

**Office of the  
Attorney General**

# **Senior Citizens Manual**



**LAWRENCE WASDEN**  
Attorney General  
700 West Jefferson Street  
Boise, ID 83720-0010  
[www.ag.idaho.gov](http://www.ag.idaho.gov)



**State of Idaho  
Office of Attorney General  
Lawrence Wasden**

Dear Fellow Idahoan:

Consumer fraud is a serious but often preventable problem. As your Attorney General, I am committed to working with you to prevent fraud and vigorously enforce Idaho's consumer protection laws.

As a consumer, you can protect yourself from fraud by understanding your rights and by making informed and intelligent decisions.

My office has prepared this manual to address some of the consumer issues that seniors often encounter. In addition, my office publishes materials providing more detail on other specific topics which are available at no cost through the Consumer Protection Division and on my website at [www.ag.idaho.gov](http://www.ag.idaho.gov).

If you have been a victim of consumer fraud, I encourage you to contact my Consumer Protection Division.

Informed consumers are Idaho's best defense against consumer fraud.

**LAWRENCE G. WASDEN**  
Attorney General

# Table of Contents

|  |           |
|--|-----------|
| <b>THE CONSUMER PROTECTION DIVISION .....</b>                | <b>1</b>  |
| HOW TO CONTACT THE CONSUMER PROTECTION<br>DIVISION.....      | 2         |
| WHAT THE CONSUMER PROTECTION DIVISION DOES .....             | 3         |
| <i>Consumer Protection</i> .....                             | 3         |
| <i>Mediation of Complaints</i> .....                         | 3         |
| <i>Litigation</i> .....                                      | 4         |
| WHAT THE CONSUMER PROTECTION DIVISION DOES<br>NOT DO .....   | 5         |
| <b>PROTECTING YOURSELF FROM CONSUMER<br/>    FRAUD .....</b> | <b>5</b>  |
| GENERAL RULES .....  | 5         |
| ADDRESSING PROBLEMS .....                                    | 6         |
| CONTACTING THE BUSINESS .....                                | 6         |
| <i>Calling or Visiting the Business</i> .....                | 6         |
| <i>Writing a Letter to the Business</i> .....                | 7         |
| FILING A COMPLAINT .....                                     | 7         |
| PRIVATE CAUSE OF ACTION - SMALL CLAIMS COURT .....           | 9         |
| <b>CONTRACTS.....</b>  | <b>9</b>  |
| BEFORE YOU SIGN A CONTRACT: .....                            | 10        |
| RESOLVING PROBLEMS WITH YOUR CONTRACT: .....                 | 11        |
| <b>TELECOMMUNICATIONS.....</b>                               | <b>11</b> |
| THE NO CALL LAWS .....                                       | 11        |
| <i>Registering for the No Call Laws</i> .....                | 12        |
| <i>Filing a Complaint</i> .....                              | 12        |
| TELEPHONE SOLICITATION.....                                  | 13        |
| <i>Consumer Rights</i> .....                                 | 13        |
| <i>Telemarketer Responsibilities</i> .....                   | 14        |
| <i>Unlawful Acts</i> .....                                   | 14        |
| CRAMMING .....   | 15        |
| <b>INTERNET SAFETY .....</b>                                 | <b>16</b> |
| SHOPPING ONLINE.....   | 16        |

|   |           |
|---|-----------|
| <i>Use a secure browser</i> .....   | 16        |
| <i>Site Security</i> .....  | 16        |
| <i>Shop with Companies You Know</i> .....                                       | 17        |
| <i>Keep a Paper Copy of Your Purchase</i> .....                                 | 18        |
| <i>Internet Auction Sites</i> .....   | 18        |
| PASSWORDS .....   | 19        |
| E-MAIL .....  | 20        |
| ADVANCE FEE SCAM.....   | 20        |
| “PHISHING” OR VERIFICATION SCAM.....  | 22        |
| INTERNATIONAL LOTTERY SCAM.....   | 24        |
| PRIVACY .....   | 25        |
| COOKIES .....   | 25        |
| PHARMING .....  | 25        |
| SPYWARE .....   | 26        |
| <b>IDENTITY THEFT .....</b>   | <b>27</b> |
| WHAT IS IDENTITY THEFT?.....  | 27        |
| HOW DOES IDENTITY THEFT OCCUR?.....   | 28        |
| HOW CAN I PROTECT MYSELF FROM IDENTITY<br>THEFT? .....                          | 29        |
| <b>FREE PRIZES/MAIL SWEEPSTAKES.....</b>  | <b>30</b> |
| FREE PRIZES.....  | 30        |
| MAIL SWEEPSTAKES .....  | 30        |
| RAFFLES, BINGO & PROMOTIONAL DRAWINGS.....                                      | 32        |
| <b>DOOR-TO-DOOR SALES.....</b>  | <b>32</b> |
| <b>CHARITIES .....</b>  | <b>33</b> |
| <b>REPAIRING OR REMODELING YOUR HOME .....</b>                                  | <b>35</b> |
| RESIDENTIAL CONSTRUCTION .....  | 35        |
| CONTRACTOR REGISTRATION .....   | 35        |
| NOTICES.....  | 36        |
| HOW TO CHOOSE A CONTRACTOR.....   | 37        |
| WHAT YOU SHOULD KNOW ABOUT THE GENERAL<br>CONTRACTOR’S INSURANCE COVERAGE ..... | 39        |
| RESIDENTIAL CONSTRUCTION/HOME IMPROVEMENT<br>CONTRACT.....                      | 39        |

|   |           |
|---|-----------|
| <i>Tips To Consider Before Signing a Contract</i> ..... | 40        |
| WHAT TO KEEP IN A JOB FILE.....                         | 41        |
| WHAT TO DO WHEN THE PROJECT IS FINISHED .....           | 41        |
| WHAT TO DO IF YOU HAVE A COMPLAINT .....                | 42        |
| <b>FORECLOSURE .....</b>                                | <b>42</b> |
| <b>HEALTH CARE .....</b>                                | <b>43</b> |
| CHOOSING A DOCTOR .....                                 | 43        |
| CHOOSING A HEALTH CARE FACILITY .....                   | 44        |
| NURSING HOMES.....                                      | 45        |
| PRESCRIPTION DRUGS .....                                | 46        |
| “FREE” PRESCRIPTION DRUGS .....                         | 46        |
| DISCOUNT HEALTH PLANS.....                              | 48        |
| <i>Choosing a Health Plan</i> .....                     | 49        |
| HEARING AIDS .....                                      | 50        |
| <i>Before Purchasing</i> .....                          | 50        |
| <i>While Shopping</i> .....                             | 50        |
| <i>Service Work or Repairs and Warranties</i> .....     | 51        |
| <b>ESTATE PLANNING.....</b>                             | <b>52</b> |
| LIVING TRUSTS .....                                     | 53        |
| <i>The Purpose of a Living Trust</i> .....              | 53        |
| <i>The Elements of a Living Trust</i> .....             | 53        |
| <i>The Advantages of a Living Trust</i> .....           | 54        |
| <i>Complaints about Living Trusts</i> .....             | 55        |
| <i>Advice for Consumers</i> .....                       | 56        |
| <b>END OF LIFE HEALTH CARE PLANNING.....</b>            | <b>56</b> |
| LIVING WILL .....                                       | 57        |
| DURABLE POWER OF ATTORNEY FOR HEALTH CARE.....          | 57        |
| FORMS.....  | 57        |
| PHYSICIAN ORDERS FOR SCOPE OF TREATMENT                 |           |
| (PST).....  | 58        |
| REGISTRY .....  | 58        |

## **THE CONSUMER PROTECTION DIVISION**

The Consumer Protection Division is part of the Office of Attorney General. The Consumer Protection Division enforces the Idaho Consumer Protection Act, the Idaho Telephone Solicitation Act, the Idaho Charitable Solicitation Act, the Idaho Competition Act and related rules on behalf of the State of Idaho. You can read these laws and rules on the Idaho Legislature's [website](#).

The Consumer Protection Division also helps consumers and businesses resolve disputes.

The Idaho Legislature passed the Consumer Protection Act to protect consumers and businesses against unfair methods of competition and unfair or deceptive business practices. The Attorney General, as authorized by the legislature, has promulgated rules interpreting the Consumer Protection Act.

The Attorney General enforces the Consumer Protection Act on behalf of the State of Idaho. The Consumer Protection Division investigates complaints involving ongoing patterns of illegal activity in trade and commerce, with emphasis on the most serious cases involving widespread injury to Idaho consumers.

The Consumer Protection Act also allows consumers to seek legal remedies through private lawsuits.

The Consumer Protection Act encourages consumers who have been damaged by deceptive trade practices to seek redress. A court may award the consumer a minimum recovery of \$1,000, recovery of attorney fees and, at the judge's discretion, costs and punitive damages upon the showing of a violation of the Consumer Protection Act or

the Idaho Rules of Consumer Protection and a loss to the consumer.

