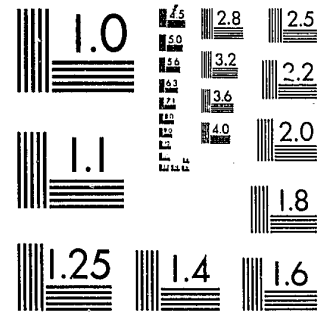


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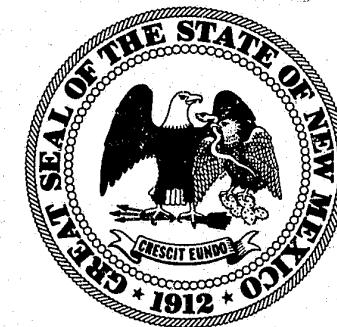
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11/9/81

CONSUMER PROTECTION IN NEW MEXICO

*A Guide to the
Consumer and Economic Crimes Division
of the
New Mexico Attorney General's Office*



STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL

JEFF BINGAMAN
ATTORNEY GENERAL

Informational Pamphlet
November, 1979

76316



STATE OF NEW MEXICO
Office of the Attorney General
 DEPARTMENT OF JUSTICE
 P.O. Drawer 1508
 Santa Fe, N. M. 87501

JEFF BINGAMAN
 ATTORNEY GENERAL

November, 1979

Ladies and Gentlemen:

This "Consumer Protection Manual" has been prepared at my direction as a means of educating New Mexicans to their rights as consumers under our State's consumer protection laws.

The Manual is also intended as a tool to assist the New Mexico business community in complying with these laws.

Of the millions of business transactions which take place every day in New Mexico, only a very few are fraudulent. But even on a small scale, illegal trade practices do injury to honest business and consumer equally. Consumer confidence and fair business dealings are essential to our economic system.

My office will enforce New Mexico's consumer protection laws aggressively. I hope this Consumer Protection Manual will encourage consumers, business people and other law enforcement agencies to join in this important effort.

Sincerely,

Jeff Bingham
 JEFF BINGAMAN
 Attorney General

dbg

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PUBLIC STATEMENT

If you have any information or questions about possible violations of the New Mexico consumer laws or questions and comments on this informational pamphlet, please contact:

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This informational pamphlet was produced as part of a guide for employees in the Office of the Attorney General; therefore, certain appendices may be mentioned, but not incorporated herein.

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I. THE CONSUMER AND ECONOMIC CRIMES DIVISION

A. Purpose of the Manual

The Consumer and Economic Crimes Division is one of several major divisions in the New Mexico Attorney General's Office and is charged with the enforcement of the New Mexico consumer protection laws. The division has grown rapidly in the past several years as the demands for consumer assistance have increased within the Attorney General's Office. The staff of the Consumer Division must now respond on a daily basis to hundreds of public complaints, requests for assistance, and inquiries concerning consumer affairs. This "Consumer Protection Manual" has been developed in response to this rapid increase in consumer complaints and as an aid to both the public and the staff of the Consumer Division.

The purpose of this Manual is three-fold. First, the Manual serves to inform the public of the New Mexico consumer protection laws that the Attorney General has specific authority to enforce. Second, the Manual explains the organization of the Division and describes the specialized units within the Division and their functions. Finally, the Manual formalizes the policies and internal procedures of the Consumer Division for processing consumer complaints from initial receipt through to litigation.

B. The Role of the Attorney General in Consumer Protection

According to the United States Chamber of Commerce and the National District Attorneys Association, over 44 billion dollars is stolen annually from the American consumer by unfair and deceptive trade practices and white collar crime. The economic impact of such illegal business conduct has a significant effect upon the citizens of New Mexico. The never-ending schemes and devices employed by both local and out of state con-artists and unscrupulous businessmen upon the unwary consumer takes a heavy toll on family budgets and savings accounts in New Mexico. Such conduct also injures honest businessmen by impeding fair and free competition in the marketplace.

Over the last fifty years, the New Mexico consumer has progressed from a period of purchasing locally produced and marketed necessities to an era where he is now confronted by mass advertising and marketing programs selling a multitude of goods and services produced in unknown and geographically distant places. As a result, the New Mexico Legislature and courts have modified the old rule of caveat emptor (let the buyer beware) in favor of the more ethical philosophy that one dealing with another in business has the right to rely upon representations of fact as the truth. Recent New Mexico laws such as the New Mexico Unfair Practices Act, Section 57-12-1, et. seq., NMSA 1978, have made it clear that the law now protects the trusting as well as the suspicious.

The New Mexico Unfair Trade Practices Act and other consumer protection laws grant specific enforcement powers to the Attorney General of New Mexico, charging him with the duty of protecting the consuming public. In addition to these specific grants of statutory authority, the Attorney General has been given general authority by the legislature under Section 8-5-2, NMSA 1978 as the chief law enforcement officer of the State to appear before "local, state, and federal courts and regulatory offices, agencies, and bodies to be heard on behalf of the State when, in his judgment, the public interest of the State requires such action..." Thus, the Attorney General has received a definite mandate by the New Mexico Legislature to act on behalf of the consumers of New Mexico.

The Consumer and Economic Crimes Division of the Attorney General's Office was created in recognition of this legislative mandate. The primary purpose of the Consumer and Economic Crimes Division is to protect the consuming public and the legitimate business community from unfair, deceptive, and unconscionable trade practices as well as from unfair methods of competition. Additionally, the Consumer Division is committed to representing consumer interests in the utility rate-making area before courts and administrative agencies to insure that necessary energy supplies are provided to the New Mexico consumer at the lowest justifiable cost.

C. History of the Consumer Division

In the last five years, the Consumer and Economic Crimes Division has grown from a small public relations unit staffed with non-lawyers to a major division within the office staffed by thirteen attorneys who are assisted by investigators and paralegals. Money earmarked for the Consumer Division by the Attorney General currently represents almost one-fourth of the entire office budget. This significant financial commitment to consumer protection resulted in the return of approximately \$883,459.00 in restitution to consumers of this state in 1978 alone, as well as the recovery of over \$226,000.00 in fines and costs paid to the State of New Mexico through enforcement actions taken by the Consumer Division.

Consumer complaints received by the office have increased from just a trickle of letters and inquiries in 1974 to over 2,725 in 1978. The demand on this division of the office continues to rise every month. As a response to growing demands for consumer protection in such diverse areas as price fixing, utility rates, land fraud, automobile repair and fraudulent investment schemes, several specialized units have been created within the Consumer Division which are now staffed by attorneys who have developed an expertise in these areas of consumer protection.

II. SUMMARY OF CONSUMER PROTECTION STATUTES ENFORCED BY THE ATTORNEY GENERAL

A. Role of the Consumer and Economic Crimes Division

The central role of the Consumer Division is to protect the New Mexico consumers from fraudulent business practices. To this end the Division endeavors to protect the public through the enforcement of specific consumer laws designed to eliminate and provide relief from such practices, and through the education of the citizens of the state so that they are better able to protect themselves.

Consumer protection embraces a wide range of activities engaged in by a number of different State agencies. Many other State regulatory agencies and professional licensing boards are also charged with consumer protection functions. While the Consumer Division of the Attorney General's Office may appear before these other agencies and boards on behalf of consumers, the Attorney General does not have such licensing authority. The jurisdiction of the Consumer Division is limited by specific consumer statutes to primarily combating "unfair, deceptive, and unconscionable trade practices" through investigation, negotiation and, if necessary, civil or criminal enforcement actions in state and federal courts. Also, it is important to note that the Consumer Division cannot act in the capacity of a private attorney for individual consumers to pursue purely private legal actions that

are not within the jurisdiction of the office under the consumer protection statutes summarized below.

B. Consumer Protection Statutes Enforced by the Attorney General

The following consumer protection laws (provided in full in Appendix A of the Manual) grant specific enforcement powers to the Attorney General:

1. Section 57-12-1, et seq., NMSA 1978.

THE NEW MEXICO UNFAIR PRACTICES ACT

This statute contains the basic authority for the Attorney General in the area of consumer protection. Under this statute, the Attorney General is given primary jurisdiction to investigate and to take legal action to prevent and remedy unfair trade practices.

