

# CONSUMER CONNECTION

# BATTLE OF THE BULBS

LIGHTING THE WAY TO SAVING ENERGY



VS.



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## MESSAGE FROM THE DIRECTOR

Have you ever signed a contract without reading it thoroughly? It's something many of us do without thinking, even though it's a bad idea. This issue of *Consumer Connection* magazine addresses three types of contracts, and offers advice on how to make sure you're getting what you're paying for before you sign on the dotted line.

If you're a student signing a contract to attend a private postsecondary college, a new State law gives you access to even more information about the education you will be getting and how well it can prepare you for work and career. DCA's Bureau for Private Postsecondary Education has tips.

If you're joining a health club or gym this spring, your contract must specify several things, including how to cancel. DCA's Legal Office has recommendations.

If you're planning a spring home improvement project, there are several things to do before you sign a contract. Start by making sure your contractor is licensed. DCA's Contractor's State License Board has more suggestions.



Keeping an eye on DCA's licensed practitioners—and those who should have a license, but don't—is the Department's Division of Investigation. These law enforcement professionals investigate serious complaints, conduct searches, and make arrests.

Of course, consumers can spot and report problems, too. That's why the Board of Barbering and Cosmetology

has a "See Something, Say Something" campaign to encourage salon clients to speak up if they see something in a shop that could be a health and safety violation.

Lastly, our cover story for this issue is an overview of the State and Federal regulations covering residential light bulbs. The new varieties of bulbs designed to meet tougher energy-saving standards have many consumers confused. We shed some light (yes!) on the topic and offer shopping tips.

We hope you enjoy this issue of *Consumer Connection*, our award-winning quarterly publication. If you have questions about consumer issues or would like copies of the magazine, please call us at (800) 952-5210.

*Denise L. Brown*



# CONSUMERS: ← FIND WHAT YOU NEED ON OUR WEB SITE

A visit to the home page of the California Department of Consumer Affairs (DCA) at [www.dca.ca.gov](http://www.dca.ca.gov) can quickly link you to our most popular services and offerings. To get directly to what you're looking for, start at the top of the page in the blue strip. The "Consumers" tab takes you to dozens of our most popular topics, including license verification, complaints, automotive information, and landlord/tenant issues. These same topics are also accessible from the middle of the page under "Consumers."

## → CHECKING A LICENSE

You can verify a license almost instantly by starting at our home page. Using the "Verify a License" link in the center of the page or under the blue "Consumers" tab at the top, you can access a list of professional categories arranged from A to Z. For example, it's tax time, and you want to check on your accountant's credentials. Click on "ACCOUNTANCY" to search for individual licenses, firms, and even out-of-state licenses.

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**RESOLVING COMPLAINTS**

Having a problem with a licensed professional, business, landlord, or a credit card company and don't know how to solve it? Let DCA help you!

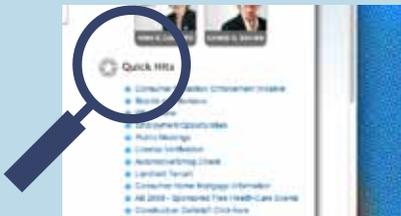
Click on "File a Complaint" in the center of the page and you'll be directed to a list of resources. Click on "File a Complaint Against a Licensee" and you'll be guided to the appropriate DCA entity for help.

The link titled "Consumer Self-Help: Tips & Resources to Resolve Consumer Complaints" contains a wealth of information. For example, did you know that if you pay for something with a credit card, and the product or service is unsatisfactory, you may have the right to withhold payment? Or, that sometimes all it takes to solve a problem is a simple, cordial letter to the manager of the business that sold a product or performed a service?

DCA's *Resource & Referral Guide* is a comprehensive consumer information booklet that you can access online or order for your personal bookshelf. This handbook is part of a continuing effort to enhance consumer access to services and resources. Most of the information listed in it comes from State and Federal agencies, but some outside groups and organizations, such as legal aid societies, are included. The entries are grouped by topic, and most are cross-referenced. Consult the table of contents or browse the topic categories to find the subject that interests you. Each entry contains basic information on the service or benefit and guidance on how to contact the entity that provides it.



**GETTING INFORMATION**



On the right-hand side of our home page, you'll see the "Quick Hits" list – the gateway to DCA's hottest topics. The online Consumer Self-Help Directory (also called The Consumer Wiki) also offers information, resources and referrals, along with publications and legal guides on everything from working with contractors to gift certificates to landlord/tenant issues. Click on [www.dca.ca.gov/publications/publications\\_list.pdf](http://www.dca.ca.gov/publications/publications_list.pdf) to order one, or call (866) 320-8652. You can see a comprehensive list of DCA's publications at [www.dca.ca.gov/publications/consumer.shtml](http://www.dca.ca.gov/publications/consumer.shtml).

You can also quickly connect with us through social media. Get up-to-the-minute news from our Facebook, Twitter, YouTube, or RSS, start your complaint filing process through the notepad icon, or click on the envelope next to that to get our phone numbers.

You can also sign up for alerts through the individual boards and bureaus.

**THESE RESOURCES ARE ALL ACCESSIBLE FROM OUR WELCOME PAGE!  
IT'S YOUR ONE-STOP SHOP FOR CONSUMER HELP.**



Psst...

Hey mister, wanna buy a  
100-watt light bulb?

## **BATTLE OF THE BULBS: SPOTLIGHT IS ON SAVING ENERGY**

Under new State and Federal laws, old-fashioned incandescent light bulbs, like the 100-watt bulb, are likely to be in short supply soon, but they will not be illegal. They are not banned. You can still have old-style incandescent light bulbs, like the 60-watt, 100-watt, and others, in your home; however, light bulbs made after a certain date must meet new standards of energy efficiency. That means changes, however. The light bulbs we've been using don't meet the new standards.

*Continued on next page*





The light bulb design hasn't changed much since Thomas Edison patented it in 1879. It still operates by pushing electricity through a wire filament. Of the electricity used in a standard incandescent bulb, only about 10 percent of it goes to light; the rest is lost as heat, according to the U.S. Environmental Protection Agency. If you've ever touched a light bulb that's been on awhile, you know that's true. It's also not very energy efficient; most of the energy it uses is wasted.

The new light bulb efficiency standards are part of the Energy Independence and Security Act, a Federal law signed by President George W. Bush in 2007. The intent of the law was to increase energy efficiency to save consumers money and help the country become energy independent.

The first of the new light bulb standards became effective nationally in January 2012. California enacted the Federal standards one year earlier to avoid the sale of 10.5 million inefficient 100-watt bulbs in 2011, which would have cost consumers \$35.6 million in unnecessary electricity costs, according to a study by the Pacific Gas and Electric Company.

