

CONSUMER NEWS SAN DIEGO CITY ATTORNEY'S OFFICE

Job Scams

Con artists are always looking for ways to take advantage of the latest economic trends. With the increase in unemployment, there is an increase in scams aimed at taking money from those who are searching for a job. This newsletter sets forth some of the common scams and tips to avoid becoming a victim of one of them.

WORK AT HOME SCAMS:

They are everywhere: signs that tell you to call a number so you can make a lot of money working at home. These scams are proliferating. If you call the number, the person offers you a start up kit that you must buy for a sizeable sum. Here are some red flags that will indicate you are not dealing with a legitimate business:

- Representations that you will get rich quick with little effort
- There is an upfront fee for "background searches" or "training." Be especially wary of requests that you

send payment by wire transfer.

- Written advertisements or emails that have grammatical errors or typographical mistakes.
- Applicants are asked to provide personal and financial information.
- The business cannot provide you with a business statement explaining how long the business has existed, its locations, ownership information and organizational structure.

It is important to note that generally those who offer a legitimate workat-home plan are selling you an investment, not hiring you. They generally provide you with items to sell and materials to help you sell the items. If you make money, it is from selling the items you purchased at a price higher than you paid for them. Thus, you are your employer. You should not have to provide a Social Security Number to the person selling you this investment because the person will not be reporting any wages to the government or withholding

money for Social Security on your behalf.

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Prior to purchasing any work at home investment, check out the business on the Better Business Bureau's website

(www.sandiego.bbb.org); do a general internet search of the business name; and ask the business for a business statement and references.

ACTING SCAMS:

Given our proximity to Los Angeles, we have seen several employment scams in San Diego involving offers to get applicants jobs as actors or models. There are specific laws that regulate talent agencies. A talent agency is a person or business that offers to procure employment for an artist. The law protects artists who are defined as actors, radio artists, musical artists, directors, musical directors, writers, cinematographers, composers, lyricists and models. The scammers violate these laws by:

- Not having a license to be a talent agent.
- SERVING CONSUMERS AND PROTECTING COMMERCE

- Not posting a bond with the Labor Commissioner.
- Using contracts that have not been approved by the Labor Commissioner.
- Charging fees that have not been approved by the Labor Commissioner.
- Making false, fraudulent or misleading statements in advertising.
- Sending artists to unsafe places.
- Charging an artist for creating photographs, filmstrips, videotapes, audition tapes, etc.
- Charging or attempting to charge an artist for providing lessons.

The scammers have no jobs to offer. They merely sign up artists and then start selling them photographic services or lessons.

GENERAL TIPS:

When responding to a "help wanted" advertisement, do some checking into the potential employer. Run a google search of his/her business. See if the person has been evaluated by the Better Business Bureau. See if there are news stories on the internet about prior law enforcement actions against the individual who is offering the job.

Ask the potential employer for his/her name and location of business. Go to the location. Many scammers use post office addresses as their business locations. Take someone with you if you are going to an unfamiliar location for an interview. Trust your instincts if you feel awkward about the person who is conducting the interview.

Do not pay the potential employer any money. Scammers will tell you that you must pay for materials, training, or other such supplies in order to get money from you upfront.

LABOR VIOLATIONS BY LEGITIMATE BUSINESSES:

Even legitimate businesses sometimes run afoul of the laws that protect employees. For example, an employer cannot require an employee to patronize him/her. This means the employer cannot require an employee to purchase the employer's products. The City Attorney's Office filed civil consumer protection lawsuits against two retailers who sold women's clothing. The retailers required their sales associates to purchase and wear for work the clothes that were currently being offered for sale in the stores.

The California Labor Commissioner handles complaints about violations of the Labor Code. It has an investigation section called the Dept. of Labor Standards Enforcement (DLSE). The website for this department has answers to many questions that employees may ask. It is

www.dir.ca.gov/dlse/dlse.html The DLSE investigates complaints and, where appropriate, refers matters to prosecutors. The two cases filed by the City Attorney's Office were referred to the office by the DLSE.

In addition to matters referred by the DLSE, the San Diego City Attorney's Office investigates and prosecutes scammers who violate the laws set forth in this newsletter in the City of San Diego. Let us know if you observe someone violating these laws by calling our hotline number below.

San Diego City Attorney's Office Consumer and Environmental Protection Unit (619) 533-5600 Newsletter written by Assistant City Attorney Tricia Pummill

Sources: Better Business Bureau website; DLSE website; Labor Code sections 1700-17001.20. The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.