(a) Conduct Prohibited

The heart of this Act is contained in Section 57-12-13, NMSA 1978, which outlaws "unfair" or "deceptive" trade practices and "unconscionable" trade practices in the conduct of any trade or commerce. Unfair or deceptive trade practices are defined in Section 57-12-2(C), NMSA 1978 of this Act as any false or misleading oral or written statement, visual description or other representation of any kind made in connection with the sale, lease, rental, or loan of goods or services, in the extension of credit or in the collection of debts which may, or tend to, or does, deceive or mislead any persons. The Act specifically identifies the following

17 major types of trade practices which are declared to be unfair or deceptive:

(1) representing goods or services as those of another when the goods or services are not the goods and services of another;

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by another;

(4) using deceptive representations or designations of geographic origin in connection with goods or services;

(5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(6) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

(7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) disparaging the goods, services, or business of another by false or misleading representations;

(9) offering goods or services with intent not to supply them in the quantity requested by the prospective buyer to the extent of the stock available;

(10) offering goods or services with intent not to supply reasonable expectable public demand;

(11) making false or misleading statements of fact concerning the price of goods or services, the prices of competitors or one's own price at a past or future time, or the reasons for, existence of, or amounts of, price reduction;

(12) making false or misleading statements of fact for the purpose of obtaining appointments for the demonstration, exhibition or other sales presentation of goods or services;

(13) packaging goods for sale in a container that bears a trademark or trade name identified with goods formerly packaged in the container, without authorization, unless the container is labelled or marked to disclaim a connection between the contents and the trademark or trade name;

(14) using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive;

(15) stating that a transaction involves rights, remedies, or obligations that it does not involve;

(16) stating that services, replacements or repairs are needed if they are not needed; or

(17) failure to deliver the quality or quantity of goods or services contracted for.

"Unconscionable trade practices" are also outlined by the Act and defined at Section 57-12-2(D), NMSA 1978 as conduct which takes advantage of the lack of knowledge, ability, experience, or capacity of a consumer to a grossly unfair degree, or results in a gross disparity between the value received by a person and the price paid.

Other conduct declared unlawful by the Act is the employment of chain referral sales techniques in Section 57-15-5, and misrepresentations made in the sale of motor vehicles in Section 57-12-5.1, including the rolling back of odometers for which a criminal penalty is provided.

(b) Remedies

1. The Act authorizes the Attorney General to file an action in district court to obtain a temporary or permanent injunction enjoining conduct prohibited by the Act as well as restitution for injured consumers in Section 57-12-19. The Act authorizes the Attorney General to seek a civil penalty of up to \$5,000.00 per violation for willful violations of the Act in Section 57-12-9. The Act also permits the Attorney General to obtain an order from the district court to forbid any person engaged in conduct in violation of the Act from leaving the state or removing his property

or assets from the state under Section 57-12-15.

2. In lieu of court action, the Act empowers the Attorney General under Section 57-12-7.1, to negotiate and enter into written "Assurances of Discontinuance" of any practices in violation of the Act with persons engaged in such conduct. Such settlements are of public record and may include provisions for making restitution to injured consumers.

3. The Act also provides for private remedies for private litigants including injunctive relief, actual damages or \$100.00, whichever is greater, as well as attorneys fees under Section 57-12-8.

(c) Investigation

Under Section 57-12-10 of the Act, the Attorney General may issue a civil investigative demand requiring persons suspected of probable violations of the Act to produce for inspection and copying certain documentary materials.

(d) Examples of Prohibited Acts

Bait and Switch

A merchant advertises an attractive bargain on a nationally advertised brand at an unusually low price. When the customer arrives at his store, the merchant tells the customer that the item advertised is either "sold out," "out of stock," or "not really any good." The merchant disparages the advertised item (the "bait") and tries to "switch" the customer to a higher priced brand or model. The merchant typically plans to be out of stock by intentionally maintaining in stock only a limited number of the items. The customer ends up buying a more expensive brand or simply incurs the

expense of going to the merchant's store. The merchant has engaged in a deceptive trade practice.

Unnecessary Auto Repairs

A gas station operator on an interstate highway asks to check the oil while filling a customer's gas tank. While the customer is not looking, the operator sprays oil on the alternator or shock absorbers and then shows the oil to customer stating that the sprayed part is dangerously defective and in need of replacement. While the part is being removed, the part is damaged to cover up the fraud from later detection in case the customer asks to take the old part with him. The operator usually charges a grossly inflated price for the new part which the customer has no choice but to pay. The gas station operator has committed an unfair and unconscionable trade practice as well as criminal fraud.

Free Trip to Inspect Property

A land company sells subdivided land, sight-unseen to a New York purchaser. The company offers a "money back guarantee" and "free" trip to personally inspect the property to alleviate the purchaser's fear of later not liking what he is purchasing. Upon arrival in New Mexico and inspection of the property, the customer is advised that his trip is "free" only if he accepts the land he purchased and/or if he agrees to buy an additional lot. The purchaser is coerced into signing a document approving his land purchase in order to return home. The land company has

utilized an unconscionable trade practice in violation of the Act.

Business Opportunity

A promoter advertises that one can make "huge profits in your own home" by growing worms or raising fur-bearing animals. The promoter misrepresents large retail outlets for the sale of these animals that do not exist or misrepresents impending contracts with bulk purchasers that will generate a large sales market. The consumer signs a contract and invests or pays a large setup fee to participate in the business organization. Often the contract has a "guaranteed buyback clause" for purchasing back the animals at a profit. The promoter pockets the investment and never obtains purchasers for animals. The promotion company folds without assets sufficient to honor the buyback clause in the contract and the promoter skips. The consumer is left with a large inventory of animals with no market. The promoter has engaged in an unfair and deceptive trade practice.

Debt Collection Harassment

A consumer purchases furniture for his home on an installment plan. The consumer then incurs unexpected medical bills and is no longer able to keep his monthly payments current. His debt is assigned to a collection agency. The collection agency begins to call the consumer late at night and early in the morning, using threats of court action and abusive language to encourage payment of the debt. The collection agency also places calls to the consumer's employer during work hours advising the employer that the consumer is a

"dead beat." The collection agency serves or hand delivers to the consumer at work documents which simulate legal pleadings entitled "Notice of Intent to Sue." The collection agency has committed unfair, deceptive, and unconscionable trade practices in the collection of a debt.

2. Section 57-15-1 NMSA 1978 THE FALSE ADVERTISING ACT

This law outlaws false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in the state of New Mexico. It grants to the Attorney General the primary authority to investigate and to enforce the penalty provisions of the Act.

(a) Conduct Prohibited

The Act makes unlawful advertising, including labeling, which is misleading in any material respect. In determining whether any advertising is misleading, Section 57-15-2 of the Act defines "false advertising" so as to take into account not only representations made by statement, word, design, device, sound, or any combination thereof, but also the extent to which advertising fails to reveal facts material in light of such representations...."

(b) Remedies

1. The Act provides in Section 57-15-4, for a civil penalty of up to \$500.00 for each violation which may be obtained by the Attorney General in an action brought in the district court.

2. The Act further permits the Attorney General to obtain an injunction restraining and preventing any violation of the Act.

3. A private citizen may seek injunctive relief under Section 57-15-5 as well as costs or attorneys fees if the defendant's conduct is found to be willful.

(c) Investigation

The Act authorizes the Attorney General, prior to the institution of a civil proceeding, to issue a "civil investigative demand" requiring the production of documents for inspection and copying from any person who the Attorney General has reason to believe is in probable violation of the Act.

(d) Examples of Prohibited Acts

Free Gift

A merchant advertises a "free" gift for any consumer who comes to his store. Once the consumer arrives at the store, the merchant advises consumer that he must buy a certain product before he can receive the gift. Where a specific article of merchandise is required to be purchased in order to obtain the "free" gift, the merchant either increases the usual price of the item or reduces its quality or quantity in order to compensate or pay for the "free gift." The merchant's advertising is false and deceptive because of these undisclosed conditions.

Going Out of Business Sales

A merchant advertises "Sale-- Going Out of Business This Week."

The merchant runs this ad once every two months and never goes out of business. The merchant's advertising is false and in violation of the Act.

\$1.00 Over Dealer Cost

An auto dealership advertises to sell new cars at "\$1.00 over cost to dealer." However, "dealer cost" routinely includes not only tax and title but inflated dealer preparation and freight charges. "Dealer cost" plus \$1.00 is more expensive than competitor's usual price. The auto dealer's advertisement is deceptive and in violation of the Act.

3. Section 57-13-1 NMSA 1973 PYRAMID OR MULTI-LEVEL SALES ACT

The Pyramid or Multi-Level Sales Act regulates and prohibits certain business practices involved in pyramid sales schemes, pyramid promotional schemes, multi-level distribution companies and multi-level marketing programs. The Act authorizes the Attorney General to enforce the provisions of the Act through investigation, a required filing procedure, and civil or criminal enforcement actions.

(a) Conduct Prohibited

1. The Act covers under Section 57-13-2, any firm, corporation or business entity which distributes, sells, or supplies for valuable consideration, goods or services through independent agents, contractors, or distributors at different levels where either (1) there exist different rates of

pricing or discounting from any other level or (2) wherein participants in the marketing program may recruit other participants and wherein commissions, crosscommissions, bonuses, refunds, discounts, dividends or other consideration in the marketing program are or may be paid as a result of the sale of such goods and services or the recruitment, actions, or performances of additional participants.

2. The Act requires in Section 57-13-3, that such pyramid sales companies:

(a) File quarterly reports with the Attorney General;

(b) Allow for cancellation of contracts at any time;

(c) Repurchase all encumbered products at not less than 90% of original net cost;

(d) Not engage in chain referral schemes and other specified conduct which is declared unlawful.

