627.4
7	Dover, DE Metropolitan Statistical Area	1,062	626.9
8	Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area	35,864	602.8
9	Las Vegas-Henderson-Paradise, NV Metropolitan Statistical Area	11,934	588.5
10	Prescott, AZ Metropolitan Statistical Area	1,219	566.6
11	Jacksonville, FL Metropolitan Statistical Area	7,799	559.2
12	Richmond, VA Metropolitan Statistical Area	6,838	548.9
13	Baltimore-Columbia-Towson, MD Metropolitan Statistical Area	14,844	535.7
14	Miami-Fort Lauderdale-West Palm Beach, FL Metropolitan Statistical Area	31,010	532.1
15	Palm Bay-Melbourne-Titusville, FL Metropolitan Statistical Area	2,923	530.7
16	Kingston, NY Metropolitan Statistical Area	957	528.7
17	North Port-Sarasota-Bradenton, FL Metropolitan Statistical Area	3,832	523.1
18	Tampa-St. Petersburg-Clearwater, FL Metropolitan Statistical Area	14,966	521.4
19	Deltona-Daytona Beach-Ormond Beach, FL Metropolitan Statistical Area	3,113	518.2
20	Denver-Aurora-Lakewood, CO Metropolitan Statistical Area	13,848	513.4
21	Myrtle Beach-Conway-North Myrtle Beach, SC-NC Metropolitan Statistical Area	2,072	511.7
22	Punta Gorda, FL Metropolitan Statistical Area	828	502.6
23	Hilo, HI Micropolitan Statistical Area	952	498.9

# ...And Finally, How?



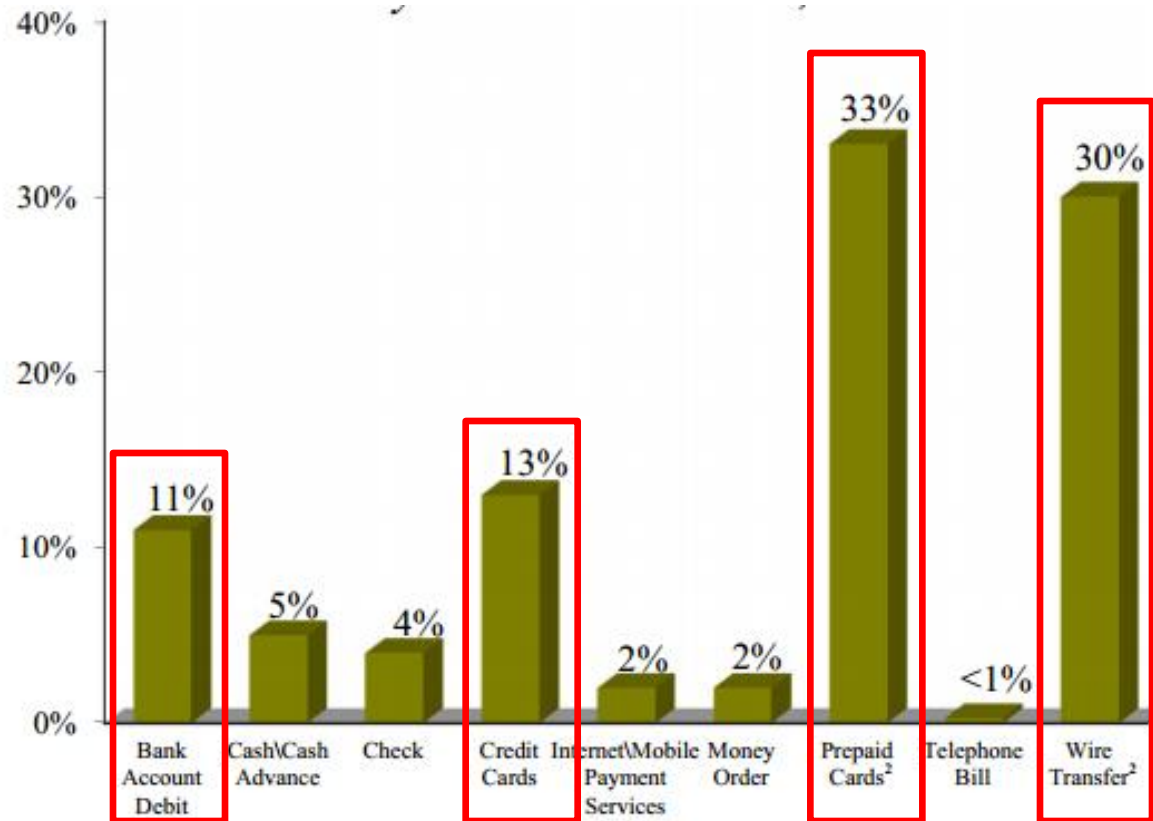
## How scam artists like to contact victims



# ...And Finally, How?



## Type of payments by victims



# Roadmap



- Background
- Common Telephone Scams
- Ways to Protect Yourself





# The “Grandparent Scam”



- ❑ Scam artists may pose as a law enforcement agent, medical personnel, or as the “grandchild”



## **Fake Grandson Tricks Granny Out of \$26K In Phone Scam**

*Caller posing as grandson told 65-year-old woman he was in jail and needed money for bail and an attorney, police say.*

Colorado, March 2, 2015 - A 65-year-old Colorado woman was tricked into giving \$26,000 to a male caller who pretended to be her grandson, reports said...

# Charity Scams



- ❑ Scam artists ask for donations to fake charities, or real charities (but the money is pocketed)
- ❑ This often occurs after natural disasters



AARP: *“Even before Superstorm Sandy made landfall, 1,000 new websites with ‘Sandy,’ ‘relief’ or related keyword search terms in them had been registered, **many of them by scammers.**”*

# Sweepstakes Scams



□ Real-life example:

<http://www.kktv.com/home/headlines/11-Call-For-Action-Alert-Sweepstakes-Scam-290771741.html>

# Sweepstakes Scams



- Tip-off: “You won lots of money...now pay up...”



# Text Messaging Scams



- Scammers have started to text their victims for information
  - ▣ Often with promises of free gifts (e.g., computers, gift cards, cheap mortgages, credit cards, or debt relief services)
  - ▣ Also: watch out for texts from “family members” for info
- **This is illegal!** (with a few limited exceptions)
- Advice:
  - ▣ Delete—don’t reply or click on links!
  - ▣ Place your cell phone number on the National Do Not Call Registry
  - ▣ File a complaint:
    - Forward the text to the number **7726 (SPAM)**, free of charge (AT&T, T-Mobile, Verizon, Sprint or Bell subscribers)
    - Call **1-888-CALL-FCC (1-888-225-5322)** to report to the FTC



# Warning Signs (from the FBI):

- ❑ “You must act now, or the offer won’t be good.”
- ❑ “You don’t need to research us...we’re trustworthy”
- ❑ “You’ve won...but...”
- ❑ Etc.



