ALL YOU NEED TO KNOW ABOUT

IDENTITY THEFT

Brought to you by

Public Counsel Law Center
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What Is Identity Theft?

Identity theft (or ID theft) is when someone else uses your personal information, like your name, Social Security number or address, without your permission. Usually, your information is used to get:

- personal loans
- utilities
- a rental agreement
- blank checks
- home mortgage
- credit cards
- a driver’s license
- long-distance services
- passports

In California, identity theft is a felony with serious consequences.\(^1\)

Why Should I Care About Identity Theft?

If you are a victim of ID theft, you must act quickly to minimize the damage. Otherwise, any of these things can happen to you:

- Your credit can be ruined
- You can be denied a job
- Your application to rent an apartment can be turned down
- You can get a criminal record
- Your wages can be garnished
- Your driver's license can be revoked
- Your bank accounts can be frozen

How Do Thieves Steal an Identity?

Skilled identity thieves may use various methods to get hold of your personal information, including:

- **Dumpster Diving.** They rummage through trash looking for bills or other paper with your personal information on it.

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\(^1\) *California Penal Code § 530.5.*
Skimming. They steal credit/debit card numbers by using a special storage device when processing your card.

Phishing. They pretend to be financial institutions or companies and send spam or pop-up messages to get you to reveal your personal information.

Changing Your Address. They divert your billing statements to another location by completing a change of address form.

Old-Fashioned Stealing. They steal wallets and purses; mail, including bank and credit card statements; pre-approved credit offers; and new checks or tax information. They steal personnel records, or bribe employees who have access.

Pretexting. They use false pretenses to obtain your personal information from financial institutions, telephone companies, and other sources.

How Can I Reduce My Risk?

There are some simple actions you can take to be proactive about protecting your identity:

Limit the information you carry in your wallet. Keep only your driver’s license, cash and a few credit cards. Do not carry your social security card, Green card or pin numbers in your wallet. Take an inventory of your wallet or purse so that if it is lost or stolen you will know what personal information they have. Keep this inventory in a safe place; do not keep it in your wallet or purse.

Ask your bank for cards without wireless chips. Many of the newer bank cards, credit cards, Green cards and student cards are equipped with radio frequency identification (RFID) chip technology, which allows them to be communicated with wirelessly. Identity thieves may be able to use special devices to obtain your personal information contained in these electronic chips. To prevent “wireless pickpocketing”, you may be able to ask your bank to replace your cards with an RFID-free card. Alternatively, some recent reports are advising consumers to wrap their cards in aluminum foil to help prevent wireless communication.²

Remove yourself from marketing lists. Remove your name from credit report agencies’ marketing lists by calling 1-888-5OPTOUT; this will limit the amount of preapproved credit card offers you receive. Sign up for the Do Not Call Registry online at www.donotcall.gov or call 1-888-382-1222 to be added to the exclusion list used by telemarketers; this will limit the amount of telemarketing calls you receive. Sign up for the Direct Marketing Association’s Mail Preference Service by writing to: Mail Preference Service, Direct Marketing Association, P.O.

Box 282, Carmel, NY 10512 to request that your name and address be removed from mailing lists for unsolicited mail. Write to your bank and credit card companies to opt out of the sale and sharing of your personal and financial information.

- **Be aware of your daily activity.** Shred any bank or credit card statements and any pre-approved credit card offers. Collect your mail right away and do not mail bill payments from home. Always take your receipts; never leave ATM, credit card or gas station receipts behind. Be careful who you give your financial information to: if a sales clerk or cashier asks for your social security number or driver’s license, ask why that information is necessary. Never give out personal or financial information over the phone, mail or Internet unless you initiated the contact. Be aware of your surroundings and be extra careful if you use a laptop in public places. Conceal your pin number when you enter it into a keypad at the ATM or in stores. Be careful with e-mails: identity thieves sometimes try to send messages that appear to have come from your bank or credit card company asking you to verify your information; banks and credit card companies will never ask for this information by e-mail.

### How Do I Know If I Am a Victim of Identity Theft?

The best way to discover identity theft is to monitor your accounts and bank statements each month and check your credit report on a regular basis for unusual account activity. You can obtain one free copy of your credit report per year from each of the three major credit reporting agencies. You can request these free credit reports online at www.annualcreditreport.com,³ by calling 1-877-322-8228 or by completing the Annual Credit Report Request Form and mailing it to Annual Credit Report Request Services, P.O. Box 105281, Atlanta, GA 30348-5281.

Here are other clues that you are a victim of ID theft:

- you stop getting your regular mail or bills at your home address;
- you get new credit cards in the mail that you never applied for;
- you see charges on your credit card bill for things you did not buy;
- money that should be in your bank account has gone missing or has not been deposited as expected.

