

CONSUMER NEWS

HOW TO FILE A COMPLAINT AGAINST A DEALER OR REPAIRER AND HOW TO OBTAIN COPIES OF OTHER CUSTOMERS' COMPLAINTS

KELLY MANNING: Welcome to DMV Infocast, an audio production of the Connecticut Department of Motor Vehicles. This is Kelly Manning, Infocast editor.

Today we are here with **Eyvonne Parker-Bair**, the Division Chief of the DMV's Dealers and Repairs Unit, to talk about car dealerships and repair shops and the rights of consumers.

KELLY: Eyvonne, if a consumer has a complaint about a dealer or repairer, what can he or she do about it?

EYVONNE: First and foremost, if a consumer has a complaint against a dealer or repairer, he or she should contact the Department of Motor Vehicles. In particular, they should contact the Dealer and Repairs Division which is located here at 60 State Street in Wethersfield, Connecticut, and based on that individual contacting us, what he or she may also do is file a complaint with the Department. Complaints regarding dealers and repairers are actually filed on what's known as the DMV Form K-35, and that form can be obtained by going to the Department of Motor Vehicles website or it may be picked up at the branch office here in Wethersfield at 60 State Street. And an individual can also call in to the Department to obtain a copy of the K-35 form and it will be mailed out to them. And the phone number that they should call is 860-263-5055.

KELLY: What does the agency do when a complaint is filed?

EYVONNE: First, what the Dealers and Repairers Division will do is conduct a review for jurisdiction. By that I mean that the agency will review the complaint to determine if it's something that we may in fact investigate and go further on, meaning do we have statutory and/or regulatory authority to address the issue that has been brought to the Department's attention. If there is no jurisdiction, what we will do is we will notify the consumer complainant that the Department does not have jurisdiction over the issue or matter that they have presented, and as such, in most instances, they will be referred to small claims court.

Once a complaint is received and it has been reviewed and a determination is made that the Department does have jurisdiction, there are a few things that can happen. First, once a complaint number has been assigned to the matter, and an investigator will also be assigned, an investigation will be made into the complaint. An inspector at that juncture will go out and investigate the matter at the licensed location. Sometimes an inspector can resolve the matter in the field and that's what we call having a "field resolution," if you will, where it's something that's very minor, very basic, where it can be resolved in that matter.

The next step is where a matter has been fully investigated and it is determined that there was a statutory or regulatory violation. The inspector assigned to that matter will prepare a full investigation report. And based on that report, the matter will then be forwarded through the Dealers and Repairers Division through the various levels, and it will then go to our hearings representation unit where in it will be scheduled for a compliance conference. A compliance conference is an informal process in which a

matter may be resolved without the need of going forward to a full-blown hearing.

At the compliance conference, individual consumers will be notified and will be invited to participate and attend. Of course, the licensed location, the principals of the licensed location or their representative will attend and the investigator or the inspector will also attend. And what will happen is it will be an informal session where all of the parties involved, including an attorney on behalf of the Department of Motor Vehicles, wherein they will sit and have a discussion with respect to the complaint that has been made. In most instances, and I would even say in 9 times out of 10, these matters are resolved through the compliance conference process.

In the event that they are not resolved, then the matter will then go forward to a full-blown hearing wherein the Department of Motor Vehicles will provide the licensed repairer with an opportunity to come forward and to provide evidence and testimony with respect to why it is that the Department should not take the action in which it is contemplating. And that action may include, but is not limited to, whether it's a matter of suspension up to possible revocation of a dealership's license.

KELLY: Is there a way customers can get a list of complaints filed against a dealer or repairer?

EYVONNE: Actually, yes, there is. Unfortunately, at this juncture we do not have a set database that is web-based or an individual to obtain those complaints at this juncture at least. However, the Department is looking into providing that service in the future. However, currently an individual may obtain a copy of a complaint, or a summary of a complaint that has been filed against a dealer or repairer by filing what is called J-23 form. And what that is is that is a form

that one must fill out and send in to the Department wherein the Department will go through for the licensed location and look at all of the complaints that have been lodged against that individual licensee. Based on the request, what the Department will then do is redact the information to ensure that none of the licensee's personal information such as home address, home telephone number, Social Security number, any of that personal information, to ensure that that is not included. As well as to ensure that information regarding the individual complainant, such as his or her name or home address or home phone number, that none of that is included.