Idaho law allows consumers who are at least 62 years old or who are disabled to recover additional damages from an individual who violates the Consumer Protection Act. Elderly and disabled consumers are entitled to receive the greater of \$15,000 or triple the amount of actual damages if the court finds: (1) the offender knew or should have known that the victim was elderly or disabled; and (2) the offender's conduct resulted in the loss or encumbrance of the elderly or disabled victim's home or the loss of more than 25% of the victim's income, money or retirement funds.

## **HOW TO CONTACT THE CONSUMER PROTECTION DIVISION**

You can call the Consumer Protection Division, toll free, from any location in Idaho. In the Boise calling area, our number is 334-2424. Outside the Boise area, call (800) 432-3545.

The Consumer Protection Division is located near the corner of 10th and Jefferson on the 2nd floor, 954 W. Jefferson, Boise. Our hours are 8:00AM to 5:00PM (Mountain Time), Monday through Friday.

Our mailing address is:

Office of the Attorney General  
Consumer Protection Division  
PO Box 83720  
Boise, ID 83720-0010

Consumers may file a complaint with the Consumer Protection Division by completing a complaint form on the Attorney General's website, [www.ag.idaho.gov](http://www.ag.idaho.gov).

Consumers also may call the Consumer Protection Division and request a complaint form be mailed to them.

## **WHAT THE CONSUMER PROTECTION DIVISION DOES**

The Consumer Protection Division helps protect individuals and businesses from deceptive practices by working in three major areas:

- Consumer Education
- Complaint mediation
- Litigation

### **Consumer Protection**

The Consumer Protection Division helps Idaho consumers help themselves. We focus our educational efforts on:

- Helping consumers learn to prevent a problem from occurring; and
- Helping consumers learn how to deal with a problem that has occurred.

To accomplish these goals, the Consumer Protection Division provides consumer information through the Attorney General's website, sponsors television and radio public service announcements, publishes pamphlets on consumer topics, informs the media about current scams and makes presentations to community groups. To schedule an educational presentation, call the Consumer Protection Division.

### **Mediation of Complaints**

Mediation relies on the voluntary cooperation of both sides of a complaint--usually a business and a consumer. Each of



our Consumer Specialists acts as a “go between” or buffer for the parties who may find it difficult to communicate with one another directly. Because of the large number of complaints we receive, almost all of the mediation is accomplished by correspondence. A Consumer Specialist forwards a consumer’s written complaint to the business, along with a letter requesting a response from the business. Mediation will often resolve the consumer’s complaints. When mediation is not successful, the complaining party may choose to consult with a private attorney and consider pursuing legal action privately.

## **Litigation**

The Consumer Protection Division files lawsuits on behalf of the State of Idaho as determined by the Attorney General on a case-by-case basis. Three statutory requirements must be met before the Attorney General can begin a consumer protection lawsuit:

- The Attorney General must have reason to believe that a person is using, has used or is about to use any method, act or practice in violation of the Act;
- Legal proceedings must be in the public interest; and
- Except in limited circumstances, the Attorney General must have allowed the business or individual the opportunity of entering into an Assurance of Voluntary Compliance or Stipulation and Consent Judgment.

Once the Attorney General determines that litigation is warranted, the methods used to stop the illegal act may vary. The Attorney General is authorized to seek injunctions, restitution, civil penalties and other remedies.

## **WHAT THE CONSUMER PROTECTION DIVISION DOES NOT DO**

The Attorney General's Office cannot provide legal advice or opinions to individuals or businesses. Tip sheets, brochures and news releases are available to the public, but our only client is the State of Idaho. The Consumer Protection Division may act only for the public interest. We cannot represent the interests of private individuals.

## **PROTECTING YOURSELF FROM CONSUMER FRAUD**

### **GENERAL RULES**

Before you make a major purchase, we recommend you read this manual and consider these ten tips for consumer survival:

- If it seems too good to be true, it probably is.
- Read. Ask questions. Comparison shop. Know the market.
- Insist that all claims, promises and warranties be in writing.
- Never sign anything you haven't read or don't understand.
- Cool off for 24 hours before you buy. In most cases, you don't have the right to change your mind after you make a major purchase.
- Never give your credit card or checking account number to a telephone or mail solicitor if you don't know and trust the company.
- Obtain written estimates before you have any repairs made.

- Know whom to call for help. Check with your local Better Business Bureau or the Attorney General's Consumer Protection Division.
- Keep receipts, sales slips and warranties for as long as you own the product.
- Remember, it is your money. Don't be intimidated. You can always take your business elsewhere.

## **ADDRESSING PROBLEMS**

If you are already involved in a transaction you believe violates the Consumer Protection Act, gather all the written information you have pertaining to the problem. This may include ads, brochures, contracts, letters, warranties and other documents. Write a short statement about what happened to you. Include the name of the company, how much money you paid, how much you owe, with whom you spoke, when the transaction took place, names of witnesses and other important information. This information will be important in contacting the business, as outlined below.

## **CONTACTING THE BUSINESS**

Many consumer problems can be quickly and satisfactorily resolved by contacting the business directly. These suggestions might make your contact with the business more efficient and productive:

### **Calling or Visiting the Business**

- Be prepared. Have ready all the information you will need to explain the problem.
- Speak to the person with the authority to grant the remedy you desire and make a note of his or her name.
- Be polite but firm.

- Concisely state the problem and the resolution you would like.
- Conclude the call with a restatement of what has been agreed.
- Make written notes about the call.
- Write a letter to confirm the conversation and the substance of any agreement.

## **Writing a Letter to the Business**

- Write a neat business letter, typed, if possible.
- Address it to the person with the authority to grant the remedy you desire.
- Supply the necessary facts, including identification of the goods, what happened, your previous attempts to get satisfaction, the remedy you desire and any serious consequences you have suffered because of the problem.
- Maintain a calm, rational tone.
- Request specific action by a specific date.
- Keep your letter short.
- Enclose copies (not originals) of receipts, contracts or other relevant information.
- Make a copy of your letter and save it.
- Send the letter certified mail, return receipt requested.

## **FILING A COMPLAINT**

If the business has engaged in false, misleading, deceptive or unconscionable acts or practices, the Consumer Protection Division may be able to help. You should contact the business directly and try to resolve your dispute

before contacting the Consumer Protection Division.

If your contact with the business has been unsuccessful, you may file a complaint with the Consumer Protection Division. You can file a complaint on the Attorney General's website at [www.ag.idaho.gov](http://www.ag.idaho.gov) or call the Consumer Protection Division to request a complaint form. All complaints must be in writing. The Consumer Protection Division does not accept oral complaints.

In describing your complaint, be specific. Include the details about representations you believe are deceptive, misleading or false. State the kind of relief you are seeking from the business, such as an exchange, a repair or a refund. Attach copies of relevant papers, such as contracts, invoices, brochures and canceled checks. **Do not send any original documents.** Be sure to sign and date the complaint form before mailing it to the Consumer Protection Division.

The Consumer Protection Division cannot give you specific legal advice, and it cannot act as your private attorney. However, we will contact the business in writing and ask for a response to your complaint. This frequently takes several weeks and sometimes may take months.

**NOTE:** Unless you ask us not to contact the business, we will send your complaint to the business that is the subject of your complaint. Your complaint will also become part of the Consumer Protection Division's permanent records and will be available to the public under Idaho's Public Records Law.

## **PRIVATE CAUSE OF ACTION - SMALL CLAIMS COURT**

Every county in Idaho has a small claims court in which claims for up to \$5,000 may be brought against any Idaho resident. The lawsuit must be filed in the county where the defendant resides or in the county where the dispute arose. While they are official court cases, small claims hearings are designed to be quick and somewhat informal - to provide parties with an inexpensive method of settling minor claims. Information on how to file a small claims suit is available at your local Court Assistance office or, online, at [www.courtselfhelp.idaho.gov](http://www.courtselfhelp.idaho.gov).

Attorneys may not represent clients in small claims court. However, before you decide to bring an action in small claims court, you may be wise to seek a private attorney's advice on how to proceed with a private cause of action under the Consumer Protection Act.

## **CONTRACTS**

Virtually all consumer purchases are made pursuant to a contract. Sometimes the contract is oral, sometimes it is in writing. Whether you are buying a car, getting cell phone or Internet service, or renting an apartment, it will be pursuant to a contract. As a result, it is imperative that you read and understand the contract before you complete the purchase. Keep the following points in mind when you are considering any purchase:

- There is no 3-day right to cancel in Idaho. Except for telemarketing and certain door to door sales, there is no 3-day cooling off period.

- If you sign a contract, it is binding. If you break the contract, you can be sued. Your signature on a contract indicates that you have read and understood the contract -- even if you haven't.
- Protect yourself by getting a written agreement. The terms agreed on must be in the contract. Oral contracts are legally binding but difficult to enforce. You can still be legally responsible if you make an oral contract.
- The contract governs. In cases such as landlord/tenant leases, there are not many laws regulating specific details.
- Not all contracts have the word "Contract" typed across the top. Receipts, sales slips, tickets, guarantees --even parking valet stubs -- can all serve as contracts.

