

The Scam Revenge Guide

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Table of Contents

Item	Content	Page #
1	How to Get your Money Back: The First Step	3
2	Get Your Money Back via Chargeback	5
3	Small Claim Court: The Last Resort	8
4	Check your Credit Now: for FREE!	9
5	How to File more Complaints	10

How to get your money back from Merchant

It is highly recommended that you contact the merchant to resolve any issue before you file chargeback dispute with your credit card company. You will learn more about the chargeback process later in this report.

Find and read the refund policy

Firstly, you need to study the refund policy carefully. For many products, the refund policy is deeply buried on their official websites and deep inside the box. If you examine closely you should be able to find the refund policy. Make sure you comply to the refund policy (if there's one) if it is reasonable. In general, you should have no problem getting refund under these conditions:

1. You change your mind.
2. The product takes too long to arrive.
3. The product is not as advertised or is damaged.

Contact the merchant

Before you contact the merchant for refund, get all related information and documents ready, including:

- Your receipt number
- Customer ID
- The date that your credit card is billed,
- Deposits amount
- Invoice number
- Shipping address
- Reasons of canceling
- Return tracking number (if applicable)

You will need to provide these details to the merchant later. You should be able to find the contact information (fax number, telephone number, address, email address) of the merchant on your receipt or on product that you received. We recommend that you contact them via fax, telephone or mailing. Email is not recommended as it will probably never be read.

Calling the merchant

When you call the merchant, tell them to cancel your orders and reverse your charge. You should call during office hours as you will have higher success. Be polite and do not get side track by their sales pitch. If the operator does not have the knowledge or training to assist you, ask to speak to a supervisor or manager. Insist to speak to a supervisor or manager and keep the line open.

Remember to keep track of the time and date of calling, name of person you speak to, their number (if available), and their title. You may want to record the phone conversation with Radio Shack. Always ask the other person permission before you turn it on. Ask their name, today's date, and their permission again AFTER you turn it on.

Always be calm, polite and specific when you speak to the operators, supervisor, and manager on the phone. Once they try to persuade you, inform them that you will file a complaint to your credit card company, Better Business Bureau, Attorney General Office and FTC if they don't process your refund.

Writing to the merchant

If you contact the merchant by writing, send the complaint letter via certified mail with return receipt. Check with the merchant to find out their return procedures. Some merchant may require you to return the product before they reverse the charge. You may need to fill RMA (Return Material Authorization) or obtain RAN (Return Authorization Number).

Note: Please document all the details of your attempt to obtain refund, including the person you speak to, fax receipt, UPS tracking number, RMA number, RAN, the reason why merchants don't return your money etc.

Get your money back: File a Chargeback

If you can't resolve the issue with merchant, the best way to do next is to file chargeback to your credit card. Fortunately, you can correct these credit errors under Fair Credit Billing Act (FCBA). The FCBA settlement procedures apply only to disputes about "billing errors", including:

- Unauthorized charges for items that cost less than \$50. However, many consumers have no difficulties to reverse charges above \$50;
- Charges for goods that you didn't accept or weren't delivered as agreed;
- Mathematical errors;

To reverse the unauthorized charges, you must...

When you received the first billing errors, you must report the mistake to your credit card issuer within 60 days starting from the billing date. Look under the "dispute" section on your credit card bill, it lists the address where you can send your complaint too, and what to attach. Please refer to the sample disputer letter at Appendix (Pg #11).

Typically, you need following details: your name, address, account number, description of billing errors, proof that you did try to resolve the billing issues with merchant in question (in earlier section, we mentioned that you have to document everything), sales slip, and any documents that support your complaint. For instance, if the product is the reason of your complaint, tell them "goods not as advertised" and explain why.

Send your letter by certified mail with return receipt, so you have proof of what credit card company received.

Your credit card company is required to respond to your dispute within 30 days after receiving the notice. Within 90 days, the company has to resolve your dispute.

During this period, your credit rating will not be affected. Under FCBA, you may withhold payment on the disputed amount (and related charges) during the investigation. The credit card company is not allowed to collect money for the disputed items.

If you wish to avoid future unauthorized charges, it's best to cancel your credit card. Apply a new card with another bank.

What if Credit Card Company refuses to help you?

Rarely, the credit card company will refuse to reverse the charges after they review the dispute. If you encounter this problem, speak to the bank manager or the area manager in your state on following issues:

1. Insist that you did not authorize the charges.
2. Show them similar complaints online. You may find complaints similar to yours by typing following search terms:
 - "product name" + complaints
 - "product name" + scam
 - "product name" + fraudinto Google and Yahoo search box.
<http://www.google.com>
<http://www.yahoo.com>

In addition, you may find complaints from following websites:

- www.ripoffreport.com
 - www.complaintsboard.com
 - www.infomercialscams.com (For infomercial products)
3. Inform them you will report this case to the Banking Commission in your state. You can find the contact of Banking Commission at your area in following webpage:
http://library.hsh.com/?row_id=67
 4. Demand Federal Regulation E form.
 5. Inform them that you will be meeting the media today if they don't do the right thing (resolve your dispute)
 6. Inform them if they do not help you, you will bring the case to Small Claim Court (more on this later).