**To make the transition easier, the changes are being phased in over three years:**

- **100-watt change was effective January 1, 2012 (2011 in California).**
- **75-watt change was effective January 1, 2013 (2012 in California).**
- **60-watt and 40-watt changes will be effective January 1, 2014 (2013 in California).**

The law doesn't say what kind of bulb a manufacturer can make, only the amount of energy the bulb can use. The law requires new light bulbs to use less electricity to produce the same amount of light, as measured in lumens, not watts. That change in terminology changes the way people shop for bulbs. Consumers will have to select bulbs by how much light they put out (lumens), instead of how much electricity they use (watts). New bulbs must use less electricity (watts) to produce the same amount of light (lumens) Here's a simple guide:

WATTS IN TRADITIONAL BULBS	EQUALS LUMENS	EQUALS WATTS IN NEW BULBS
<b>40</b>	<b>310–749</b>	<b>29</b>
<b>60</b>	<b>750–1,049</b>	<b>43</b>
<b>75</b>	<b>1,050–1,489</b>	<b>53</b>
<b>100</b>	<b>1,490–2,600</b>	<b>72</b>

Source: California Energy Commission  
[www.energy.ca.gov/lightbulbs/lightbulb\\_faqs.html](http://www.energy.ca.gov/lightbulbs/lightbulb_faqs.html)





ENERGY SAVING INCANDESCENT



CFL



LED

In addition to lumens, the light bulb package label will also have information on the appearance (color) of the light created by the bulb. A bulb will be ranked on a warm-to-cool scale. A warmer light looks a little yellow, similar to the traditional incandescent bulb. A cooler light will look slightly blue. The bluest light will look like daylight.

**Also changing are the types of bulbs. The new types are:**

- **Energy-saving halogen incandescent.**
- **CFL – compact fluorescent lamps (contain mercury).**
- **LED – light-emitting diodes.**

You'll save money on energy costs when you use the new light bulbs, but the new designs are more expensive than the old incandescent bulbs. That so-called “sticker shock” is a concern for consumers. However, experts argue that although the initial costs are higher, the savings over the life of the new bulb will be greater. Here's a breakdown:

	<b>TRADITIONAL 60-WATT INCANDESCENT</b>	<b>43-WATT ENERGY-SAVING INCANDESCENT</b>	<b>15-WATT CFL</b>	<b>12-WATT LED</b>
<b>ANNUAL ENERGY COST</b> (based on 11 cents per kilowatt hour)	<b>\$4.80</b>	<b>\$3.50</b>	<b>\$1.20</b>	<b>\$1.00</b>
<b>BULB LIFE SPAN</b>	<b>1,000 HOURS</b>	<b>UP TO 3,000 HOURS</b>	<b>10,000 HOURS</b>	<b>25,000 HOURS</b>
<b>ENERGY COST SAVINGS</b>	<b>--</b>	<b>25%</b>	<b>75%</b>	<b>UP TO 80%</b>

Source:  
U.S. Department of Energy

LED bulbs seem to be the best choice for consumers who don't like the look, the light quality, the mercury, or the slow-to-light quality of the CFLs. LEDs have an instant on, a variety of light colors, and a 20-year life span. They are also fully dimmable and largely unbreakable. They also cost \$15 to \$20 (and up) per bulb. As the technology improves, however, the prices have been dropping. That's a bright light we can all bask in.

Want to know more? Here are some resources:

- Choosing a bulb <http://lumennow.org/choosing-a-bulb>.
- Bulb purchasing guide, from Energy Star: [www.energystar.gov/ia/products/fap/purchasing\\_checklist\\_revised.pdf?7a10-ce01](http://www.energystar.gov/ia/products/fap/purchasing_checklist_revised.pdf?7a10-ce01).
- Light bulb finder app for smartphones [www.lightbulbfinder.net](http://www.lightbulbfinder.net).
- Frequently Asked Questions about light-bulb standards in California, from the California Energy Commission [www.energy.ca.gov/lightbulbs/lightbulb\\_faqs.html](http://www.energy.ca.gov/lightbulbs/lightbulb_faqs.html).



# Planning a home improvement project?

## Follow these tips

Spring is officially here, and with the nice weather comes time for home improvement projects. We all have a project or two we want done around the house, and choosing the right contractor for the job is your right and responsibility. Whether you are looking for a contractor or if one finds you first, there is important information you must keep in mind.

The California Department of Consumer Affairs and its Contractors State License Board (CSLB) have pulled together tips to help you with your projects. Here are things all consumers should know to save time and money this season:

**Home improvement.** In California, “home improvement” is essentially any change you make to the interior or exterior of your residence or property. Both consumers and contractors have rights and responsibilities when doing business together.

**Getting bids.** Consumers should get at least three bids and ask for references on work the contractor has completed in the local area. It also is a good idea to check out the contractor’s past projects in person.

**Check the license.** One of the most important things you can do as a homeowner is to hire only state-licensed contractors. You can verify a license by calling CSLB’s toll-free at (800) 321-CSLB (2752) or going online to [www.cslb.ca.gov](http://www.cslb.ca.gov). Any contractor performing \$500 worth of work or more (including materials and labor) must be licensed by CSLB in order to work in California.

**Contract.** The terms of all home improvement projects over \$500 must be in a contract. Make sure you have a written contract and do not sign it until you fully understand the terms. In addition, all changes to the contract need to be in writing and signed by both parties. It is a good idea to have a timetable for each phase of your project and the corresponding payment schedule in the contract. Keep all of your project documents, including records of payments, in a job file.

**Payment.** Never pay in cash and don’t let payments get ahead of the work. Keep receipts and copies of any other important payment-related paperwork. Also, don’t make the final payment until you’re satisfied with the job.



**Complaints.** If you have a complaint against a contractor, forms are available on the CSLB Web site at [www.cslb.ca.gov](http://www.cslb.ca.gov) or by calling (800) 321-CSLB (2752) and asking for a copy of *A Consumer Guide to Filing Construction Complaints* and a complaint form.

**Other important tips to keep in mind:**

- Contractors cannot ask for a deposit of more than 10 percent of the total cost for the job or \$1,000 (whichever is less).
- You can ask to see the contractor's plastic pocket license and photo verification.
- Don't rush into contracting services.
- Don't hire the first contractor that comes along or give in to high-pressure tactics.
- Ask for a current list of contact information for the contractor, subcontractor and suppliers.
- Ask whether your contractor carries general liability insurance and workers' compensation insurance for employees.

- The Home Solicitation Sales Act requires a seller of home goods or services to give the buyer three (3) business days to think about whether to buy the offered goods or services (this does not apply if the contract is negotiated at the contractor's place of business).
- Homeowners waive their three-day right to cancel if they sign a "service and repair contract" (usually for emergency repairs where the consumer initiated the contact and cannot wait) which is different from a standard "home improvement contract."

The California Department of Consumer Affairs and its Contractors State License Board are here to serve consumers and contractors. You will find all the information and resources you need by visiting [www.dca.ca.gov](http://www.dca.ca.gov) and [www.cslb.ca.gov](http://www.cslb.ca.gov). Make the most of your spring home improvement projects by being a prepared and informed consumer!



# THE DIVISION OF INVESTIGATION



**In Fresno, an elderly patient died after a Registered Nurse mistakenly gave her 10 times the prescribed dose of morphine.**

**In Sacramento, a man posing as a Marriage and Family Therapist had physical contact with female patients and shared confidential information about them on his Facebook page.**

## **DCA WITH A BADGE**



**Who investigates these cases and goes undercover to catch these licensed and unlicensed people who harm consumers?**

**DCA's own law enforcement branch—the **Division of Investigation (DOI)**.**

The 57 DOI investigators located around the State provide investigative services for the Department's various regulatory boards, bureaus, and programs. All DOI investigators are sworn peace officers trained and certified by the Commission on Peace Officer Standards and Training, the organization that trains other police officers. The investigators carry a badge and a gun and conduct criminal and administrative investigations, obtain and execute search warrants, serve legal processes, and make arrests anywhere in California.

