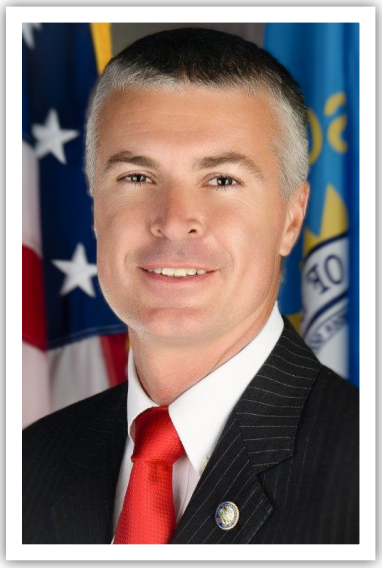
Senior Citizen Handbook

2014 edition

South Dakota Office of Attorney General

Division of Consumer Protection

MESSAGE FROM THE ATTORNEY GENERAL



As South Dakota's Attorney General, I am committed to empowering senior citizens and our consumers to protect themselves and their loved ones against fraud. As a consumer, you can better protect yourself by understanding your rights and by making informed decisions.

This booklet provides a practical toolkit for self-protection when doing business, avoiding scams, protecting your identity and credit, making investments, applying for mortgages, and managing your health. It gives you common-sense advice as it draws upon current issues consumers are encountering.

The Division of Consumer Protection is your resource for important consumer information. We have strengthened our laws and have dedicated resources to guard against scam artists seeking to take advantage of South Dakotans. I would encourage you to contact us before you act on what appears to be a good deal or an urgent call requiring your immediate attention. These offers are designed to take your hard earned funds. Informed consumers are South Dakota's best defense against consumer fraud.

I hope you find the information in this book useful. If you have any questions or would like additional information, please contact my office by calling 1-800-300-1986 or by logging on to my website at www.atg.sd.gov.

Very truly yours,

Marty Jackley
South Dakota Attorney General

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THIS HANDBOOK IS FOR INFORMATIONAL PURPOSES AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS THE POLICY OF THE STATE OF SOUTH DAKOTA. IF YOU NEED ADVICE ON A PARTICULAR ISSUE, YOU SHOULD CONSULT AN ATTORNEY OR OTHER EXPERT. COPIES OF THIS HANDBOOK WERE PRINTED BY THE SD ATTORNEY GENERAL'S OFFICE AT THE COST OF $1.93 PER HANDBOOK.

CREDIT CARDS

Credit cards are nothing more than pre-approved loans. When you charge something on a credit card, the bank issuing the card lends you the amount of the charge and you repay the loan as you have promised in the agreement you signed to open the account.

CREDIT CARDS ARE NOT FREE

Credit cards offer the convenience of a revolving line of credit, with applicable interest charges. Some credit cards are offered with interest rates as high as 30% or more.

Some credit cards initially offer an attractive interest rate that is only an "introductory" rate, and the interest rate increases significantly after a short period of time. This is also known as a "teaser".

Always read and understand the terms and conditions before opening a line of credit. Some credit cards charge annual fees up to $100 or greater. While some may also have cash-advance fees that can be costly.

CARD ACT PROTECTIONS

Federal law provides additional protections to consumers. The Credit Accountability, Responsibility and Disclosure (CARD) Act provides the following additional protections for consumers:

- Low advertised interest rates, known as "teaser" rates, must remain in effect for at least six (6) months after the card is issued.
- Card issuers must periodically review rate increases and must reduce the rate if a higher rate is unfounded. In this case, however, exceptions are allowed for cards in which the rate is variable based on an existing independent index or where the rate increase is due to the expiration of a promotional rate.
- In most cases an increased rate cannot be applied to an existing balance.
- Payments must be applied first to the balance with the highest interest rate.
- Issuers may not charge processing fees for payments made online, over the phone or by mail. However, the issuer may charge a fee for expedited processing.
- The issuer must mail the monthly statement at least twenty-one (21) days prior to the payment due date.
- Penalty fees, including late fees and over limit fees, must be reasonable and balanced as determined by the Federal Reserve.
- Fees to obtain a credit card cannot exceed 25% of the initial credit limit.

TIPS

Here are some tips when becoming a credit card user:

- It is best to pay off your balance every month. If you do not, you will be paying interest on any remaining balance.
- Shop for the lowest interest rate and lowest annual fee.
- Don't run up a balance on a "teaser" rate card. An attractive interest rate offer may be temporary, and the permanent rate may be more than you can afford.
- Avoid late payment penalties by always paying at least the minimum balance on time.
- Think twice about signing up for "over-the-limit" protection. It may sound good, but it can be very expensive, especially on smaller transactions. It is better to have the transaction rejected so that you can

choose a less expensive form of payment.

- Be cautious about disclosing your account number over the telephone or internet, unless you know you are dealing with a reputable company.
- Never put your account number on the outside of an envelope or on a postcard.
- Draw a line through blank spaces on charge slips above the total so the amount cannot be changed.
- Never sign a blank charge slip.
- Save your receipts to check against your monthly statements.
- Cut up or shred old credit cards (cutting through the account number) before disposing of them.
- Open monthly statements promptly and compare them to your receipts. Report mistakes or discrepancies as soon as possible to the address listed on your statement. Under federal law, the card issuer must investigate errors if you report them within sixty (60) days of the date the statement was mailed.
- Keep a record of your account numbers, expiration dates, and telephone numbers of each card issuer so you can quickly report a loss.

DEBIT CARDS

Using a debit card is like paying with a check, only the money comes immediately out of your bank account electronically. If there isn't enough money in your account to cover the debit, your bank may still honor the charge, but will probably add costly overdraft fees.

TIPS

Here are some tips when using a debit card:

- Never spend more than you have in your account. Overdraft fees can be very costly.
- Never give out your personal identification number (PIN) over the telephone.
- Don't carry your PIN in your wallet or purse or write it on your ATM or debit card.
- Never write your PIN on the outside of a deposit slip, an envelope, or other papers that could be easily lost or stolen.
- Carefully check ATM or debit card transactions before you enter the PIN or before you sign the receipt; the funds for this item will be quickly transferred out of your checking or other deposit account.
- Periodically check your account activity. This is particularly important if you bank online. Compare the current balance and recent withdrawals or transfers to those you've recorded, including recently written checks, ATM and debit card withdrawals and purchases. If you notice transactions you didn't make, or if your balance has dropped suddenly without activity by you, immediately report the problem to your card issuer.
- For small purchases, consider using cash. While a debit card can be convenient, the imposition of an overdraft fee may quadruple the cost of that cup of coffee or hamburger.

BLOCKING

In some debit transactions, consumers may find more money initially charged against their accounts than they expected. This is a legal business practice called "blocking".

Blocking often occurs when you check into a hotel, rent a car, or pump gas. The company usually contacts your credit card issuer with an estimate of your bill. This reduces the amount available in your account. For example, you use your card when you check into a $100-a-night hotel for five nights. The hotel will put a hold on at least $500 and may add charges for "incidentals", like food or beverages, to the blocked amount. If you pay your bill with the same card you used at check-in, your final charge most likely will replace the block in a day or two. If

you pay your bill with a different card (or with cash or a check) the block may last up to fifteen (15) days after you've checked out because the card issuer doesn't know you paid another way. Before using your card, ask the amount that will be blocked, what determines that amount, and how long the block will remain on your card.

ATM CARDS

An ATM is a PIN-based card also known as a bank or cash card. The card is issued by a financial institution that allows you to withdraw money from your account, but only through an ATM machine. Unlike debit cards, ATM cards do not have the Visa or MasterCard logo and in most cases, may not be used to make store purchases directly.

You can use your ATM card to access account information, make withdrawals or deposits, or transfer funds between your checking, savings, credit card, and line of credit accounts.

ATM cards give you easy access to your money, but be careful. That easy access might cost you. For example, if you withdraw money from your account at your own bank's ATM, you probably won't pay any fees for that transaction. However, if you withdraw money from a different bank's ATM, you could get charged a fee from that bank as well as from your own.

TIPS

Here are some tips when using ATM cards:

- Never write your PIN on the back of the card – Memorize it.
- Sign your card on the signature panel as soon as you receive it.
- No one should ask you for your PIN even the financial institution, the police, or the merchant.
- Avoid picking a number that will be easy for others to guess.
- Treat your cards as cash – never let them out of your possession.

CREDIT CARD, ATM & DEBIT CARD LOSS

If your credit, ATM, or debit card is lost or stolen, federal law limits your liability for unauthorized charges. Your protection against unauthorized charges depends on the type of card – and when you report the loss. The Fair Credit Billing Act (FCBA) and the Electronic Fund Transfer Act (EFTA) offer protection if your credit, ATM, or debit cards are lost or stolen.

Credit Card Loss or Fraudulent Charges. Under the FCBA, your liability for unauthorized use of your credit card tops out at $50. However, if you report the loss before your credit card is used, the FCBA says you are not responsible for any charges you didn't authorize. If your credit card number is stolen, but not the card, you are not liable for unauthorized use.

ATM or Debit Card Loss or Fraudulent Transfers. If you report an ATM or debit card missing before someone uses it, the EFTA says you are not responsible for any unauthorized transactions. If someone uses your ATM or debit card before you report it lost or stolen, your liability depends on how quickly you report it. Reporting times for liability are:

- Before any fraudulent transactions have been made - $0
- Within 2 business days - $50
- 2-60 business days later - $500
- More than 60 business days later - all the money taken from your ATM/debit card.

Credit Card Fee - Checkout Fee. In 2013, a court settlement between retailers and the credit card industry resulted in merchants being able to pass their payment processing costs to consumers who pay with a credit card. In South Dakota, a merchant who chooses to exercise this surcharge, sometimes referred to as a "checkout fee," could increase your credit card purchase amount by as much as 4% (the maximum allowed). Under the settlement:

- The surcharge cannot exceed the amount that the merchant actually pays to accept credit cards – between 1.5% and 4% of the transaction amount.
- Surcharges can be imposed on commercial and consumer credit card transactions only, not on purchases made with debit cards or prepaid cards.
- Merchants must disclose the credit card surcharge clearly – at the store entrance and the point of sale or on the homepage if the merchant does business on the internet.
- The disclosure must include the amount of the surcharge, the fact that the fee is being charged by the merchant, and that the fee does not exceed the merchant's cost to accept credit cards.
- The dollar amount of the surcharge must appear on the transaction receipt.

Card Scams. A credit card scam can come in many forms. For example:

- **Requests for your account information ('phishing' scams).** Phishing emails are fake emails pretending to be from banks or other financial institutions. They make reasons for you to give your account details and then use these details to steal your money.
- **Phony fraud alerts.** Scammers pretend to be from your bank or financial institution and tell you that there is a problem with your account. They ask for your account details to protect your money, but then use these details to steal your money.
- **Card skimming.** Card skimming is the illegal copying of information from the magnetic strip of a credit or ATM card. This can create a fake or 'cloned' card with your details on it.
- **Auction & shopping scams.** Online auctions can be rigged by scammers or used to target you for a scam outside of the auction site. You could end up with a dud product or nothing at all for your money.
- **Spyware & key-loggers.** Spyware is a type of software that spies on what you do on your computer. Key-loggers record what keys you press on your keyboard. Scammers can use them to steal your online banking and account passwords or other personal information.

Don't Become A Victim – Do Your Homework. If you are buying something over the telephone or internet and want to use your credit card, make sure you know and trust the other party. If you want to provide your credit card details to a telemarketer, take their name and call them back on a phone number you find independently (i.e., not a number they give to you).

Check over your credit card and bank account statements as soon as you get them to ensure that no one is using your account without your permission.

