



*Office of the Indiana Attorney General  
assistance for service members and their  
families*

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# Consumer Protection Division ("CPD")

1. Medical Licensing
2. Professional Licensing & Housing Protection
3. Consumer Mediation & Litigation
4. Identity Theft and Data Breach (and telephone privacy)



# Common Questions and Requests for Help



# Do Not Call List

For information or to register for Indiana's Do Not Call List, go to <http://www.indonotcall.org> or call 1-888-834-9969

For the National Do Not Call list, see <http://www.donotcall.gov/> or call 1-888-382-1222.



# Credit Reporting

## Fair Credit Reporting Act (FCRA)

Passed in response to the growing consumer reporting industry in 1971

Main goals:

- Consumer Reporting Agencies must “follow reasonable procedures to assure maximum possible accuracy” of their data
- Limits who can request data from Consumer Reporting Agencies and for what purposes



# Credit Reporting

How to obtain a free credit report from TransUnion, Equifax, and Experian

- [www.annualcreditreport.com](http://www.annualcreditreport.com) – free yearly report
- After an “adverse action,” follow instructions on adverse action letter
  - Denial of credit
  - Denial of employment
  - Denial of insurance
  - Denial of or unfavorable action affecting government license
- After identity theft – see each Credit Reporting Agency’s website



# Credit Freeze

- Each CRA now required to provide a credit “freeze” at no cost
- A credit “freeze” prevents prospective creditors from accessing your credit reporting file
- Intended to prevent others from opening accounts in your name
- Still allows access to:
  - You
  - Current creditors
  - Certain government entities, e.g. child support agencies
  - Companies you have hired to monitor your credit
- Lift a freeze temporarily when you want to apply for credit
- CRAs also offer credit “locking” features developed separately from what is required by law



# Credit Fraud Alert

- Fraud Alerts are also free from each CRA
- Requires that a business contact you to verify your identity before issuing credit
- Good idea if you have reason to believe you may become a victim of ID theft
- Stays on your account for one year
- Only have to request it from one of the big three CRAs and it will contact the other two





# Credit Freeze and Fraud Alerts

- **Equifax**

[Equifax.com/personal/credit-report-services](https://www.equifax.com/personal/credit-report-services)

800-685-1111

- **Experian**

[Experian.com/help](https://www.experian.com/help)

888-EXPERIAN (888-397-3742)

- **Transunion**

[TransUnion.com/credit-help](https://www.transunion.com/credit-help)

888-909-8872



# Identity Theft

- The OAG's Identity Theft Unit was created in 2009 – Now Data Privacy included too
- Investigates consumer complaints on ID theft, ID deception, fraud, deception, and related matters.
- Assists victims with obtaining refunds, canceling accounts, and correcting false information in consumer, personnel, or court records
- <https://www.in.gov/attorneygeneral/2895.htm> for information on filing a complaint



# Consumer Mediation

Consumer  
Complaint

Letter to  
Consumer



Letter to  
Respondent

Consumer  
Response to  
Respondent

- A **consumer transaction** must have occurred before our office can investigate.
- If consumers have documents to support their claims, it is important that they send **copies** of them to us.

- Our office will contact consumer by **mail or email**.
- Consumer may be referred to **another agency**.
- The Attorney General cannot act as your **private attorney**.





# Consumer Complaint Process

## Indiana

### Consumer.com

- Online Complaint Form
- Printable Complaint form
- Cannot take complaint over the phone



## OAG Intake Process

- Attorney Review
- Mediator Assigned



## Investigation





# Consumer Litigation

## Examples of Statutes Enforced by Consumer Litigation

- Deceptive Consumer Sales Act
  - Unfair, Abusive, or Deceptive acts or practices
  - in connection with a consumer transaction (i.e. sale/lease of property or service for personal, familial, charitable, agricultural, or household purposes)
  - E.g. work promised but not started or completed; unfair terms; deceptive representations of characteristics, uses, benefits of product
- Home Improvement Contract Act
- Home Solicitation Sales Act
- Anti-trust laws
- Credit Services Organization Act



# Hot Topics

## Pension Scams

- Compensation and Pension benefits are attractive targets for scammers
- Laws seeking to prevent pension scams include:
  - No assignment of pensions
  - Persons assisting with preparation of claims must be accredited by the VA
  - Persons assisting with filing of initial claims may not charge a fee
- Attorney General enforcement actions
  - DCSA prohibits “solicit[ing] or engage[ing] in a consumer transaction without a license or permit required by law”



# Hot Topics

## Examples of Pension Scams

- Entities offer to pay a lump sum immediately in exchange for an assignment of future pension benefits. Assignments are not legal. And the transaction is effectively a loan, but lenders often do not classify it as one to avoid having to follow lending laws.
- Financial Planners who promise to qualify ineligible veterans for means tested benefits like Aid & Attendance by restructuring assets in ways not the veteran's best interest, including in ways that may disqualify them from receiving Medicaid. These individuals often tie the offer of free claims assistance to their for-profit products.
- Home care Entities that offer free claims assistance to trick Veterans and their families into long-term contracts for sub-par homecare services. In some cases, the home care entity offers to file the VA claim for the Veteran while fronting home healthcare costs, and then charges the Veteran if the VA claim is not approved.
- Pre-Filing Consultants, who attempt to avoid the law that prohibits charging Veterans a fee for claims preparation, by disguising their fee as a charge for "general information about federal benefits," and claiming that the benefit claim is filed "free-of-charge."
- Post-Filing Contract Management involves a promise to file the benefit claim "free-of-charge," but then demands payment for a questionable contract management fee on the backend to oversee future communications with the VA.



# Hot Topics

## Pension Scams, continued

- Please report to the OAG!
- More information about pension benefits claims in a separate breakout session
- Find your county's Veteran Service Officers  
<https://www.in.gov/dva/2370.htm>
- Or go through a Veteran Service Organization:







# Hot Topics

## “Affinity Marketing”

- False or misleading use of military-sounding names, logos, etc. to market to military and veterans
- Meant to give the impression that the product or service has the sponsorship or approval of the U.S. government or branches of the military
- DCSA prohibits representations that a consumer transaction has sponsorship or approval that it does not have



# Hot Topics

## Sham Veterans Charities

- Use public support for veterans to raise money and then pocket it for themselves
- FTC in coordination with all 50 states presented Operation Donate with Honor
  - Actions brought against fraudulent charities purporting to raise money for veterans
  - Education campaign at [www.ftc.gov/charity](http://www.ftc.gov/charity)
- OAG's authority over nonprofits
  - DCSA may apply
  - Indiana's Nonprofit Corporations Act allows OAG to take action to dissolve a nonprofit
  - Regulates Professional Fundraisers



# Reporting Tips

Tips for reporting scams to the Attorney General:

- Report! [www.indianaconsumer.com](http://www.indianaconsumer.com) > File a Complaint
- Have veterans also file their own complaints if possible
- Include as much detail and documentation as possible



# Questions?



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