

Your Identity After Domestic Violence

In 2009, Identity theft continues as the top complaint filed at the Federal Trade Commission. This crime can cost consumers money and hundreds of hours to correct. The experience can be worse when encountered by a victim of domestic violence. But, information recently released by the NYS Consumer Protection Board (CPB) may help victims of domestic violence with new methods to prevent and respond to identity theft.

"Abusive partners have easy access to confidential information that may come to their home in the form of credit card bills, health explanation of benefit statements and Social Security mailings," said CPB Chairperson and Executive Director Mindy A. Bockstein. "Abusers may use such information to open new

credit cards in their victims' names and/or open lines of credit in their children's names."

To help victims of domestic violence take control, the CPB partnered with the NYS Office for the Prevention of Domestic Violence (OPDV) to create an educational resource, which was distributed to victim service programs around the State and is available on the CPB website at www.nysconsumer.gov.

Prevention tips

- Open a Post Office Box
- Safeguard Mail
- Restrict access to Social Security Number
- Secure Access to Information

More detailed tips and resources are available on the website. It is important to note that how a victim of abuse may choose to protect oneself against identity theft will depend upon her/his unique situation. Any decisions in pursuing the strategies listed below should be made within the context of an overall safety plan. ●

Responding to Identity Theft

- Create a Record of Fraud
- Apply a Security Freeze
- Place a Fraud Alert
- Correct the Credit Report

Credit Reports, Find Out What They're Saying About You!!

Mr. Gonzales contacted the CPB's Consumer Assistance Unit (CAU) to obtain help in resolving a debt dispute with a collection agency. Numerous bills had arrived in his mailbox requesting payment on a past due bill for a purchase he did not recognize. He put away the bills hoping that somehow they would stop coming to his address. Months later, he was bombarded by phone calls and messages from debt collectors demanding payment and warning him about possible judgments and wage garnishments. Mr. Gonzales decided to contact the CPB's CAU to help him stop these "predators", the word he used to describe the bill collectors, from pressuring him to pay for a debt he was sure did not belong

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Safety First: Financial, Identity and Holiday



MINDY A. BOCKSTEIN Chairperson and Executive Director

As the colder weather sets in, many of us think about and pursue tasks to advance seasonal safety, organize household finances in

preparation for the holidays and promote energy efficiency in the home. Therefore, this edition of El Consumidor Latino features some important information to assist you with these tasks.

During the month of October, we not only celebrate the harvest season and Halloween, but we also mark Domestic Violence Awareness month to pay tribute to those we lost due to intimate violence and to celebrate the courage of survivors. According to the Centers for Disease Control and the National Coalition Against Domestic Violence, an estimated 1.3 million women are victims of physical assault by an intimate partner each year.¹ Recent studies by the New York State Division of

Criminal Justice Services (DCJS) indicate that women are often victimized by someone they know.² To build social intolerance to domestic violence and to assist survivors in their recovery, New York State and the State Office for the Prevention of Domestic Violence launched its "Go Purple" awareness campaign this month as the color purple, has come to symbolize the fight against domestic violence. As a way to help "Shine a Light" on this serious issue, it is fitting that this newsletter is bathed in purple.

Further, in this edition, the Consumer Protection Board highlights its joint identity theft prevention and response project developed in conjunction with the State office for

the Prevention of Domestic Violence, as we recognize that domestic violence victims often suffer additional loss of power or control if their identity is stolen by their abusive partner. In addition, in the interest of advancing financial security, this issue examines a new federal law signed by President Obama at the urging of Governor Paterson, the NYS Consumer Protection Board and others that has brought needed reforms to the credit card industry.. We hope you will find the information in this publication useful and empowering as you manage the demands of and celebrate the joyous times in the fall and winter seasons. ●

¹ Costs of Intimate Partner Violence Against Women in the United States. 2003. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA

² New York State Division of Criminal Justice Services (DCJS). "Domestic Homicide in New York State: 2007." Released: December 22, 2008: http://criminaljustice.state.ny.us/pio/domestichomicidereport_120808.pdf.