Here are some tips to avoid being a victim:

- Choose passwords that would be difficult for anyone else to guess.
- Try to avoid using public computers (at libraries or internet cafes) to do your internet banking.
- Do not use software on your computer that auto-completes online forms. This can give internet scammers easy access to your personal and credit card details.
- Do not give out your personal, credit card or online account details over the phone unless you made the call and the phone number came from a trusted source.
- Never send your personal, credit card or online account details through an email.
- Change your account passwords on a regular basis. Your passworkd should be a minimum of 8 characters and utilizes lower- and upper-case letters, numbers, and keyboard characters. Don't use spouses, children, or pets names, or a word that can be found in the dictionary. Don't use the same word as your log-in or any variation of it. And lastly, NEVER leave it blank.

OPT-OUT OF PRE-SCREENED OFFERS OF CREDIT

The three (3) major credit reporting agencies offer a toll-free number that enables you to "opt-out" of having pre-screened credit offers sent to you. By calling 1-888-5-OPTOUT (567-8688) or visiting www.optoutprescreen.com, your name will be removed from the mailing list for five (5) years. Your request is shared with all three (3) credit reporting agencies. However, it is important to follow up with **all three (3) credit reporting agencies** to make sure this has been done.

In addition, you can instruct the agencies to not share your personal information for promotional purposes, which is an important step towards eliminating unsolicited mail. To prevent your personal information from being shared, send a letter, call, or e-mail each of the credit reporting agencies.

A "prescreened" offer of credit? What's that? Many companies that solicit new credit card accounts and insurance policies use prescreening to identify potential customers for the products they offer. Prescreened offers, sometimes called "preapproved" offers, are based on information in your credit report that indicates you meet criteria set by the offer.

How does prescreening work? A creditor or insurer establishes criteria, like a minimum credit score or minimum annual salary, and asks a consumer reporting company for a list of people in the company's database who meet the criteria.

Can prescreening hurt my credit report or credit score? No. There will be "inquiries" on your credit report showing which companies obtained your information for prescreening, but those inquiries will not have a negative effect on your credit report or credit score.

ADVANCED FEE LOANS

When you need money, a promise to give you a loan or help you get one (even if you have a bad credit record) may seem like the answer to your prayers. But beware, it could be a crook trying to steal your money, not lend you money. Consumers nationwide continue to be victimized by advance fee loan scams that demand up-front fees for personal loans that almost always never get delivered.

Most people stumble upon the scam online or learn about the bogus loan offer from ads in local publications and online through classified sites. Often, an advance-fee loan scam website will be created and taken down within a couple weeks only to be replaced by another operating under a different name and fake business address.

TIPS

Here are some tips to avoid becoming a victim:

- **Don't pay upfront.** It's against the law for telemarketers to charge any fees in advance if they guarantee or claim that it's likely that they can help you get a loan.
- **Are they Legit?** Legitimate lenders never "guarantee" or say that you are likely to get a loan or a credit card before you every apply, especially if you have bad credit, or bankruptcy.
- **Don't fall for promises that you'll get a loan regardless of your credit problems.** If you have poor credit or haven't established a good credit record yet, it's unlikely that anyone will lend you money. Your credit history.
  is one of the main things that legitimate lenders use to decide if you are a good credit risk.
- **The lender has a bad reputation –or none at all.** Most trustworthy lenders have an established track record; be wary if you can't find much information about the lender online. Always check out a lender - or any business - with the Attorney General's Consumer Protection Division at 1-800-300-1986 before you finalize
  the deal.
- **Do business with licensed companies.** Ask the State Banking Division 605-773-3421 about the licensing requirements for lenders and loan brokers, and find out if the company has complied.
- **Have proof of what you were promised.** Get the agreement in writing or in an electronic form that you can
  use to document the terms and conditions. Make sure you understand all requirements before entering into any agreement.
- **If you have credit problems, get counseling.** Consumer Credit Counseling Services (CCCS) can provide advice about how to build a good credit record and may be able to make payment plans with your creditors.

IDENTITY THEFT

Identity Theft is viewed by many consumer privacy groups as the fastest growing, white collar crime in the nation. Federal Trade Commission (FTC) statistics indicate that nearly 5% of the adult U.S. populations have been a victim of identity theft, with losses totaling more than $5 billion. It can be devastating when someone uses another individual's personal identifying information to commit fraud. Armed with this information, an identity thief can open new bank or credit accounts posing as the victim, borrow funds or make purchases in the victim's name, or withdraw funds from the

victim's existing accounts. Although far more prevalent, these financial crimes are not the only criminal uses of identity theft information, identity theft has been used to evade detection in the act of violent crimes.

Top Identity Theft Crimes:

- Credit Card Fraud
- Cellular Phone Fraud
- Check Fraud
- Loan Fraud
- Government Benefits Fraud

Identity theft happens when someone steals your personal information and uses it without your permission. It's a serious crime that can wreak havoc with your finances, credit history, and reputation — and can take time, money, and patience to resolve. The average victim spends approximately 175 hours (more than four (4) forty (40) hour work weeks) to repair identity theft damage.

KEEPING YOUR PERSONAL INFORMATION SECURE OFFLINE

Lock It Up. Place your financial documents and records in a safe place at home, and lock your wallet or purse in a safe place at work. Keep your information secure from roommates or workers who come into your home.

Limit What You Carry. When you go out, take only the identification, credit, and debit cards you need. Leave your Social Security card at home. Make a copy of your Medicare card and black out all but the last four digits on the copy. Carry the copy with you — unless you are going to use your card at the doctor's office.

Why Do They Need It? Before you share information at your workplace, a business, your child's school, or a doctor's office, ask: why they need it, how they will safeguard it, and the consequences of not sharing.

Shred It. Shred receipts, credit offers, credit applications, insurance forms, physician statements, checks, bank statements, expired charge cards, and similar documents when you don't need them any longer.

Destroy It. Destroy the labels on prescription bottles before you throw them out. Don't share your health plan information with anyone who offers free health services or products.

Grab The Mail. Take outgoing mail to post office collection boxes or the post office. Promptly remove mail that arrives in your mailbox. If you won't be home for several days, request a vacation hold on your mail.

Ordering Checks. When you order new checks, don't have them mailed to your home, unless you have a secure mailbox with a lock.

KEEPING YOUR PERSONAL INFORMATION SECURE ONLINE

Be Alert to Impersonators. Make sure you know who is getting your personal or financial information. Don't give out personal information on the phone, through the mail or over the Internet unless you've initiated the contact or know who you're dealing with. If a company that claims to have an account with you sends email asking for personal information, don't click on links in the email. Instead, type the company name into your web browser, go to their site, and contact them through customer service. Or, call the customer service number listed on your account statement. Ask whether the company really sent a request.

Safely Dispose of Personal Information. Before you dispose of a computer or electronic device, get rid of all the personal information it stores. Use a wipe utility program to overwrite the entire hard drive. Before you dispose of a mobile device, check your owner's manual, the service provider's website, or the device manufacturer's website for information on how to delete information permanently, and how to save or transfer information to a new device. Remove the memory or subscriber identity module (SIM) card from

a mobile device. Remove the phone book, lists of calls made and received, voicemails, messages sent and received, organizer folders, web search history, and photos.

Encrypt Your Data. Keep your browser secure. To guard your online transactions, use encryption software that scrambles information you send over the internet. A "lock" icon on the status bar of your internet browser means your information will be safe when it's transmitted. Look for the lock before you send personal or financial information online.

Keep Passwords Private. Use strong passwords with your laptop, credit, bank, and other accounts. Be creative: think of a special phrase and use the first letter of each word as your password. Substitute numbers for some words or letters. For example, "I want to see the Pacific Ocean" could become 1W2CtPo.

Don't Overshare on Social Networking Sites. If you post too much information about yourself, an identity thief can find information about your life, use it to answer 'challenge' questions on your accounts, and get access to your money and personal information. Consider limiting access to your networking page to a small group of people. Never post your full name, Social Security number, address, phone number, or account numbers in publicly accessible sites.

PROTECTING YOUR SOCIAL SECURITY NUMBER (SSN)

Keep a close hold on your Social Security number and ask questions before deciding to share it. Ask if you can use a different kind of identification. If someone asks you to share your SSN or your child's, ask why they need it, how it will be used, how they will protect it, what happens if you don't share the number?

The decision to share is yours. A business may not provide you with a service or benefit if you don't provide your number. Sometimes you will have to share your number. Your employer and financial institutions need your SSN for wage and tax reporting purposes. A business may ask for your SSN so they can check your credit when you apply for a loan, rent an apartment, or sign up for utility service.

WHAT TO DO IF YOU'RE IDENTITY IS STOLEN.

- Cancel all credit cards
- Request a letter from the bank or credit institution confirming that a fraud has been committed against you and that you are not responsible for the ensuing debt.
- Close any of your accounts that have been compromised.
- File a police report with your local police or sheriff's office. You can also file a police report in the jurisdiction where the theft occurred and obtain a copy to show creditors. When filing the report please ask the person taking the report about the National Crime Information Center (NCIC) Identity Theft report.
- Call the three (3) national credit reporting agencies (Equifax, Experian, and TransUnion) to place a fraud alert on your name and social security number. Refer to the Reference Guide section for contact information.
- Take notes and keep a record of conversations and make copies of correspondences. Retain this information indefinitely.
- Contact the Federal Trade Commission Identity Theft Hot Line at 877-ID-THEFT (877-438-4338) to file a complaint.
- Contact the Department of Motor Vehicles to ensure that no unauthorized license(s) have been issued in your name.
- After all related matters are corrected, request new credit reports to confirm the information.

KEEPING YOUR DEVICES SECURE

Use Security Software. Install anti-virus software, anti-spyware software, and a firewall. Set your preference to update these protections often. Installing these types of programs will help protect against intrusions and infections that can compromise your computer files and passwords. These programs install security patches for your operating system and other software programs.

Avoid Phishing Emails. Don't open files, click on links, or download programs sent by strangers. Opening a file from someone you don't know could expose your system to a computer virus or spyware that captures your passwords or other information you type.

Be Wise About Wi-Fi. Before you send personal information over your laptop or smartphone on a public wireless network in a coffee shop, library, airport, hotel, or other public place, see if your information will be protected. If you use an encrypted website, it protects only the information you send to and from that site. If you use a secure wireless network, all the information you send on that network is protected.

Lock Up Your Laptop. Keep financial information on your laptop only when necessary. Don't use an automatic login feature that saves your user name and password, and always log off when you're finished. That way, if your laptop is stolen, it will be harder for a thief to get at your personal information.

Read Privacy Policies. Yes, they can be long and complex, but they tell you how the site maintains accuracy, access, security, and control of the personal information it collects; how it uses the information, and whether it provides information to third parties. If you don't see or understand a site's privacy policy, consider doing business elsewhere.

CREDIT REPORTING

Your credit report contains information about where you live, how you pay your bills, and whether you've been sued or arrested, or have filed for bankruptcy. Credit reporting agencies sell the information in your report to creditors, insurers, employers, and other businesses that use it to evaluate your applications for credit, insurance, employment, or renting a home. The federal Fair Credit Reporting Act (FCRA) promotes the accuracy and privacy of information in the files of the nation's credit reporting agencies.

Monitoring your credit card statements and your credit reports are the most important steps you can take to safeguard your credit and financial identity.

FREE CREDIT REPORTS

An amendment to the federal Fair Credit Reporting Act, known as the Fair and Accurate Credit Transaction Act, established a FREE credit report program. The program requires the three national credit reporting agencies, Equifax, Experian and TransUnion, to provide consumers, upon request, with a free copy of the credit report every twelve (12) months. It is crucial that you check for inaccuracies and fraudulent use of your accounts. The free reports are available only through a central site set up by the three agencies.