However, what will happen is the information will be provided in a summary fashion. For example, the information may say that XYZ Automotive had a complaint filed against it for failing to honor a warranty. That would be the kind of information that would be provided, and then of course the date in which the complaint was filed and also the resolution, whether or not the licensee was required to refund the monies that were provided for the warranty, for example, and if there was any civil penalty that was assessed as well.

KELLY: What happens when a company gets a high number of complaints against it?

EYVONNE: First of all, there's no set number of complaints that a licensed dealer or repairer has to have in order for a particular action to be taken. However, what we do is we do monitor the number of complaints that come in and assess where we see repeats. So if we see that a company has quite a number of complaints that are being lodged against it within a certain amount of time, within a set amount of time, for example, if when in a week's period we see that two or three or four complaints have come in against a licensed

dealer or repairer, what we will do is we will assign an inspector to go to the licensed location and conduct what we call a reinspection of the license. And basically what that entails is that we will go out, we will ensure that all of the signage and information that's required under the statutes and the regulations, that that is posted and that it's properly posted. We will then perform an inspection or review of the licensee's books and records to ensure that they're on track and they're doing what it is that they should be doing, because oftentimes when we see that there are a number of complaints that are coming in for the same licensee, that's usually a red flag that there may be something going on relative to that dealership. So it would require that there be a reinspection of the licensee.

And one other point that I should also make in terms of when we see it, we also do what's called a plate inventory. And that's a dealer plate inventory to ensure when we're doing our re-inspection we go out and we ensure that not only are their books and records in order, that would include their orders and invoices, but also their dealer plates to ensure that they're being used in the manner of which they're supposed to.

KELLY: If a customer is charged unfairly, can they get reimbursed?

EYVONNE: Yes, they can. Once an investigation has happened with respect to a complaint and we determine that a licensee has charged a consumer complainant for something that they should not have charged them for, or where they failed to perform the work, for example, part of what we will do through a compliance conference or if the matter goes forward to a formal hearing, is to make a request that the licensee actually provide customer restitution, and that is specifically stated within the statute. So in instances where we do have jurisdiction, we not only have the ability to assess civil

penalties against the licensed location, but also to ensure that they provide customer or consumer restitution to the individual as well.

KELLY: Are there any tips you can provide consumers on the best place to get their vehicle fixed or to purchase a new or used vehicle?

EYVONNE: Actually, no tips with respect to where it is that they should take their vehicle to be purchased or where it is to be fixed because we would not steer business to any licensed location, whether it would be a new or used dealership or limited repairer. However, that being said, what tips we would provide is that if someone is interested in doing business with a dealership or a repairer, what he or she should do is contact the Department of Motor Vehicles directly to determine whether or not that individual or that business is licensed to do business in the state of Connecticut. That being said, there are some unscrupulous individuals that have locations wherein they advertised and they're not actually licensed with the Department of Motor Vehicles. So the tip that I would provide to people is that they should contact us to ascertain whether or not a location that's out there is a properly licensed dealer, repairer, limited repairer to do business within the state of Connecticut and that they have someone that is meeting properly the requirements that are set out both in statutes and regulations.

KELLY: Well, thank you very much, Eyvonne, for being with us here today. Is there anything else you want to add?

EYVONNE: Yes. I just want to provide the telephone numbers for both our Licensing as well as our Complaint Units. If an individual has any questions with respect to a dealer, repairer, limited repairer, leasing company or what have you, and it is a question that's related to licensing, they should contact the Department of Motor Vehicles at 860-263-5056. And if an individual wishes to file a

complaint with respect to a dealer, repairer, limited repairer, etc., what he or she may do is contact the Complaint Unit and the telephone number for the Complaint Unit is 860-263-5055. And finally I would just like to add that the Department does receive approximately 5,000 complaints per year.

So based on the number of complaints that we receive, and that's quite a bit, we are investigating quite a few complaints, we do send out a letter to each individual that files a complaint and that letter does go out within the first two weeks of having received a complaint. And really I think right now we're down to within the first week to 10 days that we receive a complaint that a letter is generated and it does go out. So just understand that we have thousands of complaints that we are investigating, and also understand that we are here for the public to not only investigate those complaints and work with the citizens of the state of Connecticut so that they understand that we do get thousands of complaints, but that we are very interested in working with them and ensuring that hopefully their experience is a positive one with licensed dealers and repairers across the state. Thank you.

KELLY MANNING: This has been an Infocast produced by the State of Connecticut Department of Motor Vehicles. Thank you for listening.