Although many of DCA's boards and bureaus have investigators who can investigate complaints, conduct interviews, gather evidence, and perform inspections, DOI's sworn peace officers have the power to arrest—stopping bad actors in their tracks.

What's the Difference Between Sworn and Non-Sworn Investigators?  
See page 11.

## Here are a few more cases in which DOI investigators have brought lawbreakers to justice:

- An acupuncturist in San Jose was sentenced to 90 days in jail and three years' probation and ordered to pay \$4,573 in restitution for insurance fraud after a consumer called and complained that she visited the acupuncturist once, but that her insurance company was billed for 38 visits.
- In Fresno, a man was arrested for practicing acupuncture without a license after a DOI investigator went undercover as a patient. He was sentenced to three years probation and 180 days in jail and fined \$5,000.
- In Alameda County, an RN faced charges for forging or altering a prescription. Not only had she increased the strength on a prescription written for her for Hydromorphone, a DOI investigator found that she had also stolen two blank prescriptions from a doctor, forged his signature, and wrote herself prescriptions for Ativan, Norco, and Diluadid.
- In Sacramento, an RN was arrested for forging prescriptions to fuel his 120-pill-a-day habit. He was sentenced to drug court and placed on three years' probation.



DOI investigators assist DCA internally as well. The Investigations and Services Team (IST) conducts internal affairs investigations, background investigations, and threat assessments. The specialized unit also provides protective and stand-by services and oversees the firearm and defensive tactics training for DOI.

As POST-certified peace officers, DOI's investigators must complete a certain number of training units in the field and in the classroom every two years. Physical training includes handgun training and other skills, such as how to handcuff suspects and put them in a car. Classroom training covers updates on legal issues, computer forensics, and communication skills.

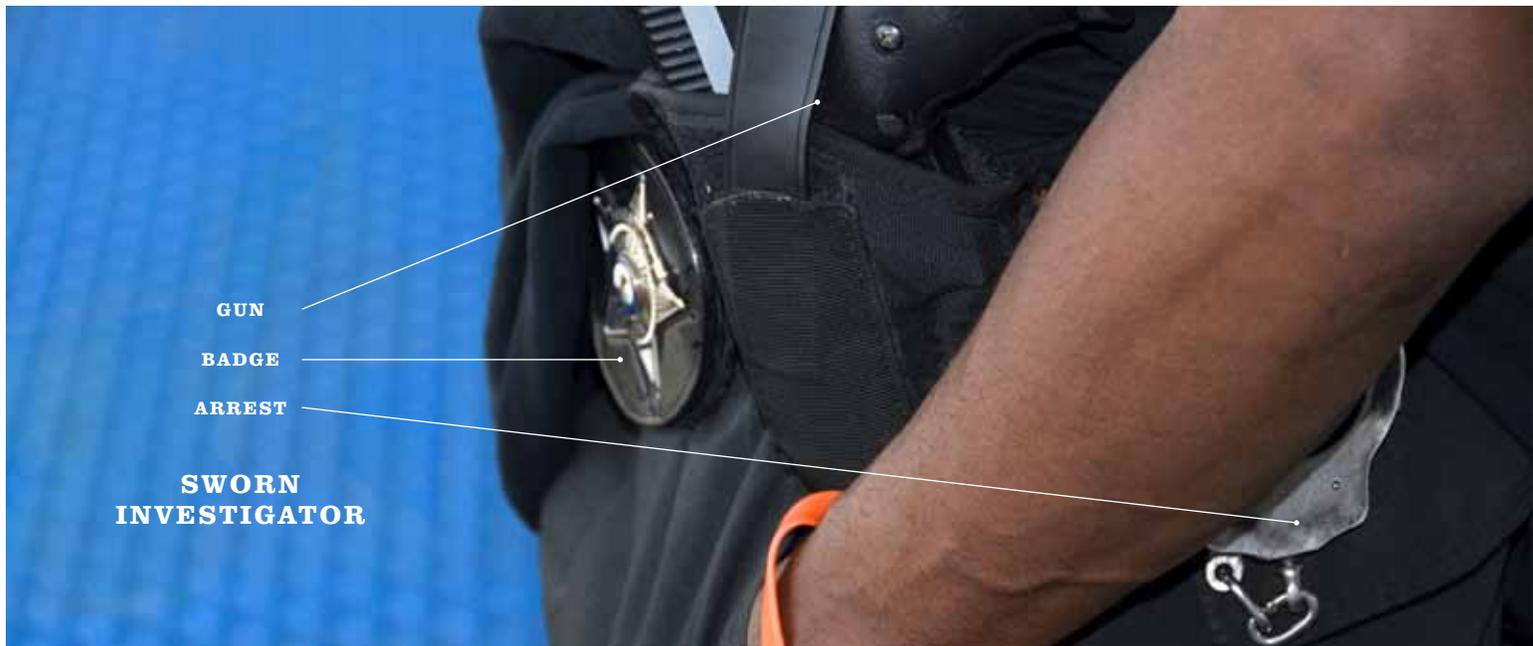
Are you wondering about what happened to the people at the beginning of the article?

The Fresno RN pleaded guilty to elder abuse resulting in death and was sentenced to a year in jail, and three to four years of probation with conditions limiting her nursing practice when administering controlled substances and working with the elderly.

The fake MFT in Sacramento pleaded guilty to obtaining money by false pretenses and engaging in unlicensed marriage and family therapy. He was sentenced to three years' probation and four months in jail, and was ordered to provide restitution to the victims.

Most of the investigations conducted by DOI come as a result of consumer complaints—your voice is powerful! Remember, the next time you think something is not right, or you feel you have been harmed, tell us about it.

**DCA—and the Division of Investigation—are here to help.**



GUN

BADGE

ARREST

SWORN  
INVESTIGATOR

## What's the difference between sworn and non-sworn investigators?

There's a big difference between the two classifications. Sworn investigators are State certified, trained peace officers. They carry a badge and a gun and have the power to do actions such as make arrests, make traffic stops, and handle crimes in progress. Non-sworn investigators are not State certified; they have no powers of arrest. They may write citations, conduct investigations, and make citizen's arrests.

### Sworn investigators:

- Conduct criminal and administrative investigations.
- Assist allied law enforcement agencies.
- Have expertise in the California Business and Professions Code.
- Gather intelligence.
- Submit criminal complaints.
- Write and serve search warrants.
- Conduct sting operations.
- Execute subpoenas.
- Conduct undercover operations.
- Issue misdemeanor citations.
- Make arrests.
- Conduct hidden tape-recorded conversations with suspects in person and on the phone.

### Sworn investigators work on these types of cases:

- Prescription/medical narcotics enforcement.
- Unlicensed activity.
- False advertising.
- Illegal practice of medicine.
- Incompetence.
- Computer forensics.
- Wrongful death.
- Fraud.
- Patient abuse.
- Underground economy.
- Identity theft.
- Assault.
- Sexual misconduct.