## **BEFORE YOU SIGN A CONTRACT:**

- When you're making a major purchase, insist on seeing the contract well in advance of signing it. Take a copy home overnight so you have plenty of time to read and understand it.
- Don't let the salesperson pressure you into signing.
- Don't rely on the salesperson's summary of what the contract means. Read the entire contract and make sure you understand it. If you have trouble with the language, get someone to help read it with you.
- Study the content to make sure the terms you and the seller agreed upon are included.
- Negotiate for terms that you are comfortable with.
- Never sign a contract that contains blanks.

- Be aware that some contracts eliminate the right to sue. Often, contracts require binding arbitration.
- If you want a clause added or deleted for your protection, write it in or ask for a manager. If the business refuses, consider taking your business elsewhere.
- Read credit applications before you sign. Don't sign if the information is not true.
- Make your signature big when you sign a contract. Sign your name large enough so that it overlaps the lines above it, so it's hard for the company to cut and paste.
- Never leave the business without a signed copy of your contract in hand.

## **RESOLVING PROBLEMS WITH YOUR CONTRACT:**

- If you think you were misled or deceived, you can file a complaint with the Attorney General's Office. You can file a complaint with the Better Business Bureau at [www.bbb.org](http://www.bbb.org).
- If you need help finding a private attorney, contact the Idaho State Bar Lawyer Referral Service at 208-334-4500 or visit the State Bar's website: [www.isb.idaho.gov](http://www.isb.idaho.gov).

## **TELECOMMUNICATIONS**

### **THE NO CALL LAWS**

Idaho's No Call Law helps reduce the number of unwanted phone solicitations you receive. Under Idaho law, it is illegal for telemarketers to call Idaho phone numbers registered on the National Do Not Call Registry.



The National Do Not Call Law operates similarly to Idaho's No Call Law. Telemarketers may not call registered telephone numbers. A telemarketer who does call a registered number can face court action and civil penalties under state and federal law.

### **Registering for the No Call Laws**

The Federal Trade Commission (FTC) administers the National Do Not Call Registry.

The Attorney General encourages Idahoans who do not want to receive telephone solicitations to register their residential and mobile phone numbers. Registration is free.

You can register your home and/or cellular phone number(s) on the National Do Not Call Registry by going to the FTC's online registry at [www.donotcall.gov](http://www.donotcall.gov) or by calling, toll-free, (888) 382-1222. When you register on the FTC's registry, your numbers are covered by both the state and federal No Call Laws. For convenience, there is a link to the FTC registration site on the Attorney General's website.

### **Filing a Complaint**

If you have been registered on the National Do Not Call Registry for at least three months and have received a telemarketing call, you may submit a complaint to the Attorney General's Office as well as the FTC. Information on how to file an Idaho No Call Law complaint is available on the Attorney General's website. A telemarketing call is defined as an unsolicited phone call from someone with whom you do not have a business relationship (no transaction within 18 months and/or no inquiry regarding the caller's products or services within 3 months), and the ultimate purpose of the call is to sell products or services.

Examples of unsolicited phone calls that are exempt from the No Call Laws include: requests for donations to charitable or political causes, requests for political support, surveys/polling/research and debt collection.

## **TELEPHONE SOLICITATION**

While many telemarketers are engaged in legitimate business, many people report deception by telemarketers. In response, the legislature enacted the Idaho Telephone Solicitation Act. This law grants consumers certain rights and places specific duties upon telephone solicitors. It is designed to safeguard the public against deception and financial hardship.

The best way to combat deceptive telemarketers is to be informed. Take time to research a business and to carefully consider a purchase before finalizing it.

### **Consumer Rights**

Under the Telephone Solicitation Act, you are entitled, in most situations, to:

- receive written confirmation regarding any purchase of goods or services made during the course of a telephone call;
- request and be provided with an itemized billing of goods or services purchased;
- cancel any purchase made over the phone, without obligation, up to three (3) business days after receiving written confirmation; and
- pursue a private lawsuit against a telemarketer who has engaged in deceptive and/or misleading selling tactics during an unsolicited sales call.

## **Telemarketer Responsibilities**

- Telemarketers must clearly identify the company and the nature of the product or service being offered for sale.
- If the call is in regard to a prize promotion, the telemarketer must state, “No purchase or payment is necessary to win.” (This must be clearly explained to the consumer before or with the prize description.)
- Upon the request of a consumer, telemarketers must disclose their telemarketing registration number that has been assigned by the Idaho Attorney General’s Office. The registration number does not indicate that the Attorney General’s Office is endorsing the business; it is simply for reference and record keeping purposes.
- A telemarketer is restricted to making phone calls between the hours of 8:00 AM and 9:00 PM. They may call seven days a week and on holidays.

## **Unlawful Acts**

It is unlawful for a telephone solicitor to:

- intimidate or torment any person in connection with a telephone solicitation;
- fail to hang up and free a consumer’s telephone line immediately upon request;
- misrepresent the price, quality or availability of goods or services being offered for purchase;
- use any device or method that may block the phone number or mislead the recipient as to the identity of the solicitor on a caller identification device (NOTE:

Due to their location, some telephone numbers may display as “unavailable” or “out of area.”); and

- advertise, represent or imply that they have approval or endorsement of any government office or agency unless such is a fact. (It is a good idea for consumers to verify this with the government agency directly before making a purchase with the organization.)

**The Attorney General’s Office does not endorse businesses or solicitations.** If a telemarketer claims that the office has endorsed a telemarketer or his products, you should consider the claim false and report the false claim to the Attorney General.

## **CRAMMING**

Cramming is the term used to describe the addition of charges to your telephone bill for services you did not knowingly authorize. Unauthorized charges for voice mail service, 800 number service or calling cards are common forms of cramming.

Cramming is a violation of the Idaho Consumer Protection Act. It is also prohibited by Federal Communications Commission (FCC) rules.

To protect yourself from cramming, check every page of your phone bill each month to make sure you are not being charged for services you did not order.

If you discover unauthorized charges, here are some steps you can follow:

- Notify your local phone company that you are disputing the unauthorized charges.
- Contact the company that placed the unauthorized charges on your account and request that your

account be cleared of all charges. The name of each service provider and its toll-free number should be listed on your telephone bill.

- You may file a complaint with the Consumer Protection Division against the company that added the charges to your account.
- You may also file a complaint with the FCC and the Idaho Public Utilities Commission.

## **INTERNET SAFETY**

One of the greatest risks of the Internet is that it is an anonymous place with no face-to-face contact. Thieves and predators take advantage of this anonymity and pretend to be someone other than whom they really are. For more detailed information read the Attorney General's manual Internet Safety.

## **SHOPPING ONLINE**



### **Use a secure browser**

A browser is the software you use to explore the Internet. Your browser should comply with industry security standards. Most computers come with a secure browser already installed.

You can determine whether your browser is secure from your web browser window. Select the "HELP" menu option and then select "ABOUT." The information pop-up window will display the encryption level.

### **Site Security**

Before conducting any transactions online, verify that the company's website is secure. A secure website means the company has taken precautions to ensure that others cannot

intercept information. You will always see a padlock  or key  icon in the lower corner of the screen when a site is secure.

Make sure your browser is up to date, and has the latest encryption capabilities. However, even these precautions cannot guarantee site security, because scam artists can replicate a website that appears to contain the security symbols and URLs.

## **Shop with Companies You Know**

Anyone can set up a business under almost any name on the Internet. If you are not familiar with a business, look for a physical address, a phone number and an e-mail address. Contact the business and ask for a brochure or catalog of merchandise and services. Request a copy of the business's refund and return policy. Contact the Better Business Bureau and the Consumer Protection Agency in the business's home state to find out what kind of track record the business has. Check with the Secretary of State to see if the business is registered. If you are purchasing an item from an Internet auction, check the seller's feedback rating.

Before you make a purchase, make sure that you know what you are paying for. Review the description, price information, and any limitations on purchases. (For example, goods may not be available for delivery outside of the country; there may be minimum quantities that must be ordered; etc.) If possible, compare the description to an actual physical model of the same item.

Review the fine print and look for words such as "refurbished," "close-out," "discontinued" or "off-brand."

## **Keep a Paper Copy of Your Purchase**

When you order something over the Internet, keep a printed copy of your purchase order, receipt or confirmation number. A paper record will help resolve problems with your purchase.

If you are purchasing an item from an Internet auction, review the auction site's recommended payment options. Decide whether you are willing to risk sending your money before you receive the product. Some Internet auction sites warn against paying by cash wire transfer, as this kind of payment is not traceable and usually impossible to recover in case of fraud.

The federal Mail or Telephone Order Merchandise Rule also covers purchases made over the Internet. Unless otherwise indicated, this rule requires that the merchandise must be delivered within 30 days. The company must notify you if the merchandise cannot be delivered within that time frame.

## **Internet Auction Sites**

Shopping on an auction site does not automatically protect you from fraud. In fact, some auction sites may be wholly fraudulent. Shop only on sites that you know or can verify are legitimate.