(b) Remedies

1. The Act empowers the Attorney General in Section 57-13-4, to seek injunctive relief, restitution and civil penalties of up to \$10,000.00 per violation in a civil action. The Act further authorizes the Attorney General to obtain "Assurances of Discontinuance" in lieu of civil action under Section 57-13-5. The Act also imposes a criminal misdemeanor penalty of six months to one year imprisonment or a fine of \$1,000 to \$10,000, or both, which may be obtained by the Attorney General in a criminal action under Section 57-13-7, NMSA 1978.

2. The Act authorizes private remedies including injunctions, costs, and attorneys fees.

(c) Investigation

The Act authorizes the Attorney General to issue a "civil investigative demand" for the production of documents for inspection and copying where there is reason to believe that a person may be in probable violation of the Act under Section 57-13-9.

(d) Example of Prohibited Acts

Classic Multi-Level Distributorship Scheme

A national company establishes a marketing program allowing participant investors to enter a sales position in the company at any one of three or four levels. The level that an individual enters the program is dependent upon the amount of money that he invests. At the lowest level, for a small fee, merchandise is provided the participant for retail sale to the general public. More money allows one to enter as a "distributor" at the wholesale level, supervising lower level "salesmen." For the highest fee or investment, one becomes a link between the company and the distributorship chain. Each participant receives the product (soap, cosmetics, etc.) at a discount; the amount being higher at the upper levels. In addition, the participant receives payments for recruiting other participants to buy distributorships. The plan is promoted through high pressure sales meetings where "get-rich-quick" representations are made along with assurances of lucrative

profits and unrealistic descriptions of the number of potential purchasers of the product and the distributorships. The participants are also required to buy large inventories as initial setup. The organizers receive large profits from the initial investment money and not from the sale of the product. The company is usually undercapitalized and unable to supply the product after the first several months or years. The company folds and later participants are left with huge inventories of products in their garages and an unrecovered investment. The key characteristic in this scheme is that the organizers and early investors are more interested in selling distributorships than in selling the product.

4. Section 30-33-3 NMSA 1978 THE INDIAN ARTS AND CRAFTS SALES ACT

The purpose of the Indian Arts and Crafts Sales Act is to protect the public and the Indian craftsmen from false representations in the sale, trade, purchase, or offering for sale of Indian arts and crafts or turquoise. The Act grants specific enforcement powers to the Attorney General under Section 30-33-8, with the assistance of the New Mexico Commission on Indian Affairs.

(a) Conduct Prohibited

Section 30-33-7, of the Act makes it unlawful to sell or offer for sale:

1. Any products represented to be authentic Indian arts and crafts unless such products are

in fact authentic Indian arts and crafts.

2. Either authentic or unauthentic Indian arts and crafts represented to be silver unless such products are made from coin silver or sterling silver.

3. Non-authentic Indian arts and crafts unless clearly labeled as to any characteristics which make them non-authentic.

4. Unnatural turquoise without written disclosure of whether the turquoise is stabilized, treated reconstituted, or imitation.

5. Natural or unnatural turquoise by carat or other measure of weight without written disclosure of the true weight separated from other materials used.

(b) Remedies

1. Section 30-33-9 provides that a civil action may be brought by the Attorney General in district court for injunctive and other equitable relief, restitution and civil fines of up to \$5,000 per violation to enforce the provisions of the Act.

2. Section 30-33-10, also provides for private remedies including actual damages, costs, and attorneys fees.

(c) Example of Prohibited Acts

Machine Made Indian "Handicraft"

A non-Indian pottery manufacturer produces and paints clay pottery by machines on a mass production basis. Employees of

the business include several Indians who operate the machines. The pottery is labeled "Southwestern Pottery--made by Native American Indians" and sold in outlets throughout New Mexico. These advertisements and sales techniques violate the Indian Arts and Crafts Act because the pottery is machine-made and not handcrafted by an Indian and not properly labeled as "non-authentic" as required by the Act.

5. Section 47-6-1 NMSA 1978, as amended

THE 1973 NEW MEXICO SUB-DIVISION ACT; and
Section 47-5-1 NMSA 1978
THE 1963 LAND SUBDIVISION ACT

The 1963 Land Subdivision Act, Section 47-5-1, NMSA 1978, and the 1973 New Mexico Subdivision Act, Section 47-6-1, et seq., regulate the subdivision and sale of New Mexico land located outside of a municipality. These laws provide protection to land purchasers through the imposition of development standards, disclosure statement requirements, rescission rights, and the regulation of advertising and promotional techniques and materials. The 1963 Land Subdivision Act generally applies to subdivisions platted and approved from 1963 to October of 1973, and the 1973 New Mexico Subdivision Act applies generally to subdivisions platted and approved after October of 1973. Both Acts authorize the Attorney General to seek injunctive relief and criminal sanctions for violation of the requirements of these land subdivision laws. The 1973 New Mexico Subdivision Act also requires the filing of all

advertising material by subdividers with the Attorney General's Office.

(a) Conduct Prohibited - 1963 Land Subdivision Act

1. The 1963 Land Subdivision Act prohibits the sale or lease, or the offer for sale or lease, of land from within a subdivision containing 25 or more lots without the filing of a plat map approved by the county commission and without first complying with all other applicable provisions of that Act.

2. The 1963 Act further makes it unlawful to sell or lease such subdivided land without disclosing to the purchaser in writing certain required facts under Section 47-5-4 relating to unusual conditions, maintenance of roads, public utilities, water, the complete price and financing terms and the existence of blanket encumbrances.

3. Section 47-5-5 of the 1963 Act establishes certain advertising standards which prohibit false and misleading statements of fact and the use of inaccurate maps and illustrations among other prohibited practices.

(b) Remedies - 1963 Land Subdivision Act

1. The 1963 Act authorizes the Attorney General to seek injunctive relief to enjoin conduct in violation of the Act.

2. The 1963 Act makes it a misdemeanor to violate any provision of the Act punishable

by a criminal fine of up to \$100,000.

3. In a separate, felony fraud provision contained in Section 47-5-6, the 1963 Act makes it a felony punishable by not more than five years and/or a fine of \$100,000 to "knowingly authorize or assist in the publication, advertising, distribution, or circulation of any false statement or representation concerning any subdivided land offered for sale or lease...."

(c) Conduct Prohibited - 1973 New Mexico Subdivision Act

1. The 1973 Act makes it unlawful to subdivide and sell or lease, or offer for sale or lease, five or more parcels of land within a three (3) year period without first filing a plat map which has been approved by the county commission and complying with all of the applicable requirements of the 1973 Act relating to roads, water, sewage, and terrain management.

2. The 1973 Act requires the subdivider to prepare and give to a prospective purchaser a Disclosure Statement prior to the sale of a subdivided lot from within certain "types" of subdivisions under Section 47-6-17.

3. The 1973 Act also contains advertising standards and prohibitions against false and misleading statements of fact used in advertising similar to those contained in the 1963 Act.

(d) Remedies - 1973 New Mexico Subdivision Act

1. The Attorney General is authorized under Section 47-6-26

NMSA 1978, to seek injunctive relief to not only enjoin further violations of this Act but to affirmatively compel compliance on the part of a subdivider with the provisions and requirements of the 1973 Act.

2. Under Section 47-6-27, of the Act, it is a misdemeanor punishable by a fine of up to \$1,000 for each violation of any provision of the Act. A fine of up to \$10,000 is provided for where advertising material is published or disseminated in violation of the 1973 Act.

3. Six Months Right of Rescission: Under Section 47-6-23 any purchaser or lessee who has not inspected his parcel prior to purchasing or leasing it may personally inspect the parcel within six months of the purchase and rescind the purchase or lease for any reason and receive back all of his money by giving written notice to the seller within three days of his personal inspection.

(e) Examples of Prohibited Acts

Subterfuge to Avoid Act

A land company buys a 40-acre tract of land and then quitclaims ten subdivided parcels, four acres in size, to employees of the company for no consideration. Each employee then divides his four-acre parcel into eight, half-acre parcels. Each employee of the company then sells all of the parcels to the public and assigns the real estate contracts to the company after taking a commission. The land company receives the money from the sale of 80 subdivided lots and files no subdivision plat map for approval

by the county claiming that the company did not subdivide and sell five or more lots. The land company has, nevertheless, violated the Act by using agents to subdivide and sell the land in a common promotional scheme. The land company must file a plat map, prepare and distribute disclosure statements to purchasers, offer a refund and provide the amenities and roads required by the Act.

Right of Rescission - Additional Conditions

A California purchaser reads an ad for a "five acre ranchette" located in New Mexico and buys a parcel over the phone without seeing the land. The land is part of a subdivision approved under the 1973 Act. The purchaser is sent a "Money Back Guarantee" stating that upon personal inspection within six months "with a representative of the company" the purchaser may have all of his money back if not satisfied. The purchaser drives to New Mexico and sees his land within six months and is not satisfied. The land company cannot be contacted by phone and has no representative at the remote subdivision. The purchaser writes to the land company demanding his money back and is refused because the inspection did not take place "with a representative of company." The purchaser is responded to after six months have passed. The land company has violated the Act for not disclosing the exact terms of rescission under the Act which allows a full refund after personal inspection within six months by giving written notice within three days of inspection. No additional requirements can be added on to the rescission right provided in Section 47-6-23, NMSA 1978 of the 1973 New Mexico Subdivision Act.