To obtain the free reports, consumers can:

- Order online at www.annualcreditreport.com
- Call 1-877-322-8228 (mailed within fifteen (15) days of receipt but allow 2-3 weeks for delivery)
- Complete the Annual Credit Report Request form, available at www.ftc.gov/credit and mail to:
  Annual Credit Report Request Service • PO Box 105281 • Atlanta GA 30348-5281

We recommend that you stagger your reports and order one every four (4) months. Staggering the requests

throughout the year allows for a continual watch of your credit history and provides further protection from incidences of identity theft. So, if you order from only one company today, you can still order from the other two (2) companies at a later date.

You will need to provide your name, address, Social Security Number, and date of birth when requesting your credit report. Also, if you have moved in the last two years, you may have to provide your previous address. To maintain the security of your file, each nationwide consumer reporting company may ask you for some information that only you would know, like the amount of your monthly mortgage payment. Each company may ask you for different information because the information each has in your file may come from different sources. **NOTE: Your credit score is NOT included with the free credit report offered by Annual Credit Report.**

IF YOU HAVE NEGATIVE INFORMATION

When negative information in your report is accurate, only the passage of time can assure its removal. A consumer reporting company can report most accurate negative information for seven (7) years and bankruptcy information for ten (10) years. Information about an unpaid judgment against you can be reported for seven (7) years or until the statute of limitations runs out, whichever is longer. There is no time limit on reporting: information about criminal convictions; information reported in response to your application for a job that pays more than $75,000 a year; and information reported because you've applied for more than $150,000 worth of credit or life insurance. There is a standard method for calculating the seven (7) year reporting period. Generally, the period runs from the date that the event took place.

CORRECTING CREDIT REPORT ERRORS

Under the Fair Credit Reporting Act (FCRA), both the credit reporting agency and the information provider (that is, the person, company, or organization that provides information about you to a credit reporting agency) are responsible for correcting inaccurate or incomplete information in your report. To take advantage of all your rights under this law, contact the agency and the information provider.

FRAUD ALERTS & SECURITY FREEZES

Anyone can ask the three major credit reporting agencies to place a fraud alert on their credit reports. A **fraud alert** is simply a statement on your credit report that you may be a victim of fraud. Consumers can obtain a ninety (90) day initial fraud alert if they believe they've been victimized.

Consumers who can provide evidence they've been victimized, such as a police report, can get an extended fraud alert that lasts up to seven (7) years. A fraud alert directs lenders to verify an individual's identity before issuing loans or credit, typically by calling the individual first. Fraud alerts are supposed to alert you when someone applies for credit in your name and signals creditors to contact you for permission to issue credit in your name. Creditors, however, aren't required to abide by or even check the alert. Accounts can still be opened in your name even if you have a fraud alert on your credit report.

When you request a fraud alert from one agency, it will notify the other two for you. Your credit file will be flagged with a statement that says you may be a victim of fraud and that creditors should phone you before extending credit.

Equifax fraud department: 1-800-525-6285 • Web: www.equifax.com
Experian fraud department: 1-888-EXPERIAN (888-397-3742) • Web: www.experian.com/fraud
TransUnion fraud department: 1-800-680-7289 • Web: www.transunion.com

A **security freeze** provides much stronger protection than a fraud alert. With a security freeze, no one can open any form of credit in your name without the correct Personal Identification Number (PIN) supplied by you. Your credit file is off limits to potential lenders, insurers and even potential employers.

A security freeze means that your credit file cannot be shared with potential creditors, insurance companies or employers doing background checks without your permission. Most businesses will not open credit accounts without checking a consumer's credit history first. A security freeze means that your credit file cannot be shared with potential creditors or potential identity thieves.

A security freeze can help prevent identity theft because even someone who has your name, address and SSN probably would not be able to obtain credit in your name. This, however, does not mean that you won't be able to get credit for yourself or allow potential employers to run a background check. The three (3) credit reporting agencies assign a PIN to you when you freeze your report. Using this PIN, you can lift the freeze when necessary. With a credit lock-down, a criminal can have your name, birthday and SSN — but it won't matter. No credit will be issued.

HOW DO I PLACE A SECURITY FREEZE?

To place a freeze, you must request a security freeze in writing by certified mail to each of the three credit reporting agencies. If you are a victim of identity theft there is no cost for the placing, temporarily lifting (also referred to as "thawing") or removing a security freeze, as long as you have a report from either the police or a law enforcement agency. South Dakota residents who are not identity theft victims must pay $10 to freeze each credit report, or a total of $30 to freeze their files with the three (3) credit reporting agencies. There is also a $10 fee to temporarily lift (also known as "thaw") or permanently remove a security freeze on your credit report.

Write to the three addresses below and include the information that follows:

Equifax Security Freeze
PO Box 105788
Atlanta, GA 30348

Experian Security Freeze
PO Box 9554
Allen, TX 75013

TransUnion Security Freeze
PO Box 6790
Fullerton, CA 92834-6790

You must:

- Send a letter by certified mail.
- Provide your full name (including middle initial as well as Jr., Sr., II, III, etc.,) address, SSN, and date of birth.
- If you have moved in the past five (5) years, supply the addresses where you have lived over the prior 5 years.
- Provide proof of current address such as a current utility bill or phone bill showing your name and current mailing address.
- Send a photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.).
- If you are a victim of identity theft, to avoid the fee you must include a copy of report of alleged identity fraud or an identity theft passport.
- Pay the $10 fee by check, money order, or credit card (Visa, Master Card, American Express or Discover cards only. Give name of credit card, account number and expiration date and Card Identification Number (4-digit number on front of American Express or 3-digit number on back of other credit cards).

Different credit issuers may use different agencies; therefore, if you want to stop your credit file from being viewed, you must freeze it with Equifax, Experian, and TransUnion. To protect your credit, both you and your spouse have to freeze your separate credit files, via separate letters requesting the freeze, in order to get the benefit. That means the total cost for freezing is $10 X 3 credit reporting agencies x 2 people = $60.

After five (5) business days from receiving your letter, the credit reporting agencies will place a freeze providing credit reports to potential creditors. After ten (10) business days from receiving your letter to place a freeze on your account, the credit reporting agencies will send you a confirmation letter containing your unique PIN or

password. Keep this PIN or password in a safe place. The freeze(s) will automatically expire seven (7) years from the date of placement and then can be renewed.

To permanently remove a security freeze, before it expires, you must request it by contacting each credit reporting agency. You will need your 10-digit PIN and two (2) forms of identification (e.g. pay stub with address and utility bill). It will cost $10 with each credit reporting agency to remove it.

PREDATORY LENDING

As a homeowner looking for a mortgage you need to protect yourself from predatory lending practices. Predatory lenders are any lender that takes advantage of homeowners for financial gain by imposing unfair and abusive loan terms on borrowers.

The following are examples of predatory lending practices you will want to avoid:

Refinancing Required in the Mortgage Contract. There are lenders that require that a mortgage be refinanced at periodic intervals. This could come in the form of a balloon payment or blatant automatic refinancing requirements.

Mortgage Lenders Profit from Required Refinancing by Charging Fees. These fees are usually paid at closing; however, some lenders finance the closing costs by tacking them onto the loan's principal balance. When this happens the interest paid on those finance charges can quickly become extremely expensive. These fees do nothing to help the homeowner; they only serve to line the pockets of the mortgage lender.

Requiring Additional Services to Qualify. Some mortgage lenders require homeowners to purchase additional services to qualify for the loan. Requiring the purchase of credit life insurance, also called loan life insurance, is a predatory practice many mortgage lenders are guilty of. Do not let your mortgage lender sell you an insurance policy. Predatory lenders practice high pressure sales tactics on overpriced insurance policies.

Excessive Mortgage Lender Fees. One example of excessive lender fees is the so called "no closing cost" mortgage. Lenders boast that the mortgage will save you $2,000-$3,000 in closing costs. What they bury in the fine print is the fact that they are charging as much as 2-3% more for this loan than if you had paid the closing costs. This higher interest rate will cost you 2-3 times more over the life of the mortgage.

Unscrupulous mortgage lenders hide excessive fees in their appraisals fees, attorney fees, processing, origination, and administrative fees. Excessive prepayment penalties are another example of predatory lending practices.

To avoid becoming a victim of predatory lending practices, do your homework, and research mortgage lenders and their offer. Read the contracts carefully and understand everything before signing. Remember you can back out of a loan at any time before you sign it.

REVERSE MORTGAGE

A reverse mortgage is a special type of home equity loan that allows a homeowner to convert home equity into cash, either through a lump sum or through monthly payments. The amount you can borrow depends on several factors, including how much your home is worth, current interest rates, the age of the homeowner(s), and the terms of the loan.

Depending on the product, a reverse mortgage may provide you with cash to supplement your retirement income. It can also help you with expenses such as home improvements and health care costs. But it can also be complicated, confusing, and costly.

Under a reverse mortgage, you still own the home and the bank pays you instead of you making monthly payments to the bank. The loan does not generally have to be repaid until the last surviving owner moves out, sells, or dies. At that time, the lender will sell the home to pay off the reverse mortgage.

The following are types of reverse mortgages:

Home Equity Conversion Mortgage (HECM). This is a reverse mortgage that's insured by the Federal Housing Administration. The homeowner must be at least 62 and live in the home. The homeowner must own the home outright, or have a low mortgage balance that can be paid off at closing time with proceeds from the reverse loan.

Proprietary Reverse Mortgage. This is a private loan backed by commercial institutions, such as a bank, a mortgage company or other private lender. It's generally more expensive than other types of reverse mortgages or traditional home loans.

Single Purpose Reverse Mortgage. This type of loan may be offered by a state, local government, or non-profit agency. The loan may be restricted to specific types of home repairs, home improvements, or paying property taxes. This is generally the least expensive of the three (3) types of reverse mortgages.

If someone is inheriting your home, they must repay the loan in order to take possession. If the amount owed is equal to the home's value, your heirs would not inherit the home as it would revert to the lender. Also, with lump sum payments, the interest charges are added each month. Over time, the total debt owed can far surpass the original loan. However, most mortgages have a "nonrecourse" clause, which prevents you or your estate from owing more than the value of your home when the loan becomes due and the home is sold (though if your heirs would like to retain ownership, they generally must repay the loan in full, even if the loan value is greater than the home's value).

Understand your options and rights. Know the benefits, your costs, and the loan terms before entering into a reverse mortgage agreement. A reverse mortgage may not be your best option if you need a small amount of money for a limited time. This is why it's so important to get good advice, look at your options, and comparison shop. Always consider consulting with a lawyer or a trusted financial advisor before entering into this complicated type of loan.

TIPS

Here are some tips to remember when considering a reverse mortgage:

- Some loan agents may try to aggressively sell you a reverse mortgage product. Beware of high-pressure sales tactics, so-called "educational seminars," sales pitches that instill fear about nursing home finances, and sales pitches that are tied to other investments. Be cautious of "mortgage consultants" who push for costly renovations or specific contractors.
- You may see advertisements on TV with celebrities endorsing reverse mortgages. All these guarantees make the loans sound as safe as the celebrities promoting them promise. But there's something they overlooked. You can keep the house only as long as you can pay your property taxes and homeowners insurance. If you run out of money and let these bills slide, you're in default, and the bank

can foreclose on your house.