When shopping on an auction site, you should always understand and follow the site's guidelines. Going outside the site to pay for a purchase puts you at greater risk of fraud and loss of money. Some sellers or buyers will offer to deal with you directly through your e-mail, for example claiming that your bid won a "second chance" offer. This is a tactic often used by scammers as an attempt to lure you away from the site's protection guarantees.

Be especially cautious of buyers and sellers outside of the United States. Much of the fraud reported on these sites occurs with foreign transactions. If you lose money in an Internet scam, you will have practically no chance of getting it back, especially if the seller is in a different country.

If you have a dispute with an auction site purchase, contact the seller through the auction site's system. Don't communicate "off-site" or by direct e-mail. If you are not satisfied with the seller's response, use the auction site's dispute process. Be sure to act within the site's allowed timeframe. Don't let the seller delay until the dispute deadline has passed. If you pay with a credit card, you may also be able to dispute charges with your credit card company.

## **PASSWORDS**

Many websites require you to register and create a password for future access. When creating a password, the National Crime Prevention Council suggests you mix numbers with upper and lowercase letters or use a word that is not found in the dictionary. Avoid using personally identifiable information, such as your phone number, birth date or a portion of your Social Security number.

It is also a good idea to use a different password for each Internet site you use.

Keep your passwords in a secure place. Do not have your computer "remember" your passwords unless you are the only person with access to your computer.



## **E-MAIL**

Criminals are increasingly using e-mail as a tool for fraud. Some of the common scams are:

- Advance Fee Scam fraud;
- “Phishing” or Verification scam; and
- International Lottery Scam

## **ADVANCE FEE SCAM**

Advance Fee Scams include requests for your personal bank account information or asking you to pay an advance fee for taxes, attorney fees and other transactional costs in order to receive a benefit or money. Advance Fee scams include:

- disbursement of money from wills;
- contract fraud;
- real estate transactions;
- conversion of currency;
- transfer of funds; and
- sale of crude oil at below market prices.

One common example is the “Nigerian Money Scam.” In this scam, you’ll receive an urgent request to help someone get his or her money out of Nigeria (or another country). You may receive official looking documents to support the request, stating that it is from an official representing a foreign government or agency. These requests may appear to be personally addressed to you, but, in fact, they are sent out in mass mailings. They’ll offer you a large amount of money if they can move the money through your bank account. Of course, they’ll ask for your account number. If they get it, they will empty the account. They may also ask

you to pay in advance for taxes, attorney fees and other transactional costs in order to “transfer” the money into your account.

If you receive e-mails (or faxes or letters) similar to either of these scams:

- Do not respond.
- Destroy the e-mail, fax or letter.
- If you have become a victim of this scam - that is, if you have provided your bank account number or other personally identifying information or if you have lost money - notify the United States Secret Service.

Fraudulent e-mail messages should be reported to the FTC at: [spam@uce.gov](mailto:spam@uce.gov). If you’ve lost a significant amount of money, you should report the fraudulent e-mail to the nearest U.S. Secret Service field office. You’ll find the address in your local phone book. You can also file a complaint with the FTC at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov) and the Internet Crime Complaint Center at [www.ic3.gov](http://www.ic3.gov).

Another example of advance fee scams involves overpayment of a purchase.

You may become a target of this scam if you are selling an item over the Internet. The “purchaser” will “mistakenly” send you a check for more than the purchase price and ask you to send back the difference. The problem is that the check the “purchaser” sends you is counterfeit. You will lose the money you sent back and the amount of the counterfeit check.

To avoid being victim to an overpayment scam, you should:

- Confirm the buyer's name, address and telephone number.
- Refuse to accept a check for more than your selling price. If the buyer sends a check over the amount due, return the check and ask for a check in the correct amount. Do not send the merchandise until you receive the correct amount.
- Consider an alternative source of payment such as an escrow service or online payment service. Be sure to verify that the escrow service or online payment service is legitimate by reviewing its website, reviewing its policies and terms and conditions, calling its customer service line and checking with the Better Business Bureau or the Attorney General's Consumer Protection Division to see if there are complaints against the service.
- Do not wire funds back to the buyer.

## **“PHISHING” OR VERIFICATION SCAM**

If you are a target of this scam, you will receive an e-mail or pop-up message that appears to be from a trusted company. These e-mails and messages often contain color graphics and look just like the company's Internet site.



The e-mail or message will indicate that the company needs to verify information for its records and will ask you to provide your credit card number, automatic teller Personal Identification Number (PIN), Social Security number and/or other confidential information. This scam is also known as “phishing.”

The Attorney General's Office has seen fraudulent e-mails that appear to be from well-known companies, including PayPal, eBay and MBNA, a major credit card company.

These e-mails are fraudulent. They are not from these companies. The sender is trying to get information that can be used to steal your identity or your money.

The companies with which you do business already have the information they need. Legitimate companies will not contact you by e-mail to verify information you have already provided.

If you receive e-mails (or faxes, letters or phone calls) similar to this scam, you should:

- **Never provide the information requested.**
- Find the e-mail address of the real company and forward the e-mail to the company's security or fraud department. Or, you can call the company using a telephone number you know to be genuine.
- Delete the e-mail from your computer.
- Do not click on any link in a suspicious e-mail. Log on to website accounts by opening a new browser window and typing the URL website address directly into the address bar. Do not "copy and paste" the URL link from the message into your address bar.
- Only use secure websites to submit sensitive or personal information. Look for the lock  or key  icon at the bottom of your browser and a URL with an address that begins with "https."
- Review credit card and bank account statements regularly to determine whether there are any unauthorized charges.
- Maintain up-to-date anti-virus software. Some phishing e-mails contain viruses. Consider installing firewall protection.

You can report phishing to the Federal Trade Commission (FTC). Forward the e-mail to [spam@uce.gov](mailto:spam@uce.gov). If you believe that you have been injured (lost money, had your identity stolen, etc.) by phishing, you can file a complaint with the FTC at [www.ftc.gov](http://www.ftc.gov).

## **INTERNATIONAL LOTTERY SCAM**

Another common scam is the International Lottery Scam. This scam uses e-mail, direct mail and the telephone to entice you to purchase chances in international lotteries. When you send money to purchase a lottery ticket, many scam operators do not buy the promised tickets. Instead, they simply keep the money for themselves. Other operators will buy some tickets and keep any winnings for themselves. Operators will often make unauthorized withdrawals from your bank account or make unauthorized charges to your credit card.

If you purchase a ticket from one of these scam operators, there's a good chance they will put your name on a list of potential victims and sell it to fraudulent telemarketers and other scammers who will try to sell you other bogus offers for lottery and "investment opportunities."

If you receive a solicitation to purchase international lottery tickets:

- Do not respond to the solicitation.
- If the solicitation is by telephone, file a complaint with the Attorney General's Consumer Protection Division.
- If the solicitation is by direct mail, give the letter to your local postmaster.
- If the solicitation is by e-mail, delete the e-mail.

## **PRIVACY**

Some Internet sites may share information about you with affiliates. They may also sell your personal information. Before you provide information to an Internet site, decide what personal information you want to keep private and what information you are willing to have released.

Never give out your Social Security or driver's license numbers over the Internet.

Do not disclose other personal information, such as your address, telephone number or e-mail address, unless you have researched a company's privacy policy and know the company has a good reputation. Even then, find out exactly what information is being collected and how the company will use it. Many companies are joined with other affiliates or partners that have full access to their customer files.

## **COOKIES**



"Cookies" are pieces of data an Internet site places on the hard drive of your computer. Cookies originate from the sites you visit. In effect, cookies record your digital comings and goings. Visit [www.cookiecentral.com](http://www.cookiecentral.com) for more information about cookies, including how to remove cookies from your browser completely.

## **PHARMING**

"Pharming" involves the redirection of an Internet user from a legitimate commercial website to a bogus website. "Pharmers" set up bogus sites and shuttle users from legitimate websites by altering the domain name system or transmitting a virus.

The bogus website will look the same as the legitimate website. When you enter your login name or identification and password, “pharmers” obtain the information for their own use, which could likely be identity theft. This can occur even when you type the correct URL.

You can take steps to avoid being a victim of pharming.

- Maintain up-to-date antivirus software.
- Consider installing anti-spyware software and firewalls.
- Be careful when entering personal or sensitive information into a website. Be sure to look for the lock  or key  icon at the bottom of your browser.
- Review websites closely. If the website has changed since your last visit, be suspicious. If you have any doubt about the website, do not use it.

## **SPYWARE**

Spyware is software that is installed on your computer without your consent. Spyware monitors or controls your computer use without your knowledge. It is also called “adware.” Spyware is often used to send you pop-up advertisements, direct you to certain websites, monitor your Internet surfing, and even to record your keystrokes. Spyware can lead to identity theft.

Indications that your computer is infected with spyware include: numerous pop-up ads; a browser that takes you to sites other than those that you typed into the address bar; sudden or repeated change in your home page; new or unexpected toolbars or icons at the bottom of your computer screen; keys that no longer work; random error

messages or slow performance when opening programs or saving files.

