

IS A BUSINESS FORCED TO PARTICIPATE?

No. The District Attorney's Office cannot require a business to participate in this voluntary mediation program, although most businesses do choose to participate. We have found that a cooperative effort by the consumer and the business often resolves the complaint.

WHAT HAPPENS TO CONSUMER COMPLAINTS THAT ARE NOT SEEKING MEDIATION SERVICES OR ARE NOT APPROPRIATE FOR MEDIATION?

When consumers submit a complaint to the DA's Consumer Protection Unit, mediation is not the answer in many cases. Mediation is successful when a legitimate business and a consumer have a dispute, not when a consumer is the victim of a scam. In addition, some consumers who submit complaints are referred to a relevant outside agency that can assist them with their problem or investigate their complaint.

On occasion, a consumer mediator will refer a consumer complaint to a deputy district attorney in the DA's Consumer Protection Unit for possible enforcement action, rather than

attempt mediation. An enforcement action by a deputy district attorney in the Consumer Protection Unit may be a criminal prosecution, resulting in a conviction, or a civil action, resulting in a public remedy such as injunctive relief and civil penalties. In civil cases, the DA's Office acts in the public interest on matters affecting a large number of consumers and does not represent individual consumers.

SPEAKERS AVAILABLE:

The Consumer Protection Unit provides educational outreach about consumer protection topics to the community. To request and arrange at no charge for a speaker to discuss consumer protection issues with your organization or group, please contact: (408) 792-2880 or consumer@dao.sccgov.org.

Santa Clara County District Attorney's Office
Consumer Protection Unit
70 W. Hedding Street
San Jose, CA 95110
<https://countyda.sccgov.org/consumer-protection>
Phone: (408) 792-2880
Email: consumer@dao.sccgov.org



Santa Clara County
District Attorney
Consumer Protection Unit

CONSUMER MEDIATION SERVICES



(408) 792-2880



CONSUMER COMPLAINT



CUSTOMER RIGHTS

The District Attorney's Consumer Protection Unit has a mediation program that assists consumers and businesses in resolving their differences. Our consumer mediation staff provide general information on the rights and responsibilities of consumers and businesses, review options available to consumers who experience difficulties with a business, mediate in certain disputes between consumers and businesses, and educate consumers about potential scams.

WHO MAY REQUEST CONSUMER MEDIATION SERVICES?

- Any consumer who resides in Santa Clara County
- Any consumer regardless of residency who encounters difficulties with a business located in Santa Clara County

WHAT TYPES OF CONSUMER COMPLAINTS ARE MEDIATED?

The Consumer Protection Unit's mediation program focuses on complaints in which a consumer purchased a product or a service from a business for the consumer's home or personal use. The program does not mediate business-to-business disputes or landlord-tenant issues.

HOW CAN A CONSUMER REQUEST MEDIATION?

A consumer complaint form must be completed and submitted to the DA's Consumer Protection Unit. The form is available on the Consumer Protection Unit webpage or by calling (408) 792-2880 to obtain a copy by mail. The completed form can be submitted online or by mailing to:

Office of the District Attorney
Consumer Mediation Services
70 West Hedding Street, 4th Floor
San Jose, CA 95110

HOW DOES CONSUMER MEDIATION WORK?

If a consumer requests mediation, and the DA's consumer mediator agrees that mediation would be an appropriate course of action, the mediator will send a copy of the consumer complaint to the business and then work with both sides to help them better understand the issues and each other's position. The consumer mediator will try to help the consumer and business reach a mutually acceptable resolution of the complaint.

The DA's consumer mediator:

- Does not decide the outcome of the complaint
- Does not represent either the consumer or the business
- Does not give legal advice

Mediation is concluded when:

- A resolution is reached
- Either the consumer or the business, or both, refuse to participate any further
- The consumer and business are unable to reach a resolution and the DA's consumer mediator determines that the mediation has reached an impasse