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# In The Loop

Getting To Know Your  
Attorney General's Office

From the Office of the  
West Virginia Attorney General



# About the Office of the Attorney General

Pursuant to the West Virginia Constitution, the Attorney General is the chief legal officer for the State of West Virginia. As part of the state executive branch, the Office of the West Virginia Attorney General handles the various legal matters impacting our state, including, but not limited to, important areas such as consumer protection, civil rights, tax & revenue, criminal appeals, and other critical litigation involving the state.

The duties of the Office of the Attorney General include, among other things, providing advice and counsel to the state, its officers and agencies; prosecuting and defending legal actions on behalf of the state; representing the state in all actions pending in the West Virginia Supreme Court of Appeals; giving written opinions upon questions of law; and enforcing the laws of the state as they relate to consumer protection, unfair trade practices, civil rights, and other areas of law. The Attorney General's Office is authorized to be involved in any legal matters involving state government.

The Attorney General's Office is committed to protecting the interests of West Virginians on numerous fronts. The Office regularly engages in legal matters to protect West Virginia's sovereign interests and fight federal government overreach that may harm our state's way of life. Our Office also plays an important role in the state regulatory process, as we seek to reduce the regulatory barriers that impede job growth in the state. And we are always striving to maintain a robust consumer protection and compliance program. The Attorney General's Office also is working to combat the prescription drug abuse epidemic that is plaguing our state.

The Office of the Attorney General will continue to work for you on these and many other important issues. Additional information about the specific divisions of the Attorney General's Office can be found on our website at [www.wvago.gov](http://www.wvago.gov) under the "About" tab.



# Divisions of the Attorney General's Office

## Main Office Administration

State Capitol Complex Bldg. 1, Room E-26  
Charleston, WV 25305  
Phone: 304-558-2021  
Fax: 304-558-0140



Consumer Protection Hotline: 1-800-368-8808

Email: [consumer@wvago.gov](mailto:consumer@wvago.gov)



[www.facebook.com/AGWestV](http://www.facebook.com/AGWestV)

[@WestVirginiaAG](https://twitter.com/WestVirginiaAG)

<p><b>Consumer Protection Division</b> P.O. Box 1789 Charleston, WV 25326 Phone: 304-558-8986 Fax: 304-558-0184</p>	<p><b>Civil Rights Division</b> P.O. Box 1789 Charleston, WV 25326 Phone: 304-558-0546 Fax: 304-558-0649</p>
<p><b>Appellate Division</b> State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 Phone: 304-558-5830 Fax: 304-558-5833</p>	<p><b>Education, Arts, &amp; Boards Division</b> State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 Phone: 304-558-8989 Fax: 304-558-4509</p>
<p><b>Employee Programs Workers Compensation Defense Division</b> Phone: 304-558-0708 Fax: 304-558-6135</p>	<p><b>Health &amp; Human Resources Division</b> 812 Quarrier Street, 2<sup>nd</sup> Floor Charleston, WV 25301 Phone: 304-558-2131 Fax: 304-558-0430</p>
<p><b>Division of Tax &amp; Revenue Court of Claims &amp; Transportation</b> Phone: 304-558-2522 Fax: 304-558-2525</p>	<p><b>Eastern Panhandle Consumer Protection Office</b> 269 Aikens Center Martinsburg, WV 25404 Phone: 304-267-0239 Fax: 304-267-0248</p>



# Consumer Protection Division

The Attorney General's Office is charged with representing the State of West Virginia and consumers in general under the West Virginia Consumer Credit and Protection Act, which is contained within Chapter 46A of the West Virginia Code. To that end, the Attorney General's Consumer Protection Division works to protect West Virginia consumers and citizens against consumer-related fraud on many levels, as well as focus on fair, safe business practices for individuals and companies doing business in the State of West Virginia.

Our office also seeks to educate businesses on best practices and ways to comply with state consumer protection laws. Through a robust consumer compliance program, the Attorney General's Office is working to proactively prevent consumer protection violations before they happen. The Consumer Protection Division regularly provides assistance to constituents, consumers and businesses alike through various education and assistance programs in furtherance of that goal. We also have developed compliance tools to help consumers and ensure that companies understand the law.

## **How does the Attorney General's Office help to resolve consumer complaints?**

After a complaint is received, the Consumer Protection Division first decides whether it can be resolved through our voluntary mediation process. These complaints are assigned to a mediator who contacts the business and requests a written response to the complaint. Many complaints are resolved successfully when the business makes a favorable response or when the consumer and business reach a compromise.

## **How does the Attorney General's Office enforce state consumer protection laws?**

If our office believes that a business may be violating state consumer laws or is engaging in a broader pattern of unlawful practices, we may start an official investigation. After an investigation, the Attorney General's Office decides whether further legal action is needed to enforce compliance with West Virginia law. In some instances we may file a lawsuit in an effort to halt the illegal activities and obtain refunds of money wrongfully taken from consumers.