To prevent the installation of spyware:

- Keep your operating system and browser software up-to-date.
- Do not download software from sites you do not know and trust.
- Do not install software without knowing exactly what it is. Read the end-user license agreement before you install software.
- Set your browser security setting to a high level and keep it updated.
- Do not click on links within pop-up windows. Close pop-up windows only by clicking the “x” icon in the title bar.
- Do not click on links in spam that offers “anti-spyware” software. Many of these are fraudulent and actually install spyware onto your computer.
- Consider installing a firewall.

## **IDENTITY THEFT**

### **WHAT IS IDENTITY THEFT?**

Identity theft occurs when someone uses your personal information, such as your name, Social Security number, credit card number or other identifying information, without your permission, to obtain goods, services or money in your name.

Identity theft is a crime and can be devastating to victims. Idaho Code § 18-3126 governs identity theft. If the amount of money (or value) lost exceeds \$300, the theft constitutes



a felony. The punishment for felony identity theft is five years in prison, up to a \$50,000 fine or both.

If you are a victim of identity theft, you probably will have no idea your identity was stolen until you are denied credit, turned down for a job or receive a bill for purchases you did not make. By that time, your good name and credit history may be damaged. Rebuilding good credit in the aftermath of identity theft can take months or even years.

## **HOW DOES IDENTITY THEFT OCCUR?**

Identity theft sometimes begins with a lost or stolen wallet or purse. Identity thieves also may search trashcans, looking for useful financial and personal information. Identity thieves may impersonate representatives of well-known and legitimate businesses to obtain your credit card numbers, Social Security number or other personal information that can be used to obtain credit.

Skilled identity thieves may hack into computers, steal confidential information from their employers, divert mail by completing a “change of address form” or pose as a landlord or employer to obtain access to credit reports.

Identity thieves usually won’t use your checks or credit cards because you may have reported them lost or stolen. Instead, they will use your identification information to obtain new credit cards, open checking accounts, get a fake driver’s license or Social Security card, rent an apartment or, in some cases, obtain a job.

Of course, identity thieves never pay the bills they incur. You, as the victim, end up with a damaged credit rating and the time-consuming task of explaining to the creditors that the charges are fraudulent.

## **HOW CAN I PROTECT MYSELF FROM IDENTITY THEFT?**

The best protection against identity theft is to guard your personal information. Here are some ways to avoid becoming an identity theft victim:

Never provide your credit card or account numbers to anyone who initiates contact with you.

Tear up or shred pre-approved credit card or loan offers before throwing them away. You may request that consumer credit reporting companies exclude your name from lists for pre-approved, unsolicited credit and insurance offers. To find out more, call (888) 567-8688.

Tear up or shred old bank and credit card statements, cancelled checks, charge receipts, insurance forms and other financial documents before disposal.

Review your monthly credit card and bank statements thoroughly and question any item that appears inaccurate.

If your bank or credit card statements do not arrive on time, call the issuer to make sure the statements are being sent to the right address.

If you have several credit or debit cards, consider enrolling in a credit card registry service that will notify all of your creditors after one call from you. Research the service before you enroll to make sure it is reputable.

If you receive a credit card in the mail that you did not request, call the issuer to find out why it was sent to you. If someone else requested it in your name, cancel it immediately and follow the steps outlined in this brochure.

When you create passwords for ATM cards, long distance

accounts or other forms of credit, do not use numbers others can associate with you such as your birth date or part of your Social Security number. Avoid using words, such as your mother's maiden name, which are likely to appear in public records accessible to thieves. The best passwords use a combination of letters and numbers.

Check your credit reports once a year. If you have children, it also is important to review their credit reports regularly. Young people, even infants, have become a favorite target of identity thieves because it is unlikely the theft will be discovered until the child grows up and applies for credit.

## **FREE PRIZES/MAIL SWEEPSTAKES**

### **FREE PRIZES**

“Prize” promotions are unlawful in Idaho if they require any kind of purchase or similar payment in order to participate. Even where no purchase or other payment is required, Idaho law provides that “prize” promotions or solicitations must not be deceptive or misleading as to your chances of winning or as to the value of the prizes.

If you receive a “prize” promotion or sweepstakes offer that requires a credit card number or payment of a fee to receive a prize, the best course of action is simply to throw the solicitation away. If the offer comes over the telephone, just hang up.

### **MAIL SWEEPSTAKES**

You have probably received certificates in the mail congratulating you as a “guaranteed” grand prize winner in a promotional sweepstakes. However, the sweepstakes may only drag you along, mailing after mailing, trying to get you to purchase products or pay fees to claim your prize.

Before you respond to a sweepstakes offer, here are some things to consider:

- Many of these promotions are fraudulent, and you will not receive the promised prizes of money or merchandise.
- The prizes (gems, watches, jewelry, etc.) may be worth much less than implied or stated in the sweepstakes.
- Never call a 900 number to claim a prize. You will be charged a very high fee for each minute of the phone call, and the promoters will keep you on the phone as long as possible!
- Never pay postage, processing fees or taxes to a sweepstakes. Whatever you pay will be more than the so-called free prize.
- Never give out your credit card number, Social Security number or your bank account number.
- A true prize requires nothing of you!

Very sensible people have lost thousands of dollars by simply believing that a huge sum of money would be mailed to them soon.

If you would like to reduce the mailings coming to your home, you can:

- Tear up and throw away questionable promotional sweepstakes mailings. When you participate in these sweepstakes, your address is sold to more mail solicitors.

- Write to the Direct Marketing Association:

DMA Choice

Direct Marketing Association

1615 L Street

Washington, DC 20036

Ask them to remove your name and address from these lists. Be sure to enclose a check for \$1, payable to "Mail Preference Service." Allow 60-90 days for changes.

## **RAFFLES, BINGO & PROMOTIONAL DRAWINGS**

Idaho law authorizes bingo and raffle games only when operated by qualified charitable organizations in the pursuit of charitable purposes.

Under Idaho law, a game of chance in which you must pay money, make a purchase, or give anything of monetary value in order to have a chance to win a prize is considered a lottery. It is unlawful in Idaho for anyone other than the Idaho Lottery, a charity licensed by the Idaho Lottery Commission or an Indian Tribe on its reservation to conduct lotteries, bingo games or raffles.

## **DOOR-TO-DOOR SALES**

Idaho Consumer Protection Rules protect you from high-pressure or deceptive door-to-door salespersons.

If you make a purchase of \$25 or more from a door-to-door salesperson for personal, family or household purposes, that salesperson is required to furnish you with written notification that you have a three-working-day grace period in which to cancel the purchase. The salesperson should give you a contract or receipt for your purchase and two copies of the Notice of Cancellation form. You may cancel

your purchase by signing and dating one copy of the form and mailing or delivering it to the seller within the three-day period. Keep a copy for your records.

Within ten days of your cancellation, the seller must refund all your money, return any trade-in you may have given, cancel any contracts you have signed and let you know when or how the merchandise will be returned.

You have these rights even if the seller did not furnish you with the Notice of Cancellation forms. If you were not provided with the forms, you may cancel your purchase by writing a letter to the seller within three business days of the transaction, stating your desire to cancel. It is a good idea to send the letter certified mail, return receipt requested, and keep a copy for your records.

If you used credit to purchase goods or services from the door-to-door salesperson, the Idaho Credit Code allows you three business days to cancel the purchase, regardless of the price of the item. The three-day right to cancel does not apply if the sale is made entirely by mail, if you discussed or placed the order at the seller's place of business or if the sale is of real estate, insurance or securities.

## **CHARITIES**

The Charitable Solicitation Act prohibits unfair, false, misleading or deceptive conduct in the solicitation of funds for a charitable organization. The Attorney General enforces this law through the Consumer Protection Division.

Many charities use professional fundraisers to solicit donations by telephone. It is common for a charity to authorize professional fundraisers to use the charity's name. They will tell you the proceeds go to the charity. However,

professional fundraisers often keep 85% or more of your contribution as their profit and to cover their operating costs. If you are not interested in the product or event, you will provide a greater benefit to the charity by sending a check directly to the charity and bypassing the fundraiser altogether.

You should carefully check out any organization that solicits you for a donation. For information about a particular national charity's activities, finances and fundraising practices, contact the Council of Better Business Bureaus' Wise Giving Alliance, Suite 600, 3033 Wilson Blvd., Arlington, VA 22201, (703) 276-0100, [www.give.org](http://www.give.org).

Before you agree to make a purchase or donation:

- Ask how your contribution will be used. Ask what percentage of your contribution will go to the charity itself. Ask if your contribution will be used locally or elsewhere. Get written information.
- Call the charity directly to verify whether the fundraiser is working on behalf of the organization. If you cannot verify the claim, report the solicitation to your local law enforcement officials and the Consumer Protection Division.
- Do not believe a fundraiser's suggestion that you'll receive special treatment for donating. No fundraiser can guarantee that you won't be stopped for speeding if you have a police organization's decal in your car window.
- Don't feel intimidated about declining to give. A caller who uses intimidation tactics or emotional pleas is likely to be a scam artist. Report the call to

your local law enforcement officials and the Consumer Protection Division.

