



## Jo Anne Bernal

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435 E. Vinton Rd., Ste. B  
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## DECEPTIVE BUSINESS PRACTICE INFORMATION SHEET

### WHAT IS A DECEPTIVE BUSINESS PRACTICE?

It is a violation of Section 32.42 of the Texas Penal Code, and states in part that:

A person commits an offense if, in the course of business, s/he intentionally, knowingly, recklessly, or with criminal negligence, commits one or more of the following deceptive business practices:

- Sells (delivers) less than the purchased quantity or a property or service;
- Passes off property or service as that of another;
- Represents that a commodity is original or new;
- Represents that a commodity or service is of a particular style, grade, or model;
- Makes a materially false or misleading statement in connection with the purchase or sale of property or service.

### RECOMMENDATIONS TO AVOID CONSUMER FRAUD

- Hire only insured and bonded contractors. Ask to see proof of their insurance and bond to ensure it covers the price of your project. You may also request a copy.
- Be aware that plumbers and electricians must be licensed.
- Don't be rushed into signing any contract, especially if the contractor uses high-pressure sales tactics, such as "today-only" discounts.
- Always sign a detailed contract for the project, and get all terms and warranties in writing. Make sure the contract indicates:
  - What services are to be performed?
  - Where?
  - Amount to be paid?
  - Date of completion?
  - If the terms of the contract change, put it in writing and both the contractor and you should sign the new contract.
- Do your homework **before** hiring a contractor:
  - Get multiple estimates for the job;
  - Ask for references and call them before you sign the contract;
  - Search online for complaints that may have been filed against the company and/or contractor on the El Paso Better Business Bureau's website, [www.bbb.org/elpaso/](http://www.bbb.org/elpaso/), or call the County Attorney's Office, Criminal Unit, at 546-2050, ext. 3034;
  - Check other websites, to see if anyone has recommended the contractor;
  - Check the Attorney General's website for cases against the contractor;

- **NEVER make FULL payment before the service is complete;**
- If home is within the City of El Paso, check with **El Paso’s Planning and Inspections** department to determine whether a permit is needed for your particular project.
  - **City of El Paso’s Code Compliance: 915-212-6048**
  - **City of El Paso’s Permit Center of Planning and Inspections: 915-212-0104**
- If a permit is required, ask the contractor to obtain a permit. This will ensure the contractor is bonded and insured.
- Write down the license plate number of the vehicle the contractor uses;
- If the contractor stops work, document every communication you have with him/her (date, time, phone number, e-mail address etc.) and write down what he/she says; and
- If you have to pay someone else to complete the work, save the contact information, contract, receipts of payments made, etc.

**HOW TO REPORT A DECEPTIVE BUSINESS PRACTICE**

- If you believe someone has committed a deceptive business practice, call your local law enforcement agency:

<b>El Paso Police Dept.</b>	<b>915-832-4400</b>
<b>El Paso Sheriff’s Office</b>	<b>915-546-2280</b>
<b>Horizon Police Dept.</b>	<b>915-852-1047</b>
<b>Clint Police Dept.</b>	<b>915-851-1600</b>
<b>Socorro Police Dept.</b>	<b>915-858-6983</b>
<b>Vinton Police Dept.</b>	<b>915-886-2724</b>
<b>Anthony Police Dept.</b>	<b>915-886-3838</b>

- Make sure that the officer writes a report and gives you a case number so that you can follow-up with your complaint.
- Provide law enforcement with **copies** of any evidence you may have:
  - Contract;
  - Receipts of payments made;
  - Photos of what work has been done; and
  - Save any texts, e-mails, correspondence, and voicemail messages from the contractor.
- Call the County Attorney’s Office Criminal Unit at 915-546-2050, ext. 3034, to see if they have received the case from the law enforcement agency.
- **Report the deceptive business practice to other agencies:**
  - Better Business Bureau (BBB) 915-577-0191
  - Adult Protective Services - for exploited/disabled 800-252-5400
  - Texas Legal Services Center 800-622-2520
  - Texas Rio Grande Legal Aid 888-988-9996
  - Texas Department of Licensing and Registration 800-803-9202
  - City of El Paso’s Code Compliance 915-212-6048
  - Texas Attorney General 800-621-0508
    - <https://www.texasattorneygeneral.gov/cpd/file-a-consumer-complaint>