## **How can I file a consumer protection complaint?**

Consumers interested in filing a consumer protection complaint can either call the Attorney General's Consumer Protection Hotline at 1-800-368-8808 or visit our website at [www.wvago.gov](http://www.wvago.gov) under the "Consumer Protection" tab to obtain a Consumer Complaint form.

Consumer Complaint forms need to be filled out completely and truthfully, and consumers are urged to send copies – both front and back – of any and all documents or other papers that may relate to the complaint. Consumers should be careful not to send originals of any relevant documents. Examples of pertinent documents would be any relevant contracts, financial disclosure statements, payment receipts, correspondences between the consumer and the business, and any other papers you have signed.

## **What happens if mediation does not result in a successful resolution of your complaint?**

If a consumer complaint is not successfully resolved through the mediation process, that complaint is reviewed by one of our staff lawyers to determine if a violation of state Consumer Protection laws has occurred. If a business has not violated any Consumer Protection laws, our office may not take any further action.

The Attorney General's Office will notify consumers of any decisions made with respect to the complaint filed, and provide some additional information on what steps may be taken to pursue the complaint further. However, the Attorney General is not able to act as a private lawyer if mediation is unsuccessful. Consumers may want to consult with a private lawyer or take action in magistrate court. A list of private attorneys who handle cases may be obtained from the West Virginia State Bar. If you cannot afford a lawyer, you may qualify for assistance through a legal aid program that serves your county.

## **What can businesses do to help comply with state consumer protection laws?**

Business owners with questions about state consumer protection laws are encouraged to contact our Consumer Hotline at 1-800-368-8808. Our Consumer Protection Division can provide businesses with education materials regarding state consumer protection laws, and our Office has consumer compliance specialists to help answer any questions.



# Frequently Asked Questions

## **Q. Can the Attorney General's Office represent me in court?**

A. No. As the chief legal officer for the State of West Virginia, the Attorney General is the "general lawyer for the State." However, that does not allow the Attorney General's office to represent individual citizens in private legal matters – whether criminal or civil. The Attorney General's Office does have the authority, under certain state laws and our constitutional authority, to bring lawsuits on behalf of West Virginia citizens generally. For instance, the Attorney General may pursue civil remedies on behalf of West Virginia consumers who have been harmed by unlawful practices.

## **Q. Can the Attorney General's Office give me legal advice or provide a legal opinion for me?**

A. Unfortunately, the Attorney General's Office cannot provide general legal advice to citizens. However, our office does make every effort to direct people with specific legal questions to the appropriate place. Additionally, while the Attorney General's Office may "give written opinions and advice upon questions of law," such opinions are typically limited to state officials and entities listed within W.Va. Code § 5-3-1.

## **Q. Where can I find information about West Virginia concealed handgun laws and the states that recognize West Virginia concealed handgun licenses?**

A. The Office of Attorney General is pleased to provide a summary of information on state firearm laws to help assist West Virginians. Constituents can find relevant information about West Virginia gun laws, including important information about concealed handgun licenses and reciprocity agreements with other states, by visiting our website at [www.wvago.gov](http://www.wvago.gov) under the "Gun Reciprocity" tab.

If you would like to receive a guide to concealed handgun laws in West Virginia, you may also contact our office at 304-558-2021.



**Q. Does the Attorney General’s Office publish a list of the opinions it has issued?**

A. Yes, the Office of Attorney General is pleased to make available online the opinions issued since January 14, 2013. Opinions can be accessed by visiting our website at [www.wvago.gov](http://www.wvago.gov) under the “Public Resources” tab. The page also includes an archive of opinions issued between 1986 and 2012. We tried to include as many opinions written by previous administrations as possible, but we cannot guarantee the archive is complete. Constituents with questions about previously issued opinions may call our office for information.

**Q. Who can I contact if I feel that I have been scammed?**

A. If you believe that you have been the target of a scam, please contact our Consumer Protection Hotline at 1-800-368-8808. Our office also provides frequent alerts regarding potential scams on both our website and social media outlets. As a general matter, consumers should be wary of free money offers that seem too good to be true. You should never share personal information, including date of birth, address, bank account or Social Security numbers with people who call unsolicited over the phone or send messages in emails or via social media accounts.

When confronted with a scammer, it is important for the consumer to always say “no.” However, consumers should also be diligent to collect as much information about the scammer as possible and report that information to our office promptly.

**Q. May the Attorney General’s Office act independently for the State to pursue a matter?**

A. Yes, under the West Virginia Constitution, and case law, the Attorney General speaks for the State’s legal interests. The Attorney General may pursue investigations and cases it deems in the State’s interests, but always seeks to coordinate with other relevant legal, state, and enforcement bodies.



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