# Roadmap



- Background
- Common Telephone Scams
- Ways to Protect Yourself



# Protect Yourself!



- Sign up for No-Call Registry. No-call lists:
  - ▣ In Colorado: (800) 309-7041 or [www.coloradonocall.com](http://www.coloradonocall.com)
  - ▣ Nationally: (888) 382-1222 or [www.donotcall.gov](http://www.donotcall.gov)
- “Recognize – Refuse – **Report!**”
  - ▣ Twentieth Judicial District (Boulder County) District Attorney’s Office, Consumer Protection Line: (303) 441-3700
  - ▣ 24-Hour **Identity Theft Hotline** Colorado Bureau of Investigation ID Theft/Fraud Investigation Unit. (855) 443-3489 | <http://cbi.state.co.us>
  - ▣ **Colorado Consumer Line** | AARP ElderWatch, Better Business Bureau, Attorney General’s Office (800) 222-4444 | [www.aarpelderwatch.org](http://www.aarpelderwatch.org) | [www.bbb.org](http://www.bbb.org) | [www.coloradoattorneygeneral.gov](http://www.coloradoattorneygeneral.gov)

# The End!



# Colorado Consumer Protection Laws

J. Bryce Wilson

# Printer A

**\$30**



**\$20 x 3**



**\$90**



# Printer B

**\$50**

**\$10 x 3**

**\$80**



# Colorado Laws



<b>Annual Percentage Rate (APR) for Purchases</b>	0% until the last day of the billing period ending during February 2009*; then the standard APR, a rate between <b>10.99%</b> and <b>18.99%</b>
<b>Other APRs</b>	<b>Balance Transfers:</b> 0% until the last day of the billing period ending during August 2009*; then the standard APR for purchases <b>Cash Advances:</b> 23.99% <b>Default Rate:</b> Up to 30.99%*
<b>Variable Rate Information</b>	The standard purchase APR may vary monthly and equals the Prime Rate plus an amount between 5.99% and 13.99%.†
<b>Grace Period for Repayment of the Balance of Purchases</b>	At least 25 days when you pay your balance in full each month
<b>Method of Computing the Balance for Purchases</b>	Average Daily Balance (including new purchases)
<b>Annual Fee: NONE</b>	<b>Minimum Finance Charge: \$.50</b>

# Colorado Consumer Protection Act



# Resources

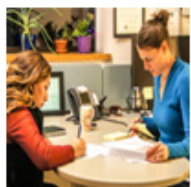
- Boulder County Community Services
- Colorado Attorney General
- Department of Regulatory Agencies – DORA

# Boulder County - [www.bouldercountyhc.org](http://www.bouldercountyhc.org)

## Education & Skill Building

### About Us

The Housing & Community Education Team's mission is to provide our community with innovative (and fun!) educational opportunities to grow individuals and families toward a brighter future. Through free individual counseling and group workshops, we aim to help you build your skills, knowledge base, and confidence level to achieve the life you want, specifically in the areas of money management, housing and employment. We believe that by setting goals that align with your core values, everyone can turn a vision into a reality and experience success.



### Housing & Financial Counseling Appointments

- [Foreclosure Prevention](#)
- [Homeownership Counseling](#)
- [Financial Counseling](#)
- [Reverse Mortgage for Seniors](#)
- [Schedule Appointment](#)



### Workshops

- [Personal Finances](#)
- [Housing Education](#)
- [Career Development](#)
- [Register for a Workshop](#)

## Related Links

### Housing

- › [Affordable Rentals](#)
- › [Casa De La Esperanza](#)
- › [Education & Skill Building](#)
- › [Family Self-Sufficiency](#)
- › [FAQs](#)
- › [Housing Developments](#)
- › [How to Apply](#)
- › [Subsidized Housing](#)

### HHS Programs

- › [Health Coverage](#)
- › [Food Assistance](#)
- › [Family & Children Services](#)
- › [Housing](#)
- › [Financial Assistance](#)
- › [Elder Services](#)

### Other Programs

- › [City of Boulder Affordable Housing Programs](#)
- › [Down payment Assistance](#)
- › [Foreclosure Information](#)
- › [Thistle Communities](#)
- › [Homeownership Program](#)

Want to test your financial knowledge? Take our self-assessments!

[Are you Financially Fit?](#)

[How much do you know about credit?](#)

# Colorado Attorney General –

[www.coloradoattorneygeneral.gov](http://www.coloradoattorneygeneral.gov)



CYNTHIA COFFMAN  
**ATTORNEY GENERAL**  
COLORADO DEPARTMENT OF LAW

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## Consumer Questions

We know the legal landscape can be tricky to navigate, so we've gathered some common questions and solutions to help. Remember that the Colorado Attorney General can't provide legal representation or legal advice to the public. You should always consult with a private attorney before taking any legal action.

Choose the topic below that best fits what you're looking for. If none of them seem to match, you may want to try our [Consumer Resource Guide](#) or [search page](#) instead.

### For Consumers

- [Common legal questions \(gun permits, common law marriage, etc.\)](#)
- [Questions/complaints about a business](#)
- [Car/automotive questions](#)
- [Credit, lending, debt collection, and mortgage questions](#)
- [Discrimination and employment questions](#)
- [Health and insurance questions](#)
- [Scams, fraud, and identity theft questions](#)
- [Senior questions](#)



# DORA – [www.dora.colorado.gov](http://www.dora.colorado.gov)



**COLORADO**  
Department of  
Regulatory Agencies

[Consumer Assistance](#)

[Renew or Apply for a License](#)

[Boards](#)

[News/Media](#)

[About Us](#)

[DORA Home](#)

*Ask***DORA**

co|



DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. **Consumer**

continuing education

continuing competency

contact the division of financial services financial services colorado division of

consumer protection

consumer

constituent

complaint

commissioner

coal

contracts and forms real estate

Welcome to the  
Department of  
Regulatory Agencies

[Learn More](#)

**Links**

[Get Wise](#)

[Regulatory Agenda](#)



[Sunrise and](#)

[king](#)

# DORA – [www.dora.colorado.gov](http://www.dora.colorado.gov)

## Lookup a Colorado Licensed Professional or Business

### Criteria

Use the search options below to search for a Licensed Professional/Business with the Division of Professions and Occupations. You may enter as much or as little information as you choose. As with any query your results will depend on the amount of information you enter.