6. Section 57-1-1 NMSA 1978
THE NEW MEXICO ANTITRUST
ACT

(a) Conduct Prohibited

The New Mexico Antitrust Act outlaws any contract, agreement, combination or conspiracy in restraint of trade or commerce within the state of New Mexico under Section 57-1-1(A), NMSA 1978 as amended in 1979. Under Section 57-1-1(B) of the Act, it is illegal to enter into any contract, agreement, combination, or conspiracy which controls the quantity, price, or exchange of any article of manufacture, product of a soil or mine, or any goods or services in restraint of trade under Section 57-1-1(B). The Act further declares to be unlawful monopolies or attempts to monopolize trade or commerce within the state of New Mexico. All contracts and agreements in violation of the New Mexico Antitrust Act are declared to be void and any person threatened with injury or injured in his business or property by such violations may bring an action for appropriate injunctive relief and damages up to three times the amounts sustained plus costs and attorneys fees.

(b) Remedies

The Act authorizes the Attorney General to investigate and prosecute antitrust violations. The Act provides under Section 57-1-3(B) and 57-1-6, that the Attorney General may seek injunctive relief and treble damages on behalf of the State and civil or criminal fines of \$50,000.00 against an individual

or \$250,000.00 against a business entity as well as imprisonment of up to five years. The Attorney General also has the authority under federal antitrust law to bring an antitrust action in federal court on behalf of consumers residing in the state of New Mexico or on behalf of the State itself if the consumers or State have been injured as a result of antitrust violations. The Attorney General can recover three times the damages incurred by the injured consumers or the State.

(c) Examples of Prohibited Acts

Price Fixing

A Co. and B Co. make marbles. The presidents of A Co. and B Co. meet every weekend to play golf. On such occasions, they often discuss business, comparing the prices they are charging. They usually agree that there is no reason for them to engage in price competition, so they set a minimum price and agree that neither will charge below that price. A and B are engaged in price fixing.

Resale Price Maintenance

Betty runs a retail store and wants to sell Acme Toothpicks. The Acme supplier notifies her that she must sell the toothpicks to consumers at 50 cents a pack. Betty objects, saying that she could sell more toothpicks if she lowered the price. However, the Acme supplier replies that the 50 cent price must be held firm to insure the image of Acme as a quality toothpick company. In addition, he points out to Betty that other dealers will report any sales below 50 cents to Acme.

Acme Toothpicks has set up a resale price maintenance scheme.

Market Allocation

Archie and Bill are distributors of appliances. They agree that life would be simpler if each were active only in his county. They decide not to advertise or try to attract customers in the other's county. This arrangement is a geographical or territorial market division, reducing competition within each county.

7. MISCELLANEOUS CRIMINAL STATUTES USED FOR COMBATING WHITE COLLAR CRIME

(a) Section 57-13-1 NMSA 1978 THE SECURITIES ACT OF NEW MEXICO

The Securities Act of New Mexico requires registration with the Chief of the Securities Bureau of the New Mexico Financial Institutions Division prior to the sale of any security such as stocks, bonds, investment contracts, certificates of interest or participation in a business venture and other such interests as defined in Section 58-13-2(H) of the Act. Section 58-13-39, makes it a crime to engage in certain fraudulent practices in connection with an offer, sale, or purchase of any such security and provides for a criminal penalty of a fine up to \$5,000 and/or imprisonment of up to three years and authorizes the Attorney General to institute criminal proceedings to enforce the provisions of the Act.

(b) Section 30-16-6 NMSA 1978 CRIMINAL FRAUD

Section 30-16-6 of the Criminal Code makes it a crime of fraud to intentionally misappropriate or take anything of value which belongs to another by means of fraudulent conduct, practices, or representations. Where fraudulent schemes are employed to defraud consumers, the Attorney General may proceed to prosecute the perpetrator under this general criminal fraud statute regardless of the application of other civil consumer protection statutes, particularly where the conduct is intentional and egregious. If the value of the property taken is over \$100.00 but less than \$2,500.00, the crime is a fourth degree felony punishable by imprisonment from one to five years. If the value of the property taken is over \$2,500.00, the crime is a third degree felony and punishable by imprisonment from two to ten years.

C. Intervention By the Attorney General Before Utility Regulatory Agencies

Under Section 8-5-2(B) and (J), NMSA 1978, the Attorney General has been specifically authorized by the New Mexico Legislature to initiate or intervene before the courts and administrative agencies in matters which affect the public interest. Pursuant to this grant of authority, the Attorney General participates in utility ratemaking proceedings on behalf of the consumers of New Mexico involving the rates charged to consumers by utility companies for water, electricity, telephone, and natural gas. The purpose of the Attorney General's intervention in these proceedings on both the federal and state level is to

insure that the New Mexico consumer receives all the necessary energy supplies he needs and that these utility services are provided at the lowest justifiable cost to him.

D. Attorney General's Authority to Issue Rules, Regulations, Opinions, and Compliance Guides

The Attorney General has authority under Section 8-5-2, NMSA 1978 to render formal, written opinions on the interpretation of state laws. In addition, certain consumer laws such as the New Mexico Unfair Practices Act, Section 57-12-11; the False Advertising Act, Section 57-15-5.2; the Pyramid or Multi-Sales Act, Section 57-13-11, and the Indian Arts and Crafts Act, Section 30-33-25.10 specifically empower the Attorney General to issue and file regulations necessary to implement and enforce any provisions of those respective laws. From time to time, the Attorney General has promulgated regulations and compliance guides to define and set standards for specific types of regulated conduct and to clarify the meaning of the laws and the enforcement policies of the Attorney General. Regulations, compliance guides, and enforcement policies have been promulgated in the areas of: 1) Indian Arts and Crafts; 2) Limitations on Purchases at an Advertised Price; and 3) Game Promotions, and are attached to this Manual in Appendix B. Opinions have also been issued on the New Mexico subdivision laws which have been compiled in the Attorney General's "Land Subdivision Compliance Guide."

E. Other State and Federal Agencies with Consumer Protection Responsibilities

In addition to the specific statutory authority vested in the Attorney General's Consumer Division under various consumer protection laws, other state and federal agencies also have consumer protection responsibilities under other state and federal laws. If a complaint is received by the Attorney General's Office that would be more appropriately handled by one of these other agencies, it will be referred to that agency. The names and addresses of state, federal, and private agencies with consumer protection responsibilities are listed in Appendix C of this Manual.

III. ORGANIZATION OF CONSUMER DIVISION

A. Organizational Chart (Addendum A)

The Consumer Division is staffed by thirteen attorneys, three investigators, five consumer advocates, and three secretaries. The Division is divided into eight separate units that specialize in different areas of consumer protection law and consumer complaint handling. The main office of the Consumer Division is located on the second and third floor of the Bataan Memorial Building in Santa Fe, New Mexico. The Consumer Division also has a branch office in Albuquerque located on the fourth floor of the Citizens Bank Building at Menaul

and Louisiana, Northeast. The organization and staff assignments of the Consumer Division are as follows:

B. Specialized Units of the Consumer Division

1. Consumer and Economic Crime Unit

The Consumer and Economic Crime Unit is staffed by five attorneys and divided into four sections which cover unfair trade practices, financial fraud, land fraud, and the enforcement of the Indian Arts and Crafts Act. The attorneys in this Unit work in conjunction with investigators and consumer advocates in the division to identify, investigate, and prosecute consumer fraud cases in their respective areas.

(a) Unfair Trade Practices Section

The primary purpose of this section is to enforce the New Mexico Unfair Practices Act and to combat unfair, deceptive, and unconscionable trade practices in trade or commerce throughout New Mexico. Such fraudulent sales practices constantly undergo changes that reflect the new technology and the new economic patterns in the state. These schemes and devices are limitless. Often, they are based upon legitimate business activity which has been perverted to serve as a vehicle for consumer fraud. Some of the common practices and areas of concern which are addressed by this section include: (1) bait and switch practices; (2) false advertising and promotional schemes; (3) automobile sales and repair fraud; (4) fraudulent

misrepresentations in the sale of mobile homes; (5) home improvement fraud; (6) mail order fraud; (7) debt collection practices; (8) energy saving devices; (9) trade practices which misrepresent the source, sponsorship, ownership, or approval of goods and services; (10) misrepresentation in the quality, quantity and availability of goods and services; (11) chain referral sales practices; and (12) odometer rollbacks in the sale of motor vehicles.

(b) The Financial Fraud Section

The Financial Fraud Section has the responsibility for investigating and prosecuting fraudulent practices in the areas of investment and business opportunities schemes, the sale of business franchises and distributorships, the sale of securities, and in the sale of insurance. In addition, this Section investigates and assists other state agencies in the enforcement of laws prohibiting usurious interest rates and improper disclosures of finance charges in the sale of consumer goods and services and in the extension of credit.