Special Section: Credit Cards and Credit Reports

“Get The Full Credit” Get Acquainted With The New Credit Regulations

Now that President Obama has signed the federal Credit Card Accountability, Responsibility, and Disclosure (CARD) Act, which is designed to end arbitrary interest rate hikes, fees and charges imposed by the credit card industry there is relief in sight for millions of US credit card holders. “For far too long consumers have struggled to stay current on their debt obligations as credit card companies imposed high interest rates as well as unreasonable fees and penalties,” said New York State Consumer Protection Board (CPB) Chairperson and Executive Director Mindy A. Bockstein. “Credit cards have become extremely complicated for consumers, often costing them more money than they might have expected to pay.”

The CARD Act, which was supported by Governor David Paterson and the New York State Consumer Protection Board (CPB), signals positive change in credit card industry practices. The most sweeping of the reforms include:

- **Interest Rate Changes:** Generally, fixed, non-promotional rates cannot be changed during the first year of a new account unless the consumer is more than 60 days late on payments. After the first year, consumers must get a 45-day advance notice of any increase in interest on future purchases and changes in credit terms. On both new and existing accounts, if the rate is increased as a result

of the consumer being late for more than 60 days, it will revert back to the lower rate if customers make the minimum payment on time for six months in a row. (Effective as of 8/21/09)

- **Reasonable Time to Pay:** Credit card statements must be mailed out to consumers 21 days before payment is due. If the issuer fails to mail your bill on time, then you are not responsible for late fees. (Effective as of 8/21/09).

- **Payment Allocation:** If your card has more than one interest rate on balances; excess payments must generally be applied to the highest interest rate first. (Effective 2/2010)

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“Take Interest”

Credit Cards Are Raising Interest Rates

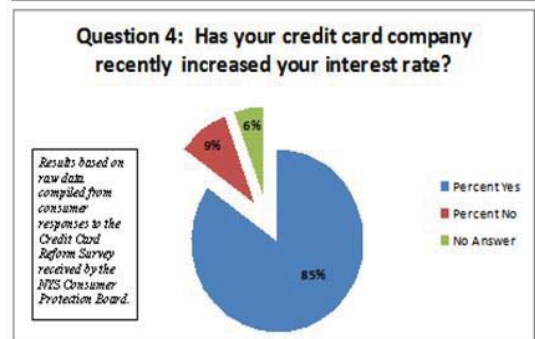
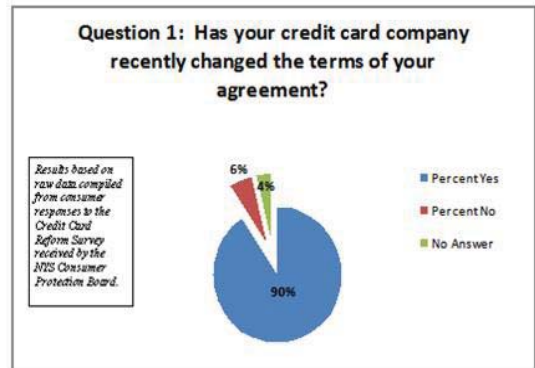
Holding a balance on a credit card has become even more expensive for consumers. According to a preliminary survey conducted by the New York State Consumer Protection Board (CPB) a variety of credit card issuers are raising interest rates, prior to the full implementation of the federal credit card reforms.

With the first reforms already in effect, the CPB released preliminary responses to its consumer survey on industry practices. Nearly 100 consumers, who responded to the CPB’s Campaign for Change Credit Card Reform Survey, confirmed that several credit card issuers had changed agreements and terms prior to the February effective date of the new law.

Of the consumers who responded to the CPB’s Survey:

- More than 90% of respondents stated that their card issuer changed the terms of their agreements.
- Nearly all respondents stated that the change involved an increase in their interest rate.