- Before applying for an HECM, federal law requires that the borrower must meet with an independent government-approved housing counseling agency (information at www.HUD.gov). A private lender may also require counseling.
- You have the right to cancel within three (3) business days after closing the loan. To cancel you must do so in writing. Send your letter by certified mail, and ask for a return receipt. Keep copies of all documents and letters. Contact the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 immediately if you think you've been scammed.

PROPERTY TAX FREEZE

SALES AND PROPERTY TAX REFUND FOR THE ELDERLY & DISABLED

This program offers eligible senior citizens and disabled individuals a once-a-year refund of sales or property taxes. The program is funded through an annual appropriation from the South Dakota Legislature. Property is the house, garage and the lot upon which it sits or one acre, whichever is less.

To be eligible:

- You must be at least 66 years old on or before January 1 of the current year or Disabled during any part of the year. Disabled means you're qualified to receive Social Security Disability benefits, Supplemental Security Disability benefits, or you're a veteran with a rated disability of 60% or higher.
- You must have been a South Dakota resident for the entire previous year.
- You must meet the annual income requirements set by the Legislature.

To apply: Applications are accepted from May 1 to July 1. Please submit your application to the Department of Revenue, Special Tax Division, 445 East Capitol Avenue, Pierre, SD 57501-3185.
Refunds: Refunds are calculated based on your income; the Division begins issuing refund checks at the end of August.

ASSESSMENT FREEZE FOR THE ELDERLY & DISABLED

This program reduces the assessed value of the homeowner's property. Property is the house, garage and the lot upon which it sits, or one acre, whichever is less.

To be eligible:

- You must be 65 years of age or older OR disabled (as defined by the Social Security Act).
- You must own the home or retain a life estate in the property.
- n-remarried widow/widowers of persons previously qualified may still qualify in some circumstances.
- Have resided for at least 200 days of the previous calendar year in the single-family dwelling.
- Income and property value limits apply.

To apply: Applications are available online or at any county Treasurers office beginning in January of each year. Applications must be submitted annually to your County Treasurer on or before April 1st.

PROPERTY TAX REDUCTION ON MUNICIPAL TAXES FOR THE ELDERLY & DISABLED

This program reduces your city property taxes the year following your application. Property is the house, garage and the lot upon which it sits, or one acre, whichever is less.

To be eligible:

- You must be 65 years old or older or disabled (as defined by the Social Security Act).

- You must own the property.
- Un-remarried widow/widowers of persons previously qualified may still qualify.
- Income limits apply.
- This program is only offered in those cities that have passed ordinances allowing the reduction. (As of July 1, 2003, only Rapid City has such an ordinance.)

To apply: Applications are available online or at any county courthouse beginning in January of each year. Applications must be submitted annually to your county treasurer on or before April 1st. For more information about a property tax relief programs, contact your County Treasurer or the South Dakota Department of Revenue, Property Tax Division, at 1-800-829-9188.

MEDICARE

Medicare is a health insurance program for persons age 65 and older, people who have received Social Security Disability benefits for 24 consecutive months, or individuals of any age with permanent kidney damage. It is administered by the Centers for Medicare and Medicaid Services (CMS) and enrollment is handled by the federal Social Security Administration. Medicare is available regardless of income or the asset levels of the individual or family.

Anyone who is a U.S. citizen or legal resident and is turning 65 is entitled to an initial enrollment period that lasts seven months. The initial enrollment period is from three (3) months before the month of their 65th birthday to three (3) months after that month. For example, if you turn 65 in June, your enrollment period is March 1 to September 30.

MEDICARE A (HOSPITAL INSURANCE)

You usually do not pay a premium for Medicare Part A coverage if you or your spouse paid Medicare taxes while working.

- Helps cover inpatient care in hospitals.
- Helps cover skilled nursing facility, hospice, and home health care.

MEDICARE B (MEDICAL INSURANCE)

Part B Medicare is voluntary and covers the service of doctors, out-patient care, durable medical equipment, routine mammograms for the elderly, and some other services. You are automatically enrolled in Part B when you become entitled to premium Part A benefits, unless you specify that you do not want this component. Contact the SHIINE office closest to you for more information about appeals and Medicare coverage.

What's Not Covered by Part A & Part B?

Medicare does not cover everything. Even if Medicare covers a service or item, you will generally have to pay your deductible, coinsurance, and/or copayments.

Some of the items and services not covered by Medicare include:

- Long-term care (also called custodial care)
- Routine dental or eye care
- Dentures
- Cosmetic surgery
- Acupuncture
- Hearing aids and exams for fitting them
- Routine foot care

MEDICARE C (MEDICARE HEALTH PLANS)

Medicare Advantage Plans, sometimes called "Part C" or "MA Plans," are offered by private companies approved by Medicare. If you join a Medicare Advantage Plan, you still have Medicare. You'll get your Medicare Part A (Hospital Insurance) and Medicare Part B (Medical Insurance) coverage from the Medicare Advantage Plan and not Original Medicare.

Covered services in Medicare Advantage Plans:

- Includes all benefits and services covered under Part A and Part B
- Run by Medicare-approved private insurance companies
- Usually includes Medicare prescription drug coverage (Part D) as part of the plan – DOUBLE CHECK to make sure you have this coverage through the plan
- May include extra benefits and services for an extra cost

The plan may choose not to cover the costs of services that aren't medically necessary under Medicare. If you're not sure whether a service is covered, check with your provider before you get the service. You can also ask the plan for a written advance coverage decision to make sure a service is medically necessary and will be covered. If the plan won't pay for a service you are contemplating you will be responsible for paying all of the costs if you do not receive an advance coverage approval.

MEDICARE PART D (PRESCRIPTION DRUG COVERAGE)

Medicare Part D plans are prescription drug plans that work like insurance, and they're open to anyone with Medicare. Each Part D plan is different — each can cover different drugs known as formularies or be available only in a certain area. Medicare doesn't operate the plans; they are run by Medicare-approved private insurance companies.

Donut Hole. Most Medicare Prescription Drug Plans have a coverage gap (also called the "donut hole"). This means there's a temporary limit on what the drug plan will cover for drugs.

Not everyone will enter the coverage gap. The coverage gap begins after you and your drug plan have spent a certain amount for covered drugs, this amount may change each year. People with Medicare who receive Extra Help paying Part D costs won't enter the coverage gap.

WHAT PROVIDERS MAY & MAY NOT DO?

Unfortunately, not everyone who contacts you about Medicare coverage has the best intentions. Scam artists also follow the headlines, and they are reportedly contacting eligible people claiming to represent a Medicare Part C or D provider. In most instances what they really want is your personal information, such as your Social Security Number or your checking or credit card account numbers, which they use to try to commit financial fraud.

To protect consumers, the law is very specific about what people representing Medicare plans are NOT allowed to:

- Ask for your personal information (like your Social Security, bank account, or credit card numbers) over the phone.
- Come to your home uninvited to sell or endorse any Medicare-related product.
- Call you unless you're already a member of the plan. If you're a member, the agent who helped you join can call you.
- Offer you cash (or gifts worth more than $15) to join their plan or give you free meals during a sales pitch for a Medicare health or drug plan.
- Enroll you into a plan, in general, over the phone unless you call them and ask to enroll.
- Ask you for payment over the phone or web. The plan must send you a bill.

- Sell you a non-health related product, like an annuity or life insurance policy, during a sales pitch for a Medicare health or drug plan.
- Make an appointment to tell you about their plan unless you agree in writing or through a recorded phone discussion to the products being discussed. During the appointment, they can only try to sell you the products you agreed to hear about.

PLEASE NOTE: Independent agents and brokers selling plans must be licensed by the South Dakota Division of Insurance, and the plan must tell the state which agents are selling their plans. If you suspect the person you are dealing with is not a licensed agent contact the Division of Insurance at 605-773-3563.

PROTECTING YOUR PERSONAL INFORMATION

It's important to protect your personal information, even when you are shopping for Medicare plans. If your personal information (your Social Security, Medicare ID, credit card or bank account numbers) gets into the wrong hands, it can be misused.

- Keep all your personal information close. Don't give it out until you are sure that a company is working with Medicare and their product is approved by Medicare.
- Don't sign up for a plan on the phone unless YOU make the call.
- Take a friend or family member with you if you decide to attend a sales pitch.
- Report scams and suspicious activity to Medicare. If you think someone is misusing your personal information, call Medicare at 1-800-633-4227, the U.S. Department of Health and Human Services Fraud Hotline at 1-800-447-8477.

MEDICARE SUPPLEMENT (MEDIGAP) INSURANCE

Medicare supplement (Medigap) Insurance is sold by private companies that can help pay some of the health care costs that Original Medicare doesn't cover, like copayments, coinsurance, and deductibles.

Some Medigap policies also offer coverage for services that Original Medicare doesn't cover, like medical care when you travel outside the U.S. If you have Original Medicare and you buy a Medigap policy, Medicare will pay its share of the Medicare-approved amount for covered health care costs. Then your Medigap policy pays its share.

PLEASE NOTE: A Medigap policy is different from a Medicare Advantage Plan. Advantage plans are ways to get Medicare benefits, while a Medigap policy only supplements your Original Medicare benefits.

Things to know about Medigap policies:

- You must have Medicare Part A and Part B.
- If you have a Medicare Advantage Plan, you can apply for a Medigap policy, but make sure you can leave the Medicare Advantage Plan before your Medigap policy begins.
- You pay the private insurance company a monthly premium for your Medigap policy in addition to the monthly Part B premium that you pay to Medicare.
- A Medigap policy only covers one person. If you and your spouse both want Medigap coverage, you'll each have to buy separate policies.
- You can buy a Medigap policy from any insurance company that's licensed in South Dakota to sell one.
- Any standardized Medigap policy is guaranteed renewable even if you have health problems. This means the insurance company can't cancel your Medigap policy as long as you pay the premium.
- Some Medigap policies sold in the past cover prescription drugs, but Medigap policies sold after January 1,

2006 aren't allowed to include prescription drug coverage. If you want prescription drug coverage, you can join a Medicare Prescription Drug Plan (Part D).
- It's illegal for anyone to sell you a Medigap policy if you have a Medicare Medical Savings Account (MSA) Plan.

Insurance plans that aren't Medigap:
- Medicare Advantage Plans (like an HMO, PPO, or Private Fee-for-Service Plan)
- Medicare Prescription Drug Plans
- Medicaid
- Employer or union plans, including the Federal Employees Health Benefits Program (FEHBP)
- TRICARE
- Veterans' benefits
- Long-term care insurance policies
- Indian Health Service, Tribal, and Urban Indian Health plans

PRIVATE FEE-FOR-SERVICE (PFFS) PLANS

A Medicare Private Fee-For-Services Plan (PFFS) is a type of Medicare Advantage Plan (Part C) offered by a private insurance company. PFFS plans aren't the same as Original Medicare or Medigap. The plan determines how much it will pay doctors, other health care providers, and hospitals, and how much you must pay when you get care.

Some wonder if they can get health care from any doctor, other health care provider, or hospital? In some cases, you get your health care from any doctor, other health care provider, or hospital in PFFS Plans. If you join a PFFS Plan that has a network, you can also see any of the network providers who have agreed to always treat plan members. You can also choose an out-of-network doctor, hospital, or other provider, who accepts the plan's terms, but you may pay more.

General Information about PFFS Plans:
- **Are prescription drugs covered?** Prescription drugs may be covered in PFFS Plans. If your PFFS Plan doesn't offer drug coverage, you can join a Medicare Prescription Drug Plan to get coverage.
- **Do I need to choose a primary care doctor?** You don't need to choose a primary care doctor in PFFS Plans.
- **Do I have to get a referral to see a specialist?** You don't have to get a referral to see a specialist in PFFS Plans.

