



Do-Not-Call:

National and State Protection for Ohioans

Updated March 2008

Do-Not-Call History

Since July 2003, Ohioans have been able to place their home telephone, fax, pager and cell phone numbers on the national Do-Not-Call registry. This free registry allows consumers to prevent unwanted telemarketing calls made by most companies. Charities, political organizations, political candidates, companies doing surveys and companies with whom consumers have an established business relationship are exempt. Consumers also can request to be placed on internal Do-Not-Call lists for the exempt companies and organizations by telling the representative who calls to place them on the list.

Ohio's Do-Not-Call law, enacted in 2004, gives the Attorney General the enforcement authority to seek criminal and civil penalties in state and local courts against telemarketers who call Ohio residents registered on the national Do-Not-Call list.

How to sign up

Consumers may join the Do-Not-Call registry at any time. The registry can be accessed online at www.donotcall.gov or by calling toll free 1-888-382-1222 from the telephone number you wish to register. If consumers change telephone numbers because they move or for any other reason, they must register the new number. Under a federal law passed in 2008, consumers need to register their numbers on the national Do-Not-Call list only once. Once a number is registered, it can take up to 31 days for it to be removed from telemarketers' lists. For consumers who sign up online, a confirmation e-mail will be sent to the e-mail address used during registration. Consumers must respond to this e-mail within 72 hours for their numbers to be added on the registry.

Complaint process

Consumers who believe they are receiving unlawful telemarketing calls can file a complaint by calling

the Ohio Attorney General's office toll free at 1-800-282-0515 or online at www.ag.state.oh.us. The Attorney General may seek civil penalties against telemarketers who violate the Do-Not-Call list. Any money awarded by the courts in lawsuits initiated by the Attorney General against telemarketers will be placed into the Telephone Solicitation Protection Fund in the state treasury to reimburse the state for costs associated with investigating and enforcing Ohio's Do Not Call law. When filing a complaint, consumers need to provide the following information:

- Telephone number that the telemarketer called
- Date of the call
- Time of the call
- Either the name or telephone number of the telemarketer
- Consumers' name and address

The Federal Trade Commission (FTC) is taking reports of Do-Not-Call violations from consumers as well. Consumers can file a complaint with the FTC by calling toll free at 1-888-382-1222 or by filing online at www.donotcall.gov.

The FTC can impose fines of up to \$11,000 for each violation of the registry. Any money collected as part of the fines goes to the FTC to assist with the maintenance of the registry.

Consumers can file a complaint against the telemarketer on a local level at their county's small claims court. Individual consumers can seek up to \$2,000 in damages per violation.

Telemarketing Guidelines

The FTC and the Federal Communications Commission (FCC) have set strict guidelines and penalties for telemarketers both in and out of Ohio.

According to FTC and FCC rules, telemarketers **CANNOT:**

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- Make sales calls before 8 a.m. or after 9 p.m.
- Call people placed on the national Do-Not-Call registry or internal "Do-Not-Call" lists.
- Use an automated system to call or send text messages to a cell phone
- Withdraw money from a person's checking account without permission.
- Use recorded messages for telemarketing to consumers who do not have an established business relationship with the company.
- Use a fax machine, computer or other device to send an unsolicited ad to a fax machine without the receiving party's prior consent.

Telemarketers **ARE REQUIRED TO:**

- State the name of the company he or she represents, product description and cost.
- Disclose their telephone number and name through a customer's caller ID service
- Disclose risk, liquidity and earnings potential.

Telephone and mail solicitors must register with the Ohio Attorney General's office, reveal information about products and company background and offer refunds to unhappy customers. Solicitors who choose not to comply could face a fine of up to \$25,000.

If you encounter a telemarketer who does not follow these rules, contact the Ohio Attorney General toll free at 1-800-282-0515.

Tips to end telemarketing calls

Tip #1: Simply telling the caller that you are not interested should be enough. You can always say "I'm terminating this call" and hang up the telephone.

Tip #2: Be sure to tell the caller to place your name and number on the company's "Do-Not-Call" list and be sure to sign up on the national Do-Not-

Call registry. Your request directly to a company is good for five years; a listing on the National Do-Not-Call registry is good for as long as you continue service at the same number. Also, contact your local telephone company and ask to have your name removed from their "selling" list.

If a company continues to call and you want to take action, send a certified letter, return receipt requested, demanding to be placed on its "Do-Not-Call" list. Keep a copy of the letter and the return receipt as proof.

Tip #3: Do not include your telephone number on the outgoing message of your answering machine.

Tip #4: Consider purchasing an answering machine or voice mail system. Add the statement "Telemarketers need not call back" to your recorded message.

Tips to prevent fraud

Protect yourself against telephone fraud by using the following list as a reference.

Tip #1: Do not rush. Allow yourself enough time to ask questions. Ask the company to send written information on the proposed product, service or charity before committing yourself.

Tip #2: Get the name, address and telephone number of the company and check out its credentials with your local consumer protection office. You can also contact The National Fraud Information Center at 1-800-876-7060 to discuss the offer with a trained professional.

Tip #3: Never send money (cash, check or money order) to anyone who requires an immediate payment. Do not give out financial information such as your bank account or credit card numbers.

Tip #4: Remember that if you are offered a prize, you should not be asked to pay for it.

The Office of the Ohio Consumers' Counsel is an equal opportunity employer and provider of services.

For additional information from the Office of the Ohio Consumers' Counsel:

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