If you do give, be careful how you do it. Avoid cash gifts; cash can be lost or stolen. Never give your credit card number over the phone to someone who calls you. Write a check and make it out to the charity – not the solicitor.

## **REPAIRING OR REMODELING YOUR HOME**

### **RESIDENTIAL CONSTRUCTION**

There are several things you should consider when selecting a general contractor for residential construction or home improvement.

### **CONTRACTOR REGISTRATION**

Idaho law requires contractors to register with the Idaho Contractors Board. To verify that a contractor you are considering hiring is registered, check the Division of Occupational and Professional Licenses' website at [dopl.idaho.gov](http://dopl.idaho.gov) or email the office at [con@dopl.idaho.gov](mailto:con@dopl.idaho.gov). You can also call the office at (208) 334-3233.

Although contractors must register, it is still your responsibility to do sufficient research before hiring a contractor. You must decide what work is to be done, what it will take to do the job, how much you are willing to spend and what type of professional you need.

You should also protect yourself from many of the common pitfalls of building or remodeling. The most frequent consumer complaints are about higher than expected cost, missed deadlines and poor workmanship. Sometimes these problems are not evident when the work is completed. Instead, they can surprise you months later.



To avoid costly mistakes and misunderstandings with a contractor, consider the following information.

## **NOTICES**

In Idaho, the general contractor must give the homeowner or residential real property purchaser a disclosure statement before entering into a contract with a homeowner or a residential real property purchaser, if the contract exceeds \$2,000. The disclosure statement must inform the homeowner or residential real property purchaser that the homeowner has the right to:

- require the general contractor to obtain lien waivers from any subcontractors working with the general contractor (at the reasonable expense of the homeowner);
- ask the general contractor for proof of general liability insurance and workers compensation insurance, as required by law;
- purchase an extended policy of title insurance covering liens; and
- require a surety bond (at the expense of the homeowner) in an amount up to the value of the construction project.

By the end of the project, the general contractor must give the homeowner or residential real property purchaser a list of all subcontractors, material men and rental equipment providers directly hired or working for the contractor who have done work or supplied materials in excess of \$500. The list should include business names, addresses, and phone numbers. The list must be given to the homeowner before the closing of the sales agreement or before the

homeowner provides final payment to the general contractor.

## **HOW TO CHOOSE A CONTRACTOR**

Select a general contractor with great care and consider the following:

- Ask friends and family members for recommendations.
- Ask the general contractor for the company's full business name, address and telephone number, and verify them. A post office box, with no street address, is not acceptable.
- Verify that the contractor is registered with the Idaho State Contractors Board. Inquire as to whether the contractor has been subject to disciplinary action by the Board.
- Call the Better Business Bureau (BBB) in the area where the contractor's business is located, or check on the web at [www.bbb.org](http://www.bbb.org), to see if any complaints have been filed against the company. Check to see if there are any unresolved cases and how long the contracting company has been in business under its current name. Some of the less reputable companies frequently change names in order to avoid being located.
- Ask if the contractor is a member of a professional or trade association that has a code of ethics and a process to arbitrate disputes, such as the Idaho Building Contractors Association. You can write to the Idaho Building Contractors Association at 6206 N. Discovery Way, Suite A, Boise ID 83713, or call (888) 284-4240.

- Ask for a list of previous customers whom you can contact for references. Contact the references to find out if they are satisfied with the contractor, if there were problems and, if so, the nature of the problems and whether the problems were resolved to the customer's satisfaction.
- Compare construction costs by getting written itemized estimates or bids from several contractors. Each estimate should describe the same building specifications, materials and time frame for completion.
- Verify prices for building materials quoted in the estimate by contacting building supply companies. You may also ask the supply company about previous dealings with your prospective contractor.
- Avoid contractors who pressure you into quickly signing a contract.
- Do not automatically select the lowest bidder.
- Beware of:
  - unknown or out-of-town businesses in unmarked trucks or vans;
  - door-to-door salespeople and telephone solicitors promising quick jobs and bargain prices;
  - organizations that offer a bargain rate because their "equipment is already in the neighborhood;"
  - businesses that advertise "special introductory offers;" and
  - contractors who use high pressure, scare or threatening sales tactics.

## **WHAT YOU SHOULD KNOW ABOUT THE GENERAL CONTRACTOR'S INSURANCE COVERAGE**

Ask to see a copy of your general contractor's insurance certificate or the name of the insurance carrier and agency. Verify the coverage. General contractors should have property damage insurance to protect you from lawsuits if an accident happens on your property. A general liability policy in the sum of at least three hundred thousand dollars (\$300,000) is required to meet contractor registration requirements under Idaho law. Worker's compensation coverage should also be considered to cover potential worker injuries that may occur. Do not do business with any general contractor who does not have sufficient coverage.

## **RESIDENTIAL CONSTRUCTION/HOME IMPROVEMENT CONTRACT**

A residential construction or home improvement contract should be in writing and include:

- the date of the contract;
- the general contractor's full name, street address and telephone number;
- the names of any subcontractors;
- a complete description of all work to be done;
- the grade and quality of all materials to be used;
- an agreed upon starting and completion date;
- the cost of the total project;
- a payment schedule showing the amount and date of each payment;
- a copy of all warranties and guarantees; and

- documentation of any financing arrangements.

## **Tips To Consider Before Signing a Contract**

- Before signing any contract, you may want to consult a private attorney because, once signed, the contract will govern legal rights in your relationship with the contractor.
- Make sure that the contract contains all the terms of the agreement and that you have read and understand everything in the contract.
- Keep a signed, readable copy of the contract in a safe place.
- Make sure all verbal promises are included in the written contract. Be sure that the materials you select are what you want. Be sure the contract includes everything you feel is important to the job.
- Avoid costly overruns by making your construction decisions before construction has begun.
- If you need to borrow money to finance the construction work, add a clause to your contract stating that it is valid only if financing is obtained.
- Don't agree to a large down payment. Payments should be made upon the progress of the work. You should include a contract provision allowing you to withhold a certain sum, such as ten percent (10%), until the work is completed satisfactorily.
- Never sign a partially blank contract. Fill in or draw a line through any blank spaces.
- If you have any questions about the contract or do not understand any of its terms, ask for clarification before you sign it.

- If you sign a home improvement contract at home and it's for more than \$25, you have three days to cancel the contract, as outlined under the Door-to-Door Sales section of this manual.

## **WHAT TO KEEP IN A JOB FILE**

You should keep a file with all papers related to the residential construction or home improvement job, including:

- the contract and any change orders;
- plans and specifications;
- bills and invoices;
- canceled checks;
- letters, notes and correspondence with the general contractor;
- lien releases from subcontractors and material suppliers; and
- a record sheet on each subcontractor, listing the work performed and the length of time on the job.

## **WHAT TO DO WHEN THE PROJECT IS FINISHED**

- Thoroughly inspect all work before making final payment.
- Review the entire project with the general contractor.
- Immediately point out any defects, and be sure they are corrected.
- Require the general contractor to provide an affidavit of completion when the work is finished.

- Do not sign a completion certificate until the city/county building inspection department has certified that all work was performed in accordance with code standards, you have proof that all subcontractors have been paid in full and you are completely satisfied with the job.
- Withhold the percentage agreed upon in the contract until the job is completed, you are satisfied with the work that has been done and you have proof that all subcontractors and employees have been paid.

## **WHAT TO DO IF YOU HAVE A COMPLAINT**

First, discuss the problem with the contractor. Speak to the manager or the owner about the problem, and follow up by sending a certified letter confirming all details of the conversation. Keep records of all conversations you have with the contractor and any letters you send to or receive from the contractor. If direct contact with the contractor does not solve the problem, file a complaint with the Division of Occupational and Professional Licenses through its website at [dopl.idaho.gov](http://dopl.idaho.gov) or write:

Idaho Contractors Board  
Division of Occupational and Professional Licenses  
11351 W. Chinden, Bldg. #6  
PO Box 83720  
Boise, ID 83720-0063

## **FORECLOSURE**

Due to an increase in mortgage foreclosures, the number of so-called “foreclosure rescue” companies has multiplied. These companies advertise that they can help financially distressed consumers save their homes from foreclosure,

but, in fact, they often strip consumers of their equity and make them tenants in their own homes.

The U.S. Department of Housing and Urban Development provides information about foreclosure prevention on its website at [www.hud.gov](http://www.hud.gov). Consumers should consult with a private attorney before they sign any contract involving the ownership of their homes.

## **HEALTH CARE**

As we age, the cost of healthcare can become a very large consideration. Thousands of agencies are now available to help you make health care decisions. It is best to consult with those you trust or with recognized organizations such as AARP and SHIBA. This information can complement, not replace, what you receive from your doctor.

We recommend contacting SHIBA for health insurance information. SHIBA is part of the Idaho Department of Insurance. SHIBA stands for Senior Health Insurance Benefit Advisor Program. SHIBA offers free counseling and assistance regarding Senior Health insurance, including Medicare plans. You can contact SHIBA, toll free, at (800) 247-4422 or online at [www.doi.idaho.gov](http://www.doi.idaho.gov).