TIPS

Other facts you should know about this type of plan:
- Some PFFS Plans contract with a network of providers who agree to always treat you even if you've never seen them before.
- Out-of-network doctors, hospitals, and other providers may decide not to treat you even if you've seen them before.
- For each service you get, make sure your doctors, hospitals, and other providers agree to treat you under the plan, and accept the plan's payment terms.
- In an emergency, doctors, hospitals, and other providers must treat you.
- Show your plan membership ID card each time you visit a health care provider. Your provider can choose at every visit whether to accept your plan's terms and conditions of payment. You can't use your red,

white, and blue Medicare card to get health care because Original Medicare won't pay for your health care while you're in the Medicare PFFS Plan. Keep your Medicare card in a safe place in case you return to Original Medicare in the future.

- You only need to pay the copayment or coinsurance amount allowed by the plan for the type(s) of service you get at the time of the service.

For more information, contact Medicare at 1-800-633-4227 or SHIINE at 1-800-536-8197.

LONG-TERM CARE INSURANCE

There are many different types of long-term care insurance policies on the market. Long-term care includes non-medical care for people who have a chronic illness or disability. This includes non-skilled personal care assistance with everyday activities, such as dressing, bathing, and using the bathroom. At least 70% of people over 65 will need long-term care services and support at some point. These policies cover a wide range of services including nursing home care, home health care, respite care, and adult day care. Long-term care costs can be very expensive. **Medicare and most health insurance plans, including Medicare Supplement Policies (Medigap) policies don't usually pay for long-term care costs.** This is why many people depend on the state Medicaid program, a long-term care policy, or their own assets to pay for long-term care.

Things to consider when purchasing a long-term care policy:

- Financial stability of the company.
- History of premium increases.
- Which product best suits your needs. Review the level of protection a policy provides.
- Maximum benefit of the policy (two years, five years, lifetime).
- How many days you have to be in a nursing home before the policy starts to pay.
- If benefits are available for home health care or adult day care.

The sale of long-term care insurance is regulated by the South Dakota Division of Insurance. The Division has established some rules that carriers must meet when selling long-term care policies. These rules are designed to protect consumers and to ensure seniors are getting a quality product.

Some of these include:

- Your agent must provide you with an outline of your coverage.
- You have a 30-day period in which the policy may be returned for a full refund.
- The insurance company may deny coverage for a pre-existing condition for no longer than six months.
- A long-term care insurance policy may not exclude benefits on the basis of organic brain disease, including Alzheimer's or senile dementia.

Once issued, the policy may not be canceled, non-renewed or otherwise terminated. Other laws and protections do exist. For more information, to file an insurance complaint, or to obtain a shopper's guide, contact the South Dakota Division of Insurance at 605-773-3563.

SOUTH DAKOTA'S LONG-TERM CARE PARTNERSHIP PROGRAM

The South Dakota Long-Term Care Partnership Program, administered by the Department of Social Services (605-773-3165) and Division of Insurance (605-773-3563), provides an alternative to spending down or transferring assets by forming a partnership between Medicaid and private long-term care insurers.

What Is Long-Term Care & Where is it Provided?

Long-term care includes a wide range of services provided to people who need continued help with Activities of Daily Living, such as: bathing, dressing, eating, using the toilet, continence, transferring from a bed to a chair.

Long-term care can be provided in a variety of places, including a person's home, an assisted living facility or a nursing home. For more information please contact SD Department of Social Services at 605-773-3165.

ASSISTED LIVING CENTERS

Assisted living is a residential alternative that promotes maximum independence for each resident through a combination of supportive services and assistance.

Each assisted living center may vary in size, style and optional services. According to South Dakota Law, any health care facility or related institution for the care of people, including assisted living, must obtain a license from the Department of Health. This would not include those residences that only offer room and board. Assisted living centers are intended to be an alternative for individuals who do not need 24-hour nursing care, but do need a combination of housing and assistance.

Questions to ask when considering an assisted living center:

- Do the residents appear to be well attended?
- Is the assisted living center clean and odor free?
- Does there appear to be adequate staff for the number of residents?
- Can a resident bring their personal furniture or belongings?
- Are there activities, individual or group, offered at the center?
- Does the resident have privacy during family visits?
- Would the center consider a short-term stay for a trial period?

When trying to choose the right assisted living center, there are many things to consider. If you need more information contact Adult Services and Aging at 605-773-3656 or 1-866-854-5465.

NURSING HOMES

When a person is no longer able to live independently, a nursing home might become an option. Federal law provides for an assessment of the individual's health and social needs when the individual is admitted to a nursing home. The assessment is conducted by a nursing facility social worker. The worker will prepare an individual care plan. If appropriate, a referral will be made to state programs and other community resources so that the person can remain at home. If a family member needs to be placed in a nursing home, you will need to choose a home that best fits your family member's needs. Begin the process of choosing by selecting a few homes in your area. You can also ask for recommendations from friends who have family in nursing homes. Your family physician might also be a good resource.

You should visit each nursing home personally before making a decision. Pay attention to the details while you are there, and be sure to ask lots of questions.

Some things you'll want to take note of include:

- Are the residents clean and involved in activities?
- Are outings planned?
- Are church services planned?
- How often do they see others from the community?
- What is the staff per resident ratio? Are the staff within sight of the residents?
- Are the rooms clean and private?
- Do residents appear well-nourished?
- How long have the nurse's aides been working there? A high turnover rate is a bad sign.
- How are medical emergencies handled and how far away is the nearest hospital?
- Does it appear restraints or sedatives have been overused?
- Do the current residents of the home like or dislike the facility? Why?

Those tips will give you a good start in choosing a nursing home. But, before you make a final decision, read the contracts and policies carefully. Discuss payment options and make all necessary arrangements. Contact the Department of Health at 605-773-3361, and ask about the home's compliance with state regulations.

The Office of Adult Services and Aging also has an Ombudsman Program. The program receives and investigates complaints made on behalf of residents of long-term care facilities. The Ombudsman is an advocate for the individual and provides information and assistance to residents and their families. They can be reached at 1-866-854-5465.

DURABLE MEDICAL EQUIPMENT (DME)

Medical equipment can be an expensive part of health care. That's why it's important to purchase equipment that is right for you. Before purchasing any equipment, determine if it will be covered by your insurance or Medicare. If your insurance will not cover the purchase, other options might be available. Your local hospital or health care provider may have a list of agencies that, lease, loan, or provide equipment to those who need assistance.

Medicare Part B (Medical Insurance) covers durable medical equipment (DME) that your doctor prescribes for use in your home. Only your doctor can prescribe medical equipment for you.

DME must meet the following criteria:

- Durable (long-lasting)
- Not usually useful to someone who isn't sick or injured
- Used for a medical reason
- Used in your home

Medicare will only cover your DME if your doctor or supplier is enrolled in Medicare. If a DME supplier doesn't accept assignment, Medicare doesn't limit how much the supplier can charge you. You may also have to pay the entire bill (your share and Medicare's share) at the time you get the DME.

If a purported company calls indicating they've been contacted by your doctor because he/she would like you to receive a piece of medical equipment, ask for their business name and phone number, and then contact your doctor's office to verify that they did in fact contact them. Do not give out your Medicare or Insurance number unless you have verified with your doctor first. You should also report this occurrence to the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400.

DISCOUNT DRUG & MEDICAL PLANS

Looking for health insurance? Make sure that's what you're buying, or you could find yourself on the hook for big medical bills with no way to pay them. That's because what sounds like affordable health insurance may be a medical discount plan instead. **Medical Discount Plans are a way for some to save money but it is NOT insurance.**

The plans generally consist of, but are not limited to programs offering discounts on physician, prescription drugs, vision, dental, chiropractic, or massage therapy services. If you are offered a discount on your health care expenses by a company, you should make sure that the company has South Dakota medical providers in your area who are willing to honor those discounts.

By law these discount plans must give you a list of the medical providers in this state who are accepting discounts. If you are not satisfied with the plan that you have purchased you do have thirty (30) days in which to cancel it and get a refund of the premiums, less a processing fee. Businesses selling these programs must be registered with the Division of Insurance.

TIPS

Here are some tips to remember when considering discount drug & medical plans:

- Question Discounts of "Up To". Some plans offer discounts of up to 70% - but how often will you save that much? Savings with discount plans typically are a lot less. When you consider a discount plan's monthly premiums and enrollment fees, there may be no "discount" at all. What's more, if you have major health problems or an emergency, you will have to cover most, or all, of the bills if you don't have health insurance.
- Lose your health coverage. You could give be giving up your current health coverage, mistakenly by believing you found a better insurance deal.
- You're saddled with large medical bills. You'll have to pay medical bills yourself if you're scammed into believing you have real insurance.
- Some Pitches Are After Your Information. Unfortunately, identity thieves also use pitches for medical discount plans and insurance to get your personal information. Don't give out your financial information to someone who calls you out of the blue, or whose reputation you haven't checked out.

If you have any questions or problems with a discount plan, contact the SD Division of Insurance at 605-773-3563 or Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400. The Division of Insurance maintains a list of registered discount plans on their website: http://dlr.sd.gov/insurance/companies/discount_medical_plan_organization_listing.aspx

MEDICAID

Medicaid is a medical assistance program designed to provide health care to persons who meet strict financial and medical requirements. To apply, contact the South Dakota Department of Social Services located in your area or county. Most South Dakota counties have a local office that can assist with the application process and answer questions about the various programs. Several Medicaid programs exist specifically for elderly citizens.

The Long Term Care Program provides hospital and nursing home care for people needing services for more than thirty (30) days. There is a monthly income limit of $2,163. If income is over this amount a special income trust is needed to meet income eligibility requirements. An asset limit of $2,000 exists for this program.

This is the test for a one person household. For a home being used by a spouse or by children, household goods and one car are not included in the asset limits. In addition, a minimum of $23,448 is protected for the spouse not in long-term care.

The Home and Community Based Services Waiver for South Dakotans, administered by Adult Services and Aging allows for in-home care for those who elect to remain home instead of using a nursing home. This also includes those in assisted living who need help with medication administration. The limits are to the same as those of the Long Term Care program.

The Qualified Medicare Beneficiary Program, known as QMB, is used by some seniors to help pay the premium and deductibles that Medicare doesn't cover. It effectively serves as a supplement to Medicare for those who cannot afford Medigap insurance. Again, there are certain income and asset limits in place.

The Special Low Income Medicare Beneficiary program (SLMB) and Qualified Individual Program (QI) covers Part B Medicare premiums for those who meet less restrictive income limits than QMB. For the QMB, SLMB and QI programs, asset levels are $7,140 for an individual and $10,750 for couples. Some items are not counted in these limits, including your home, household goods and personal effects. Also not included are one car and irrevocable burial contracts.

For more information about Medicaid programs, contact your local Department of Social Services or visit www.dss.sd.gov. For those individuals who qualify for the above programs, Medicaid covers many health care expenses, and provides payment directly to the provider. If you receive a bill for a service paid by Medicaid, contact Social Services.

SPEND DOWNS

Many people have attempted to qualify for Medicaid by giving away their property and assets. This is referred to as Medicaid "spend down." People considering gifts to liquidate their estate for the purpose of qualifying for Medicaid need to make sure those gifts are not in violation of the law. Before you begin to transfer or manipulate your assets, contact your attorney to make sure you are not in violation of the law. Transfer laws may change; be aware of the rules in effect when you apply for Medicaid.

MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit (MFCU) investigates and prosecutes fraud and abuse committed by physicians, hospitals, laboratories, pharmacists, dentists, ambulance and taxi services, sellers of durable medical equipment, and other service providers. The MFCU seeks to recover monies improperly paid by the Medicaid program and to prosecute criminal conduct.

Responsibilities:

- Provider Fraud
- Patient Abuse or Neglect
- Misappropriation of Property

A provider is any person or entity who bills the South Dakota Medicaid Program for goods or services provided to a Medicaid recipient. The actual fraudulent schemes engaged in by dishonest providers are too numerous to count.

Provider fraud comes in numerous forms, including:

- Billing for services not performed or for products not received;
- Billing for a more expensive service than what was actually rendered;
- Billing for several services that should be combined into one billing;

- Billing twice for the same goods or services;
- Billing the Medicaid Program and the recipient's family for the same goods or services;
- Performing unnecessary medical services;
- Dispensing generic drugs and billing the Medicaid program for the more expensive brand-name drug.

MISAPPROPRIATION OF PROPERTY

Elderly and disabled persons who live in facilities that receive federal funding, such as nursing homes, are sometimes targets of persons seeking financial gain.

Some common examples of misappropriation of property schemes that the Medicaid Fraud Control Unit has authority to investigate and prosecute are:

- An employee of a facility gains access to resident finances/bank accounts and diverts assets to themselves.
- An employee of a facility commits identity theft by using resident Social Security numbers, etc., to open a credit card account.
- An employee of a facility convinces a resident to give them money, or property such as land, a vehicle, jewelry, etc.
- An employee of a facility uses the funds in the resident personal trust account for themselves and/or others.

PATIENT ABUSE

The Medicaid Fraud Control Unit investigates and prosecutes acts of abuse, neglect or exploitation perpetrated upon any resident in a health care facility that receives federal funding.

The MFCU sometimes receives reports from various State administrative and law enforcement agencies of abuse and neglect in nursing homes and other long-term care facilities. In many cases, abuse can go undetected for a long period of time because the victim is unable to communicate the abuse to the proper authorities. In addition, the victim is often dependent upon the abuser and may be afraid to complain for fear of reprisals. It is vitally important, therefore, that other persons be aware of the signs of patient abuse or neglect and report those instances to law enforcement agencies.

There are many things you can do to avoid being a victim of provider fraud:

- Be aware that not all medical services and products are covered by Medicaid. When receiving services, be sure to ask which services are covered, and which are not. You will be responsible for payment for any non-covered service.
- Read your medical bills; make sure you are only paying for services performed.
- Medicaid recipients aren't usually required to make co-payments.
- Be wary if you are asked to pay for a service covered by Medicaid.

In addition, when a provider performs services or provides products to a Medicaid recipient, the provider has agreed to accept the amount paid by the Medicaid Program as payment in full. Providers are not allowed to bill the Medicaid recipient, or recipient's family for the balance. Medicaid recipients must pay co-pays for some services or goods.

If you have private insurance coverage, be wary every time you see both Medicaid and the insurance company paying for the same procedures. All of these signs, as well as any irregularity in billing, could indicate improper conduct. If you suspect that you are the victim of any fraudulent conduct, contact the Attorney General's Medicaid Fraud Control Unit at 1-888-497-3100 or through our web site at www.atg.sd.gov.

ELDER ABUSE

Adult Protective Services provides assistance to individuals residing in the community who are at risk of abuse,

neglect, exploitation, or self-neglect. The following indicators may be helpful when deciding whether abuse, neglect, or exploitation may be taking place.

PHYSICAL ABUSE

- Injury that has not been cared for properly
- Frequent visits to the emergency room and/or hospital or health provider
- Poor hygiene
- Soiled clothing or bed; untreated bed sores
- Frequent unexplained injuries or complaints of pain without obvious injury
- Burns or bruises suggesting the use of instruments, cigarettes, etc.
- Passive, withdrawn, and emotionless behavior
- Lack of reaction to pain
- njuries that appear after the person has not been seen for several days
- Patient reports physical abuse

EMOTIONAL ABUSE

- Witnessing threatening, belittling, or controlling behavior by Caregivers toward individual
- Behavior from the elder that mimics dementia, such as rocking, sucking, or mumbling to oneself
- Individual often appears disturbed, scared, hopeless, or with low self-esteem
- Avoiding eye contact or not talking openly
- Anxious, shy, depressed, or withdrawn
- Sudden changes in eating or sleeping patterns or moods
- Kept inside the house and not allowed to have other people call or visit you

SEXUAL ABUSE

- Sexually transmitted diseases
- Difficulty in sitting or walking
- Patient reports a sexual assault
- Injuries to the genital area
- Fear of being alone with caretakers

NEGLECT

- Obvious malnutrition
- Habitually dressed in torn or dirty clothing
- Begging for food or water
- Left unattended for long periods of time
- Lack of personal cleanliness
- Obvious fatigue and listlessness
- In need of medical or dental care
- Patient reports neglect

FINANCIAL EXPLOITATION

- Changes in spending patterns
- Unpaid bills
- Unusual bank account activity
- Items or cash missing from the senior's household
- Suspicious changes in wills, power of attorney, titles, and policies

REPORTING ABUSE, NEGLECT, & EXPLOITATION

Abuse, neglect or exploitation of an elder or an adult with disabilities is a crime. Medical service people, social workers, health care professionals, psychologists, mental health professionals, criminal justice employees, law enforcement officers, staff members of nursing and assisted living facilities, staff members of adult day care centers or community support providers, residential care givers, individuals providing homemaker services,

victim advocates and hospital personnel who know or have reasonable cause to suspect abuse or neglect are required by law to report the abuse or neglect within twenty-four hours. A report of abuse, neglect, or exploitation may be made orally or in writing to the state's attorney of the county in which the elder or an adult with disabilities resides or is present, to the Department of Social Services, or to law enforcement. Some mandated reporters are allowed to report to their supervisor who in turn must report the abuse or neglect. To help protect the elderly population and adults with disabilities, people who are not required by law to report are encouraged to report abuse, neglect or exploitation of elders or an adult with disabilities.

Any person who, in good faith, makes a report of abuse, neglect, or exploitation of any elder or an adult with disabilities, is immune from any civil or criminal liability that might otherwise be incurred or imposed, and has the same immunity with respect to participation in any judicial proceeding resulting from the report. But, immunity does not extend to any person alleged to have committed any act of abuse or neglect of any elder or an adult with disabilities or to any person who has aided and abetted any such act.

If you know or have reasonable cause to believe someone needs protection, you can make a referral to the South Dakota Department of Social Services' Division of Adult Services and Aging by calling 1-866-854-5465 or by email at ASA@state.sd.us. The Attorney General's Office, Medicaid Fraud Control Unit can be contacted at 1-888-497-3100. Look to your local directory for contact information for your local States Attorney office or local law enforcement agency.

ESTATE PLANNING

Planning for you future is an important part of growing older. Have you ever thought about what would happen if you suddenly became incapable of making your own health care decisions? Who would make the decisions for you? How would they be made? Estate planning is a way to address these concerns.

Patients who are capable of making their own health care decisions have the right to consent, to reject, and to withdraw consent for medical procedures, treatments or interventions. They may say yes, no, or "I will think about it." For patients who are incapable, someone else must make these decisions for them. For many patients, this possible loss of control is a concern. Should they try to speak in advance for themselves? Should they try to designate someone else to speak for them? How do they protect and effectively transfer their right to choose to a person whom they know will speak their mind and heart?

If you become incapacitated and do not have a Living Will or a Durable Power of Attorney for financial and health care directives, family can become emotionally frustrated if they do not know the death wishes of the dying family member. Discussing this issue and making a legal document before an unexpected situation occurs can be very beneficial to any family. Death is not an easy topic to discuss, but the actual death of a loved one can be very stressful for the family members that are left behind. Preparing a document like a Living Will or a Durable Power of Attorney may make the grieving process much easier to endure.

HEALTH CARE CONSENT

Every person has the right to make their own health care decisions, but there might come a time when you or a family member is not capable of making those decisions. Durable powers of attorney for health care and living wills can help plan ahead for these times. In the absence of these tools, South Dakota law authorizes others to make health care decisions for those unable to make their own.

By law, a person is incapable of giving informed consent if:

- A guardian has been appointed for the person.

- The court has determined the person to be legally incompetent.
- It has been determined in good faith by the person's attending physician.
- If the attending physician determines a person is incapable of giving informed consent, that determination remains effective until decided otherwise by a physician or the State. In the absence of a power of attorney or appointed guardian, a health care decision may be made by the incapacitated person's family.

When no family members are available or family members do not agree on the decision to be made, the State can make the health care decisions. The State may also determine who is authorized to make the decision or appoint its own representative to make the decision. Health care consent procedures can be avoided by preparing a durable power of attorney for health care. This option appoints someone in advance to make these decisions.

DURABLE POWER OF ATTORNEY

A durable power of attorney (POA) enables a person, called the "principal", to appoint an "agent," such as a trusted relative or friend, to handle specific health, legal and financial responsibilities.

There are two types of durable power of attorney:

- **POA for Healthcare** – Gives a designated person the authority to make health care decisions on behalf of the person.
- **POA for Finances** – Gives a designated person the authority to make legal/financial decisions on behalf of the person.

Families should prepare these legal documents long before someone starts having trouble handling certain aspects of life. At the time of the signing, the elderly person establishing a durable power of attorney must be capable of deciding to seek assistance.

When choosing a POA as your agent you need to think carefully about who knows you the best and who is best able to speak for you on financial and health care matters. For many, this will be a spouse or child, but you may name anyone, including a friend. Secondly, you should consider naming a second person to act as an agent in the event that your first choice is unavailable or is unwilling to make the decision.

Once you've chosen an agent, ask if he or she is willing to accept the responsibility of being your POA. If the person you have selected accepts the responsibility, then discuss the various kinds of financial and health care decisions that may have to be made in your future and what your wishes are. What kind of treatment you want or do not want to receive should be clearly stated.

Some of things you may want to think about are:

- Do I want to be kept alive artificially by a machine?
- Do I want to have a feeding tube?
- Do I want to be resuscitated should my heart stop or should I stop breathing?

Like a trust, a durable power of attorney can be written so that the transfer of responsibilities occurs immediately. Or, the principal can state that the POA goes into effect when the principal becomes incapacitated. Until that point, the elder can choose to continue to make decisions on his/her own.

If you choose to create a durable power of attorney, a lawyer can tailor your document to meet your needs. For a sample of a Durable Power of Attorney please visit the South Dakota State Bar's website at www.sdbar.org or contact them at 605-224-7554.

LIVING WILLS

A living will is another tool that allows you to make health care decisions now for those times when you are unable to do so. It is a document that gives instructions to your physician and other healthcare providers as to the circumstances under which you want to life sustaining treatment provided, withheld or withdrawn. It is different from a durable power of attorney for health care because it does no cover anything besides your wishes for life sustaining treatment. Like the durable power of attorney, living wills should be created by an attorney to ensure your special needs are included. You should also consult with our physician, family, and religious advisor, telling them that you have created and signed a living will. You should also make sure someone knows where to find it. You can choose to amend or revoke a living will at any time.

For samples of a Living Will Declaration please visit the South Dakota State Bar's website at www.sdbar.org or contact them at 605-224-7554.

GUARDIANSHIP & CONSERVATORSHIP

A guardianship is a legal relationship that gives one or more individuals or agencies the responsibility of the personal affairs of the protected person.

What is a Protected Person? A protected person is someone who has been determined by the court to be either incompetent or incapacitated. Therefore, a protected person to whom a guardian has been appointed has been determined to be unable to make decisions about various personal affairs of his/her life without the assistance or protection of a guardian. These decisions can involve issues relating to the person's health, care, safety, habilitation, therapeutic needs, financial affairs, and others areas of the protected person's life.