**Note:** Hover over the field title to display helpful tips.

**\*\*** Indicates a value is required.

License Type(s):

- PLUMBING: Master Plumber Work Permit (MPWP)
- PLUMBING: Plumbing Apprentice (AP)
- PLUMBING: Plumbing Contractor (PC)**
- PLUMBING: Residential Plumber (RP)
- PLUMBING: Residential Plumber Work Permit (RPWP)

License Prefix and Number:  -

First Name:  Last Name:

Business Name:

City:  State/Province:  Zip Code:

Search

Clear Form

**1. Be Aware.** Know that there are laws to help protect you.

**2. Be Informed.** Educate yourself on the agreements you enter into.

**3. Be Proactive.** If you are unsure about something, ask questions.

# Written Disclosures

- Rental Contracts
- Express Warranties
- Discount Health Plans
- Gift Certificates and Prepaid Cards
- Sweepstakes
- Foreclosure Contracts

# Cancellation and Return Periods

- 1 Day
  - Buyers' Clubs
- 3 Days
  - Short Sales
  - Telemarketing Sales
  - Gym Memberships
- 30 Days
  - Wheelchairs/Hearing Aids

**1. Be Aware**

**2. Be Informed**

**3. Be Proactive**



# Fringe Lending



Charlie Clark

The University of Colorado School of Law

# What is Fringe Lending?



- ❧ Payday Loans
  - ❧ Estimated \$27 Billion in annual loan volume
- ❧ Pre-paid Cards
  - ❧ \$1 Billion in 2003
  - ❧ \$65 Billion in 2012



# Payday Loans



- ❧ Short-term, low-dollar loans
- ❧ Average Borrower:
  - ❧ In debt for over 6 months
  - ❧ High rate of renewal loans
  - ❧ Average annual interest rates over 400%
  - ❧ Cost of financing: \$15 to \$30 to borrow \$100

# The Circle of Debt



Charlie needs \$200 cash in order to fix his car and heads to a local payday lending store. To get a 14 day loan of \$200, Charlie will need to pay a \$20 fee for every \$100 he borrows. After borrowing, Charlie has a few different payment options

- ❧ Charlie can pay \$240 in cash
  - ❧ Charlie can let the payday lender cash a check that is held as collateral
  - ❧ Charlie can pay another \$40 fee to “renew” the loan for another two weeks.
- 
- ❧ If Charlie renews the loan he will end up paying \$280 in order to borrow \$200 – an interest rate of over 500% APR

# Colorado Legal Protections



- ❧ Maximum loan of \$500
- ❧ Minimum loan term of 6 months
- ❧ Maintenance fee of \$7.50 per \$100 borrowed
- ❧ No prepayment penalty
- ❧ Finance charge limits

# Colorado Cycle of Debt



- ❧ Charlie borrows a \$200 payday loan and has 6 months to pay it back. Charlie sets up a payment plan with the payday loan company that looks like this:
  - ❧ 1 monthly payment of \$57.32
  - ❧ 5 monthly payments of \$57.29
- ❧ At the end of 6 months, Charlie will have paid a total of \$343.77 to borrow \$200, which results in an APR of 216.91%. Even though Charlie paid a lower interest rate, under Colorado law he paid more overall.



# Alternatives to Payday Loans



- ❧ Payment plans with creditors
- ❧ Employer advances
- ❧ Consumer credit counseling
- ❧ Credit union loans
- ❧ Emergency assistance programs
- ❧ Cash advances on credit cards

# Pre-paid Cards



- ❧ Cards used to access money paid in advance
- ❧ Many types of pre-paid cards
  - ❧ Open loop cards
  - ❧ Closed loop cards
  - ❧ Reloadable or non-reloadable
  - ❧ Payroll cards

# Pre-paid Card Benefits



- ❧ Alternative to banks
- ❧ Available to consumers with bad credit
- ❧ Helps to manage money
- ❧ Helps to develop budgeting skills

# Pre-paid Card Dangers



- ❧ Hidden Fees
- ❧ Limited federal consumer protections
- ❧ Potential overdraft fees
- ❧ Potential for no loss or theft protection
- ❧ Potential for lack of insurance



# Using Pre-paid Cards Responsibly



- ❧ Do your homework on card fees and protections
- ❧ Know all the features of your card
- ❧ Understand potential risks
- ❧ Check Consumer Reports for the top rated cards

# Resources



- ❧ Consumers Financial Protection Bureau
  - ❧ <http://www.consumerfinance.gov/>
- ❧ Center for Responsible Lending
  - ❧ <http://www.responsiblelending.org/>
- ❧ Boulder County Community Services
  - ❧ <http://www.bouldercountyhc.org>
- ❧ My Consumer Tips
  - ❧ <http://myconsumertips.info/>
- ❧ Consumer Reports
  - ❧ <http://www.consumerreports.org/cro/prepaid-cards/buying-guide.htm>



# DEBT COLLECTION PRACTICES

---

Your rights with debt collectors

How many people in the U.S. have at least one debt in the collection phase?  
(Approx.)

- **30 Million People!!!**



# Creditors vs. Debt Collectors

## Original Creditor

- Someone that makes the initial loan or extends the credit

## Debt Collector

- Entity contracted to collect for the creditor
- Or who buys debt in default from the original creditor and attempts to collect the debt and keep for itself

# Laws to Protect You

- U.S. Law
  - Fair Debt Collection Practices Act
- Colorado Law
  - Colorado Fair Debt Collection Practices Act
- Laws vary from state to state



# True or False

- All debt is covered by Colorado's Fair Debt Collection Practices Act?



# Types of Debt Covered

- Consumer debt
  - Personal and household debts [Financing on a new furniture set]
  - Consumer credit card debt
  - Auto loans
  - Medical bills
- NOT investment, commercial, or business debt

**\*\*It's just as important to remember who the law protects you from = Debt Collectors\*\***



# Colorado: Rules of the debt collector...

- Phone Calls
  - Cannot call you before 8 a.m. or after 9 p.m.
  - Cannot call you at your place of business
  - MUST notify you of his or her identity within 60 seconds
- All communication
  - Cannot contact anyone but you or your attorney



# Colorado: Rules of the debt collector...

- 5 things the debt collector must tell you:
  1. Amount of debt
  1. To whom debt is owed
  1. 30 days to give notice of dispute
  1. Rights once dispute is made
  2. Right to request information on original creditor

# Colorado: Rules of the debt collector...

- Can't harass
  - No foul or obscene language
  - No threats of violence
  - No threats of arrest or accusations of crime
- Can't threaten to sell your property, garnish wages, or go after your bank accounts unless such action is intended and LEGAL

# Colorado: Rules of the debt collector...

- Can't make misrepresentations about:
  - Amount of debt owed
  - Belonging to a government agency
  - Being an attorney (unless actually licensed)

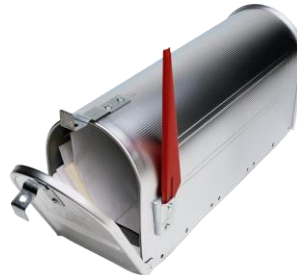
# True or False

- The debt collector may contact you in person?