### Non-sworn investigators:

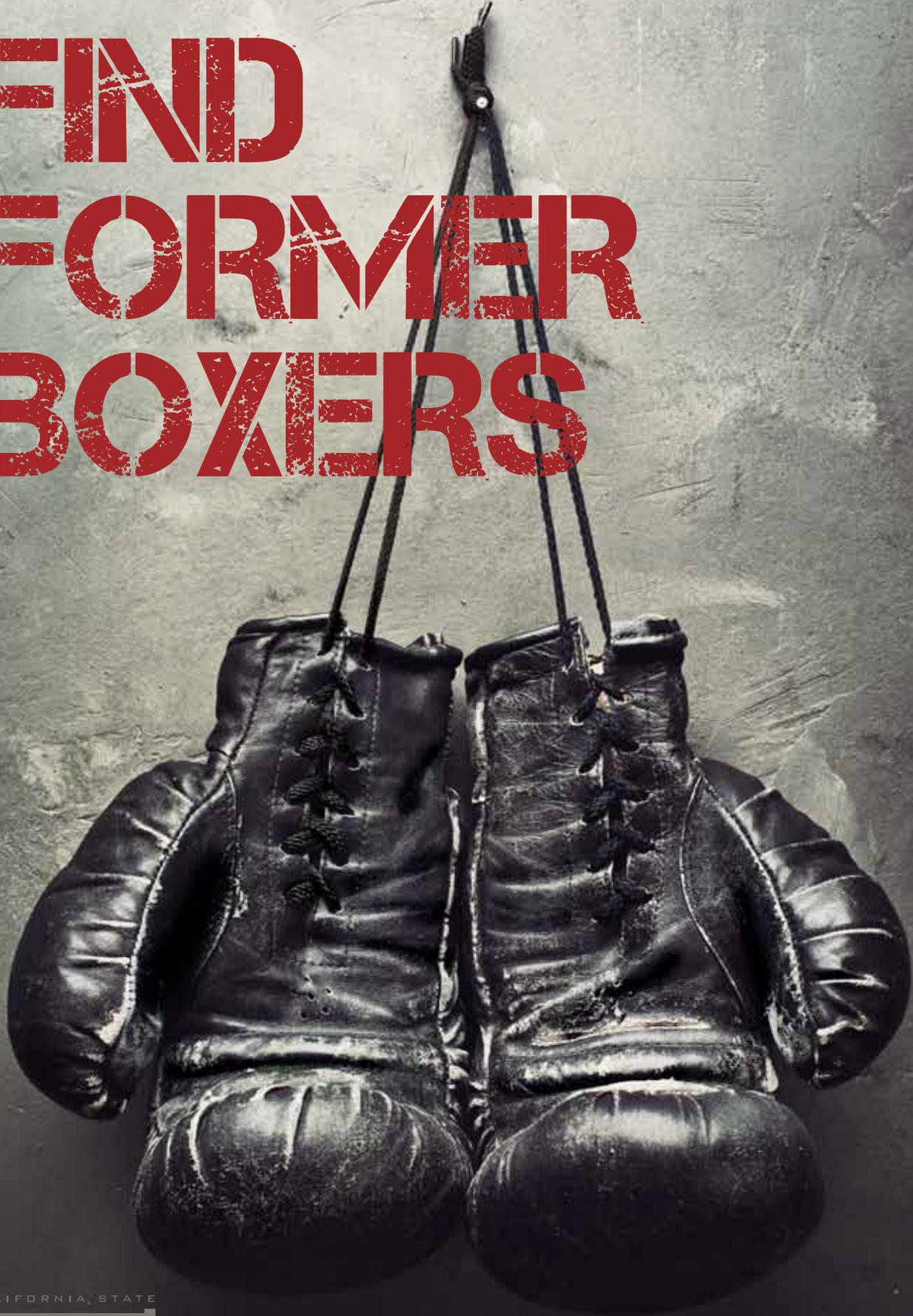
- Conduct investigations on complaints relating to suspected violations of the California Business and Professions Code, Health and Safety Code, and other statutes.
- Locate and interview accused people and witnesses and analyze their statements.
- Examine records, gather evidence, and report facts.

### Non-sworn investigators work on these types of cases:

- Malpractice/civil settlements.
- Unprofessional treatment or care not involving criminal acts or physical harm.
- Quality-of-care issues.
- Record requests.
- Advertising violations.
- Lapsed license issues.

THE CALIFORNIA STATE ATHLETIC COMMISSION STAFF IS ON A MISSION TO

# FIND FORMER BOXERS



The California State Athletic Commission (CSAC), which regulates professional boxing and mixed martial arts in California, has been on a mission this year to find retired boxers and let them know they may be eligible for a share of the \$5.1 million California Boxers' Pension Fund. California is the only state in the nation that has a pension fund for boxers.



On January 7, 2013, Rogilio Hernandez Farias, who boxed in the 1970s and '80s under the name Roy Hernandez, heard about the pension fund and contacted

CSAC to ask about it. At the time, he was homeless, staying in a shelter in Lodi. CSAC staff helped him complete his application and later gave him the good news: He was eligible for \$23,357 in pension benefits, which could be paid out in a lump sum.

Usually, applicants must wait four to five months before receiving pension benefits. However, given Farias' circumstances, CSAC Executive Officer Andy Foster approved a partial payment of \$10,000, with the rest to come a few months later. CSAC Commissioner Dean Grafilo presented a check for \$10,000 to Farias on January 18, less than two weeks after his application was completed. It was CSAC's first pension award in 2013.

"We felt that because he was in desperate circumstances, it was the least we could do to get some of his money to him as soon as possible," said CSAC Executive Officer Andy Foster. During the presentation, Farias expressed his appreciation for the money and the efforts of CSAC representatives to help him.

"We've drastically increased the pension distributions through the efforts of staff," Foster said. "Now we're getting calls from boxers asking if they have any money coming." Boxers are encouraged to contact the Commission by phone or e-mail to find out if they are eligible.

The Commission has had difficulty locating many of the former boxers who are eligible for the pension money. That's partially because most boxers retire from their sport at a relatively young age, often around age 30. That may be 20 years before they are eligible for benefits. In addition, boxers are often from other states or other countries and may not remain in California after their careers end. Many do not leave forwarding addresses with the CSAC. Despite the challenges, the CSAC staff have made locating the retired boxers and getting their pension money for them a priority.

Farias, a super featherweight boxer from San Antonio, Texas, had fought 140 lifetime rounds, most of them in California. His last fight was November 29, 1983, in Sacramento. His opponent for that final bout was Adrian Arreola, another retired boxer facing serious financial need. As a result of CSAC outreach efforts, Arreola contacted the Commission and found out he was entitled to \$34,954 in pension benefits.

The California Boxers' Pension Fund was established in State law in 1982 to help boxers achieve financial stability in their later years. No taxpayer money is used. To be eligible for a pension, a former boxer must be at least 50 years old, have fought in at least 10 rounds a year for four years without more than a three-year break, and have fought in at least 75 scheduled professional rounds without a break of three years or more. All of the qualifications must be met in California.

Contributions to the pension fund come from tickets sold at each boxing match. Currently, CSAC collects 88 cents per ticket (with a maximum of \$4,000 per bout) to go into the fund. CSAC contracts with a pension fund administrator to invest the money. The money is distributed to the boxer after his eligibility is verified.

For more information about CSAC or the California Boxers' Pension Fund, go online to [www.dca.ca.gov/csac](http://www.dca.ca.gov/csac) or call (916) 263-2195.

# HEALTH CLUB CONTRACTS

*What you should know before you go*



**Spring is here.** Before you know it, it'll be swimsuit weather. Now is the time that a lot of us start working out in hopes of achieving our "summer body." But before you head out to join a gym or hire a personal trainer, you need to know what your rights are.