(c) Land Fraud and Land Subdivision Section

The Land Fraud and Land Subdivision Section is responsible for investigating and prosecuting cases involving violations of the New Mexico subdivision laws, the Unfair Practices Act, and other related criminal and civil statutes affecting the sale of interests in real property. This section seeks to concentrate on the ever increasing number of complaints concerning fraudulent sales gimmicks and schemes utilized in the promotion and sale of subdivided land in New

Mexico as well as the failure of developers of such subdivisions to provide promised amenities, utilities, and roads.

In addition, the Land Fraud and Land Subdivision Section acts as a clearinghouse for all county subdivisions platted and approved under the 1963 Land Subdivision Act and the 1973 New Mexico Subdivision Act. It also serves to advise subdividers, purchasers, and county officials on the requirements of the state laws and local regulations promulgated by each county under the state laws. Further, the Land Fraud and Land Subdivision Section reviews all advertising and disclosure statements which are required to be filed with the Attorney General under the New Mexico Subdivision Act. This Section also renders opinions on interpretations of the state subdivision laws and brings enforcement actions to compel compliance with the laws.

(d) Indian Arts and Crafts Section

This Section enforces the Indian Arts and Crafts Act to insure that both the consumer and Indian craftsmen are protected from false and misleading trade practices in the sale of Indian arts and crafts and turquoise. This section has developed a Compliance Guide which analyzes and explains the statutes and has distributed this Guide to both retail sales outlets and Indian groups. Investigators assigned to this section periodically visit many of the stores in New Mexico to point out violations of the act and to advise owners of future unannounced visits and possible enforcement action.

2. The Antitrust Unit

The Antitrust Unit enforces the New Mexico Antitrust Act. The purpose of this Unit is to promote the economic well-being of the citizens of the state of New Mexico through the fostering of competition and the reduction of anticompetitive practices. In a free competitive market, a business will try to lower its prices or improve the quality of its product in order to encourage consumers to choose its product over that of a competitor. Consumers are benefitted by being offered goods and services of maximum quality at the lowest prices. The Antitrust Unit is committed to insuring that businessmen remain free to operate their business without restraints imposed by either competitors or suppliers. The Antitrust Unit investigates and prosecutes violations of the New Mexico Antitrust Act which include the following types of illegal activity:

a) Price fixing or agreements among businessmen to raise, depress, stabilize, or maintain prices;

b) Market or consumer allocations which are divisions by businesses of geographical areas or particular customers or types of customers;

c) Resale price maintenance agreements between suppliers and retailers under which retailers must sell products at a specified price;

d) Tie-in arrangements which are the conditioning of a sale or lease of one product on the sale or lease of another when the seller has sufficient

economic power in the tie-in product market to diminish competition in the market;

e) Group boycotts which are agreements not to deal with the competitor of another.

3. The Energy Unit

The Energy Unit of the Consumer and Economic Crime Division appears on behalf of the consumers of New Mexico in selected Public Service Commission and State Corporation Commission hearings and appellate proceedings involving the rates charged by electric, gas, water, and telephone utility companies. The objective of the Energy Unit is to see that the New Mexico consumer receives adequate energy at the lowest justified price. In order to accomplish this objective, the Energy Unit intervenes in these utility rate proceedings to ensure that the utility companies fully establish the reasonableness of critical elements underlying their request for rate relief. During the rate hearings, the Energy Unit focuses its attention on the major types of controllable costs which include construction, expansions, and fuel costs and those discretionary ratemaking areas which include construction work in progress, rate of return on investment, tax credits and deferred tax treatment. The Energy Unit also tries to minimize the need for costly expansion in the generating facilities and the unnecessary use of fuel. Toward that end, the Unit initiates or participates in periodic reviews of the load growth, load growth

methodology, and construction plans of the major electric and gas utility companies.

In the rate hearings the Unit seeks to oppose promotional advertising and support conservation-oriented advertising by the utility companies. Also, the Unit promotes rate design structures for gas, electric, and water utilities which are equitable to the customers--particularly residential consumers. Finally, the Unit also seeks equitable billing and customer service practices in these ratemaking proceedings before the State Public Service Commission.

In addition to these litigation activities, the Energy Unit also drafts and analyzes legislation and prepares testimony and position papers and opinions for the Attorney General on legal issues relating to public utilities, nuclear waste disposal, gasoline allocation, solar energy, and conservation. Staff attorneys of the Unit have testified at state and federal legislative committees and have acted as liaison for the Attorney General with legislators, the U.S. Department of Energy, state agencies, consumer groups, and the news media.

4. The Consumer Advocates Unit (Complaint Handling)

This unit represents the mainstay of the Consumer Division. It is usually the first contact the public has with the office. The function and purpose of this unit is to receive and process consumer complaints and inquiries made to the Consumer Division. The unit is staffed by consumer advocates who are paralegals trained in consumer law. They personally review the consumer

complaints made to the office under the supervision of an assistant attorney general assigned to the Unit. They also interview all consumers who wish to file their complaints in person at the main office in Santa Fe or at the branch office in Albuquerque. The consumer advocates act on behalf of the consumer in the sense that they represent the consumer's interest in resolving his or her particular complaint through negotiation and mediation efforts with businesses or other persons complained against by the consumer. The consumer advocates also investigate instances of consumer fraud to determine whether such conduct is part of a pattern of conduct affecting the public as a whole. Where the complaint involves violations of the Unfair Practices Act or other consumer statutes and cannot be resolved or is part of a pattern of conduct affecting more than one individual, the consumer advocates refer the case to the staff attorneys in the Consumer Division for possible enforcement actions in court.

5. The Investigations Unit

This unit contains investigators trained in both criminal and consumer protection investigation techniques and procedures. These investigators work directly for the assistant attorneys general assigned to the specific units within the Consumer Division. They are responsible for performing field investigations of major cases of consumer fraud where enforcement action is anticipated or in

progress. Among other duties, investigators assigned to this unit conduct interviews of witnesses, gather evidence and serve legal process.

6. The Albuquerque Branch Office

The Attorney General's Office has a branch office in Albuquerque which is located on the fourth floor of the Citizen's Bank Building at Menaul and Louisiana, Northeast. Consumer complaints and inquiries may be made at the branch office, which is staffed on a rotating basis with an assistant attorney general and an investigator from the Consumer Division. The office also serves other divisions of the Attorney General's Office in addition to the Consumer Protection Division.

7. Addresses and Telephone
Numbers of the Consumer
Division

(a) Main Office in Santa Fe,
New Mexico

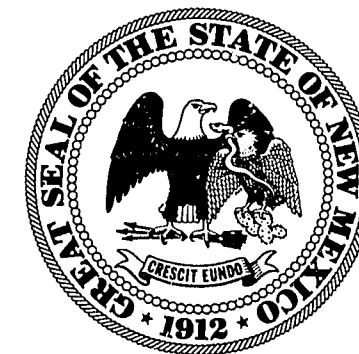
Attorney General of New Mexico
Consumer and Economic Crime Division
Post Office Drawer 1508
Rooms 239 and 310
Bataan Memorial Building, West Wing
Santa Fe, New Mexico 87503
(505) 827-5521

(b) Albuquerque Branch Office

Attorney General of New Mexico
Citizens Bank Building, Suite 422
Menaul & Louisiana, Northeast
Albuquerque, New Mexico 87110
(505) 883-5822 or 842-3901

CONSUMER PROTECTION IN NEW MEXICO

*A Guide to the
Consumer and Economic Crimes Division
of the
New Mexico Attorney General's Office*