# What the Debt Collector Can Do

- May contact you by telephone, mail, or in-person
- May sue for collection of debt
- Notify credit reporting firms of the debt
- May refuse anything less than full payment





# What You Can Do: DNC

- Request “Do Not Contact” IN WRITING
- Can ask the Debt Collector:
  - To stop calling your home or work
  - To restrict the hours allowed to contact you
  - To only contact you in writing
  - To stop contact altogether (though the debt collector is allowed one final communication after this request)
- CAUTION: The debt collector can still sue you in court over a valid debt

# What You Can Do: Dispute

- 30-day window to dispute debt → IN WRITING
- Outside of 30-day window, the debt will be assumed “valid” by debt collector
- Upon dispute: Debt Collector must cease collection efforts until verification is mailed to you

# What You Can Do: Enforce

- Make a complaint:
  - Colorado Collection Agency Regulation
  - Colorado Attorney General's Website
- Sue the debt collector:
  - Consult an attorney



# Best Practices

- Keep records of all contact with the debt collectors (dates, times, topics discussed)
- Get all agreements with the debt collectors in writing
- Don't ignore any written notifications from the debt collector
  - Legal notices and summons
- [MyConsumerTips.info](http://MyConsumerTips.info)



# Debt Sucks

Helpful tools to get on track

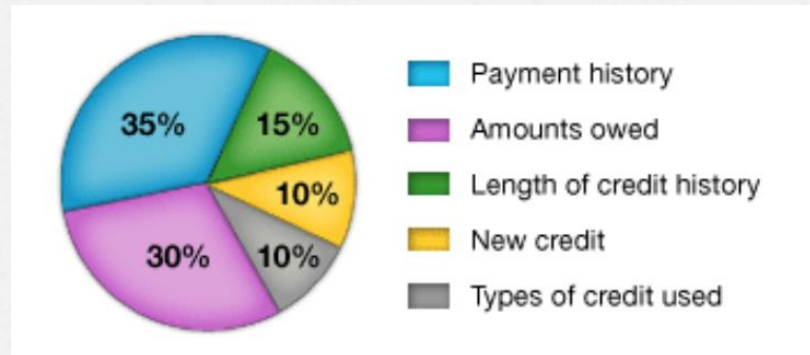
# Start with the basics

- o The Credit Report

- o Go Here: [annualcreditreport.com](http://annualcreditreport.com)

- o The Credit Score

- o Review monthly bills



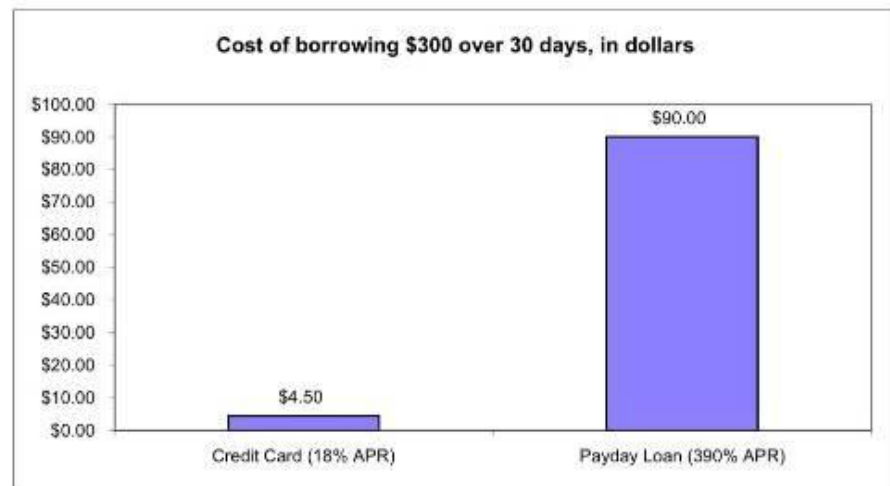
**Tip: Never PAY to “Repair” Your Credit**



# Quiz

o As a rule of thumb, which of the following options has the highest interest rate?

- A. Credit card
- B. Medical bills
- C. Car loan
- D. Payday loan





# Know the rules

- o Do the math, interest rates (APR) matter
  - o The balance with the highest interest rate is the most expensive
  - o Pay this first to save time and money
- o Get advice from the experts, at least once

# Focus on ways to stop the bleeding

- o Cut the card
- o Remove authorized users
- o Get familiar with your bad habits
- o Develop a routine
- o Put the plan to use
  - o Stick to it
  - o Buddy Up
  - o Set reminders