California's Health Studio Services Contract Law applies to all contracts for health studio services in California. The Unruh Retail Installment Sales Act may also apply if the contract requires you to pay by installments. Health studio services include instruction, training or assistance in physical culture, body building, exercising, reducing, figure development, and other similar skills; the use of a health studio, gym or other facility for any of these purposes; and membership in any group formed for any of these purposes. However, the law does not cover services provided by persons licensed in the healing arts, nutritionists, or schools operating under the California Education Code.

The California Department of Consumer Affairs has a series of legal guides available with tips on many topics, including how to protect yourself from unlawful contracts when you join a gym or buy a similar service to help you work out. You'll find them at [www.dca.ca.gov/publications/legal\\_guides/index.shtml](http://www.dca.ca.gov/publications/legal_guides/index.shtml). Legal Guides W-9 and W-10 cover health club contracts. To order these by phone, call (866) 320-8652.



## CONTRACT REQUIREMENTS

Health club services contracts in California have numerous requirements. Contracts must:

- > Be in writing.
- > State the name and address of the company that provides the services.
- > Be for a duration of no more than three years.
- > State five-day cancellation language.
- > State the contract term in at least 14-point type.

Also, health club services contracts may not require payments and initial or initiation fees of more than \$4,400 (not including interest or finance charges) over the contract term. Another crucial must—you need to be given a copy when you sign it.

The contract must state what facilities you're entitled to access and when, as well as what services you'll receive. If any amenity such as a swimming pool or tennis court is eliminated or substantially reduced for more than a temporary basis due to reasonable repairs or improvements, you can cancel at any time. But if the health club stated in the contract that the equipment or classes *could* be changed, you don't have the right to cancel.

## REASONS FOR POSSIBLE CANCELLATION

### *Disability or death*

The contract must allow you or your estate to cancel — at any time — if you become disabled or die. The disability must affect your capacity to use or enjoy the club's facilities, and a physician must verify the condition. If you die, your representative may cancel the contract. No further payments are required, and a prorated portion of any amount prepaid must be refunded upon request.

### *You moved*

You may also cancel the contract if you move more than 25 miles from the health studio and are unable to transfer the contract to a comparable facility. No further payments are required, and a prorated portion of any amount prepaid must be refunded to you. However, a health club may include in its contract a provision that allows it to charge, or to withhold from the refund, a cancellation fee of not more than \$100 (or \$50 if more than half the contract life has expired).

### *Contract violates law or you were willfully misled*

If a contract does not comply with the Health Studio Services Contract Law, it is void, unenforceable, and can be cancelled. You should notify the health club *promptly* upon learning of your right to cancel for this reason, and give the health club a *written* cancellation notice.

A health studio services contract also is void if you are convinced to sign it by any willfully false or misleading information, representation, or advertising by its representatives. For instance, if the health club knows or has reason to believe that a significant portion of the services or facilities will not be provided or available for use as promised, or if it misrepresents anything else that is important to you, this may entitle you to cancel. Be sure to describe the willfully false or misleading information in your cancellation notice.





## The facility closes

If your health club closes and does not offer comparable services at a location that is equally convenient to you, this ordinarily will constitute a contract breach, and you can cancel, and maybe claim money damages, for the services you paid for but didn't receive. If the club closed because it is insolvent and has no assets, you may not be able to actually recover any damages.

If your club stays open but is sold to a new owner who won't honor your contract, you have a contract breach claim against the original owner and can sue in small claims court. Often, however, you may not be able to locate the previous owner, or he or she may be insolvent (no money or assets to repay you). You probably can file a suit in small claims court (if the amount involved is \$10,000 or less), but if you cannot locate the previous owner, you will not be able to serve a complaint on that person (officially notify that person of your suit). And even if you succeed in serving the previous owner with your complaint, it may be tough for you to collect on any judgment in your favor if the previous owner is broke.

If the owner of your health club files bankruptcy, you can file a claim with the bankruptcy court. If assets are available to pay general creditors, you may receive a partial refund of the payments you made for services you never received. Since most bankruptcies do not result in payments to unsecured creditors like you, check with the bankruptcy court clerk before filing a claim.

If your health club closes, and the new club that opens on the same premises refuses to honor the terms of the contract you made with the previous health club owner, you may need to obtain more information about the business transfer to determine your rights, if any, against the previous owner. If the new owner did not purchase the health club from the previous owner, but merely made arrangements to assume the leases of the premises and equipment, the new owner is not required to honor the contract you had with the previous owner. Your only recourse in that case would be to try to persuade the previous owner to reimburse you, or sue the previous owner for breach of contract.

If the new owner has *purchased* the club from the previous owner, it's possible, however, that the new owner may be legally required to honor your contract with the previous owner. Since there is no law directly governing this situation, you probably will need an attorney to advise you. You also may need an attorney to gather the evidence needed to prove your claim, and to present the evidence and your arguments at trial.



## **HOW TO CANCEL**

In order to cancel the contract, you must mail or deliver a signed and dated notice, or send a telegram, which informs the health club that you have decided to cancel the contract. The notice must be mailed or delivered to the address that appears in the contract. All payments must be refunded within 10 days after the health club receives notice of the cancellation. You must pay for any services that you received prior to cancellation.

You may cancel the contract at any time before midnight of the fifth day that the health studio is open for business after the date that the contract is signed. Sundays and holidays are excluded when counting the five days.

There is additional time to cancel depending on how much money you will ultimately have to pay the health club under the contract. If the total value of the contract is between \$1,500 and \$2,000, you have 20 days to cancel the contract. If the total amount of money due is between \$2,001 and \$2,500, you have 30 days to cancel. And if the total amount is equal to or greater than \$2,501 you have 45 days to cancel.

## **RESOURCES FOR HELP**

If a health club violates the law, you can sue for three times the amount of any resulting damages, plus reasonable attorney's fees. However, the club can correct its failure without penalty within 30 days after you sign the contract, as long as this doesn't increase your costs without your written consent.

For legal help, including finding an attorney, contact your local legal aid society, or visit **LawHelpCA.org**. In addition, the State Bar of California offers a lawyer referral service and other legal resources on its Web site at **www.calbar.ca.gov** or call **1-866-44-CA-LAW**.



See Something,

Say Something.

## Working together for a safe salon experience

**If you see something, say something. Easy enough, right? Not as easy as you might expect.**

Over the years, the Board of Barbering and Cosmetology has found that all too often clients are reluctant to talk openly with their cosmetologist, barber, manicurist, esthetician, or electrologist about their concerns regarding cleanliness—even when they know what to look for, or when an unsanitary condition clearly exists.

Why? Well, when the client is a longtime customer of the person providing the service, client loyalty can make it awkward. “We don’t want to hurt their feelings,” they say, or “I’m too embarrassed.” Another common response is, “We don’t want to get a bad service.” But a service that puts the consumer’s health and safety in jeopardy isn’t “good” service in the first place.

Client loyalty is a two-way street. A beauty or barbering professional should WANT you to speak up if you see something amiss. Maybe they missed it in the bustle of a busy salon; it happens. But keep in mind that the person cutting your hair or exfoliating your skin dedicated a great deal of time and effort in school and passed an extensive State licensing examination to earn the right to provide these services to you.

If there is a single, underlying theme to barbering and cosmetology education and the State examination, it’s that protection of the client is paramount. A beauty professional takes pride in the cleanliness of the shop, and understands that a client who isn’t comfortable with the state of the shop or how the service is performed, or gets sick, will probably not be a client much longer. Losing a client means losing money.