If you do the above, the bank should process your dispute immediately and issue chargeback.

Small Claim Court: The Last Resort

If all else fail, you can file a small claim lawsuit against the merchant. The Small Claim court allows you to sue someone (the defendant) to collect an amount of money that you believe is owed to you. In general, the procedures of Small Claim Court are rather simple. You may file your case rather cheaply and quickly, without helps from attorney. Claims that involve consumer complaints for defective practice can be file in Small Claim Court. Typically, the claims should be less than \$7500 (the maximum allowable claim varies from state to state).

Where to file a Small Claim

You have to file the complaint in Office of the Special Civil Part of the county where the merchant (defendant) lives or where the defendant's business is located. You do not have to be in the same state with the merchant. If they own property or rent an office space at your state, you can sue them in small claims. You can find out the information from:

1. Phone books
2. Google or Yahoo Search Engine
3. Your state's corporate registrations
4. Internet address finders (www.whois.sc)
5. County assessor's records
6. County recorders' offices

If they are located out of the state where you live, check if there's Small Claim Court at merchant's area. At some states, it is called magistrate court. Next, check if you can submit the claim via internet. You may need assistance from private vendor for small fees. You can usually find out the list of approved vendors from website of the court or court clerk. Your personal appearance may not be required as some judges do not take affidavits in small claims.

You may also want to consider hiring attorney to assist you. You still have to attend all hearing, but a good attorney will help you cover the legwork. Please note that most court will only reimburse your legal expenses but NOT travel expenses.

What must you do before you file a Claim?

You should collect all needed documents that support your complaint before you go to the Small Claim Court. Please note that you have high chance of losing the case if

you do not prepare enough evidence to support your case. You will need following information:

1. Your complete name and address.
2. Complete legal name and address of the person or merchant (defendant).
3. Filing fees. Typically, you will need to pay approximately \$50-\$100. The fees change from time to time so it's recommended that you call to check out the fee. If you can't afford to pay the fee, you can submit an Affidavit of Substantial Hardship and request that the judge delay the judgment.
4. The amount of money you intend to charge
5. Any supporting documents that support your claims, including receipts, checks, business records, sales pitch, checks, billing records etc.
6. A concise statement of the basis for your claim, stated plainly and without technicalities, including the date the claim arose, and any other relevant date. You should write this statement in advance.

Here's a useful link to the Small Claims Court to each state, inside you will find the court link, contact, complaint form, and maximum dollar amount:

<http://law.freeadvice.com/resources/smallclaimscourts.htm>

How do you file a Claim?

You or your attorney should go to the small claims division of the district court in the country and file a Statement of Claim Form. The court clerk will assign you (plaintiff) a case number. This number is used when you contact the court concerning your case. In addition, you must swear under oath that your small claims statement is true.

Next, inform the clerk where the defendant may be found and approximate time. The clerk will issue the summons to defendant to appear on court.

Call the clerk two weeks later to find out the trial date. Remember the trial date and be in the court at that time. You will stand high chance of winning the case if the defendant was properly served and has not answer your suit.

Check your Credit NOW – for FREE!

When your case is in dispute, the creditor may not threaten your credit your credit rating. However, they may report that you are challenging your bill. They may move your account to collection agency and it will affect your credit rating. You can find out your credit rating from following site and take necessary action (if needed):

<http://www.annualcreditreport.com>

It's the ONLY authorized online source for you to get a free credit report under federal law. You can get a free report from each of the three national credit reporting companies (Equifax, Experian, and TransUnion) every 12 months. Some other sites claim to offer "free" credit reports, but may charge you for another product if you accept a "free" report.

How to File more Complaints

If you wish to take the steps further, you can contact the following authorities and file complaint. Once they receive your complaint, they should take the necessary action and shut the questionable merchant down.

1. *Federal Trade Commission* Consumer Complaint Form

[https://rn.ftc.gov/pls/dod/wsolcq\\$.startup?Z_ORG_CODE=PU01](https://rn.ftc.gov/pls/dod/wsolcq$.startup?Z_ORG_CODE=PU01)

2. *Better Business Bureau*

<https://odr.bbb.org/odrweb/public/GetStarted.aspx>

3. *National Association of Attorneys General*

http://www.naag.org/attorneys_general.php

4. If you receive telemarketing calls to promote other products, register yourself with *National Do Not Call Registry* at:

<https://www.donotcall.gov/register/reg.aspx>

5. Document your experience on the World Wide Web with following free web publishing tools:

www.blogger.com

www.squidoo.com

Appendix 1: Sample Dispute Letter

Date
Your Name
Your Address
Your City, State, Zip Code
Your Account Number

Name of Creditor
Billing Inquiries
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute a billing error in the amount of \$_____ on my account. The amount is inaccurate because (describe the problem). I am requesting that the error be corrected, that any finance and other charges related to the disputed amount be credited as well, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as sales slips, payment records) supporting my position. Please investigate this matter and correct the billing error as soon as possible.

Sincerely,
Your name
Enclosures: (List what you are enclosing.)