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Credit Reports ... continue from page 1



CREDIT REPORTS, FIND OUT WHAT THEY'RE SAYING ABOUT YOU!!

to him. After getting some background information, the CPB's Consumer Advisor asked him to write a letter to the collection agency disputing the bill and requesting an original bill of sale on the alleged purchase. But of upmost importance, he was to request copies of his credit report to find out what they were reporting about him and whether it was accurate.

WHAT IS IN A CREDIT REPORT?

Your credit report contains personal and financial information about you from a variety of sources. Adverse (negative) credit history can generally remain on your credit report for up to 10 years. Information in your report includes:

- Personal information – current and recent addresses, telephone numbers, Social Security number, birth information, and employer information.
- Credit history – information on loans or accounts with creditors, including medical providers, credit cards, credit limits or loan amounts, account balances, and payment histories.
- “Public” records – information from courts, including arrests and convictions, as well as information regarding bankruptcies, judgments, and liens.

HOW TO REVIEW YOUR CREDIT REPORT?

Carefully check each section of your credit report for accuracy. Personal Information – Are the addresses wrong? Are there any variations on your name which are incorrect? Simple errors such as a misspelled name, missing Jr. /Sr., and a wrong address could mean you are viewing information from someone else's report.

Credit History: Are there unfamiliar credit cards or other debts? Closed accounts should not be listed as open. Be sure that accounts you closed are listed as “closed by consumer.” Adverse information is usually considered obsolete and can be removed from your credit report if it is more than seven (7) years old, except for bankruptcy information, which usually remains on your credit report for 10 years. Incorrect items such as late payments, a premarital debt of your spouse, and credit entries you do not recognize require your immediate attention.

Public Records: Are there any errors?

Mr. Gonzalez was able to obtain free copies of his credit report from all three (3) major credit reporting agencies. Consumers have the right to obtain a free credit report once every 12 months from each of the three major credit reporting agencies by calling the toll-free number 1-877-322-8228 or by going on-line at

www.annualcreditreport.com

When reviewing his reports, Mr. Gonzalez spotted the debt the collections agents had referred to but he also noticed that there was a closed and paid in full account from a known department store with the exact same amount of money listed as the one in question on the collection account. He was certain that this was the same account and the collection agency was charging him for something he had already paid. The CPB advised Mr. Gonzales to follow some simple steps in order to correct the erroneous information on his reports.

HOW TO CORRECT INFORMATION ON YOUR CREDIT REPORT

If you believe that your credit report contains incomplete or incorrect information, you have the right to ask that the information be corrected. To dispute information in your credit report:

- Submit a letter to both the credit reporting agency and the company that supplied

the information to the credit reporting agency (the “furnisher”), stating that you believe the report contains inaccurate information. Include your full name and address and all information from the credit report regarding the contested item.

- Attach copies of any credit card statements, receipts, etc. that support your position. Do not send originals.
- Identify each item in the credit report that you dispute and provide a brief explanation supporting your position.
- Send the letters by certified mail and retain a copy of the materials you send.

The credit reporting agency must contact the furnisher within five days and provide it with all relevant information regarding your dispute. The furnisher must research your claim and provide a response to the credit reporting agency. Usually, the credit reporting agency must complete its reinvestigation within 30 days from receiving your complaint and inform you of its investigation. After the investigation is complete:

- If the information cannot be verified, the credit reporting agency must remove the information from your credit report. At your request, the credit reporting agency will send a “notice of correction” to any creditor who has checked your report in the last six months. A furnisher has an obligation to send notices to the other credit reporting agencies of any incorrect information.
- If the furnisher verifies the information within the time frame, the information remains in your file. Even in that case, you may add a 100-word or less statement to your report explaining your position. The credit reporting agency must attach that information to your report. It will remain on your report for an average of seven years.

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“Take Interest”... continue from page 3

- 62% said their card issuer had raised interest rates despite the fact that their balance had been completely paid off at the end of each billing period.

- 68% said they were charged interest from the time of purchase when their issuer had not charged in this manner before.