**M**oreover, if a Board of Barbering and Cosmetology inspector conducts an inspection and discovers health and safety issues, he or she will definitely “Say Something” and explain the proper way of doing things to the licensee.

Protecting both clients and service providers is the goal of the Board’s “See Something, Say Something” campaign. Over the next few weeks, you may be seeing the card that accompanies this story at your local salon. It promotes “Working Together”—clients, service providers and the Board—“for a Safe, Healthy Salon Experience.”

**So what are some of the reasons that would lead you to say something? Here are some examples of what you might encounter during a salon visit:**

## **NAIL SERVICES**

You’re waiting patiently for your appointment at the pedicure station. A customer vacates a whirlpool foot spa chair and the manicurist drains the tub, sprays it with a clearly labeled bottle of disinfectant, and then scrubs it out with a brush before motioning to you to take a seat.

No so fast. It’s a whirlpool foot spa. Accordingly to Board regulations, wiping out the tub isn’t enough. The tub needs to be filled with clean water mixed with the manufacturer-recommended amount of disinfectant and circulated in the tub for at least 10 minutes before the next customer uses it.

What should you do? Say something. Ask the manicurist if he or she is following the cleaning and disinfection requirements of the State board. The requirements are listed on the shop’s “Health and Safety” poster, which should be displayed in the reception area. The poster details the Board’s health and safety rules and must be displayed in all barbering and cosmetology establishments.

**Say something!**



**See Something.**



# Say Something.

## HAIR SERVICES

You sit down in the barber chair and the barber places the drape over your body. You notice that he is carrying a pair of scissors and a comb in his shirt pocket. You've seen this in a million old movies and television shows. (Remember Floyd, the barber in *The Andy Griffith Show*?) Carrying tools on in or on a garment while providing barbering and cosmetology services is a violation.

**Say something!**

## ESTHETICS

Are the makeup applicators or cotton swabs or Q-Tips clean? Are they thrown away in the trash after each use? If they're not, say something. If these items are not thrown away, they risk being re-used, even by mistake, which can lead to the possible transmission of disease.

**Say something!**

## CHECK THE LICENSE

Each shop and employee must have a valid and current license issued by the Board that is displayed conspicuously so that they can be easily seen by the public. If you see a license missing—say something. You would be surprised how many people unknowingly open shops with nothing but a business license. That's not enough; each establishment and service provider must have a valid license.

**Say something!**

These are just a few examples of the things to look for. For more information on the Board's health and safety policies, go to the Board's Web site at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov) and look for the Board's "Laws and Regulations" under "Forms and Publications." Become an informed, empowered consumer.

And remember, if you see something, say something—working together is a great way to ensure a safe, healthy salon experience.



## Special Fund Provides Critical Assistance for Low-Income Legal Consumers

Court Reporters Board program pays for  
court transcripts

**T**he rental listing service described a nice home in a swanky neighborhood at an unbelievably low rent. What a potential score for interested tenants — except the house didn't exist.

A similar scenario played out for a handful of disappointed potential renters who were lured into signing up for a prepaid rental listing service that took \$185 from each of them and gave little to nothing in return.

The company — Pacific Coast Credit Group — advertised dirt-cheap rents for nice houses that seemed too good to be true, and in fact were. In order to be shown a property, victims would have to pay \$185 to sign up for the service, then, if they were given any listings, they were for addresses to properties that didn't exist or were not as described. The company targeted low-income, mostly Spanish-speaking people.

The Legal Aid Society of San Diego sued the company after victims began trickling in with complaints beginning in 2010. One of those scammed was an elderly disabled woman living on Social Security.

“For her, \$185 is the difference between having electricity and not,” said Alysson Snow, Senior Attorney for the organization's Consumer Protection Team. Alysson and her team alerted the California Department of Real Estate (DRE), which regulates rental listing services. The DRE alerted the broker, whose license was being fraudulently used to conduct the scam, that he was under investigation. Although it's not illegal to charge for rental listings, Pacific Coast Credit Group used fraudulent advertising practices and was not licensed to provide the service. In addition, the agreements with the consumers did not comply with the prepaid rental listing

service requirements in the California Business and Professions Code. It also charged fees that were too high and failed to refund the money as required by law.

The good news is that two of the five cases have already reached settlement agreements, which will get money back to the consumers. A major factor in achieving a successful resolution for the clients was the availability of the Transcript Reimbursement Fund, which is administered by the Court Reporters Board of California. The fund provides reimbursement for transcripts provided by California-licensed court reporters when working with qualified indigent clients on civil cases when represented by legal counsel. The fund is financed by court reporters' annual license renewal fees.

“We do 12 to 14 depositions a year,” Alysson said. “We don't charge our clients, and we wouldn't be able to properly litigate without this fund. It's a huge service.”

The fund has provided assistance of more than \$8 million to consumers since its inception in 1981. For more information, visit [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) and click on the “Transcript Reimbursement Fund” link under “QUICK HITS” on the left-hand side of the page.



# NEW RULES MEAN MORE INFO FOR STUDENTS



Under Legislation passed last year and signed by the Governor, students attending private postsecondary schools in California now have access to more information about the institutions they attend. Students must be given the required information before they enroll.

Assembly Bill 2296, by Assembly Member Marty Block (D-Burbank), provides more details to students about institutions covered by the Bureau for Private Postsecondary Education, part of the Department of Consumer Affairs. The Bureau oversees approximately 1,800 institutions in California, many of which are unaccredited.

## **Here's an overview of the new rules:**

### **ACCREDITATION**

If the institution offers associate, bachelor's, master's or doctoral degrees, the institution must tell students before they enroll if the school is unaccredited, and the limitations of the degree including that:

- A student attending an unaccredited institution is not eligible for Federal financial aid programs.
- A degree from an unaccredited institution is not recognized for some employment, including jobs for the State of California.
- A graduate from an unaccredited institution may not meet qualifications to take an exam for a State-licensed profession or vocation.

### **WEB SITE DISCLOSURES**

Institutions that maintain a Web site must have certain documents on their Web site, including:

- The school catalog.
- The performance fact sheet for each program offered by the institution.
- Student brochures offered by the institution.
- A link to the Web site of the Bureau for Private Postsecondary Education.
- The institution's most recent annual report submitted to the Bureau, although the financial statements may be left out.

### **FACT SHEET REQUIREMENTS**

The new regulations also made some changes in the fact sheet the institution is required to give to prospective students. The fact sheet must include:

- The number of graduates employed in the field they were trained for (also called placement rate).
- Wages and salaries earned by the institution's graduates.
- The percent of students who are defaulting on Federal student loans.

Prospective students are encouraged to read all the information provided by the school before they sign any enrollment agreement. For programs that will require a State license, prospective students should be absolutely certain the education or training they receive will qualify them to take the State licensing exam.

More information is available on the Web site of the Bureau for Private Postsecondary Education. Go to [www.bppe.ca.gov](http://www.bppe.ca.gov) and click on the "Students" tab at the top.

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**SIMPLIFIED RULES**

**OPEN DOORS FOR**

**HOMEMADE FOOD**

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Do you make a killer focaccia? Or maybe a peanut brittle your friends rave about? It's too bad you can't make it at home and sell it.

