

State AGs and Consumer Protection: What We Learned from ... Ohio

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Our State AG webinar series continues, this time with Ohio Attorney General Dave Yost and Chief of the Consumer Protection Section Melissa Wright. During our webinar, the Ohio AG's office highlighted its consumer protection work as it relates to veterans and its Robocall Enforcement Unit. In case you missed it, [here](#) is a recording of the webinar. We have also recapped what we learned below.

General Office Information

The Consumer Protection Section within the Office of the Attorney General is broken up into divisions such as Economic Crimes, a Charities, Antitrust, and Elder Justice. They work to enforce laws that prohibit unfair and deceptive practices including false advertising, shoddy workmanship, and failure to perform services or to deliver goods. The Consumer Protection Section often relies on its consumer complaints and voluntary dispute resolution process, involving non-attorney staff, with the primary goal being resolution. However, if violations from the business continue, there may be an escalated enforcement action.

Talk First, Sue Second

The Consumer Protection Section conducts not only local investigations, but also joins multi-state consumer investigations to further protect Ohioans from harm. The culture of the Ohio AG's Office is to seek compliance. They generally believe businesses want to be compliant, so the Office is willing to work with businesses before a consumer complaint or confidential investigation ever turns into a lawsuit. If the Ohio AG's Office engages in investigation and discussions with a business are not proceeding in good faith, it will result in litigation, as the general ethos of the Consumer Protection Section is "talk first, sue second." But businesses don't have to wait to hear from the AG's Office first: if a business learns of consumer concerns or issues, they can reach out to the AG's Office preemptively to explain the situation and/or a resolution for consumers.

Ohio UDAP Law

Ohio's primary consumer protection law can be found in [Section 1345.02](#) regulating unfair or deceptive acts or practices. Generally, this law provides the Ohio Attorney General with the power to conduct pre-suit investigations in part through issuing investigative subpoenas. Businesses should be aware that while the statute allows the AG to enforce their subpoena, the office rarely exercises that option and instead will just file suit in court. But this action would not come as a surprise to the business, because they likely will have already heard from the AG's Office numerous times (see above: "Talk First, Sue Second.")

Possible remedies includes some of the highest civil penalties of any state, but the AG's Office seeks this on a case by case basis. The Office believes that injunctive relief is just as important, and focuses more on changing business practices – making businesses aware of what they need to do better or differently. The Office views the investigative actions as a give and take, that can result in litigation, but does not have to.

Robocall Enforcement Unit

Attorney General Yost established a special Robocall Enforcement Unit to help protect consumers from predatory telemarketers, never ending robocalls, and scams. This Unit has, among other things, promoted its “just don't answer” campaign, which educates Ohioans about robocalls, created a new way to receive and track robocall-specific complaints, as well as enhanced its investigative and enforcement actions. Further, Ohio has teamed up with other states to tackle robocalls as a multi-state issue. The Unit has received over 80,000 complaints since its inception.

This Unit now goes after every player in the game, from the individuals making the calls, to the carriers or VOIP services who facilitate, to the entities that move money, to the individuals who create the schemes, and so on. Thus, no matter where a company may be in the call chain, they should look to see what consumer protection obligations they have under state and federal laws, such as these in Ohio and ensure that they are complying. As [we have previously addressed](#), states often take the position that if businesses do not adequately address scams using their service, they can be held liable as facilitating or contributing to the scam. The Unit has issued over 49 subpoenas to various telecom companies and carriers, although some of these may have been “third party” subpoenas that don't directly target the company but rather seek information toward finding a robocaller for instance. And last year, Ohio sent numerous warning letters to VoIP (Voice over Internet Protocol) providers, who were providing support for customers of theirs engaging in illegal conduct.

But this increased enforcement does not mean that the Unit won't work with businesses to ensure that they are complying with telemarketing and UDAP laws. First, companies should look for the hallmark signs of scams, i.e. a high volume of calls, short in duration. This should put the companies on notice that they need to take action to stop the calls. And if a business is willing to work with the Unit toward a solution, the Unit is willing to sit down, discuss, and tackle the robocall problem.

Consumer Protection of Veterans

As president of the [National Association of Attorneys General](#), AG Yost developed the initiative “[Serving Those Who Serve](#),” focusing on protecting veterans when they reenter civilian life. Generally, the initiative focuses on avenues to provide veterans with legal services they had access to while in the service such as access to a someone who can act as power of attorney or an estate lawyer. On the consumer protection side, the initiative focuses on ways to protect veterans, as well as military spouses and families, from businesses that take advantage of their vulnerable status including through consumer education and enforcement action. As an example of past actions in this arena, Ohio recently participated in a multistate resolution [enjoining Hero Giveaways](#), LLC from all charitable solicitations. The charity claimed to provide services for veterans suffering from PTSD, when in reality 95% of the money raised was spent on salaries and further fundraising efforts.

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Be sure to join us for our next State AG webinar on April 25 where we will learn from the Connecticut Attorney General's Office. Click [here](#) for more information.