“When the new law was passed, we became concerned that the industry might impose changes in advance of the reforms to bolster their bottom line before they could no longer exercise these options. It turns out we were right to be apprehensive. The feedback we are receiving verifies that some card issuers are indeed changing terms during this interim period to impose unilateral account changes, including interest rate and late fee hikes even for those consumers whose accounts are in good standing,” explains CPB’s Chairperson, Mindy Bockstein.

As the remainder of the credit reforms take effect next year, you can be sure credit card issuers will attempt to charge even more fees to make up for their projected losses. Consumers should remain vigilant and review their credit card statements and agreements. If you experience any changes in your credit agreements, contact the credit card issuer and make every attempt to resolve the issue. If this is not an option, pay down the balance as fast as possible and switch to a different credit card company. ●

Let's Talk Turkey



The holidays often mean planning large meals for family and friends. The New York State Consumer Protection Board is pleased to provide these useful tips to assist you in preparing your perfect holiday meal and save you money.

Shopping

- ✓ Always prepare a menu and shopping list before going to the store.
- ✓ Always check your cupboard for supplies, including spices and condiments, so not to duplicate.
- ✓ Always watch for sale items in store flyers and use coupons when available.
- ✓ Always shop early for the best and freshest food selections.
- ✓ Always look for the proper size turkey for your meal so you don't overbuy.



Cooking Preparation and Clean-up

- ✓ Always thaw turkey in the refrigerator.
- ✓ Always remove the wrapper and rinse well before cooking. Also, check the body cavity for giblets and remove them.
- ✓ Always keep raw meats separate from ready-to-eat foods.
- ✓ Always cook to proper temperatures.
- ✓ Always wash hands often while working with uncooked meats.
- ✓ Contact the USDA Meat and Poultry Hotline at 1-800-535-4555 with any questions concerning preparation and cooking.

Turkey Fryers

- ✓ Never leave fryer unattended.
- ✓ Always place a fryer outdoors in an open area away from any buildings and people.
- ✓ Never allow the oil to reach an excessive temperature.
- ✓ Always defrost the turkey completely, rinse and pat dry before placing it in the heated oil.
- ✓ Always raise and lower the turkey slowly - Splashing oil can cause serious burns.
- ✓ Always cover bare skin - Wear protective clothing including oven mitts.
- ✓ Contact 911 if a fire or flames occur. Do not attempt to put the fire out with water.



Serving and Leftovers

- ✓ Always remove stuffing from the turkey and carve within 2 hours after roasting.
- ✓ Always be careful handling hot items from your oven or stove, especially a heavy turkey.
- ✓ Always refrigerate leftovers within 2 hours after roasting.
- ✓ Always wrap leftovers separately.
- ✓ Never keep gravy or poultry longer than 3 days in the refrigerator - freeze leftovers if planning to store them for a longer period of time.

Provided as a public service from the
New York State Consumer Protection Board



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“Get the Full Credit” ... continue from page 3



- **Double-Cycle Billing:** The law prohibits credit card issuers from imposing finance charges based on balances associated with the previous billing cycle. (Effective 2/2010)

- **Over Limit Fees:** Over the credit limit fees cannot be charged unless the cardholder opts-in to allow the over-the-limit transactions to clear. (Effective 2/2010)

- **Payment Method Fee:** Bills can be paid via mail, online or over the phone without incurring a processing fee, unless a service representative is used. (Effective 2/2010)

- **Universal Default:** The law prohibits credit card companies from changing interest rates and terms for reasons unrelated to a customer’s history with the company. For example, a creditor cannot raise interest rates on the consumer’s credit card if a consumer has been late paying their gas bill. (Effective 2/2010) ●

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After following these steps, Mr. Gonzales was able to dispute the debt and the credit reporting agency removed it from his credit report. By ordering his credit report, Mr. Gonzales was also able to spot other small report errors, such as old accounts that had gone past their expiration time and settled debts that did not show as satisfied. He decided to tackle each inaccuracy by following these same steps. He realized that this was going to take some time but he was glad that he did not need to pay someone else a lot of money to clean up his credit.

