



AUTOFRAUD: STEPS TO TAKE WHEN IT HAPPENS

NACA Defending Servicemembers by Building an Army of Informed Consumers

The National Association of Consumer Advocates (NACA) is a non-profit association of attorneys and consumer advocates committed to representing consumers' interests. This Handout addresses what to do if you think you have been cheated in a car transaction.

1. Carfraud happens: Because of the huge disparity in information between most car dealers and the car buying public, car fraud regularly occurs. For many dealers, its consequences are just a cost of doing business, but for the consumer, it can have huge negative impacts on their life.

2 Write down what happened: Memories change over time and information is forgotten. The first task if carfraud is suspected is a chronology that starts with why the consumer went to that particular dealer. The chronology should cover all the conversations (who said to what to whom, when and where) and identify what information the consumer used in each decision made throughout the process. The more detailed the chronology, the better able the consumer will be present later the consumer's side of the story.

3. Obtain and preserve all documents: Car transactions include many different documents. As many of the documents should be located and kept in a safe place other than the car itself. A clean photocopy of the front and back of each document should be made from the originals. The photocopy should then be used for reference so that the originals are not mishandled or marked on. Also, the originals should be separated in envelopes or folders to the extent that they were obtained at different times or from different people. This will allow the written chronology to be easily aligned with the documents. A written request should go to any entities involved in the transaction for pertinent documents that are not in the consumer's possession.

4. Written request for remedy: Whether prepared by the consumer or an advocate for the consumer, a straightforward written request for a remedy should be sent to the dealer or finance company or other entity. This request should summarize the story of what happened and include as attachments documents that prove what happened. It then should ask the wrongdoer to make the situation right and explain exactly what reasonable steps the consumer wants that person to take. The goal of this written request is to either resolve the situation or to prove in the future that the wrongdoer was put on notice of the exact problem, given a reasonable solution, and choose not to resolve it.

5. Document the response to the request for remedy: If a written response to the request for remedy is not received, then another letter should be sent. This letter will have as an attachment the complete first written request, and simply state something like "The attached request was sent on the date indicated. As of today no written response has been received." If an oral response was received, then this letter should also summarize the substance of that oral response.

6. If no resolution, then consult a consumer lawyer: If the above steps have not resulted in a resolution, then take all the documents and the written chronology and consult with a consumer lawyer.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>. You may also locate and contact a NACA attorney in your area logging on to <http://naca.net/find-attorney>.