What are the Types of Guardianships? Guardianship provides the guardian with decision-making authority and responsibility over the protected person's personal affairs.

Limited guardianship gives the guardian decision-making authority and responsibility over only selected areas that the protected person has been determined unable to manage by him/herself; for example, a limited guardianship may only apply to health care decisions.

The court may appoint a **temporary guardianship** for a person for a 90-day period if it is felt that such an appointment is in the person's best interest.

Finally, the court may appoint **joint guardianshi**p, which is more than one person acting as a protected person's guardian at the same time and sharing in the decision-making authority and responsibilities that accompany guardianship.

What is a Conservatorship? Conservatorship is similar to guardianship in that it is a legal relationship between a protected person and one or more individuals appointed by the court to make decisions on behalf

of the protected person, a conservatorship however is limited to the management of the property and financial affairs of a protected person. As with guardianship, a conservatorship may be full, limited, temporary, or joint.

Who can be a Guardian/Conservator? A family member or other interested individual may petition for the appointment of guardian/conservator for a protected person. However, when a relative or other appropriate person is not qualified and willing to act in this capacity, the South Dakota Department of Human Services and the Department of Social Services are authorized to act as guardian/conservator for persons under their care.

What are the Duties of a Guardian/Conservator? A guardian/conservator must maintain contact with the protected person to become familiar with the protected person's needs and limitations, and only exercise their decision-making authority to the extent required by those limitations. The guardian/conservator must respect the fact that their relationship with the protected person is a confidential one, and should encourage the person's participation in decision-making to the extent possible. The guardian/conservator must always act in the best interest of the protected person, and never become involved in a situation that might give the appearance of a conflict of interest. Finally, the court does require that the guardian/conservator provide some information to the court, including information pertaining to the protected person's finances and personal inventory, and an annual personal status report.

What is the Potential Liability of a Guardian/Conservator? A guardian or conservator is not individually liable for the actions of the protected person unless the guardian/conservator was personally negligent. Also, a guardian/conservator is not required to expend his/her own funds on behalf of a protected person. However, a guardian may be held liable if they have failed in taking reasonable steps to assure that the protected person receives proper care and/or services, or have improperly managed the protected person's property or finances.

What Rights does a Protected Person Give Up When a Guardian/Conservator is Appointed? A protected person retains all rights not granted to the guardian/conservator through the appointment by the court. For example, the guardian/conservator does not have the right to change a protected person's state of residence, marital status, parental rights, or power of attorney without the court's specific authorization.

What is the Procedure for the Appointment of a Guardian/Conservator? First, a petition for the appointment of guardianship/conservatorship outlining the need for the appointment and the type of appointment requested is filed in the appropriate county. A statement of financial resources and a report from a physician, psychologist, or psychiatrist describing the person's level of impairment, ability to appear at the hearing, and need for protection is also filed. The court then conducts a hearing and determines whether a guardianship /conservatorship is appropriate, and if so, whether a full or limited appointment is most appropriate.

PLEASE NOTE: The decision to seek guardianship or conservatorship of another individual is never a decision to be made lightly. Guardianship and conservatorship places strict limits on the rights of the person for whom the appointment is made.

For further information regarding guardianship/conservatorship services or application contact the Department of Human Services, Guardianship Program at 1-800-265-9684.

WILLS

A will is a written document which states how and to whom you wish your property to go after your death. There are certain requirements which must be met for a will made in South Dakota to be considered legal.

The law requires that:

- The maker of the will (called the testator) be at least eighteen (18) years old and of sound mind.
- The will must be written. (An oral will may be considered legal only in certain unusual circumstances.)
- The will must be witnessed strictly in accordance with the law. (No witnesses are necessary if the will is dated and if the signature and instructions are in the handwriting of the testator. This is called a holographic will.)

Changing Your Will. A will is in effect until it is changed or revoked. You may do that as often as you wish. You should review your will from time to time. A review of your will every three (3) to five (5) years is recommended as there may be changes in your family circumstances, in the amount and the kind of property you own, and in tax laws which could necessitate changes in your will.

A will you make when you are single is not revoked when you marry, but if you do not provide for your spouse, upon your death, your spouse receives what he or she would have received had you died without a will. All changes in your will, including any change in marital status, require a careful analysis and reconsideration of the provisions of your will to insure that it reflects your wishes.

Handwritten revisions on a will may not be effective in order to change the will. A will may be changed by re-writing it in its entirety or through a codicil. A codicil is a written amendment which can change a single provision or several provisions in the will, leaving all other provisions of the original will in effect.

Restrictions. Although you may dispose of your property in almost any way you wish through your will, there are some restrictions. Married persons may not completely disinherit their surviving spouse, unless their spouse agrees.

Depending on the provisions in the decedent's will for the surviving spouse, the surviving spouse may exercise an option to take an elective share in lieu of the provision made in the will. The amount of the elective share is determined by the length of time the spouse and the decedent were married to each other.

Other provisions in the law provide for benefits to the surviving spouse and the decedent's children. These additional benefits can be explained by your lawyer.
If you have children, you are not required to leave them any portion of your estate. A common misconception is that a person must leave each child at least one dollar. This idea may have evolved from the fact that the failure of a will to make a provision for or "remember" a child results in a presumption that the person making the will merely forgot to include that child. To overcome this presumption, the person making the will in the years past would leave, "The sum of one dollar to my son, John." Today, an accepted provision is, "I have intentionally failed to provide for my son, John."

Expenses. If there is property to be administered or taxes to be paid, the fact that you have a will does not increase probate expense. A will can, in fact, actually reduce expense.

What if There is No Will? The property of a person who dies intestate (without a will) is distributed according to a formula set by state law. This is called intestate succession. First, all debts, costs of administration of the estate, and certain other expenses must be paid. If there are minor children who receive property, it may be necessary for a conservator to be appointed by the court to manage and account to the court for the property which the minor child has inherited.

A spouse is to receive the entire intestate estate unless the decedent was survived by descendants of a prior marriage or other relationship, in which event the spouse receives $100,000.00 plus half of the remaining estate.

If you elect not to have a will, you must consider that the legislature can change the laws of intestate succession. Therefore, you will not have certainty concerning the way in which your property will be distributed.

Life Insurance. Life insurance is not a substitute for a will. Life insurance is a contract between the insured and the insurance company which provides for payment of insurance benefits to beneficiaries which the insured may name. Insurance policies which require payments to minor beneficiaries may require the guardian of those beneficiaries to establish a conservatorship. Life insurance programs should be coordinated with the individual estate plan since a will does not override a specific beneficiary designation. It is to your benefit to have advice from your lawyer and life insurance counselor.

Drafting Your Will. Drafting a will involves decisions which require professional judgments. A lawyer can help you to avoid many pitfalls and advise you concerning your best course of action.

Designating beneficiaries on your insurance or annuity policies and IRA or 401(k) accounts, or naming joint tenants with right of survivorship on real estate titles or certificates of deposit, can create unwanted or unequal distributions. Since named beneficiaries and joint owners take outside of the will, your will does not control these distributions.

Competent advice in drafting a will and planning an estate, with the assistance of your attorney, can, in many cases, reduce tax consequences and prevent unforeseen problems in the administration of your estate.

Ownership of Assets. Joint tenancy should be distinguished from tenancy in common. Joint tenancy property, upon the death of one of the joint tenants, usually goes to the surviving joint tenant. Tenancy in common property usually means that each tenant in common owns an undivided interest in the property. Upon the death of one of the tenants in common, that person's property will be distributed to the person named in the will or to the person's heirs under the intestate laws.

Many people have their property owned in joint tenancy. This arrangement is not likely to save either taxes or expenses in the long run. There are instances where joint tenancy is useful, but as in other estate plans, the use of joint tenancy should be coordinated with your general plan of distributing your assets to your heirs. Countless problems can be created by the indiscriminate use of joint tenancy ownership.

Will information provided courtesy of the State Bar of South Dakota.

TRUSTS

Every adult person should have an estate plan. One way of creating an estate plan is the living trust.

What is a Living Trust? A living trust, also known as a revocable trust, is an alternative way to own property. You create a living trust during your lifetime by signing a trust agreement which is a legal document that directs how property transferred to the trust will be managed, when and to whom the income and principal from the trust will be paid, and to whom the trust property will be distributed when you die. You are called the settlor, grantor, or trustor of the trust, while the person to whom you transfer your property is called the trustee. The persons who will receive the income during your lifetime or who will receive the trust property after your death, are called the beneficiaries. You may be the settlor, a trustee and a beneficiary, all at the same time. The property in the trust is called the trust principal, corpus, or res. As the settlor, you may change the terms of the trust agreement or may revoke the trust and regain ownership of the trust property.

Whom Should I Name as Trustee? You may be the only trustee or you may be a co-trustee. You may name another individual(s), or financial institution with trust powers, as your trustee. You should also provide for a successor trustee to act in the future in the event of your disability or after your death. Anyone you select as a

co-trustee or successor trustee should be capable and trustworthy. Family members may or may not be selected by you depending upon your circumstances and their abilities. You should also consider whether a bank can provide services that an individual cannot, but keep in mind that only banks with trust authority can act as trustee.

What are the Advantages of a Living Trust?

- You can have another person or bank which has expertise act as a trustee and make investment or other management decisions for you.
- You can avoid the necessity of having a conservator manage your property if you become incompetent, but only if all of your property is in the trust.
- After your death, the trustee can distribute the trust assets directly to the beneficiaries without probate. This is particularly beneficial if you own real estate in more than one state as it may avoid having to conduct a probate proceeding in each state.
- It may be more difficult to contest than a will.
- After your death, the costs and expenses for personal representatives, lawyers, accountants and others may be less.

What are the Disadvantages of a Living Trust?

- You will undoubtedly spend more time and money in properly creating and transferring your assets to a living trust than you would to have a will prepared.
- To effectively avoid probate, you must keep track of your assets and keep all of your property in the trust, including property acquired after you create the trust.
- You may experience problems in transferring or selling assets or making purchases with trust checks and encounter banks, transfer agents or others who want to see the trust agreement in order to know that the trustee has certain powers and authority.
- Upon your disability or death, the management of your trust assets will depend upon the honesty and management ability of your successor trustee who may act without court control or involvement.
- You may have to pay trustee's fees and expenses if you use a third party as trustee, including the costs of filing an annual trust income tax return.
- Because a living trust does not require that notice be given to your creditors, a creditor can make a claim against the trust beneficiaries' years after your death.
- No court determines the validity of the trust as the case with a will.

Does a Living Trust Save Taxes? The grantor of a revocable living trust retains control of the trust property. Therefore, for federal income tax purposes, as long as you act as the trustee or the co-trustee and the trust uses your social security number for its taxpayer identification number, your living trust will be treated no differently than if you had not created the trust. Likewise, you will not save any death taxes (state or federal) simply because you have created a living trust since you have not irrevocably disposed of the trust assets. Although, a properly prepared living trust can save death taxes, exactly the same savings can be achieved by a will.

How Do I Transfer Ownership of My Property to the Trust? In order to avoid probate, you must transfer the ownership of each and every asset to the trust. To transfer real property, a deed must be signed and recorded; transfer of publicly traded stocks and bonds will likely require the services of a broker; transfer of partnerships and closely held corporations may require the review of the governing instruments to determine whether other partners or stockholders must consent to such transfer; assets without formal legal title such as household contents and farm machinery will require a bill of sale.