Mr. Gonzales was on his way to clearing up his credit report and building up his credit by resolving all his unpaid bills. He understood that every time he corrected a negative mark on his credit report and resolved an unpaid account, his credit standing would improve and his credit score would increase.


BE WARY OF CREDIT REPAIR AGENCIES

Consumers should be wary of companies that make inflated claims regarding credit repair. Generally, these companies don't do anything that consumers cannot do for themselves at little or no cost. Consumers should be especially wary of companies that:

- Guarantee to remove late payments or similar information from credit reports. Note that accurate and timely information cannot be removed from your credit report for up to seven (7) years, even if you have paid off a once delinquent debt.
- Charge a high fee to repair credit. Consumers can request reinvestigations of the information in their credit report, at no charge.

WHAT IS A CREDIT SCORE?

A credit score is a number that is calculated based on information in a credit report. It is intended to measure the individual's credit risk. The most widely used credit score, called a "FICO score," usually ranges from 300 to 850. A higher score means less credit risk. Credit reporting agencies may each calculate a somewhat different FICO score because of differences in the information that is reported to those agencies. You are entitled to obtain your credit score from your lender free of charge when applying for a mortgage. You can obtain your credit score from a credit reporting agency for a reasonable fee. Errors in your credit report can affect your credit score and your ability to get a loan or mortgage at a favorable interest rate. While you cannot dispute a low credit score, you can challenge information in your report.



Champ says,
"Have a Happy and Safe Halloween!"


Hi Kids! October is an exciting month. You get to choose your Halloween costume, go to parties and/or parades, and best of all, go Trick-or-Treating! It's true that Halloween is a great time for kids to have fun, but it's also important that you know the right things to do to stay safe and healthy.

I talked with my doggie friend McGruff, who is the mascot for the National Crime Prevention Council, and he gave me lots of great Halloween safety reminders to give to you.


I hope you will read the tips listed below and talk about them with your parents, friends, teachers or other adults before Halloween comes. Then, on Halloween, take these tips with you when you go Trick-or-Treating so you can practice them with your friends. That way together we can help more of New York's kids have a happy and safe Halloween.


Halloween Safety Tips from McGruff

- 👤 **Trick-or-Treat in your own neighborhood.**
- 👤 **Make sure that you are with an adult and older kids; go out in groups and stay together!**
- 👤 **Never enter a house or car. Stay out front and only go up to houses that have a light on.**
- 👤 **Put something reflective on your costume or wear a light color so you can be seen in the dark.**
- 👤 **Use face makeup instead of a mask so it will be easier for you to see and breathe.**
- 👤 **Make sure that your costume is not too long so you don't trip and fall. It should be made from flame retardant material.**
- 👤 **Walk on the sidewalk, and NEVER run into the street.**
- 👤 **Carry a flashlight, glowstick or reflective bag at all times.**
- 👤 **Eat a good dinner before you go out Trick-or-Treating so you are not hungry. Healthy food is better for you than the candy you'll get.**
- 👤 **Do not eat candy while you are out Trick-or-Treating. Wait 'til you get home to have an adult inspect your candy before eating and sharing it with friends!**



Thanks and have fun!

CHAMP  **Woof!**



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Advocating for and Empowering NY Consumers
www.nysconsumer.gov

Good Toys, Bad Toys

As the holiday season approaches, the New York State Consumer Protection Board (CPB) is urging consumers to play it safe when it comes to the safety of your children and their toys.

“When purchasing toys, make sure they are appropriate for your kid’s age by reading warning labels and checking for any small loose parts, sharp edges, loose magnets and dripping paint or liquid,” said New York State Consumer Protection Board Chairperson and Executive Director Mindy A. Bockstein. “Also, avoid purchasing knockoff toys that might not be manufactured under strict federal guidelines. Before purchasing a toy, do your research and check online for any recalls or concerns about their safety. New York State law requires stores to remove all recalled toys from their shelves immediately after receiving notice of a recall and to post notice of the recalled items in a visible area of the store.”



DO YOU KNOW WITH WHICH YOUR CHILDREN ARE PLAYING?