³There are several websites with similar names and web addresses that will charge you to receive your credit report. Be careful to spell the web address correctly to receive the legitimate, free service: www.annualcreditreport.com
How Do I Fight Back?

Below is a list of agencies that you should contact. Write letters to each of them and report the identity theft. You can find letter templates on the Identity Theft Resource Center website at http://www.idtheftcenter.org/artman2/publish/v_templates/. Mail your letters via certified mail, return receipt requested, so that you have proof that your letters were received by the agency. Be organized and make copies of everything you send or receive. Maintain a record of all the phone calls you make or receive including the names of those you speak with, their title, phone numbers, company name and notes about the conversation. Confirm all conversations and agreements made during phone calls in writing.

A. Police Department/Sheriff

File a police report at your local police department. You will need a police report as proof of the identity theft for your creditors. To find your local police department visit http://www.usacops.com.

Ask the police to incorporate a copy of your FTC Identity Theft Complaint (see below) in their police report, although the police are not legally required to do so. Get a receipt from the police explaining how and when you can get a copy of your police report. Although there may be a fee to obtain a copy of the police report, it is important that you obtain a copy when it becomes available. Once provided to credit reporting agencies and creditors, the police report entitles you to certain legal rights.

With a police report, you are entitled to:

- a 7-year fraud alert;
- a free credit freeze;
- have inaccurate and/or fraudulent information blocked from your credit report;
- receive a copy of all application and transaction records on accounts opened fraudulently in your name.

B. Federal Trade Commission

You should file an Identity Theft Complaint with the Federal Trade Commission (FTC). The FTC makes Identity Theft Complaints they receive from victims available to federal, state and other law enforcement officials. The FTC ID Theft Complaint, in conjunction with a police report, serves as an Identity Theft Report and provides victims certain legal protections. An ID Theft Report is more detailed than a police report and may help provide creditors with the specific information they require. To file a Complaint, go on-
line to www.consumer.gov/idtheft or call the FTC at 877-ID-THEFT. Make sure to print a copy of the report to provide to the police and creditors, and for your own records.

The FTC ID Theft Complaint should not be confused with the FTC ID Theft Affidavit. The FTC also offers an Identity Theft Affidavit form. Creditors and other company may request that you submit an ID Theft Affidavit in addition to a police report to prove you are a victim if identity theft. A copy of the FTC ID Theft Affidavit is attached at Appendix A and is available online at: www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf

C. Credit Reporting Agencies

Review your credit report at least once a year. Obtain a copy of your credit report from each of the three major credit reporting agencies to verify their accuracy.

To remove inaccurate information, send your Identity Theft Report (your police report and/or FTC report) with a cover letter identifying the inaccurate or fraudulent information. The letter should state that the information does not relate to any transaction made or authorized by you.

Providing the credit reporting agency with a police report entitles you to request one free credit report each month from the date of the report. You should get a new copy of your credit report to make sure it was corrected.

If you suspect fraudulent activity, contact the one of the three major credit-reporting agencies and ask for a “fraud alert” to be placed on your credit report.

**Equifax**
800-525-6285, www.investigate.equifax.com, P.O. Box 740256, Atlanta, GA 30374

**Experian**
888-EXPERIAN, www.experian.com, P.O. Box 9554, Allen, TX 75013

**TransUnion**
800-680-7289, www.transunion.com, P.O. Box 6790, Fullerton, CA 92834

The company you contact is required to notify the other two, which will place an alert on their versions of your report as well. If you do not receive a confirmation from one of the credit reporting companies, you should contact that company directly to place a fraud alert with them. The fraud alert will remain on your file for 90 days. Once a

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5 *California Civil Code* § 1785.15.3
6 If an identity theft victim submits a police report to a credit bureau listing the fraudulent accounts, the credit bureau must promptly block the information about those accounts and inform the credit grantors that the information has been removed: *California Civil Code* § 1785.16(k)
7 *Fair Credit Reporting Act (FCRA)* § 605A(a)(1)(B).
8 *FCRA* § 605A(a)(1)(A).
fraud alert is placed, you may request a free credit report. Your right to a free credit report after identity theft is reported is in addition to your right to one free credit report annually. The fraud alert can be extended for 7 years when you write a letter to the agency enclosing a copy of your police report verifying that you are the victim of identity theft. Fraud alerts are free of charge.

D. Credit Cards & Bank Accounts

If someone used your credit cards or bank accounts without your permission, contact the company’s fraud departments. Their phone numbers and addresses should be listed in your monthly bill or account statement. Follow-up with a letter and attach a copy of your Identity Theft Report.