**Oh, but you can.**

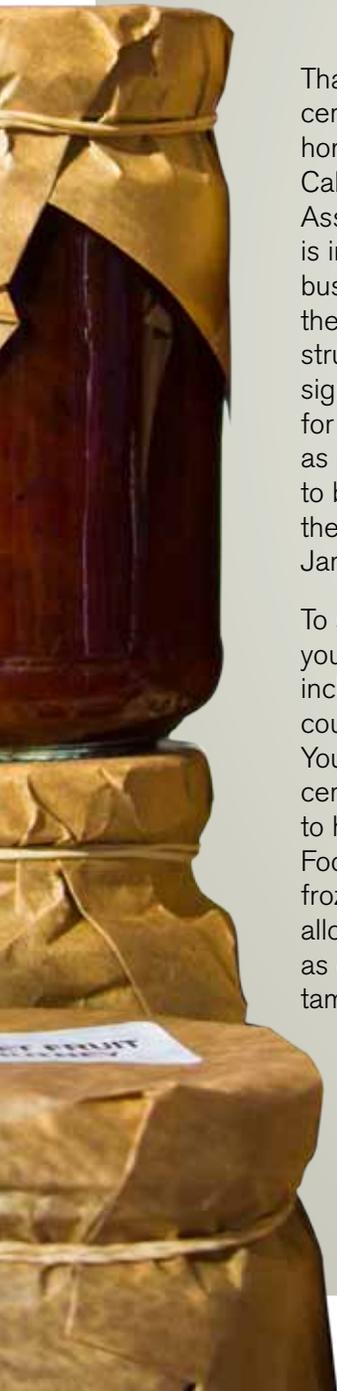


Thanks to a newly passed State law, certain foods can be made in private homes and sold to the public. The California Homemade Food Act by Assemblyman Mike Gatto (D-Burbank) is intended to help small and fledgling businesses produce and sell food made in their homes under a streamlined regulatory structure. Governor Edmund G. Brown Jr. signed the legislation in September 2012 for the so-called “cottage food operations” as part of a package of eight bills intended to bolster business and job creation in the State. The law became effective on January 1, 2013.

To start a home-based food business, you have to meet certain requirements, including registration or a permit from your county environmental health department. You will be allowed to make and sell only certain low-risk foods that are less likely to harbor bacteria that cause illness. Foods that have to be kept refrigerated or frozen, or that must be served hot, are not allowed. That means popular foods such as custard-filled pastries and meat-filled tamales are out.

**Here's what's allowed under the Homemade Food Act:**

- Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
- Candy, such as brittle and toffee.
- Chocolate-covered nonperishable foods, such as nuts and dried fruits.
- Dried fruit.
- Dried pasta.
- Dry baking mixes.
- Fruit pies, fruit empanadas, and fruit tamales.
- Granola, cereals, and trail mixes.
- Herb blends and dried mole paste.
- Honey and sweet sorghum syrup.
- Jams, jellies, preserves, and fruit butters that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.
- Nut mixes and nut butters.
- Popcorn.
- Vinegar and mustard.
- Roasted coffee and dried tea.
- Waffle cones and pizzelles.





#### SIMPLIFIED RULES

## OPEN DOORS FOR HOMEMADE FOOD

The California Department of Public Health maintains the list of approved foods and has the authority to add or remove foods from the list. The Department also sets the labeling requirements for homemade foods. The words "Made in a Home Kitchen" must be on the label.

There are restrictions on where homemade foods can be sold, and requirements covering how the ingredients and other information must be listed on the label. Someone who prepares homemade food for sale also must take a food processor course.

Setting up a home-based business may have other requirements, too, such as a business license from your city or county, and a seller's permit from the State. Each jurisdiction will have its own fees for the permits, certification, or training courses. Depending on where you live, there may also be zoning issues covering parking, noise, and traffic if you sell the products out of your home.

There are two classifications for cottage food operations. Class A is for direct sales only, such as holiday bazaars, temporary events, bake sales, from the person's home, or at farm stands and Certified Farmer's Markets. Class B allows all that plus allows sales at a permitted restaurant, grocery store or food market, or mobile food facility such as food truck. Operations with a Class A permit do not need inspections; Class B operations do. There are other differences, too.

Also, to ensure that a home-based food business is indeed entrepreneur-based, there are limitations on how much money a cottage food operation can make.

Annual sales are limited to:

- \$35,000 in 2013.
- \$45,000 in 2014.
- \$50,000 in 2015 and later.

Your local health department is your best source for information, but here are some other resources:

The California Homemade Food Act

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB1616](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1616)

State Department of Public Health/  
Cottage Food Operations

[www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx](http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx)

List of County Health Departments

[www.cdph.ca.gov/programs/immunize/pages/californialocalhealthdepartments.aspx](http://www.cdph.ca.gov/programs/immunize/pages/californialocalhealthdepartments.aspx)



Labels for cottage food products must contain the following:

- The common or descriptive name of the product.
- The name, city, and zip code of the cottage food operation that made the product.
- The words “Made in a Home Kitchen.”
- The registration or permit number and type. (For Class B permits, the name of the county issuing the permit should be included.)

- The ingredients of the product.
- The amount of the product in the package (by number or weight).
- A list of any major food allergens in the product (for example, milk, eggs, nuts, soybeans).

Note: Check with the California Department of Public Health online at [www.cdph.ca.gov](http://www.cdph.ca.gov), or contact your county health department for details on label requirements.

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**Sample cottage food label:**





## WELCOMES NEW BOARDS AND BUREAUS

Starting July 1, 2013, the Department of Consumer Affairs (DCA) will be home to four new entities as a result of Governor Brown's Reorganization Plan #2 (GRP 2).

The Board of Chiropractic Examiners and the Structural Pest Control Board will now come under the DCA umbrella. The California Department of Real Estate will become the Bureau of Real Estate and the Office of Real Estate Appraisers will become the Bureau of Real Estate Appraisers. Both bureaus will report to the Director of DCA.

GRP 2 is designed to consolidate duplicated functions within State government while increasing efficiency.

In addition to adding entities within DCA, GRP 2 will reduce the number of State agencies from 12 to 10. Five agencies are being eliminated, including the State and Consumer Services Agency, which is the parent agency of DCA. Three new agencies will be created, including a Business and Consumer Services Agency, which will house DCA, a Government Operations Agency, and a Transportation Agency.

Governor Brown has said the plan will make government more effective and reduce wasteful spending. Currently, many of the entities that regulate and license industries and professionals are scattered throughout state government; oftentimes, causing confusion to the public and licensees.

After the reorganization, these entities will be consolidated within the newly formed Business and Consumer Services Agency, improving service while providing cohesion and consistency.

Preliminary steps have already been taken to transition the two boards and two bureaus to DCA. Consumers and licensees can anticipate a smooth transition this summer and expect the same great level of service as before. They will be able to check the status of a license through the license verification tool, have access to award-winning publications, and view board/bureau meetings via webcasts online through the DCA Web site at [www.dca.ca.gov](http://www.dca.ca.gov). Also, consumers will be able to call the DCA Consumer Information Center (CIC) at (800) 952-5210 for any help with these online tools.