Chairperson Bockstein urges New Yorkers to visit the CPB’s website at www.nysconsumer.gov for a list of toy recalls and safety hints.

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A few of these tips include:

- Carefully select the toys you give your children.
- Keep your toys in good condition. Throw away broken toys or repair them right away.
- Never allow a child to play with fireworks, matches, marbles, coins, scissors, balloons, or small balls or jacks.
- Avoid toys with long cords that could strangle a child.
- Keep magnetic toys away from kids under 6.
- Never allow kids to put jewelry in their mouths.
- Look for fabric toys that are labeled as flame resistant or flame retardant.
- Play alongside your children to reduce or eliminate the risk of injury.

State Programs for Assistance

Despite the economic downturn and upheaval in the marketplace, State government under Governor Paterson continues to work on behalf of New Yorkers every day. A host of resources and services are available from the State and through partners to assist families across the New York State.

Here are a few resources related to the topics covered in this edition of El Consumidor Latino:

- Credit Counseling Agencies: Check to see that the credit counseling agency is licensed and accredited. New York requires credit counselors, also known as budget planners, to be licensed through the Banking Department. Information relating to licensing and accreditation can be found through www.banking.state.ny.us/sibudgpl.htm or by calling the Banking Department at 1-877-BANK-NYS.
- Foreclosure Counseling and Assistance: The Homeowner’s HOPE Hotline, 888-995-HOPE, is provided free of charge by the Homeownership Preservation Foundation (HPF). HPF partners with local governments, nonprofits, borrowers, and mortgage lenders/servicers to deliver innovative homeownership preservation solutions. For assistance, call the hotline at 888-995-HOPE or visit www.995hope.org.
- New York State website: www.ny.gov
- CPB Consumer website (www.nysconsumer.gov) and hotline (1-800-697-1220)
- State Resources for Working Families: www.otda.state.ny.us/main/workingfamilies/
- Free Annual Credit Reports: www.annualcreditreport.com
- CPB Spanish website: www.nysconsumer.gov/cpb_spanish_index.htm

Keep Winter Outside Your Home

Interested in learning how to save energy? Here are some great tips to lower your energy costs this winter, brought to you by the New York State Energy and Research Development Authority!



KEEP WINTER OUTSIDE YOUR HOME

- Use a programmable thermostat with your heating system to automatically lower the temperature at night or when no one is home.
 - Keep the warm air in and the cold air out by adding insulation, caulking or weather-stripping around doors, attic access, windows, outlets and any area that can let the cold air in and the warm air out. Or, call a Home Performance with ENERGY STAR® contractor to assess your home's efficiency.
 - Check smoke and carbon monoxide detectors and replace old batteries. This becomes even more important as you seal up leaks in your home.
 - Make sure floor and wall vents are not blocked by draperies, furniture, or rugs. Vents should also be cleaned regularly with a vacuum or broom.
 - Keep the blinds and drapes covering sun-exposed windows open in the daytime and closed at night.
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- Keep the fireplace flue damper tightly closed when not in use.
 - Have your heating system inspected by a Home Performance with ENERGY STAR contractor. Check the air filters of a forced-air heating system once a month and replace if dirty.
 - Make sure outdoor portions of your heating system are not blocked by leaves, shrubbery, or other objects.
 - Remove all window air conditioning units during the winter months to prevent heat from escaping through and around the unit. Place a cover over window air conditioners that can't be removed to eliminate drafts.
 - Install rubber gaskets behind outlets and switch plates on exterior walls. Gaskets can be found in most home improvement stores.
 - Reverse the spin direction of the blades in your ceiling fans to push warm air down into the room.
 - Lower your water heater temperature to 120 degrees Fahrenheit. Have your water heater wrapped with an insulation blanket by your Heating/Plumbing Contractor for added savings.

FRUSTRATED?

Billing Disputes - Utility Services - Identity Theft - Product Repair - Recalls - Online Scams

The NYS Consumer Protection Board can help!

We advocate for and empower NY consumers

 www.nysconsumer.gov
Toll-Free Hotline:
1-800-697-1220