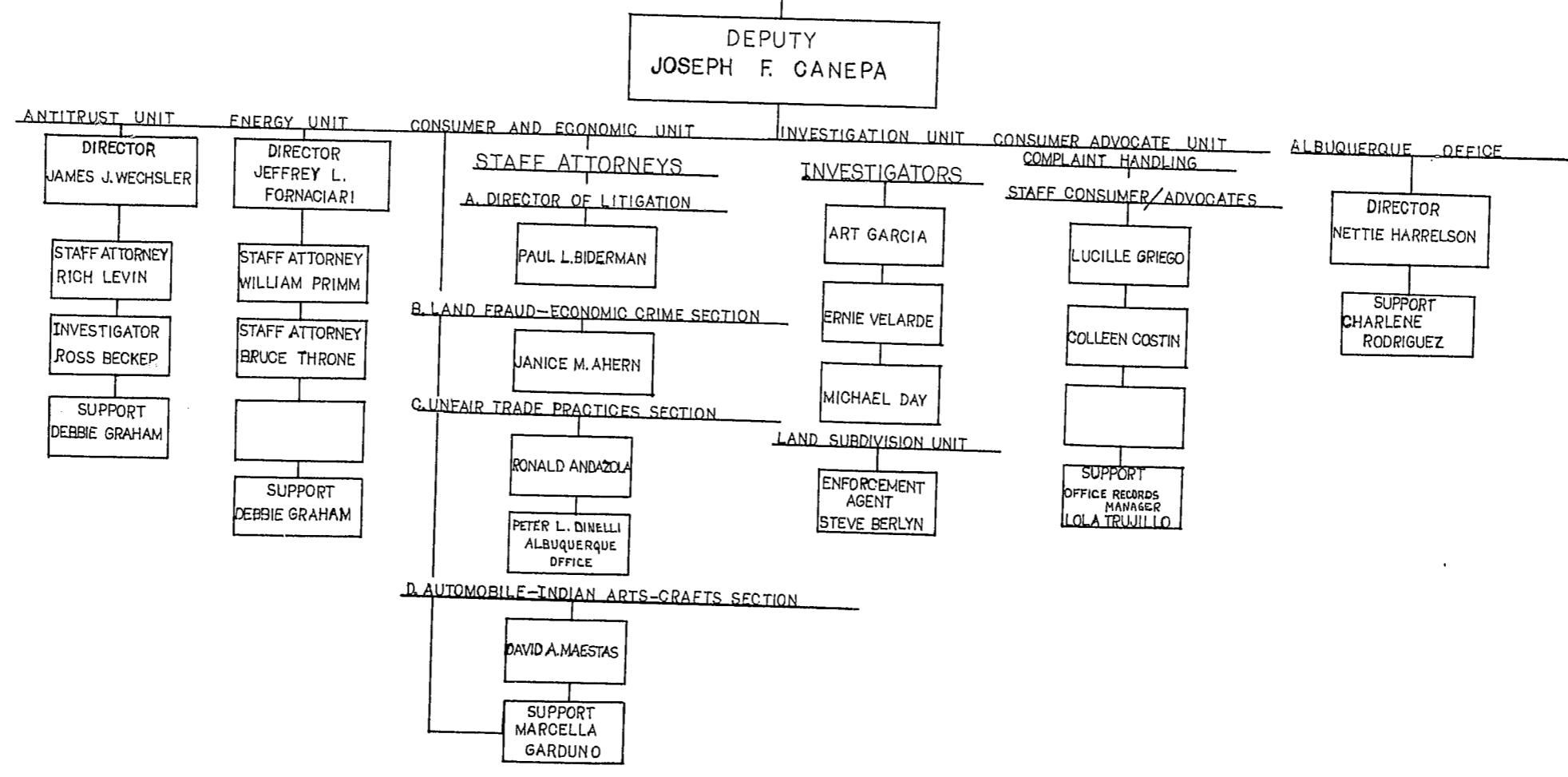
STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL

JEFF BINGAMAN
ATTORNEY GENERAL

Informational Pamphlet
November, 1979
ADDENDUM A
Organizational Chart

CONSUMER AND ECONOMIC CRIME DIVISION

ORGANIZATION CHART



CONSUMER PROTECTION IN NEW MEXICO

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Informational Pamphlet
November, 1979
APPENDIX C
Referral Agencies

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Adoption Bureau	Social Services Division Human Services Dept.	PERA Building Santa Fe, NM 87503	827-2285
Agriculture	Agricultural Department	New Mexico State Univ Las Cruces, NM	646-3007
		2604 Aztec N.E. Albuquerque, N.M.	842-3257
Air Quality	Health & Environment Dept.	Crown Building 725 St. Michaels Drive Santa Fe, N.M. 87503	827-5271
Albuquerque City Services	City of Albuquerque	City Hall 400 Marquette N.W. Albuquerque, NM	766-7411
Albuquerque Housing	Albuquerque Housing	500 Walter N.E. Albuquerque, NM 87110	766-7708
Alcoholism	Health & Environment Dept.	Crown Building 725 St. Michael's Dr. Santa Fe, NM 87501	827-5271
Ambulances	Corporation Commission	PERA Building Santa Fe, NM 87503	827-2254
Antitrust	Office of Attorney General	Bataan Memorial Bldg. Room 260 P. O. Drawer 1508 Santa Fe, NM 87503	827-5521
		Citizens Bank Building Albuquerque, NM	883-5822
Any Complaints	Ralph Nader, Public Citizen	1346 Connecticut N.W. Washington, D.C. 20036	

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Architects	Architect Examiners Board	104 South Capitol Santa Fe, NM 87503	827-2463
Auto Safety Problems	National Highway Traffic Safety Administration		1-800-424-9393
Automobile Licensing	Motor Vehicle Division	Manual Lujan Bldg. Santa Fe, NM 87501	827-2494
Automobile Repairs/Parts	American Auto Association	2201 San Pedro N.E. Albuquerque, NM	265-7611
Autos Recalled	National Highway Traffic Administration	Washington, D.C.	1-800-424-9393
Aviation	Corporation Commission	PERA Building Santa Fe, NM 87503	827-2560
Aviation	Transportation Department	PERA Building Santa Fe, NM 87503	827-5511
Banks	Commerce & Industry Dept. Financial Institutions Div.	Lew Wallace Building. Santa Fe, NM 87503	827-2217
Barbers	Barber Examiners Board	PERA Building Santa Fe, NM 87503	827-2811
Birth & Death Certificates	Health Services Division	PERA Building Santa Fe, NM 87503	827-2588
Brokers and Salespersons, Real Estate	Board of Realtors	1635 University N.E. Albuquerque, NM 87102	842-1433
Butane Gas	Liquified Petroleum Gas Bureau	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
Cattle Brands, Estrays, Inspections	Livestock Board	113 Third Street N.W. Albuquerque, NM 87102	247-2253

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Certified Public Accountants	Accountancy Board	6101 Marble N.E. Albuquerque, NM	265-7709
Child Abuse	Childrens Bureau	Office of Child Develop- ment, HEW 330 Independence Ave S.W. Washington, D.C. 20201	
Child Support	Child Support Enforcement Bureau	600 2nd N.W., Plaza del Sol Albuquerque, N.M.	842-3131
Chiropractors	Chiropractic Examiners Board	College of Santa Fe Santa Fe, N.M. 87501	827-2546
Civil Air Patrol	Office of Military Affairs	2615 E. Missouri, #2 Las Cruces, NM 88001	522-2000
Collection Agencies	Commerce & Industry Dept. Financial Institutions Div.	National Guard Complex Santa Fe, NM 87501	982-3841
Constitutional Rights	American Civil Liberties Union	401 Marquette, N.W. Albuquerque, NM	842-3430
Construction Industries	Commerce & Industry Dept	Bataan Memorial Bldg. Santa Fe, NM 87503	827-2217
Consumer Protection Bernalillo County	Bernalillo County District Attorney	106 Girard S.E. #104 Albuquerque, NM	277-5915
		Bataan Memorial Bldg. Santa Fe, NM 87503	827-5571
		415 Tijeras, N.W. Albuquerque, NM	766-4326

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Consumer Protection	Federal Trade Commission	Pennsylvania at 6th N.W. Washington, D.C. 20580	202-523-3727
	Attorney General's Office	Bataan Memorial Bldg. Room 260, P.O. Drawer 1508 Santa Fe, N.M. 87501	827-5521
		Citizens Bank Bldg. Albuquerque, N.M.	883-5822
Corporations	Corporation Commission	PERA Building Santa Fe, NM 87503	827-2852
Correctional Facilities	Criminal Justice Dept.	113 Washington Avenue Santa Fe, NM 87501	827-5222
Cosmetologists	Cosmetology Board	Maya Building Santa Fe, NM 87501	827-2311
Court Procedures	Administrative Office of the Courts	Supreme Court Building Santa Fe, NM 87501	827-2771
Court Procedures	Judicial Standards Committee	1117 Stanford N.E. Albuquerque, NM 87131	842-3102
Credit	Federal Trade Commission	Pennsylvania at 6th N.W. Washington, D.C. 20580	202-523-3727
Credit Counseling	Consumer Credit	2434 San Mateo N.E. Albuquerque, NM	265-6601
Credit, Consumer	Financial Institutions Div.	Lew Wallace Bldg. Santa Fe, N.M. 87503	827-2217
Credit Unions	Commerce & Industry Dept. Financial Institutions Div.	Lew Wallace Bldg. Santa Fe, NM 87501	827-2217
Criminal Charges Within County	District Attorney	Consult your local directory	

NATURE OF PROBLEM	AGENCY	ADDRESS	TELEPHONE
Day Care Centers	Social Services Division	2340 Menaul N.E. Albuquerque, N.M.	345-3332
Dentists	Dental Examiners Board	105 W. Manana Clovis, NM	762-0986
Discrimination	Human Rights Commission	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5681
Drug Abuse	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	827-5271
Equal Rights Amendment	Governor's Commission on Status of Women	600 2nd N.W. #811 Albuquerque, NM	842-3141
Education	Education Department	Education Building Santa Fe, NM 87501	827-2429
Education Information	Federal Community Education Clearinghouse		1-800-638-6698
Educational Grants	Educational Grants Hotline		1-800-638-6700
Elderly	Human Services Department Aging Services Bureau	PERA Building Santa Fe, NM 87501	827-2802
Elderly (Low Income)	Senior Citizens Law Office Western Bank Building 505 Marquette, N.W.	Western Bank Bldg. 505 Marquette, N.W. Albuquerque, NM 87102	243-3779
Election Information	Secretary of State Bureau of Elections	State Capitol Bldg. Santa Fe, NM 87501	827-2697