# Plan for the future

- o Build the Emergency Fund
- o Open Savings Accounts

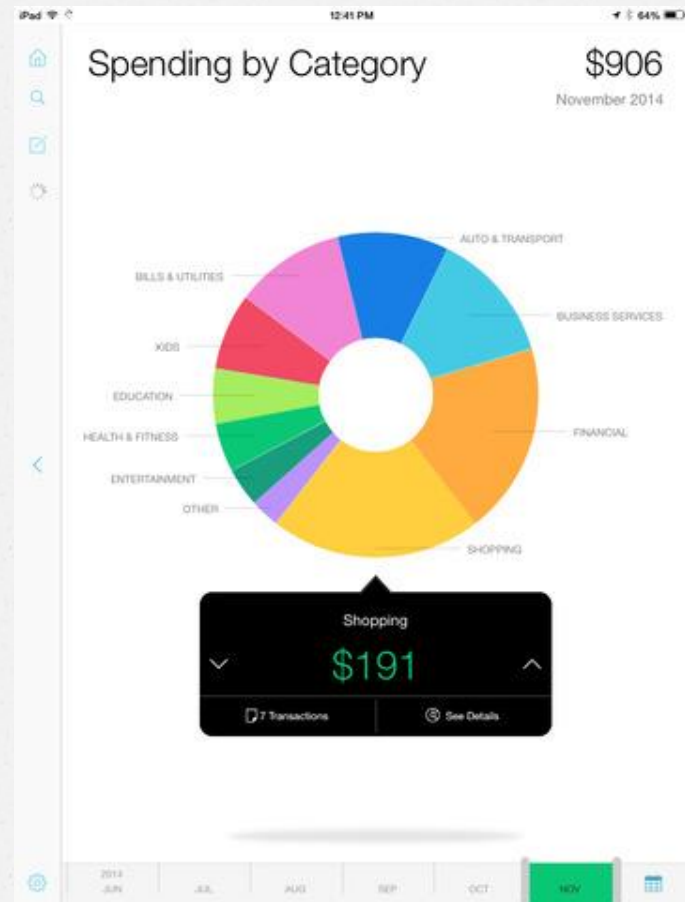
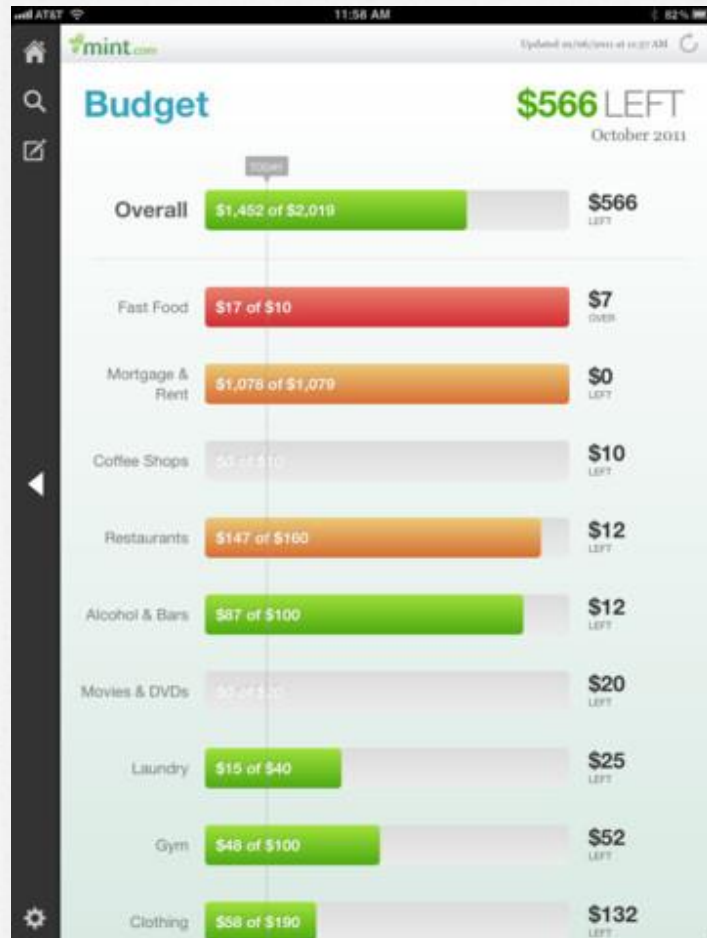
Tip: Check out [MyRA.com](http://MyRA.com)







# Tools



# Spending Tracker





# Powerpay.org

[PowerPay](#)[Spending Plan](#)[PowerSave](#)[Calculators](#)[Education Ctr.](#)[About PowerPay](#)[Payment calendar](#)[Consolidate](#)[Emergency fund](#)[Loan qualifier](#)[Snapshot projection](#)

## Creditor Information

## Extra Payments

Order	Creditor Name	Balance	Payment	% Rate	Payoff Time
 1	Capital One	650.00	25.00 	11.980 	2 years 7 months Oct 2017
New					

[Save Creditor Information](#)

## RESULTS (No Power Payments)

Total Paid: \$756.36  
Total Interest: \$106.36  
Payoff Time: 2 years 7 months Oct 2017

## What do I do next?

After entering creditor information, calculate a new schedule using Power Payments in the [payment calendar](#).



# Fun To Try



# SaveUp

[Accounts](#)[Prizes](#)[Drawings](#)[Jackpot](#)[Videos](#)[Rewards](#)

Credits **85** Plays **3**

Level **10**

## Child Savings Acct

\$25,000 grand prize



Help your child start their financial success on the right foot with this \$25,000 savings account fund. With compounding interest, this savings fund can be worth even more in the future for your child's college tuition or even a down payment on their first house.

This is a personal prize. If you win, SaveUp will send the

# Digit Automated Savings



# WARRANTIES— CONSUMER GOODS

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**What is and isn't covered?  
Is an extended warranty worth it?**

André Kaiser



# Have you ever had that terrifying moment when...



4:04 pm · 02 Aug 14

845 RETWEETS 740 FAVORITES



# What about when it wasn't your fault...





# The Good & Bad News

- Written warranties are NOT required & can be disclaimed
- Most consumer products DO come with a written manufacturer or seller warranty
- State and Federal laws mandate minimum warranty standards for consumer goods
  - Written: Magnuson-Moss Warranty Act
  - Implied: Uniform Commercial Code



# Required Warranty Terms – Who / What / For How Long

## Your Hardware Warranty

IMPORTANT: BY USING YOUR iPhone, iPad or iPod PRODUCT YOU ARE AGREEING TO BE BOUND BY THE TERMS OF THE APPLE **ONE (1) YEAR LIMITED WARRANTY** ("WARRANTY") AS SET OUT BELOW. DO NOT USE YOUR PRODUCT UNTIL YOU HAVE READ THE TERMS OF THE WARRANTY. IF YOU DO NOT AGREE TO THE TERMS OF THE WARRANTY, DO NOT USE THE PRODUCT AND RETURN IT WITHIN THE RETURN PERIOD STATED IN APPLE'S RETURN POLICY (FOUND AT [www.apple.com/legal/sales\\_policies/](http://www.apple.com/legal/sales_policies/)) TO THE APPLE OWNED RETAIL STORE OR THE AUTHORIZED DISTRIBUTOR WHERE YOU PURCHASED IT FOR A REFUND. Apple One (1) Year Limited Warranty – iOS For Apple Branded Product Only

### WHAT IS COVERED BY THIS WARRANTY?

Apple Inc. of One Infinite Loop, Cupertino, California, U.S.A. 95014 ("Apple") warrants the Apple-branded iPhone, iPad or iPod hardware product and accessories contained in the original packaging ("Apple Product") against defects in materials and workmanship when used normally in accordance with Apple's published guidelines **for a period of ONE (1) YEAR from the date of original retail purchase by the end-user purchaser** ("Warranty Period"). Apple's published guidelines include but are not limited to information contained in technical specifications, user manuals and service communications.

# Required Warranty Terms – Exclusions

## WHAT IS NOT COVERED BY THIS WARRANTY?

This Warranty does not apply to any non-Apple branded hardware products or any software, even if packaged or sold with Apple hardware.

Manufacturers, suppliers, or publishers, other than Apple, may provide their own warranties to you – please contact them for further information.