Until the transition to DCA, consumers and licensees can continue to contact these entities at the following websites:

BOARD OF CHIROPRACTIC EXAMINERS  
[www.chiro.ca.gov](http://www.chiro.ca.gov)

DEPARTMENT OF REAL ESTATE  
[www.dre.ca.gov](http://www.dre.ca.gov)

OFFICE OF REAL ESTATE APPRAISERS  
[www.orea.ca.gov](http://www.orea.ca.gov)

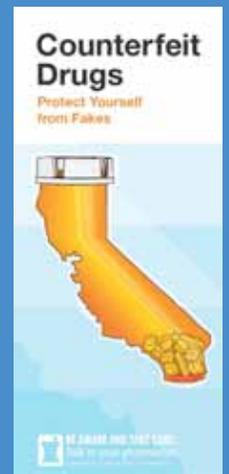
STRUCTURAL PEST CONTROL BOARD  
[www.pestboard.ca.gov](http://www.pestboard.ca.gov)



1

# Just for you:

NEW PUBLICATIONS FOR CONSUMERS



2

The California State Board of Pharmacy, as part of its “Be Aware and Take Care” consumer information campaign, has two new brochures available.

- 1 ***Splitting Pills: Understanding the Benefits and Risks*** covers when pill splitting is appropriate, how to split pills safely, and the risks of splitting your pills without your doctor’s OK.
- 2 ***Counterfeit Drugs: Protect Yourself from Fakes*** explains what counterfeit drugs are and where they come from, and what you can do to minimize your risk, especially if you buy your prescription medications from an online pharmacy.

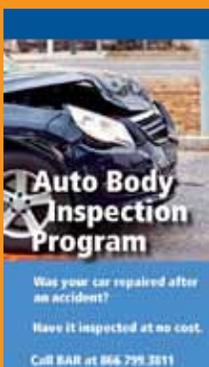
The Bureau of Automotive Repair highlights its program to ensure that your car was repaired properly in a new brochure for consumers.

- 3 ***Auto Body Inspection Program*** explains how a Bureau inspector can examine your car at no charge to be sure it was repaired after an accident to be sure the repairs were done correctly.

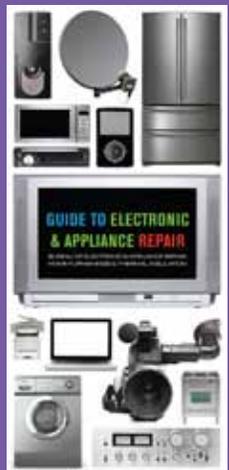
The Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation explains in its new publication how the Bureau protects the public by licensing electronic and appliance repair dealers and providers of service contracts.

- 4 ***Guide to Electronic & Appliance Repair*** also has tips on purchasing electronic equipment and appliances.

Free copies of all four of the brochures are available by calling (800) 952-5210. Bulk orders are available to community-based organizations subject to inventory.



3



4

# news

## The secret of the secret menu, revealed

Have you ever ordered a Dirty Chai or a Captain Crunch Frappuccino from Starbucks? How about 3 x 3 burger at In-N-Out, or a Quesarito at Chipotle?

No? You may not be in on the secret menu trend that's sweeping through fast-food and beverage franchises from McDonald's to Jamba Juice. Although In-N-Out has had a secret menu since the 1970s, none of the franchises like to admit to having them—even though the menus can easily be found on the Internet.

The items are not part of the regular menu, meaning—and here comes the secret—they are exempt from State regulations



that require calorie counts be listed for each item on the standard menu. Each item on the standard menu—get it?

What does it all mean? It means that some of these coveted secret items may take up a big chunk of your daily calorie intake. For instance, Chipotle's Quesarito—a burrito wrapped in a quesadilla—will cost you a whopping 1,800 calories. A grande Captain Crunch Frappuccino is approximately 570 calories. An In-N-Out 3x3 burger with cheese is 700 calories.

So if you want to be in on the secret menu, remember—you may be getting way more than you paid for.

## Watch out for fake foods

What do olive oil, orange juice, milk, saffron, coffee, honey, and apple juice have in common? They are the prime foods targeted in Economically Motivated Adulteration, aka food fraud.

According to the Grocery Manufacturers Association, food fraud is found in restaurants, grocery stores, and fish markets, and costs the food industry \$10 billion to \$15 billion dollars per year.

Karen Everstine, a research fellow at the University of Minnesota's National Center for Food Protection and Defense (NCFPD), says that although most incidences of food fraud aren't dangerous, consumers still aren't getting what they paid

for. But food fraud has its dark side, too. The substitution of melamine in pet food caused the death of many dogs in 2007 and, in 2008, six children died and 290,000 were hurt when melamine was added to powdered milk and infant formula.

Since food fraud is a relatively new phenomenon, researchers don't know how large the problem really is. There is, however, a sense that it's occurring worldwide—and growing.

So what can consumers do to protect themselves? The NCFPD offers these tips:

- Be a smart consumer: Be suspicious if the price is too good to be true.
- Buy a brand you trust.
- Avoid products from countries that do not produce that particular product—for instance, don't buy olive oil from a country that does not have olive trees.
- Buy whole spices and grind them up yourself.
- Make sure you're getting the right fish—buy a whole fish and have the butcher cut the head and tail off.

For more information on food fraud, go to [www.FoodFraud.org](http://www.FoodFraud.org).



# notes

## Hair extensions that hurt

It's said that beauty is painful—which apparently is true in the case of hair extensions.

What began as a trend among Hollywood actresses and celebrities has become a popular mainstream beauty treatment. Unfortunately, those looking for a fuller, longer, hair are experiencing painful side effects—blinding headaches, allergic reactions, permanent hair damage, and baldness from a condition called traction alopecia.

In an interview with ABC News, Chicago cosmetologist Grace Santiler-Nowik said that the extra tresses are safe if put in and cared for correctly. “It’s not something you tread into lightly,” she added. “People want their hair thick and long, but they forget there’s a whole upkeep portion of it they have to maintain.” Which means returning to the salon at regular intervals to have the extensions removed and replaced, and taking a break from extensions if they’re causing damage.

Of course, the first step in getting hair extensions is to make sure the people putting them in know what they’re doing. DCA’s Board of Barbering and Cosmetology does not require a license for hair extensions that are applied

or attached without the use of any tools or instruments—by twisting, wrapping, weaving, locking, or braiding. A license is required for the application or attaching of hair extensions using a tool, such as when sewing or gluing the extensions onto the head. A license is always required if, during the process of applying or attaching hair extensions, the hair is washed, colored, cut, or styled.

It also pays to do your homework. For more information on the dangers of hair extensions, take a look at this article from *Consumer Reports*: <http://www.consumerreports.org/cro/hairextensions.htm>. And, as always, check the license before you hire a beauty professional: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov).



## Friend request denied

Debt collectors have added another tool to their arsenal in the never-ending quest to intimidate, harass, and extract money from you whether you owe it or not: Facebook.

They are sending messages and friend requests to consumers. But that’s not all—they’re contacting friends and family on Facebook and asking them to have the consumer call the debt collection company. They’re also posting messages to let the world know the person owes a debt, which is clear violation of the Fair Debt Collection Practice Act.

Although it is legal for debt collectors to use the Internet to find people who owe money, they cannot invade your privacy.

The Federal Trade Commission (FTC) is not pleased. Neither is the Consumer Financial Protection Bureau (CFPB). The FTC received 180,000 consumer complaints about debt collection harassment last year. Federal regulators are working on a comprehensive federal oversight plan for the debt collection industry this year.

Until the laws are in place, consumers need to be wary. Don’t accept friend requests from anyone you don’t know, and if you are harassed, complain to the FTC online at <https://www.ftccomplaintassistant.gov>.



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