



## THE FACTS: GEORGIA LAW

Con artists use a variety of telemarketing approaches to rip you off over the telephone. Telemarketing fraud is a multi-million dollar business in Georgia. Every year thousands of Georgians lose money to telephone con artists. Victims lose from a few dollars to thousands. Some consumers have lost their life savings and financial security.

Before you do business with anyone over the phone, do your homework. Many companies are hard to check out because they operate across state lines. You could ask the Better Business Bureau about any company you're not familiar with. However, you will need to contact the BBB in the state where the company is located, and some BBBs charge you for the call. If you can't afford to pay for this call, the BBB will not charge you, but you must tell the BBB you can't afford it. BBBs do maintain files about any companies they've received complaints about, even if the company is not a BBB member.

Georgia laws protect you from fraudulent telemarketers and from being inconvenienced by legitimate ones. Before you do business over the phone, know your rights and protections under Georgia law.

**Prohibited Telemarketing Acts.** This is the basic law that makes it criminal for telemarketers to use the phone to deceive you. Georgia's theft statutes can also be used to charge fraudulent telemarketers with crimes such as theft by taking, theft by deception, and theft by conversion. (O.C.G.A. § 10-1-393.5)

**Georgia No Call Law.** Telephone marketers are not allowed to call people who have signed up for the Georgia No Call List. Exceptions to the rule are charitable solicitations, solicitations from companies with whom you have previously done business, solicitations from any business whom you have given permission to call, and calls from political candidates and pollsters. (O.C.G.A. § 46-5-27)

**Unlawful Telemarketing Transactions.** Georgia law protects you from credit repair and "recovery room" scams. With these scams, con artists charge fees to "repair" your credit or to recover funds from previous telemarketing scams. Telemarketers cannot use a courier service to deliver merchandise to you without allowing you to inspect the merchandise before you pay for it. (O.C.G.A. § 10-1-393.6)

**Georgia Protection of Elder Persons Act.** Service providers, including bank employees, who suspect that elder persons have been exploited, must report these suspicions to law enforcement, the local prosecutor's office, or to Adult Protective Services. Failure to report is a misdemeanor. This law also protects disabled adults. (O.C.G.A. § 30-5-4)

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**Georgia Charitable Solicitations Act.** Phone solicitors must consent to criminal background checks. They must also promptly disclose that they are not volunteers but are paid to solicit funds for a charity. (O.C.G.A. § 43-17-1)

**Deceptive, Fraudulent or Abusive Telemarketing.** Charities are not allowed to send a courier to your home to pick up a financial contribution from you. (O.C.G.A. § 10-5B-1)

File a complaint with the Governor's Office of Consumer Affairs if you have been victimized by a fraudulent telemarketer. Describe what happened with as much detail as possible in a letter to OCA. Include copies of any documents that support your complaint. (Do not send originals!) Send your complaint to

The Governor's Office of Consumer Affairs  
2 Martin Luther King, Jr. Drive  
Suite 356, East Tower  
Atlanta, Georgia 30334.

You will receive confirmation from OCA that they have received your complaint. OCA will assign it to an investigator or forward to the appropriate agency. If you have any questions about filing a complaint, call OCA at 1-800-869-1123 (404-651-8600 in metropolitan Atlanta).

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