## **CHOOSING A DOCTOR**

Your doctor will help you make important decisions about your healthcare. The doctor-patient relationship requires a foundation of trust. Whether you are looking for a general practitioner or have been referred to a specialist, you'll want to feel comfortable with your doctor's qualifications and experience. Here are some resources for information about doctors practicing in Idaho.



- Research whether they are licensed in Idaho by contacting the:

Idaho Board of Medicine

1755 Westgate Drive

PO Box 83720

Boise, Idaho 83720-0058

Ph: (208) 327-7000

[www.bom.state.id.us](http://www.bom.state.id.us)

- Research whether they are board certified at:

American Medical Association

AMA Plaza

330 North Wabash Avenue, Suite 39300

Chicago, IL 60611-5885

Ph: (800) 262-3211

[www.ama-assn.org](http://www.ama-assn.org)

Information is also available at your health care provider's office and from the Idaho State Licensing Boards:

- Idaho Board of Medicine - (208) 327-7000
- Idaho Board of Nursing - (208) 577-2476
- Idaho Bureau of Occupational Licensing - (208) 334-3233
- Idaho State Board of Dentistry - (208) 334-2369

## **CHOOSING A HEALTH CARE FACILITY**

- Research hospitals at the:  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
Toll Free: (877) 696-6775  
[www.hospitalcompare.hhs.gov](http://www.hospitalcompare.hhs.gov)

- The Joint Commission on Accreditation of Healthcare Organizations accredits hospitals, nursing homes and other healthcare organizations. JCAHO accepts complaints on its website, by phone or in writing.

The Joint Commission  
One Renaissance Blvd.  
Oakbrook Terrace, IL 60181  
Ph: (630) 792-5800  
[www.jcaho.org](http://www.jcaho.org).

## NURSING HOMES

Choosing a nursing home or in-home care provider is a big step. To help you make the right choice, here are some agencies which will provide valuable information:

- The Idaho Department of Health and Welfare has information available online regarding choosing a nursing home, comparing nursing homes and seeking financial assistance.

Go to [www.healthandwelfare.idaho.gov](http://www.healthandwelfare.idaho.gov) and click on “Families,” then on “Adult Care.” You can contact the Department of Health and Welfare, toll free, at: (800) 926-2588.

- The U.S. Department of Health and Human Services has a website you can use to compare nursing homes: [www.medicare.gov](http://www.medicare.gov).
- The U.S. Department of Health and Human Services also offers information for locating a caregiver. Call the Eldercare Locator telephone number: (800) 677-1116 or search online at [www.eldercare.gov](http://www.eldercare.gov).

## **PRESCRIPTION DRUGS**

Pharmacies may charge widely different prices for the same medicine, so it is a good idea to comparison shop.

Ask your doctor or pharmacist if a generic version of the drug is available. Generic drugs usually cost less than brand name drugs.

If you want information on a specific drug, visit Drugs@FDA at [www.fda.gov](http://www.fda.gov).

Mail order or online pharmacies often offer lower prices. This may be a good idea, especially if you will be taking the drug for a long time. However, you will want to make certain that you are doing business with a licensed pharmacy.

To verify that an online pharmacy is licensed, contact:

National Association of Boards of Pharmacy  
1600 Feehanville Drive  
Mount Prospect, IL 60056  
Ph: (847) 391-4406  
Fax: (847) 391-4502  
[www.nabp.net](http://www.nabp.net).

Be wary of sites that:

- Sell drugs without a prescription
- Sell drugs that are not approved by the FDA
- Advertise quick cures or tell stories of “amazing results”

## **“FREE” PRESCRIPTION DRUGS**

Although some prescription assistance programs genuinely

try to help consumers with their medication costs, others take consumers' money and provide little or no assistance in return. You should be cautious about companies that charge fees to help you obtain free or discount prescription medicine.

The Attorney General's Office has received complaints that some businesses make exaggerated claims about a patient's eligibility for free medicine and the business's ability to obtain assistance. Idaho consumers have reported paying fees of up to \$200, only to find that they are not eligible for assistance or that the business does very little to help them.

Some businesses merely provide forms that patients could obtain free from their doctors or from prescription drug companies. Patients then must complete and submit the forms themselves.

Eligibility requirements vary among prescription drug companies. As a result, assistance programs cannot guarantee you will qualify for free medications.

When consumers request refunds for unsatisfactory service, the business may refuse the requests, go out of business or disappear completely. The consumers are left with the same medical bills but have also lost hundreds of dollars in fees paid for assistance.

However, there are sources that do not charge fees and can help you obtain prescription drugs free or at low cost. If you think you may be eligible for free or discounted prescription medicine, ask your doctor or health care provider for information on how to apply.

Some pharmaceutical companies have formed partnerships with health care providers to help patients with prescription costs. The Partnership for Prescription Assistance is one

such organization. For more information visit the Partnership's website at [www.rxidaho.org](http://www.rxidaho.org).

Consumers who have lost money to a prescription assistance business can file a complaint with the Attorney General's Consumer Protection Division by completing a complaint form on the Attorney General's website, [www.ag.idaho.gov](http://www.ag.idaho.gov). Consumers also may call the Consumer Protection Division at (208) 334-2424 and request a complaint form be mailed to them. Idaho residents outside the Boise calling area may call the toll free number, (800) 432-3545.

## **DISCOUNT HEALTH PLANS**

There are two types of plans that look and sound like insurance but are not true insurance and are not regulated by the Idaho Department of Insurance.

- Discount plans provide benefits that appear to be discount medical insurance but, in fact, only offer a discount for certain office appointments or procedures. When you join this type of organization, the organization chooses the health care provider and decides the amount of benefit, if any, that you will receive. There is no guarantee that you will receive any benefit or that there will be a health care provider in your area.
- Unauthorized health insurance plans will pose as a union or guild that operates outside of state insurance regulation. They may approach you offering health care in exchange for an enrollment fee. If the company closes or goes bankrupt, any premiums that you have paid become null and void.

## Choosing a Health Plan

- To find out if the company is licensed in Idaho, call (800) 721-3272 or search online at [www.doi.idaho.gov](http://www.doi.idaho.gov). Be extremely wary of any salesperson claiming that state licensing is not needed for a reliable health plan.
- Ask for the company's free list of medical providers. The list should be free. If it is not, you may be throwing your money away.
- Ask your current health care providers if they are familiar with this company and if they do business with the company.
- If the company requires you to convince your health care provider to join the plan, look elsewhere. Legitimate companies establish their own agreements with providers.
- Be wary when the word "insurance" is not used and instead "benefits" or "coverage" are offered. Find out if the company sells insurance, what insurance company underwrites the plan and check with the Idaho Department of Insurance to make sure the company is licensed in Idaho.
- Describe the kind of health care services you need and ask how the company will pay for each medical need.
- Ask to see a list of exclusions and limitations for the plan. If the answer is that everything is covered and there are no exclusions, it is probably not legitimate insurance. If the company will not provide this information before enrolling, look elsewhere for health coverage.

- If the salesperson asks for your credit card number before giving any plan information, stop the sales pitch. This may well signify a phony health insurance plan.

Remember: verify before you buy. If it seems too good to be true, it probably is.

## **HEARING AIDS**

### **Before Purchasing**

Before you purchase a hearing aid, it is wise to have a medical evaluation by a licensed physician to identify medical conditions that might require treatment. The physician may refer you to a certified audiologist or licensed hearing aid dispenser who will test your hearing.

If a physician has not evaluated your hearing loss, the hearing aid fitter must test your hearing. Idaho law requires that, within six weeks of a purchase, the consumer must be tested with and without the hearing aid. This testing is to determine the value of the hearing aid to the consumer. The fitter must document the hearing test results and keep them on file for two years.

A hearing aid only amplifies sound. It will not restore hearing or prevent further hearing loss. A hearing aid cannot help all hearing problems. Some hearing problems can and should be treated medically.

### **While Shopping**

Hearing aids are sold by “dispensers.” Idaho requires hearing aid dispensers to be licensed annually. The Speech and Hearing Services Licensure Board issues all licensed dispensers an identification card. Ask to see the license.

Don't make your decision hastily or be pressured into purchasing a device. Take your time. Check with more than one dispenser. Compare prices and services offered by other dispensers and audiologists. The difference in price and services can be significant. A more costly hearing device is not necessarily a more effective one.

Ask the dispenser to break down all the costs on your purchase agreement. This information will help you understand how much you are paying for the device and how much you are paying for future service.

### **Service Work or Repairs and Warranties**

Ask for a written explanation describing available follow-up service and the charges for service calls. If there is an expiration date for free service, make sure your receipt accurately reflects this date.

Ask about warranties. Find out the dispenser's policy for repair work. Do not assume that service calls will be done at your home because the dispenser came to your home for the sale. If you can only obtain service at the dispenser's office, it is wise to factor this into your decision. Save all receipts, cancelled checks, warranties, contracts, etc., for future reference.