Close the credit cards and bank accounts that were misused, and open new ones. In most cases you must notify the company within 30 days, so act quickly. Place passwords on the new accounts. Order new credit cards and checks. Pick up your new checks at the bank instead of having them mailed to you.

Make sure to get new passwords and/or personal identifications numbers (PIN) for each account you open. Protect yourself by choosing passwords or PINs that are hard to guess. Avoid using information that is easily available like your mother’s maiden name, your birth date, your phone number, your address, the last four digits of your Social Security number, or a series of consecutive numbers.

If the identity thief has made charges or debits on your accounts, or has opened fraudulent accounts, ask the bank or company for forms to dispute those transactions. If they do not have forms, you can write a letter to dispute the transactions. Banks, credit unions and other companies are required to provide identity theft victims, upon request, with copies of applications, checks, account statements, records of transactions, renewal of accounts and other changes to existing accounts, initiated by an imposter. Once you have resolved your identity theft dispute with a company, ask for a letter of clearance which states that the company has closed the disputed accounts and has discharged the fraudulent debts. This letter is your best proof if errors relating to this account reappear on your credit or if you are contacted again about the fraudulent debt.

E. Credit Issuers and Collections Agencies

Contact all credit issuers where accounts have been fraudulently opened in your name. Speak only with a fraud investigator to avoid wasting time.

- Request that they close the account(s).
- Ask that they send you their fraud packet or an address to send your FTC

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9 FCRA § 605A(a)(2)(A).
10 http://dca.lacounty.gov/tsFraudAlerts.htm
11 California Penal Code § 503.8.
Once they receive the FTC Affidavit and police report, you are entitled to a copy of all transaction and application records from the credit issuers. You can request that they send a copy to you and to the police department of your designation. The credit issuers are required to send you and the police this information within 30 days of your request. Request a letter of clearance from the credit issuer which you should keep for at least 10 years. A letter of clearance is a statement acknowledging that you are the victim of identity theft and not responsible for the debt.

F. Social Security Administration

If you think someone is using your Social Security number, get a copy of your employment history, personal earnings and benefit estimate statement. You can get a copy by calling the Social Security Administration at 800-772-1213 or online at www.ssa.gov. Review the statement carefully. If you discover an employer that you never worked for, tell the SSA about it. In extreme cases, you may get a new Social Security number.

G. Department of Motor Vehicles

If someone else has used your name or Social Security number to get a driver's license, there can be serious consequences. For example, if the identity thief gets into an accident, you may lose your license or be taken to court for damages. To find out if someone else has used your personal information to get a driver's license, call the Department of Motor Vehicles Identity Theft Hotline at 866-658-5758, or go to www.dmv.ca.gov. Make an appointment and be prepared to prove your identity give them a statement detailing the fraud, a copy of your police report, and submit copies of any other documents evidencing the identity theft. Ask for a new driver's license.

H. U.S. Postal Service

If your mail was lost or stolen, file a complaint at your local post office or call the U.S. Postal Inspectors at 1-800-275-8777. When you move, a change of address form is sent to both the new and old address. If you receive such a form, but have not moved, this is a warning and you should contact the U.S. Postal Investigators immediately. Cancel the change of address. If you find out the name or address of the suspected identity thief, report this information to the police.

I. Apartment & Utilities

If someone used your name to get an apartment or utilities, like a phone line, cable or

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12 Upon notice of alleged identity theft from a consumer reporting agency, furnishers of information are prohibited from selling, transferring or placing for collection the implicated debt: FCRA § 615(f).
13 FCRA § 609(e)
14 To prove your identity you must provide unexpired original documents. Examples of accepted documents include U.S. birth certificate, U.S. passport, certificate of citizenship, certificate of naturalization, permanent residence card, etc.
electricity, call the apartment owner and utility company as soon as possible. If you find
the name or address of the suspected identity thief, report this information to the police.
For your protection, you should not attempt to contact the identity thief yourself.

J. IRS

You might find out that you are the victim of identity theft through the IRS. For
example, the IRS might contact you about taxes you owe due to an additional source of
income or because your child’s SSN is already reported as a dependant on another tax
return. In these situations you should first contact the IRS Identity Protection
Specialized Unit at 1-800-908-4490.

### How Do I Clear My Credit?

To clear your credit, write a letter to each creditor and dispute the debt. Explain that
you are a victim of identity theft and send a copy of your Identity Theft Report. If a
collection agency is pursuing you, send them a letter, within 30 days of receiving the
first bill, stating that you dispute the debt and explaining you are a victim of identity
theft. If that doesn’t work, you have the right to tell the creditor to stop calling you. If a
creditor takes you to court for a debt that is not yours, it is important that you talk to an
attorney or legal aid office for help.

