



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

How to Protect Yourself After a Wildfire

JUNE 2014

With the recent wildfires and the reminder that we are destined for a hot and dry summer ripe for more fires, it is a good time to review the laws and information available.

The lessons learned from past fires have taught us that the average consumer is often victim to unscrupulous predators who want to take advantage of the vulnerability that comes from these situations.

STATE OF EMERGENCY

Most elected leaders have some authority granted to them regarding the declaration of a state of emergency. A local state of emergency will trigger certain local laws to kick in, and a state or even a federal declaration will add additional protections.

The declaration further allows the local agency to request assistance from the state and in some cases federal assistance is granted.

PROTECTIONS

1. During a declared state of emergency, excessive and unjustified increases in the prices charged for essential consumer goods and services is prohibited.

2. Upon the proclamation of a state of emergency and for a period of 30 days thereafter, it is unlawful for a person, contractor, business, or other entity to sell or offer to sell any consumer food

items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services, or gasoline or other motor fuels for a price of more than 10 percent above the total of the cost to the seller. (San Diego Municipal Code section 51.0204)

3. Upon the proclamation of a state of emergency and for a period of 180 days thereafter, it is unlawful for a contractor to sell or offer to sell any repair or reconstruction services or any services used in emergency cleanup for a price of more than 10 percent above the price charged by that person for those services immediately prior to the proclamation.

4. Upon the proclamation of a state of emergency and 30 days thereafter, it is unlawful for an owner or operator of a hotel or motel to increase the hotel or motel's regular rates by more than 10 percent, as advertised immediately prior to the proclamation.

5. Every person who violates Penal Code section 459 (burglary), or commits the crime of grand theft, during and within an affected county in a "state of emergency," shall be guilty of the crime of looting. (Penal Code section 463)

6. Every person who commits the crime of petty theft, during and within an affected county in a "state of emergency," shall be guilty of a misdemeanor.

REBUILDING YOUR HOME

Some homeowners are facing the daunting task of rebuilding their homes due to the recent disaster. Before you begin to hire contractors make sure to do some research and protect yourself from criminals.

1. Check to see whether your contractor is licensed. The easiest way to do this is by going to: <https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/checklicense.aspx> or call (800) 321-CSLB. The name of the license should match the name of the contractor you are dealing with and the type of license should match the type of work to be performed. Ask for a second photo-ID to verify the license. (See also Consumer News May 2010 <http://www.sandiego.gov/cityattorney/pdf/2010/cepunewsmay10.pdf>).

2. You can also run a check of the contractor through the Better Business Bureau (BBB) to see if any complaints have been filed against him or her (<http://www.bbb.org/sandiego/>).

3. Licensed contractors should have workers' compensation and liability insurance.

4. Try to get various competitive bids and check that the bids are for the same set of plans and specifications.

5. Obtain a list of references from a contractor and check them.

6. Always get your contract in writing. Don't sign a blank or partially blank contract. Verbal promises, details and materials should be included in the contract before you sign it.

7. Have a second person look over the contract to make sure you have not missed anything.

8. Keep in mind that under California law the down payment when entering a contract may not exceed \$1,000 or 10 percent of the contract price, whichever is less.

9. Similarly, make sure the progress payments you make to your contractor mirror the amount of work actually occurring at your project – don't let the money get ahead of the work.

10. For additional information on hiring a contractor visit the Contractors State License Board's (CSLB) website: <http://www.cslb.ca.gov/>.

11. If you discover you are a victim of a dishonest contractor, you can go to the CSLB website above to file a complaint.

Protect yourself by doing some research before you sign a contract or pay any money up front. Any legitimate contractor will work with you and give you time to ensure that you have looked at all of your options before committing to a project.

CHARITY SCAMS

As concerned residents, after a disaster most of us look for ways to

help those affected. One of the ways to do this is by donating to local charities. For residents looking to make financial donations to charities, below are some tips to help protect you from scams.

1. Charities soliciting donations in California must be registered with the Attorney General's Registry of Charitable Trusts. To check if the charity is registered go to: <http://rct.doj.ca.gov/MyLicenseVerification/Search.aspx?facility=Y>.

2. Another source of information regarding national charities is the Better Business Bureau's Wise Giving Alliance. The website provides information on charities throughout the U.S. Browse through their website to find out who you will be donating to and how your contribution will be spent. <http://www.bbb.org/us/charity/>.

3. If a charity calls you to make a donation, be sure to ask them questions about who they are. What is their name? Remember, you do not have to make the commitment to donate over the phone. Instead, ask the charity to mail you a brochure or other documentation with additional information. Once you have all of the facts, you can make an informed decision on your contribution.

4. Do not give cash donations. Make your contributions via check and make the check payable to the full name of the charity. Do not write initials or abbreviations. Do not provide your credit card number.

5. Do not feel pressured to make a donation. If a charity is aggressive or uses harassing language do not donate. Legitimate charities should not pressure or threaten you.

6. If you believe you have been a victim of a charity scam, you may file a complaint with both the State Attorney General's Office and the Better Business Bureau. You can find the Attorney General's charity complaint form at <http://oag.ca.gov/charities>.

**San Diego
City Attorney's Office
Consumer and Environmental
Protection Unit
(619) 533-5600**

Newsletter written by Andrea Cruz-Oliva

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The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

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The San Diego City Attorney's Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California's unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.