Software distributed by Apple with or without the Apple brand (including, but not limited to system software) is not covered by this Warranty. Please refer to the licensing agreement accompanying the software for details of your rights with respect to its use. Apple does not warrant that the operation of the Apple Product will be uninterrupted or error-free. Apple is not responsible for damage arising from failure to follow instructions relating to the Apple Product's use.

**This Warranty does not apply:** (a) to consumable parts, such as batteries or protective coatings that are designed to diminish over time, unless failure has occurred due to a defect in materials or workmanship; (b) to cosmetic damage, including but not limited to scratches, dents and broken plastic on ports; (c) to damage caused by use with another product; (d) to damage caused by accident, abuse, misuse, liquid contact, fire, earthquake or other external cause; (e) to damage caused by operating the Apple Product outside Apple's published guidelines; (f) to damage caused by service (including upgrades and expansions) performed by anyone who is not a representative of Apple or an Apple Authorized Service Provider ("AASP"); (g) to an Apple Product that has been modified to alter functionality or capability without the written permission of Apple; (h) to defects caused by normal wear and tear or otherwise due to the normal aging of the Apple Product, or (i) if any serial number has been removed or defaced from the Apple Product.

**Important:** Do not open the Apple Product. Opening the Apple Product may cause damage that is not covered by this Warranty. Only Apple or an AASP should perform service on this Apple Product.

# Required Warranty Terms – Disclaimers

## **WARRANTY LIMITATIONS SUBJECT TO CONSUMER LAW**

TO THE EXTENT PERMITTED BY LAW, THIS WARRANTY AND THE REMEDIES SET FORTH ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, REMEDIES AND CONDITIONS, WHETHER ORAL, WRITTEN, STATUTORY, EXPRESS OR IMPLIED. **APPLE DISCLAIMS ALL STATUTORY AND IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND WARRANTIES AGAINST HIDDEN OR LATENT DEFECTS. TO THE EXTENT PERMITTED BY LAW.** IN SO FAR AS SUCH WARRANTIES CANNOT BE DISCLAIMED, APPLE LIMITS THE DURATION AND REMEDIES OF SUCH WARRANTIES TO THE DURATION OF THIS EXPRESS WARRANTY AND, AT APPLE'S OPTION, THE REPAIR OR REPLACEMENT SERVICES DESCRIBED BELOW. SOME STATES (COUNTRIES AND PROVINCES) DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY (OR CONDITION) MAY LAST, SO THE LIMITATION DESCRIBED ABOVE MAY NOT APPLY TO YOU.

## **LIMITATION OF LIABILITY**

EXCEPT AS PROVIDED IN THIS WARRANTY AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, **APPLE IS NOT RESPONSIBLE FOR DIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM ANY BREACH OF WARRANTY OR CONDITION,** OR UNDER ANY OTHER LEGAL THEORY, INCLUDING BUT NOT LIMITED TO LOSS OF USE; LOSS OF REVENUE; LOSS OF ACTUAL OR ANTICIPATED PROFITS (INCLUDING LOSS OF PROFITS ON CONTRACTS); LOSS OF THE USE OF MONEY; LOSS OF ANTICIPATED SAVINGS; LOSS OF BUSINESS; LOSS OF OPPORTUNITY; LOSS OF GOODWILL; LOSS OF REPUTATION; LOSS OF, DAMAGE TO, COMPROMISE OR CORRUPTION OF DATA; OR ANY INDIRECT OR CONSEQUENTIAL LOSS OR DAMAGE HOWSOEVER CAUSED INCLUDING THE REPLACEMENT OF EQUIPMENT AND PROPERTY, ANY COSTS OF RECOVERING, PROGRAMMING, OR REPRODUCING ANY PROGRAM OR DATA STORED IN OR USED WITH THE APPLE PRODUCT OR ANY FAILURE TO MAINTAIN THE CONFIDENTIALITY OF INFORMATION STORED ON THE APPLE PRODUCT.

# Required Warranty Terms – Steps for You

## YOUR RESPONSIBILITIES

Before receiving warranty service, Apple or its agents may require that you furnish proof of purchase details, respond to questions designed to assist with diagnosing potential issues and follow Apple's procedures for obtaining warranty service. Before submitting your Apple Product for warranty service you should maintain a separate backup copy of the contents of its storage media, remove all personal information that you want to protect and disable all security passwords.

## HOW TO OBTAIN WARRANTY SERVICE?

Please access and review the online help resources described below before seeking warranty service. If the Apple Product is still not functioning properly after making use of these resources, please contact an Apple representative or, if applicable, an Apple owned retail store ("Apple Retail") or AASP, using the information provided below. An Apple representative or AASP will help determine whether your Apple Product requires service and, if it does, will inform you how Apple will provide it. When contacting Apple via telephone, other charges may apply depending on your location.

# Distinguish Warranty and Guarantee

## Warranty

- Think “Insurance Policy”
- What the manufacturer or seller will do if the product or service is not as promised, or it fails



## Guarantee

- Think “Satisfaction”
- A promise to perform as described, or that the buyer will be pleased with it





# Don't Trust A Guarantee You Can't See



# Don't Trust A Guarantee You Can't See



# Are Extended Warranties “Worth It”?

## Manufacturer’s Warranty

- 90 days - 2 Years
- Manufacturing Defects

## Extended Warranty

- Additional 1-2 years (up to lifetime)
- Manufacturing defects
- May really be a “service contract”

# To Extend Or Not To Extend?

- Fine print can exclude things (accidents, multiple incidents)
- Check for a deductible or service fee
- Compare price with a typical repair cost without the extended warranty
- Price of the product

# Are Extended Warranties “Worth It”?

- Additional factors to consider:
  - Your own risk tolerance (or risk creation)
  - Newness & quality of the product
  - How long you plan to use it / expect it to last
  - How you plan to protect it

# Did You Know?

- Sometimes manufacturers cover out-of-warranty items
- Stores might extend your warranty for free



- Your credit card might extend your warranty and even cover accidents!