If your hearing aid is not satisfactory for any reason, contact the dispenser immediately. If you suspect that your dispenser is not providing you with the goods or services you purchased, contact the Division of Occupational and Professional Licenses, Speech, Hearing and Communication Services Licensure Board, 11351 W. Chinden Blvd., Bldg. #6, Boise, Idaho 83720-0063, (208) 334-3233. The Division will advise you of the proper method for registering a complaint.



Once you have made a decision to buy, be sure your contract includes:

- the name brand and type of hearing device you are buying;
- both the dealer's and your signatures;
- a statement that the device is used or reconditioned, if you are purchasing a used or reconditioned device;
- a delivery date; (If your hearing aid is late, contact the dispenser for an explanation. Make notes about your discussion and keep them with your records.) and
- the terms and time allowed for returns and refunds. (In Idaho, all hearing aid sales agreements include a thirty-day right to cancel the purchase and obtain a refund. The thirty-day right to cancel will begin on either the date you signed the contract or the date you received the hearing aid, whichever is later.)

## **ESTATE PLANNING**

Careful estate planning can ensure that your assets are distributed according to your wishes after your death. Successful estate planning transfers your assets to your beneficiaries quickly and usually with minimal tax consequences. It is helpful to learn the terms that are used in this aspect of financial planning before you begin conversations about it.

- Probate is a legal process that usually involves filing a deceased person's will with the local probate court, taking an inventory and getting appraisals of the deceased's property, paying all legal debts and, eventually, distributing the remaining assets and property.

- A trust is a legal arrangement in which one person gives control of his property to a trust. The trust is administered for the beneficiary's benefit.
- A will is a legal document that dictates how to distribute your property after your death. If you don't have a will, the law of your state determines what happens to your estate and your minor children. The probate court governs this process.
- If your assets are worth one million dollars or more, estate planning may benefit your heirs. By the time you account for your home, investments, retirement savings and life insurance policies, you may find that your estate is worth a considerable amount of money. You should consult an attorney, a CPA or a tax advisor for guidance.

## **LIVING TRUSTS**

### **The Purpose of a Living Trust**

The most common reason for having a living trust is to provide for the future management of a person's assets in the event of incapacity. That is why living trusts are a popular estate planning tool for elderly individuals. Living trusts also are useful for parents of incapacitated children, people in the military, or those who leave the country temporarily. A living trust allows these individuals to designate another person to manage their property while still retaining ownership. As discussed later, a living trust has the added benefit of avoiding probate.

### **The Elements of a Living Trust**

The legal terminology associated with living trusts can be confusing if you do not regularly deal with estate matters. That is why it is essential to consult with an experienced

attorney who can advise you of the benefits and consequences of the many estate planning tools currently available.

The individual who creates the trust is “the grantor.” The grantor designates a person who will serve as “the trustee” and who will follow the trust’s terms after the grantor dies. While alive, the grantor may serve as the trustee and control the trust.

To establish a living trust, title to the grantor’s assets must be transferred into the trust. This is called “funding” the trust and requires the grantor to take specific actions. For example, the grantor must transfer legal title to the grantor’s real estate into the trust’s name. Contrary to the claims of some inexperienced living trust salespeople, merely signing the trust documents does not create a funded trust.

### **The Advantages of a Living Trust**

The most significant advantage of a living trust is that it is not subject to probate, which is the legal process for settling a deceased person’s estate. However, estate planning tools other than a living trust also avoid probate and may better address your current needs. Such options include a joint tenancy, a life insurance policy, an in-trust-for bank account and an individual retirement, pension or Keogh account.

An experienced estate planner can advise you as to what planning devices are best. Do not be fooled by inexperienced salespeople who exaggerate the cost of probate and the time it takes to settle an estate. The cost of drafting and properly funding a trust can be higher than the cost of preparing a simple will. Furthermore, living trusts do not offer any substantive income or estate tax advantages and still may be contested.

## **Complaints about Living Trusts**

The sale of living trusts is unregulated in Idaho, and many people selling living trusts are inadequately informed to advise you on the issues relating to living trusts and estate planning. Senior citizens are frequently targeted by people selling living trust packages.

Consumers who have purchased living trusts frequently complain that, after paying a substantial sum for the trust documents, they are left with inadequate direction or help in funding the trust. Without proper funding, a trust is ineffective and, upon death, your estate would probably have to be probated. In that situation, heirs may experience frustration and increased expenses in trying to unravel your estate.

Other consumer complaints against marketers of living trusts include:

- exaggeration of the time, cost and complexity involved in probating a will;
- false assurances that assets in a living trust cannot be attached by creditors;
- false assurances that the income of living trusts in Idaho, drafted according to laws of other states, is exempt from Idaho income tax;
- the misleading use of estates of wealthy, famous people as examples to illustrate the benefits of living trusts when, in fact, the average consumer's estate cannot reasonably be compared to such examples; and
- misrepresentations regarding a consumer's ability to control assets placed in a living trust.

## **Advice for Consumers**

When planning for disposition of your estate, avoid doing business with door-to-door salespeople and telephone solicitors. Unscrupulous living trust sellers use high-pressure sales tactics and charge thousands of dollars for completing pre-printed legal forms that are often worthless. The salesperson then disappears, keeping your money and a lot of highly personal information about you.

Before employing anyone to handle your personal and financial affairs, ask trusted family members and friends for references to experienced estate planners. Do not invite strangers into your home or meet with anyone whose professional background is unknown to you.

For information about attorneys and to obtain an estate attorney referral, you can contact the Idaho State Bar at (208) 334-4500 or visit its website at [isb.idaho.gov](http://isb.idaho.gov).

To file a complaint with the Consumer Protection Division about a door-to-door sale or a telephone solicitor, submit a complaint on the Attorney General's website at [www.ag.idaho.gov](http://www.ag.idaho.gov) or request a complaint form by calling the Consumer Protection Division at (208) 334-2424 or in-state, toll free, at (800) 432-3545.

## **END OF LIFE HEALTH CARE PLANNING**

Idaho law provides a means for you to ensure that your wishes about your healthcare are carried out in the event you become incapacitated and are not able to speak for yourself.

There are two basic kinds of Advance Directives. The first is called a Living Will, and the second is called a Durable Power of Attorney for Health Care. In Idaho, you can

complete one form for both a Living Will and a Durable Power of Attorney for Healthcare.

You should not execute an Advanced Directive without having first thought about end of life issues, considered your personal values, and discussed your end of life wishes with your family, physicians, attorney, and clergy.

## **LIVING WILL**

A Living Will sets forth your instructions for dealing with life-sustaining medical procedures in the event you are unable to decide for yourself. A Living Will directs your family and medical staff on whether to continue, withhold or withdraw life-sustaining systems, such as tube feeding for hydration (water) and nutrition (food), if you are incapable of expressing this yourself due to an incurable and terminal condition or persistent vegetative state.

## **DURABLE POWER OF ATTORNEY FOR HEALTH CARE**

A Durable Power of Attorney for Health Care allows you to appoint a person to make all decisions regarding your health care, including choices regarding health care providers and medical treatment, if you are not able to make them yourself for any reason.

## **FORMS**

Forms for Living Wills with Durable Power of Attorney for Health Care are available free on the Secretary of State's website at [sos.idaho.gov](https://sos.idaho.gov). You will also find additional information about living wills, including answers to frequently asked questions, on the Attorney General's website.

## **PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST)**

There is also a Physician Orders for Scope of Treatment (POST) form in Idaho.

The POST is a written physician's order that must be followed by all health care providers. It must be signed by a physician and is only appropriate in cases where death is reasonably anticipated to occur relatively soon.

The POST is designed to benefit:

- Anyone who has an advanced chronic progressive illness,
- Anyone who is in a terminal state, or
- Anyone wishing to further define their preferences for medical care.

The POST is written in common, everyday language so that your choices are clear and concise. This allows you to make specific decisions pertaining to specific situations. The POST assures you that comfort care and pain management are always provided. You make treatment and care decisions in advance of a terminal condition while you are still capable of making informed choices.

You complete the POST form with the assistance of your attending physician, so you will feel comfortable that you are making informed decisions and that your wishes will be understood and respected.

## **REGISTRY**

Idaho residents may register their Living Will, Durable Power of Attorney for Health Care and POST with the Secretary of State's Office. In case of an emergency, your

health care provider can access your Advanced Directives online to ensure that the medical treatment provided complies with your directives. There is no fee to register these documents. For more information, or to register your Advance Directives, go to the Secretary of State's website at [sos.idaho.gov](http://sos.idaho.gov) or call (208) 332- 2836.



Funds collected by the Attorney General's Consumer Protection Division as the result of enforcement actions paid for this pamphlet. No tax monies were used.

**LAWRENCE G. WASDEN**

Office of the Attorney General • State of Idaho  
Consumer Protection Division

P.O. Box 83720 • Boise, ID 83720-0010

954 W. Jefferson St., 2<sup>nd</sup> Fl. • Boise, ID 83702

(208) 334-2424 (local) • (800) 432-3545 (in Idaho)

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