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Electrical Bureau	Commerce & Industry Dept Electrical Bureau	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
		2340 Menaul N.E. Albuquerque, N.M.	842-3043
		1001 N. Solano Las Cruces, N.M.	524-3697
Embalmers	Embalmers & Funeral Directors	Deming, NM 88030	546-9671
Employment Services	Human Services Department	401 Broadway NE Albuquerque, NM	842-3239
Engineers	Engineer & Land Surveyors Board	1300 Luisa Street Santa Fe, NM 87501	827-2241
Federal Agencies	Federal Information Center	500 Gold S.W. Albuquerque, NM	766-3091
Federal Environmental Concerns	Public Affairs Office	E.P.A. Washington, D.C.	202-755-0700
Federal Crimes	United States Attorney	P. O. Box 607 Albuquerque, NM	766-3341
Financial Assistance	Financial Assistance	PERA Building Santa Fe, NM 87501	827-2541
Fire Marshall	Corporation Commission	PERA Building Santa Fe, NM 87503	827-2357
Flood Insurance	National Flood Insurance	Department of HUD Washington, D.C. 20410	1-800-424-8872
Food Assistance	Food Assistance Bureau	PERA Building Santa Fe, NM 87503	827-2441

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Forestry	Natural Resources Dept.	Villagra Building Santa Fe, NM 87503	827-3167
Funeral Homes	Embalmers & Funeral	Deming, NM	546-9671
Game and Fish	Natural Resources Dept.	Villagra Building Santa Fe, NM 87503	827-3167
Gasoline Stations/Gas	New Mexico Department of Agriculture	Weights & Measures New Mexico State Univ. Las Cruces, NM	646-3007
Government Corruption	Office of Attorney General	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5521
Handicapped Persons	Committee on Concerns of the Handicapped	811 St. Michael's Drive Santa Fe, NM 87501	827-2266
Highway Maintenance	Highway Department	1120 Cerrillos Road Santa Fe, NM 87501	983-0100
Hospitals	Health Services Division	Facilities Service Bureau P. O. Box 968 Santa Fe, NM 87501	827-3201
Housing (FHA)	Housing & Urban Development	625 Truman N.E. Albuquerque, NM	766-3231
Housing Discrimination	Fair Housing & Equal Opportunity Hotline		1-800-424-8590
Income Support	Income Support Division	PERA Building Santa Fe, NM 87501	827-5151
Income Taxes, Federal	Internal Revenue Service	Dallas, Texas	1-800-527-3880
Income Taxes, State	Taxation & Revenue Dept.	Manuel Lujan Bldg. Santa Fe, NM 87501	827-3221

NATURE OF PROBLEM	AGENCY	ADDRESS	TELEPHONE
Indian Legal Services	American Indian Law Center	1117 Stanford N.E. Albuquerque, NM	277-5462
Indian Services	Office of Indian Affairs	Bataan Memorial Bldg. Santa Fe, NM 87501	827-2763
Indigent Fund	Human Services Department	PERA Building Santa Fe, NM 87501	827-5606
Insurance Companies	Corporation Commission Superintendent of Insurance	PERA Building Santa Fe, NM 87501	827-2251
Interstate Commerce	Interstate Commerce Commission	1106 Federal Office Bldg. 517 Gold S.W. Albuquerque, NM 87102	766-2241
Interstate Land Sales	Housing & Urban Development	471 7th Street S.W. Washington, D.C. 20410	202-755-0950
Interstate Moving and Transportation	Interstate Commerce Commission		275-7301
Interstate Transportation	Interstate Commerce Commission		275-7301
Investment-Securities	Securities Bureau	Lew Wallace Building Santa Fe, NM 87501	827-2217
Judges	Administrative Office of the Courts	Supreme Court Building Santa Fe, NM 87503	827-2771
Judges	Judicial Council	1117 Stanford N.E. Albuquerque, NM 87131	842-3102
Labor Problems	Labor Commission	Camino de los Marquez Santa Fe, NM 87503	827-2756
Labor Relations	Employment Services Division	501 Broadway N.E. Albuquerque, NM	842-3163

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Land Fraud	Office of Attorney General	Bataan Memorial Bldg. Room 260 P. O. Drawer 1508 Santa Fe, NM 87501	827-5521
		Citizens Bank Building Albuquerque, NM	883-5822
Lawyer Malpractice	Bar Disciplinary Board	P. O. Box 537 Santa Fe, NM 87501	982-8679
Lawyers	Bar Disciplinary Board	P. O. Box 537 Santa Fe, NM 87501	982-8679
Lawyers	State Bar Commission	1117 Stanford Dr. N.E. Albuquerque, NM	842-6132
Legal Assistance (elderly)	Lawyers Referral	Albuquerque Bar Ass'n Sandia Savings Bldg. 400 Gold S.W. Albuquerque, NM	243-3615
Legal Assistance	Legal Aid Society	Senior Citizens Law Office Western Bank Building 505 Marquette, N.W. Albuquerque, NM	243-3779
Legal Services	Northern New Mexico Legal Services	915 Hickox Santa Fe, NM 87501	982-9886
Libraries	Cultural Affairs	116 Lincoln Avenue Santa Fe, NM 87501	827-2562
Liquified Petroleum Gas	Commerce & Industry Dept. Construction Industries	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
Liquor Licensing	Alcoholic Beverage Control	Lew Wallace Building Santa Fe, NM 87501	827-2382

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Livestock	Agricultural Department	New Mexico State Univ Las Cruces, NM	646-3007
Local Government Division	Department of Finance and Administration	State Capitol Bldg. Santa Fe, NM 87501	827-2665
Low Income Legal Services	Legal Services	540 Chama N.E. #5 Albuquerque, NM 87108	256-0417
Mail (Unsolicited)	Postal Inspection	1135 Broadway N.E. Albuquerque, NM	
Mail Fraud	Postal Inspection	1135 Broadway N.E. Albuquerque, NM	
Mailing Lists (Remove Name)	Mail Order Action Line	6 East 43d Street New York, NY 10017	
Medicaid	Human Services Department	PERA Building Santa Fe, NM 87501	827-5606
Medicaid Fraud	Office of Attorney General	105 E. Marcy Santa Fe, NM 87501	827-5646
Medical	Board of Medical Examiners	227 E. Palace, #O Santa Fe, NM 87501	827-2215
Medical Assistance	Medical Assistance Bureau	PERA Building Santa Fe, NM 87501	827-5551
		4665 Indian School Road Albuquerque, NM	842-3454
		575 S. Alameda Las Cruces, NM	542-0901
Medical Examiners	Medical Examiners Board	227 E. Palace Santa Fe, NM 87501	827-2215

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Medicare	Human Services Department	PERA Building Santa Fe, NM 87501	827-5606
Mental Health	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	827-5671
Mental Hospitals	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	827-5671
Minerals	State Land Office	310 Old Santa Fe Trail Santa Fe, NM 87501	827-2748
Minerals	Energy & Minerals, Dept. of	2 Jefferson Place Santa Fe, NM 87501	827-2987
Mobile Home Repairs and Sales	Mobile Housing Commission	P. O. Box 5759 Santa Fe, NM 87501	827-2577
Mobile Home Standards	Housing & Urban Development	471 7th Street S.W. Washington, D.C. 20410	202-755-0950
Motion Picture Development	Commerce & Industry Dept.	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
Motor Carriers	Corporation Commission	PERA Building Santa Fe, NM 87501	827-2251
Motor Vehicle Registration	Motor Vehicle Division	Manuel Lujan Bldg. Santa Fe, NM 87501	827-2494
Movers	Interstate Commerce	1106 Federal Office Bldg. 517 Gold S.W. Albuquerque, NM	766-2241
Museums	Cultural Affairs	116 Lincoln Avenue Santa Fe, NM 87501	827-2562

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
National Guard	Office of Military Affairs	National Guard Complex Santa Fe, NM 87501	982-3841
		401 Marquette, N.W. Albuquerque, NM	842-3430
Notary Publics	Secretary of State	State Capitol Building Santa Fe, NM 87503	827-2717
Nurses	Board of Nursing	2340 Menaul N.E. Albuquerque, NM	842-3026
Nursing Homes	Health & Environment Dept.	440 St. Michael's Drive Santa Fe, NM 87501	827-5636
Nursing Homes	Health Services Division	Facilities Service Bureau P. O. Box 968 Santa Fe, NM 87501	827-3201
Nursing Homes	Nursing Home Administration Board	1300 N. Canal Street Carlsbad, NM	885-3161
Occupational Health & Safety	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	8927-5671
Oil and Gas	Land Office	310 Old Santa Fe Trail Santa Fe, NM 87501	827-2261
Optometrists	Optometry Board	614 8th Street Las Vegas, NM 85701	425-7201
Osteopaths	Osteopathic Medical	1128 University N.E. Albuquerque, NM	247-0541
Parks and Recreation	Natural Resources Dept.	Villagra Building Santa Fe, NM 87501	827-3167