### What Is a Credit Freeze?

A credit freeze restricts access to your credit report. If you place a credit freeze,
potential creditors, employers and other third parties will be prohibited from accessing
your credit report unless you temporarily lift the freeze. This will help prevent identity
thieves from opening new accounts in your name. A credit freeze does not affect your
credit score, nor does it prevent you from obtaining your free annual credit report or
from buying your credit report or score. Companies with whom you already do business
and their collections agents will still have access to your credit reports. A credit freeze
will not stop you from receiving pre-approved credit offers; pre-approved credit offers
can be stopped by calling 1-888-5-OPT-OUT (567-8688), or via the website

In California, if you are the victim of identity theft, there is no fee to place a credit
freeze. There is a fee for all other consumers ($10 per credit reporting agency, or $5 for
consumers over 65 years old). A credit freeze will permanently remain until removed
by the consumer. The credit freeze can be temporarily lifted either for a specific period
time or for a specific party to access your credit file; to temporarily lift the freeze, you
will be required to provide a PIN sent to you by each credit reporting agency when the
freeze is placed.

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15 California Civil Code § 1785.11.2(m)
16 Ibid.
To place a credit freeze, contact each of the three major credit reporting agencies (see above).

**Additional Resources**

**Identity Theft Resource Center**

- 1-888-400-5530
- [www.idtheftcenter.org](http://www.idtheftcenter.org)
- The Identity Theft Resource Center provides victim assistance, education, training, and resources to help address and prevent identity theft.

**Los Angeles County Department of Consumer Affairs Identity Theft Unit**

- 1-800-593-8222
- [http://dca.lacounty.gov/mnIdentTheft.htm](http://dca.lacounty.gov/mnIdentTheft.htm)

**California Identity Theft Registry**

- [ag.ca.gov/idtheft/general.php](http://ag.ca.gov/idtheft/general.php)
Appendix: FTC Identity Theft Affidavit

Identity Theft Victim’s Complaint and Affidavit

A voluntary form for filing a report with law enforcement, and disputes with credit reporting agencies and creditors about identity theft-related problems. Visit ftc.govidtheft to use a secure online version that you can print for your records.

Before completing this form:
1. Place a fraud alert on your credit reports, and review the reports for signs of fraud.
2. Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

About You (the victim)

Now

(1) My full legal name: ____________________________ First Middle Last Suffix
(2) My date of birth: __________ mm/dd/yyyy
(3) My Social Security number: __________ - __________ - __________
(4) My driver’s license: ____________________________ State Number
(5) My current street address:
________________________________________________________
Number & Street Name Apartment, Suite, etc.
City State Zip Code Country

(6) I have lived at this address since __________ mm/yyyy
(7) My daytime phone: (____)____________________
My evening phone: (____)____________________
My email: ________________________________

At the Time of the Fraud

(8) My full legal name was: ____________________________ First Middle Last Suffix
(9) My address was: ____________________________ Number & Street Name Apartment, Suite, etc.
________________________________________________________
City State Zip Code Country

(10) My daytime phone: (____)____________________ My evening phone: (____)____________________
My email: ________________________________

The Paperwork Reduction Act requires the FTC to display a valid control number (in this case, OMB control #3084-0047) before we can collect – or sponsor the collection of – your information, or require you to provide it.
Victim’s Name __________________________________ Phone number (____)__________________

**About You (the victim) (Continued)**

**Declarations**

(11) I ☐ did OR ☐ did not authorize anyone to use my name or personal information to obtain money, credit, loans, goods, or services — or for any other purpose — as described in this report.

(12) I ☐ did OR ☐ did not receive any money, goods, services, or other benefit as a result of the events described in this report.

(13) I ☐ am OR ☐ am not willing to work with law enforcement if charges are brought against the person(s) who committed the fraud.

**About the Fraud**

(14) I believe the following person used my information or identification documents to open new accounts, use my existing accounts, or commit other fraud.

Name: ____________________________
First Middle Last Suffix

Address: __________________________
Number & Street Name Apartment, Suite, etc.

City State Zip Code Country

Phone Numbers: (____)____________ (____)____________

Additional information about this person: __________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
Victim's Name __________________________ Phone number (_____) ___________ Page 3

(15) Additional information about the crime (for example, how the identity thief gained access to your information or which documents or information were used):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

(14) and (15): Attach additional sheets as needed.

Documentation

(16) I can verify my identity with these documents:

☐ A valid government-issued photo identification card (for example, my driver’s license, state-issued ID card, or my passport).