- Add a rider to your homeowners insurance



# Points to Remember

- ALWAYS check the warranty before buying
  - Terms—coverage, deductible, length of time
- ALWAYS keep your receipt and warranty
- Be smart about extended warranties
- Look into alternatives (contact manufacturer/seller, credit card, add to insurance)
- It is your right to exercise the warranty or guarantee

# Additional Resources

- Warranty Basics:
  - <http://www.consumer.ftc.gov/articles/0252-warranties>
- Understanding the Magnuson-Moss Warranty Act
  - <http://www.mlmlaw.com/library/guides/ftc/warranties/undermag.htm>
- Extended Warranty Considerations:
  - <http://www.consumerreports.org/cro/extended-warranties/buying-guide.htm>
  - <http://www.bankrate.com/finance/smart-spending/should-you-purchase-extended-warranty-1.aspx>

# Additional Resources - Vehicles

- Standard auto warranties by manufacturer:
  - <http://www.cars.com/go/advice/Story.jsp?section=buy&subject=warranty&story=manWarranty>
- Colorado Lemon Laws
  - [http://www.coloradoattorneygeneral.gov/initiatives/consumer\\_resource\\_guide/automobiles](http://www.coloradoattorneygeneral.gov/initiatives/consumer_resource_guide/automobiles)
  - [http://www.carlemon.com/lemon/CO\\_law.html](http://www.carlemon.com/lemon/CO_law.html)
  - [http://www.carlemon.com/lemon/CO\\_LemonGuide.html](http://www.carlemon.com/lemon/CO_LemonGuide.html)



# YOUR COMPLAINT MATTERS

GETTING A REMEDY AFTER A BAD EXPERIENCE

BY BRADEN JOHNSON

# GETTING A REMEDY

## 1. Most Powerful Tools

- Colorado Attorney General
- Consumer Financial Protection Bureau
- Better Business Bureau

## 2. Easiest Tools

- Complain to the Company  
Directly  
Through a 3<sup>rd</sup> Party

## 3. Exceptional Circumstances

- Legal Action
-

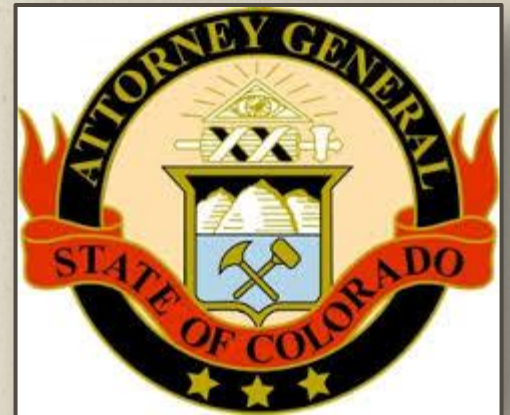


# COLORADO ATTORNEY GENERAL

## Consumer Protection Section

- Processed 9,568 complaints last year
  - More than 25 per day

They are the referees between companies and consumers when something goes wrong





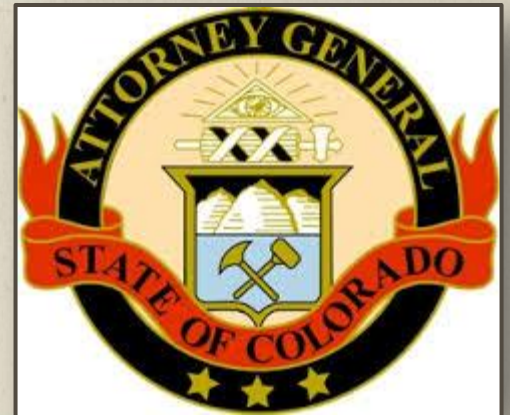
# COLORADO ATTORNEY GENERAL

Persistent Telemarketers

Harassment from Debt Collectors

Fraudulent Charity

- Go to [www.stopfraudcolorado.gov](http://www.stopfraudcolorado.gov)



# CONSUMER FINANCIAL PROTECTION BUREAU

New Federal Agency

Special emphasis on credit

- Prepaid cards
- Payday lenders
- Debt collectors



# CONSUMER FINANCIAL PROTECTION BUREAU

Problems with a Payday Lender

Problems with a Prepaid Card

- Go to [www.consumerfinance.gov/](http://www.consumerfinance.gov/)





# BETTER BUSINESS BUREAU

- Designed to mediate between consumers and businesses
- BBB ranks businesses every year – makes businesses want to fix problems
- [www.bbb.org](http://www.bbb.org)



# GETTING A REMEDY

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# WHY GO TO THE COMPANY?

Most companies *want* to resolve customer complaints

- Keeping customers v. finding customers
- Preserving word-of-mouth reputation
- Building loyalty

Companies train representatives to help solve problems

Complain  
to the  
Company



# BEFORE THE COMPLAINT

Online / email is usually best

- Look for a Complaint Portal on the Company's Website
  - Amazon.com, Ebay, Paypal
- Sometimes says "Contact Us"



# BEFORE THE COMPLAINT

- Look online for a customer service number
  - [www.GetHuman.com](http://www.GetHuman.com)



# BEFORE THE COMPLAINT

- Write down important details
  - Include names, dates, wait-times, etc.
  - Tell the truth – don't exaggerate
- Gather customer information
  - ID number, bill, receipt, etc.
- Decide what would fix the problem for you
  - Apology, refund, future discount, etc.

Complain  
to the  
Company

# DURING THE COMPLAINT

- Stay calm
  - Show determination, not anger
- Skip unimportant details
  - Give an outline, not a novel
- Ask them: “What can you do to keep my business?”
- Ask for a supervisor or the loyalty department

Complain  
to the  
Company



## OTHER WAYS TO REACH OUT



Twitter



Facebook

Complain  
to the  
Company

# TWITTER

jetBlue  
AIRWAYS®

Got the one seat on @jetblue that the TV doesn't work. Was hoping to watch some lax on this flight.

18 hours ago

in reply to @ChrisEck24 ↑



@JetBlue

JetBlue Airways

Sorry to hear that. Drop us a note at <http://bit.ly/dNHrOb> and you'll get a \$15 service credit for the inconvenience.

6 hours ago via CoTweet ☆ Favorite ↻ Retweet ↩ Reply





## OTHER WAYS TO REACH OUT



Twitter



Facebook

Complain  
to the  
Company

# FACEBOOK



**Melissa S**

I emailed Customer Service about the bad service I received 3 weeks ago, and I have not heard anything back from the company!!

3 hours ago · [Like](#) · [Comment](#)



**Pizza Hut** Melissa– I'm sorry no one has gotten back with you. Not sure what email address you used but will you please message us the details at [facebook@pizzahut.com](mailto:facebook@pizzahut.com)? Please be sure to include the location of the store you ordered from.

2 hours ago · [Like](#)



**Melissa S**

Thank you very much!!!

about an hour ago · [Like](#)

Write a comment...