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Parole Board	Criminal Justice Dept.	113 Washington Avenue Santa Fe, NM 87501	827-5222
Perpetual Care Cemeteries	Commerce & Industry Dept. Financial Institutions Div.	Lew Wallace Building. Santa Fe, NM 87501	827-2217
Pest Control	Grasshopper & Range Pest Control	Las Cruces, NM	646-3007
Pharmacies, Pharmacists	Board of Pharmacy	2340 Menaul N.E. Albuquerque, NM	842-3136
Phone Rates	Corporation Commission	PERA Building Santa Fe, NM 87501	827-2251
Physical Therapists	Physical Therapists Board	Presbyterian Hospital Albuquerque, NM	843-9211
Podiatrists	Podiatry Board	565 St. Michael's Dr. Santa Fe, NM 87501	983-8773
Police, State	State Police	Albuquerque Highway Santa Fe, NM 87501	827-2551
Polygraphers	Polygraphy Examiners Board	Attorney General's Office Bataan Memorial Bldg. P. O. Drawer 1508 Santa Fe, NM 87501	827-5521
Price Fixing	Office of Attorney General	Bataan Memorial Bldg. Room 260 P. O. Drawer 1508 Santa Fe, NM 87501	827-5521
		Citizens Bank Building Albuquerque, NM	883-5822
Private Oil/Gas Lease	State Land Office	310 Old Santa Fe Trail Santa Fe, NM 87501	827-2748

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Product Safety	Consumer Product Safety Commission	CPSC Washington, DC 20207	1-800-638-2666
Product Safety Complaints	Consumer Services Branch	C.P.S.C. Washington, D.C. 20207	1-800-638-2666
Propane Gas	Liquefied Petroleum Gas	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
Property Taxes	Taxation & Revenue Dept.	Manuel Lujan Bldg. Santa Fe, NM 87501	827-3221
Psychologists	Psychologist Examiners	208 E. Marcy Santa Fe, NM 87501	983-5333
Public School Finance	Department of Finance and Administration	350 East Palace Avenue Santa Fe, NM 87501	827-2562
Racing Commission	Commerce & Industry Dept.	State Fair Grounds Albuquerque, NM	255-1391
Radiation	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	827-5671
Real Estate Settlement Procedures	Housing & Urban Development	471 7th Street S.W. Washington, D.C. 20410	202-755-0950
Realtors	Real Estate Commission	600 2nd N.W. Plaza del Sol Albuquerque, NM 87102	842-3226
Referral to Appropriate State Agencies	Governor's Service Center	State Capitol Santa Fe, NM 87501	827-5374
Registered Public Accountants	Accountancy Board	6101 Marble, N.E. Albuquerque, NM	265-7709

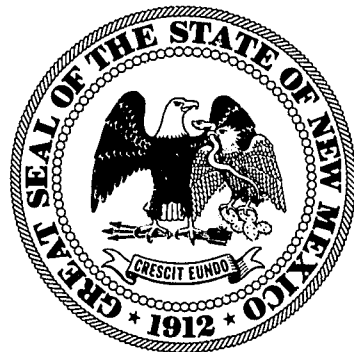
<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Retail Stores (Wards, Penneys, Sears)	Retail Association of New Mexico	320 Galisteo Street Santa Fe, NM 87501	988-9615
Roads	Highway Department	1120 Cerrillos Road Santa Fe, NM 87501	983-0100
Santa Fe City Services	City of Santa Fe	200 Lincoln Santa Fe, NM 87501	982-4471
Savings & Loans	Financial Institutions Div.	Bataan Memorial Bldg. Santa Fe, NM 87501	827-2217
Securities	Financial Institutions Div.	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5368
Soil & Water Conservation	Natural Resources Dept.	Villagra Building Santa Fe, NM 87501	827-5182
Solar Installations for Heating and Cooling	National Solar Heating and Cooling Information Center		1-800-523-2929
Special Education	Education Department	Education Building Santa Fe, NM 87501	827-2425
State Buildings (Property Control)	Department of Finance and Administration	Bataan Memorial Building Santa Fe, NM 87501	827-2404
State Fair	Commerce & Industry Dept.	State Fair Grounds Albuquerque, NM	255-1391
State Guard	Office of Military Affairs	National Guard Complex Santa Fe, NM 87501	982-3841
		401 Marquette, N.W. Albuquerque, NM	842-3430
State Personnel	State Personnel Board	130 S. Capitol Santa Fe, NM 87501	827-5201

NATURE OF PROBLEM	AGENCY	ADDRESS	TELEPHONE
State Purchasing	Department of Finance and Administration	State Capitol Bldg. Santa Fe, NM 87501	827-2665
Statute Search	Institute of Public Law	1117 Stanford N.E. Albuquerque, NM	
Statutes/Laws	Supreme Court	237 Don Gaspar Santa Fe, NM 87501	827-2515
Student Loans	University of New Mexico	Scholes Hall Albuquerque, NM	277-5026
Tourism and Travel	Commerce & Industry Dept.	Bataan Memorial Bldg. Santa Fe, NM 87501	827-5571
Unemployment Compensation	Employment Services Division	501 Broadway N.E. Albuquerque, NM	842-3163
Unemployment Compensation	Human Services Department	PERA Building Santa Fe, NM 87501	827-5401
Unfair Trade Practices	Office of Attorney General	Bataan Memorial Bldg. Room 260 P. O. Drawer 1508 Santa Fe, NM 87501	827-5521
Unwed Mothers	Human Services Department	Citizens Bank Building Albuquerque, NM	883-5822
Urban Renewal	Housing & Urban	PERA Building Santa Fe, NM 87501	827-5606
Utility Complaints	Public Service Commission	625 Truman N.E. Albuquerque, NM	766-3231
		Bataan Memorial Bldg. Santa Fe, NM 87501	827-2471

<u>NATURE OF PROBLEM</u>	<u>AGENCY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Veterans Bureau	Social Services Division	PERA Building Santa Fe, NM 87501	827-2208
Veterinary Doctors	Veterinary Examiners	Santa Fe, NM 87501	982-9821
Vocational Education	Education Department	Education Building Santa Fe, NM 87501	827-2429
Water Drilling Contractors	State Engineer's Office	Bataan Memorial Bldg. Santa Fe, NM 87501	827-2127
Water Pollution	Health & Environment Dept.	Crown Building 809 St. Michael's Dr. Santa Fe, NM 87501	827-5671
Water Resources	Natural Resources Dept.	Villagra Building Santa Fe, NM 87501	827-3167
Water Rights	State Engineer's Office	Bataan Memorial Bldg. Santa Fe, NM 87501	827-2127
Weights and Measures	Consumer & Marketing Weights and Measures	New Mexico State Univ. Las Cruces, NM	626-1616
Women Employment	Governor's Commission on Status of Women	600 2nd N.W. #811 Albuquerque, NM	842-3141
Women Housing	Governor's Commission on Status of Women	600 2nd N.W. #811 Albuquerque, NM	842-3141
Wrecker Rate Discrepancies	Motor Carrier Division	P. O. Drawer 1269 Santa Fe, NM 87501	827-2161
Wreckers and Towers	Corporation Commission	PERA Building Santa Fe, NM 87501	827-2251

CONSUMER PROTECTION IN NEW MEXICO

*A Guide to the
Consumer and Economic Crimes Division
of the
New Mexico Attorney General's Office*



STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL

JEFF BINGAMAN
ATTORNEY GENERAL

Informational Pamphlet
November, 1979
SAMPLE CONSUMER COMPLAINT FORM



STATE OF NEW MEXICO
Office of the Attorney General
DEPARTMENT OF JUSTICE

JEFF BINGAMAN
ATTORNEY GENERAL

P.O. Drawer 1508
Santa Fe, N. M. 87501

CONSUMER PROTECTION DIVISION
(505) 827-5521

REQUEST FOR CONSUMER ASSISTANCE

Date of Request _____ Company's or Individual's Name _____
Your Name _____
Your Address _____ Company's Address _____
Home Telephone _____ Company's Telephone _____
Business Telephone _____ Salesman or Representative with whom you dealt? _____

In filing this complaint, I understand that the Attorney General's Consumer Protection Division does not represent private citizens seeking the return of their money or other personal remedies. I am, however, filing this complaint to notify your office of the activities of this company.

STATE NATURE OF YOUR COMPLAINT
(Use additional sheet if necessary)

over

Date of Transaction _____ Name of Product/Service _____

Private Attorney Contacted? no yes Name _____

DID YOU COMPLAIN TO COMPANY? no yes What explanation or offer of adjustment was made?

WAS CONTRACT OR AGREEMENT WRITTEN? no yes (Attach copy of Agreement)
If no, approximate date of transaction _____

WAS CONTRACT SOLD TO A THIRD PARTY? no yes Name & Address of bank or finance company: _____

Name _____ Address _____

Telephone _____ City, State _____

What would you consider to be a satisfactory solution? _____

I have read the preceding information and it is true to the best of my knowledge and belief.

SIGNATURE

END