

ADDRESSING CONSUMER FRAUD TARGETING SENIORS

As you can well imagine, seniors are a frequent target of consumer fraud scams and other schemes to divest them of their life savings and fixed income. A day does not pass that seniors are not inundated with junk mail, telephone calls and even door to door salespeople purporting to sell them "living trusts", estate planning services, insurance, extended warranties and all manner of financial services. If they can't be reached by spam on the internet, the next best means of communication will do.

Often salespeople posing as attorneys, paralegals or other paraprofessionals will prey on the elderly. Any garden variety of consumer fraud perpetrated upon seniors, or consumers of any age, can be addressed and sanctioned, even if private counsel chooses not to be involved. In that event, if you are consulted, you can advise or assist the victims in contacting the Office of the Pennsylvania Attorney General at 800-441-2555. Complainants should also file a written complaint on the Office's pre-printed form with copies of all supporting documentation such as any contracts and copies of checks and send it to the Bureau of Consumer Protection at the Philadelphia Regional Office located at 21 South 12th Street, Second Floor, Philadelphia, PA 19107.

The Montgomery Bar Association's Unauthorized Practice of Law Committee and the Pennsylvania Bar Association Committees are actively involved in investigating and curtailing the burgeoning number of schemes being perpetrated upon seniors. The Attorney General's Office also investigates and prosecutes the unauthorized practice of law. The Disciplinary Board of the Supreme Court of Pennsylvania can also be contacted and a Complaint Information Form filed to report particularly egregious conduct perpetrated by members or former members of the Bar.

The Bureau of Professional and Occupational Affairs can be notified of possible violations of licensing laws and regulations by a complainant or their attorney completing and submitting a Statement of Complaint Form to the Department of State in Harrisburg. The forms are available from the Bureau at P.O. Box 2649, Harrisburg, PA 17105-2649. The Bureau investigates allegations of unlicensed activity such as billing or insurance fraud and will involve itself in a monetary dispute if it involves an allegation that services were billed for but not rendered. The Board has the power to take disciplinary action against the licenses of those persons found to be in violation of their respective board's statutes, rules and regulations. Disciplinary action may take the form of a reprimand, a monetary penalty, a suspension of license or a revocation of license. However, the services of private counsel must be secured in order to obtain monetary restitution.

The authenticity of a charitable organization can be verified by contacting the Pennsylvania Department of State's Bureau of Charitable Organizations at 800-732-0999 to verify if the organization is registered to solicit contributions as well as providing other information. Individuals who believe they are victims of mail fraud can contact the Postmaster General.

The Montgomery County Office of Consumer Affairs will intercede on behalf of individuals having consumer complaints. The Office investigates, mediates and attempts to resolve disputes. They will guide consumers who believe they are defrauded with district justice court filings if they cannot resolve the matter, as an alternative to retaining counsel privately at the district justice level. This office is located at the Montgomery County Human Services Center, 1430 DeKalb Street, Norristown, PA 19404; telephone 610-278-3565. Private counsel may wish to suggest individuals contact the Office if they choose to not file on their behalf.

Of course, the local police department should be contacted in the event of matters involving theft by deception or other criminal matters. Assistance is available to alleged victims of fraud. As practitioners, you can provide a valuable service by directing and assisting seniors to the appropriate source in order to redress their grievances. > <