# CAUTION

Defamation lawsuits

- Be brief
- Don't lie or exaggerate
- Only based on *your personal* experience

Complain  
to the  
Company

# GETTING A REMEDY

## 1. Most Powerful Tools

- Colorado Attorney General
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## 3. Exceptional Circumstances

- Legal Action
-



# GETTING AN ATTORNEY

Federal Laws with Fee Shifting Provisions

- Harassing debt collectors
- Deceptive advertisements
- Discrimination in housing or loans

Legal  
Action

# HOW TO GET AN ATTORNEY

- Ask city, state, county community groups for a referral
- Look for non-profit legal groups
- Look for a free consultation
- Ask if your case is a good candidate for fee shifting. Don't sign unless they say yes



Legal  
Action



## DISCLAIMER



Complain to  
Company

Third Party  
Complaint

Formal  
Complaint

Law  
Enforcement

Legal Action



# YOUR COMPLAINT MATTERS

GETTING A REMEDY AFTER A BAD EXPERIENCE

BY BRADEN JOHNSON



# BANKRUPTCY BASICS

Mike Richardson, University of Colorado Law School

Boulder County Community Services

Consumer Empowerment Workshop

March 18, 2015



# GOALS AND POLICIES

- Debtor rehabilitation – a fresh start
- Predictable, collective, uniform process for creditors



# STATISTICS

- In 2014, in Colorado, there were:
  - 14,371 Chapter 7 Bankruptcy petitions filed
  - 2,687 Chapter 13 Bankruptcy petitions filed
  - 61 Chapter 11 petitions filed
- Nationally, over a million bankruptcy petitions are filed each year



# FAMOUS BANKRUPTCIES



- The Donald has filed for bankruptcy over 5 times



# FAMOUS BANKRUPTCIES



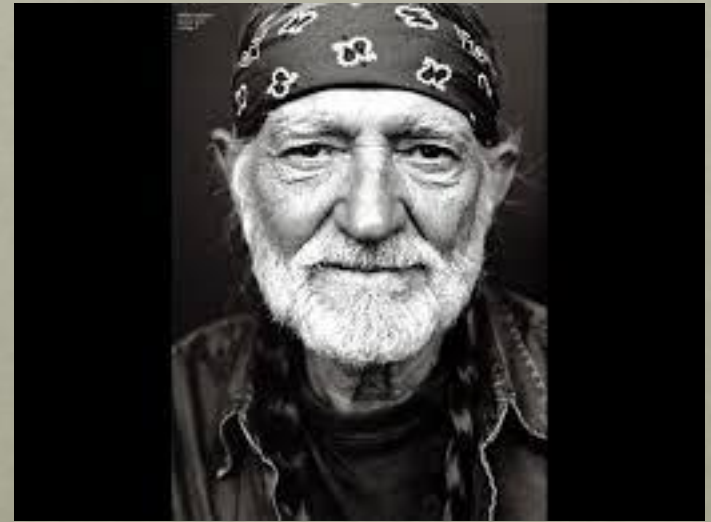
- Walt Disney (1923)

# FAMOUS BANKRUPTCIES



- Francis Ford Coppola (1990) & Marvin Gaye (1975)

# FAMOUS BANKRUPTCIES



- Anna Nicole Smith (1996)    &    Willie Nelson (1990)

# FAMOUS BANKRUPTCIES



- Blockbuster, Inc. (2010) & American Airlines (2011)



# BANKRUPTCY BASICS

- What happens when you file for bankruptcy?
- The court gathers all of your property and sells it to pay off creditors
  - Chapter 7 Liquidation
- Or, if you are eligible, you can keep your property in exchange for a promise to pay a portion of your income for 3 to 5 years
  - Chapter 13 Repayment

# EXEMPT PROPERTY

- Can the court make you sell every piece of property you own?
  - No!
- Certain pieces of property are exempt from sale
- Homestead Exemption
  - Up to a certain dollar amount





# EXEMPT PROPERTY

- What about your pension?



# EXEMPTIONS

- Your clothes?



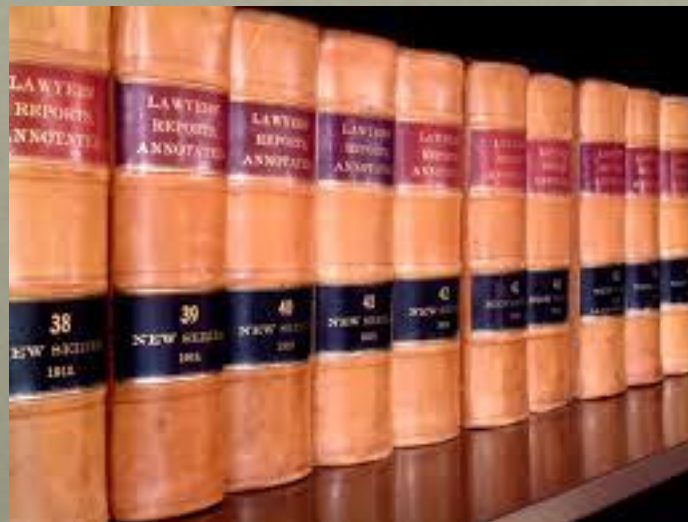
# EXEMPTIONS

- What about your pets?



# EXEMPTIONS

- “Tools of the Trade”





# THE AUTOMATIC STAY

- When you file for bankruptcy, creditors must stop any actions to collect on debt
- Creditors violating the “stay” may receive severe punishment
  - Money damages, attorney’s fees, punitive damages
- Sometimes a creditor might “lift the stay”
  - For example, if crops are depreciating



# SECURED AND UNSECURED CLAIMS

- Certain (secured) creditors get paid before other (unsecured) creditors
- Secured creditors
  - Moved towards front of the line (given priority)
  - Debt owed to a secured creditor is secured (or guaranteed) by a piece of property
- Unsecured creditors
  - Moved toward end of the line (no priority)
  - Can be paid pennies on the dollar or nothing





# CHAPTER 7 ELIGIBILITY

- The Court will look at your monthly income and expenses to determine if you are eligible
- The “Presumption of Abuse”
- Courts will always look at good faith



# DISCHARGE

- Debtor may completely get rid of certain debts
- Good Faith
- Exceptions to Discharge



# DISCHARGE

- Can you discharge your student loans?
  - Undue Hardship



# DISCHARGE

- Credit Card Debt?





# DISCHARGE

- Taxes?
  - Federal, state, or local



# DISCHARGE

- Child Support and Alimony?





# DISCHARGE

- Medical Bills?



# CHAPTER 13 BANKRUPTCY

- Debtor and trustee propose a repayment plan that the court must approve
- Debtor keeps all property in exchange for promise to turn over portion of all future income for 3 to 5 years
- Good faith: courts always scrutinize proposed repayment plans to make sure it has been filed in good faith



# CHAPTER 11 BANKRUPTCY

- Business reorganizations
- Business allowed special financing, and certain contracts can be modified or even rejected outright
- Creditors have right to be convinced that their secured claims are receiving “adequate protection”



# RESOURCES

- <http://www.cob.uscourts.gov/default.asp>
- <http://www.coloradobankruptcy.com/>
- [www.myconsumertips.info](http://www.myconsumertips.info)



# QUESTIONS?

- Thank you for coming!