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by Betty
Langer

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Expert says

Knowing consumer rights: best way to avoid fraud

By LINDA TAYLOR

In a time of layoffs and dollar stretching, consumers are anxious to learn how to avoid "getting took."

But, according to a local consumer rights expert, about 10 percent of today's businessmen will "do anything to make a buck; they have absolutely no scruples."

How to avoid doing business with this 10 percent and to get out of dealings underway, was the focal point as Marilyn Nagy, chairman of Mercy College's home economics department and a consumer rights advocate, spoke Tuesday to West Bloomfield Newcomers.

Mrs. Nagy, a member of the Newcomers, cited examples that hit home—the door-to-door vacuum cleaner salesman and the "sign today before the sale ends" come on, warning women against accepting oral promises and signing contracts without reading them.

About 90 percent of businessmen are reputable and you don't have to worry about them," she said. It's the other 10 percent that she has launched a campaign against.

A FORMER WORKER with Atty. Gen. Frank Kelley's Consumer Protection Division, she said consumers must learn their rights.

Advocating public awareness of consumer rights as the main defense to fraud, she said legislation is helping but laws still have loopholes. For example, if a company goes out of business, it is not legally required to uphold warranties issued when it was still in operation. The company can even incorporate under a new name and not be held responsible under a

"limited liability" clause in state law.

Door-to-door salesmen are a particular plague for the unsuspecting homemaker.

"If you haven't had an encounter with a door-to-door vacuum cleaner salesman, you haven't lived," quipped Mrs. Nagy.

She cautioned against signing anything without reading it first and said to insist that oral promises also be put in writing.

If the salesman won't put his promises in writing, don't believe him."

SHE ALSO warned that once a buyer's signature is on a written contract, the consumer has to prove fraud in order to get out of the agreement.

One exception is allowed for by a Michigan law giving buyers three days "cooling off" time to cancel contracts signed in their homes and involving merchandise or services in excess of \$35.

The law states that within three business days, the buyer can cancel a contract unless he requested the contract be marked "rush." According to Mrs. Nagy, the word "rush" on an order waives the buyer's legal right to cancel.

The buyer also waives the right if he made the initial contact with the seller in a store. For example, if a homeowner visited a carpet store and asked for a salesman to come to his home with merchandise or to measure flooring, the right to cancel a sales contract would be waived.

Mrs. Nagy also explained Michigan's "holder in due course" law which gives a consumer the right to withhold payment on any item, except a car, that is faulty. "If you are fed up, don't pay."

BUT IF, despite being knowledgeable, knowing rights and

Breastfeeding set for meeting topic

La Leche League welcomes mothers and mothers-to-be to discuss "Advantages of Breastfeeding" at 8 p.m. Thursday (Jan. 23) at Judy Bracken's home, 218 E. Canbourne, Ferndale. Coffee time is at 7:30 p.m. Call Judy Delargy for further information.

checking with the Better Business Bureau or the State Department of Licensing and Regulations (for builders), consumers do get "taken," there are avenues to take to get satisfaction and compensation.

Mrs. Nagy advises to begin by writing a letter to the manager or president of the business involved detailing the transaction, stating what is expected and setting a deadline for action.

If the buyer doesn't get action, he should then write to the manufacturer, if dealing with a product, sending copies of any previous correspondence and again, setting a deadline for action.

In Oakland and Wayne counties, special protection divisions have been set up within the prosecutors' offices to deal with consumer problems. The state has a similar office which deals in "friendly persuasion" to help consumers get satisfaction.

Mrs. Nagy said many special case investigators at the state level are retired Detroit police detectives and are, therefore, familiar with investigative practices.

"Do complain," she said. "Don't get trapped, but if you do, do anything you can to get out."

She recommends going to small claims court, where an attorney is not needed, or to a regular court, where she strongly advises getting an attorney for items more than \$300 in value.

And if consumers think there is an area in which change in consumers' legal rights is needed, she advises writing to the legislature.

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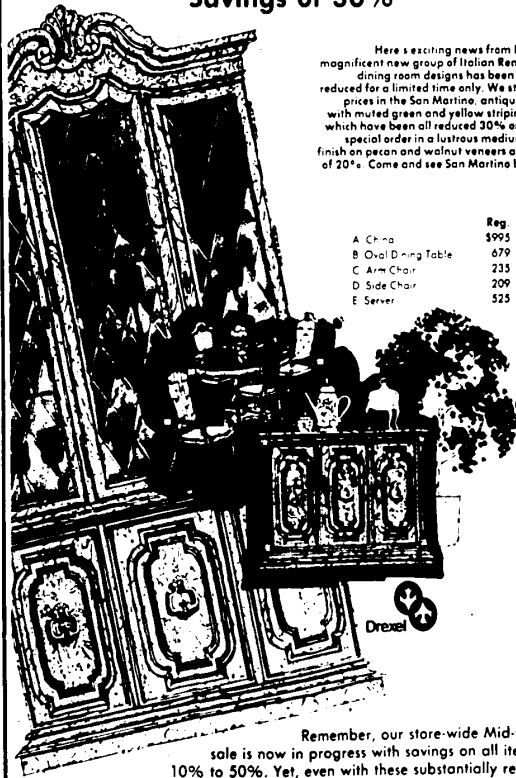
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E. Server	525	367

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