*If you are under 16 and don’t have a photo-ID, a copy of your birth certificate or a copy of your official school record showing your enrollment and legal address is acceptable.*

☐ Proof of residency during the time the disputed charges occurred, the loan was made, or the other event took place (for example, a copy of a rental/lease agreement in my name, a utility bill, or an insurance bill).

About the Information or Accounts

(17) The following personal information (like my name, address, Social Security number, or date of birth) in my credit report is inaccurate as a result of this identity theft:

(A) __________________________________________

(B) __________________________________________

(C) __________________________________________

(18) Credit inquiries from these companies appear on my credit report as a result of this identity theft:

Company Name: __________________________________________

Company Name: __________________________________________

Company Name: __________________________________________
Below are details about the different frauds committed using my personal information.

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Contact Person</th>
<th>Phone Number</th>
<th>Extension</th>
<th>Account Number</th>
<th>Routing Number</th>
<th>Affected Check Number(s)</th>
<th>Account Type:</th>
<th>Select ONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Credit</td>
<td></td>
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<td>□</td>
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<td>Bank</td>
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<td></td>
<td></td>
<td>Phone/Utilities</td>
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<td></td>
<td>Loan</td>
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<td></td>
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<td></td>
<td></td>
<td>Government Benefits</td>
<td></td>
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<td>□</td>
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<td></td>
<td></td>
<td>Internet or Email</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

Date Opened or Misused (mm/yyyy) | Date Discovered (mm/yyyy) | Total Amount Obtained ($) |

If there were more than three frauds, copy this page blank, and attach as many additional copies as necessary.

Enter any applicable information that you have, even if it is incomplete or an estimate.

If the thief committed two types of fraud at one company, list the company twice, giving the information about the two frauds separately.

Contact Person: Someone you dealt with, whom an investigator can call about this fraud.

Account Number: The number of the credit or debit card, bank account, loan, or other account that was misused.

Dates: Indicate when the thief began to misuse your information and when you discovered the problem.

Amount Obtained: For instance, the total amount purchased with the card or withdrawn from the account.
Victim's Name __________________________ Phone number (___) __________________

Your Law Enforcement Report

(20) One way to get a credit reporting agency to quickly block identity theft-related information from appearing on your credit report is to submit a detailed law enforcement report ("Identity Theft Report"). You can obtain an Identity Theft Report by taking this form to your local law enforcement office, along with your supporting documentation. Ask an officer to witness your signature and complete the rest of the information in this section. It's important to get your report number, whether or not you are able to file in person or get a copy of the official law enforcement report. Attach a copy of any confirmation letter or official law enforcement report you receive when sending this form to credit reporting agencies.

Select ONE:
☐ I have not filed a law enforcement report.
☐ I was unable to file any law enforcement report.
☐ I filed an automated report with the law enforcement agency listed below.
☐ I filed my report in person with the law enforcement officer and agency listed below.

Law Enforcement Department __________________________ State __________________________

Report Number __________________________ Filing Date (mm/dd/yyyy) __________________________

Officer's Name (please print) __________________________ Officer's Signature __________________________

Badge Number __________________________ Phone Number __________________________

Did the victim receive a copy of the report from the law enforcement officer?  ☐ Yes  OR  ☐ No

Victim's FTC complaint number (if available): __________________________
**Signature**

As applicable, sign and date **IN THE PRESENCE OF** a law enforcement officer, a notary, or a witness.

(21) I certify that, to the best of my knowledge and belief, all of the information on and attached to this complaint is true, correct, and complete and made in good faith. I understand that this complaint or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may violate federal, state, or local criminal statutes, and may result in a fine, imprisonment, or both.

_________________________  ________________________________
Signature                  Date Signed (mm/dd/yyyy)

**Your Affidavit**

(22) If you do not choose to file a report with law enforcement, you may use this form as an Identity Theft Affidavit to prove to each of the companies where the thief misused your information that you are not responsible for the fraud. While many companies accept this affidavit, others require that you submit different forms. Check with each company to see if it accepts this form. You should also check to see if it requires notarization. If so, sign in the presence of a notary. If it does not, please have one witness (non-relative) sign that you completed and signed this Affidavit.

Notary

Witness:

_________________________  ________________________________
Signature                  Printed Name

_________________________  ________________________________
Date                      Telephone Number
Contact Information

Public Counsel
Consumer Law Project
610 South Ardmore Avenue
Los Angeles, CA 90005

Phone:
(213) 385-2977, extension 700

Hotline Hours:
Monday, Wednesday, and Friday
2:00 p.m. – 4:00 p.m.

Website:
www.publiccounsel.org