What if I Do Not Transfer All of my Property to the Trust? Any property which you do not transfer to the trust will be subject to probate and distribution as set out in your will or the South Dakota laws providing for distribution of your estate if you do not have a will. You should have a will to cover any assets that are not transferred to the trust. This may be a "pourover will" which transfers any property which you own at the time of your death to your living trust or a will which has other provisions.

Can my Successor Trustee Immediately Distribute Property from the Trust after My Death? Generally, No. Your trustee must first pay your debts and expenses resolve any trust problems, file tax returns (income, state estate tax and federal estate tax) and pay any taxes that are due and owing.

Once I Set Up a Trust, can I Change My Mind? Yes. While you are alive and competent, you are in complete control of your trust. You may change or terminate the trust at any time provided the trust document specifically gives you that right.

Can I Use a Living TrustForm or Kit that I Buy? You can use a form or kit or even prepare the trust agreement yourself, but your situation may not fit the form, or the form may have been poorly prepared and may lead to adverse tax consequences and conflicts over property distributions. Problems with the form or kits may not surface until years later, sometimes not until after your death when you cannot change the trust and clear up the problem.

PLEASE NOTE: Certain persons selling living trust kits have been misleading people into thinking that the property in a living trust is protected from taxes and creditors. This is not true! A living trust will not protect your property from nursing home expenses, hospital bills, or other creditors, nor will the creation of a living trust qualify you for Medicaid. You have taken a lifetime to accumulate your wealth. You should take great care to make certain that your estate plan carries out your wishes without problems. A living trust may or may not be right for you. Competent professional help is essential to make certain that your estate plan meets your specific needs.

Living Trust information provided courtesy of the State Bar of South Dakota.

PROBATE

Probate is a legal proceeding that transfers your property following your death according to the terms of your will or in the absence of a will, to your heirs based on probate law. The South Dakota Uniform Probate Code was designed to protect the rights of heirs and to assure the orderly collection, preservation and transfer of property.

Having a will undoubtedly simplifies the distribution of your property. A will helps speed the probate process because your wishes are already outlined. Testate probate proceedings are held for those who have a will upon their death.

For those who die without a will, probate law provides a means for distributing the property of the deceased, called an intestate probate proceeding. The court will appoint a personal representative to administer the estate and distribute the property. This person is often a surviving spouse or another beneficiary. Because there is no will, state law will be used to distribute property. Property will usually go to surviving spouses and other heirs.

With either type of probate proceedings, all creditors must be paid from the estate. The probate court also provides for the collection of appropriate state inheritance, federal estate and income taxes. A handful of other taxes must also be paid to the state before the estate can be closed. Administrative costs, court costs and attorney fees are also paid by the estate. Probate law is complex. When used correctly, it will ensure that the property of the deceased is distributed quickly and fairly. As with all estate planning, contact your lawyer for more details.

SOCIAL SECURITY

Social security is a federal retirement program. It provides payments to retired workers between the ages of 65-67. Reduced benefits are available beginning at age 62. However, if you start benefits early, your benefits are reduced a fraction of a percent for each month before your full retirement age.

- Social Security benefits are increased by a certain percentage (depending on date of birth) if you delay your retirement beyond full retirement age.
- Family members of retired or decreased workers are also eligible to collect survivors, widows, or widowers benefits. Again, certain qualifications must be met in order to qualify.
- You should apply for Social Security benefits three months prior to the date benefits are to start, but not later than the month before reaching retirement age.
- Social security also provides disability and survivor benefits to qualifying recipients, and is responsible for the Medicare A program. If you are not yet at full retirement age, but have significant medical problems, you may qualify for disability benefits.
- To qualify for disability benefits, you must first meet an earnings test and then a disability test.
- Some people may be sent to a vocational rehabilitation program to obtain therapy, training, and assistance finding a job.
- For those who meet the disability requirements, benefits will start six months after the Social Security Administration determines when the disability began. Dependents of a disabled worker are also eligible to collect benefits.
- The amount of Social Security benefits you will receive depends on your earnings record and the length of time you worked at employment covered under the program.
- The Social Security program is very complex. Contact your local Social Security office for any questions you may have at 1-800-772-1213 or visit www.socialsecurity.gov.

SUPPLEMENTAL SECURITY INCOME

The Supplemental Security Income is a federal income supplement program designed to provide a minimum monthly income to people age 65 and over, or blind and disabled people, with limited income and resources. Monthly benefits are based on need. You may be eligible even if you have never worked or paid into the social security system. SSI limitations change on an annual basis. You need to contact your Social Security representative to determine if you qualify under the income and asset limits.

When counting assets, the home you live in, household items worth $2,000.00 per individual or $3,000.00 per couple are usually excluded.

To apply for SSI benefits, go to your local Social Security Administration office. A Social Security representative will help you complete the necessary applications. Be sure to bring proof of age and any medical reports you might have. Before applying for SSI, you must apply for any other benefits you are eligible for. This includes

Social Security, pensions, and workman's compensation.

If the Social Security Administration declares you are not eligible for SSI or reduces your SSI check, you can appeal their decision. You need to appeal within ten (10) days to keep your benefits at the existing rate.

APPEALS

You can appeal most determinations and decisions about whether you can get Supplemental Security Income (SSI) or if the Social Security Administration makes changes to your benefit amount. That means you can ask the Social Security Administration to look at your case again. There are levels to your appeal process.

First an initial determination is made, you will receive a notice. If you want to appeal the initial determination in that notice, you must request an appeal in writing within sixty (60) days of the date you receive your notice. The notice will tell you how to appeal. If you file an appeal within ten (10) days, your SSI benefits may continue at the same amount until a determination on your appeal is made.

If you disagree with the initial determination, you may request reconsideration in writing. The reconsideration request must be received within sixty (60 days from receipt of the initial written determination notice. Social Security Administration considers that you receive a notice five (5) days after the date on the notice. If you ask for reconsideration in writing within ten (10) days, any payment currently being made will continue until determination, if you continue to meet all other SSI eligibility requirements.

If you disagree with the reconsideration determination, you or your representative may request a hearing before an Administrative Law Judge (ALJ) in writing. You or your representative must request a hearing within sixty (60) days after you get the notice of reconsideration determination (or, in certain States, the initial determination). After that you may appeal to the Appeals Council. Your last option is to file suit in your local Federal District Court.

All appeals must be made in writing. It is advisable to obtain assistance from an attorney when you decide to appeal. You can, however, be represented by anyone you choose.

REPRESENTATIVE PAYEESHIP

If you are having a difficult time managing your money a representative payee may be selected to help you manage your government benefits.

The person asking to be named as the representative payee must submit an application with the Social Security Administration (SSA). That person must also supply evidence that he or she is related to or cares for the beneficiary of the payments. If there is no family member or friend willing to take on this duty, SSA may appoint an approved organization to manage your funds.

The primary duty of the representative payee is to see to the needs of the beneficiary and to retain any money that is not needed immediately so that it can be used to meet future needs. The primary duties consist of making sure the beneficiary has food and shelter. They must also provide payment for medical and dental care not covered by insurance. They must also cover any rehabilitation expenses, and fulfill personal needs such as clothing and recreation.

The representative payee is required to file a report each year to show how the beneficiary's benefits were used. This is to ensure that the funds were used for the benefit of the beneficiary.

If you have a representative payee and feel you are now capable of handling money on your own, or if you feel your representative payee needs to be replaced you need to contact your local SSA office to discuss the necessary steps that would need to be taken to request these changes.

For more information regarding representative payees, contact your local Social Security Administration.

FUNERALS

One of the most expensive purchases many consumers will ever make is the arrangement of a funeral. No one wants to think about death any sooner than they must, but planning your funeral services in advance may help reduce stress for your grieving loved ones. A traditional burial, including a casket and vault, is estimated to costs around $7,000. Extras such as flowers, obituary notices, cards, and limousines can add thousands of dollars more. At such a highly emotional time, many people are easily swayed to believe that their decisions reflect how they feel about the deceased and wind up spending more than necessary.

A preplanned funeral is a way to remove this burden from a spouse or other family members. Making these decisions now about your final arrangements can help assure those left behind that your wishes are being honored.

Most funeral providers are professionals who work to serve their clients' needs and best interests. Unfortunately, some do not. They may take advantage of clients by insisting on unnecessary services, marking up prices and overcharging. That's why there is a federal law, called the Funeral Rule, which regulates the actions of funeral directors, homes and services.

Avoid Emotional Overspending. By communicating exactly which merchandise and services you want, you can keep your family from purchasing unnecessary additions to your services. You have the right to buy separate goods (such as caskets) and services (such as embalming or memorial services). You do not have to accept a package that may include items you do not want.

Find the Value and Quality You Want. Considering different funeral homes and cemeteries is an important part of making final arrangements. Comparison shopping allows you to find the value and quality of service that's right for you. Funeral homes must provide you with an itemized statement of the total cost of the funeral goods and services you have selected when you are making the arrangements.

Lock in Today's Prices. If you choose to fund your prearranged funeral plans, you can lock in today's prices for products and services that likely will be more expensive in the future. It is important to work with a funeral professional to understand your options. Under state law when purchasing a prepaid plan the funeral home is required to deposit at least 85% of the money into a trust. The law also restricts how the trust funds may be invested. The trusts may be revocable or irrevocable. Any contract should be reviewed carefully by your attorney.

- **Revocable Trust** – a type of trust that can be changed at any time. A revocable living trust will become irrevocable upon the trustmakers death.
- **Irrevocable Trust** – a type of trust that typically can't be changed after the agreement has been signed.

Prearranged funeral contracts and trusts, especially irrevocable ones, are not for everyone. Individuals who contemplate a move to a different town or state may find out that the money in the trust cannot be moved prior to death. Asking questions beforehand will help ensure that problems do not arise.

SPECIFIC CONSIDERATIONS

Find out if there are restrictions or requirements the cemetery places on burial vaults, the type of monuments or memorials it allows, and whether flowers or other remembrances may be placed on graves.

Perpetual care on a cemetery plot sometimes is included in the purchase price, but it's important to clarify that point before you buy the site or service.

CREMATION

Cremation is becoming more widely used as more service options are being given. Cremation allows flexibility and no longer discards some of the traditional funeral services such as visitation and memorial services, funeral services at a place of worship or other special location, and participation by friends and family. Remains can be placed in an urn or scattered by the family.

VETERAN BURIALS

State Burial Benefits. A payment of up to $100 may be paid by the state to help defray the burial and funeral expenses of any honorably discharged veteran or the wife, widow or widower of a veteran when the estate, or immediate family, of the deceased is lacking in funds to pay the expenses. The veteran must have been a citizen of the United States for one year preceding entrance into military service or one year preceding the death. This payment CANNOT be made to another unit of government. The surviving spouse, or relatives, must furnish an affidavit to the County or Tribal Veteran Service Officer (C/TVSO) that sufficient funds are not available for payment of the expenses.

Application for the Burial Allowance and a copy of the funeral bill must be submitted to the Pierre office within one year from the date of the burial.

Federal Burial Benefits. To be eligible for VA burial benefits, the veteran must have been discharged or released from military service under conditions other than dishonorable. Additionally, the burial and plot allowance entitlements differ according to whether the veteran's death was service connected or non-service connected. The monetary burial benefits that are payable upon the death of an eligible veteran can be provided for any or all three (3) of the following:

BURIAL ALLOWANCE: A reimbursement for expenses incurred in the burial of an eligible veteran. **The amount of payment is as follows:**

- If the death is service connected, the maximum payment is $2,000.
- If the death is non-service connected, the maximum payment is $300.
- If death is non-service connected and occurs while hospitalized by the VA, the maximum payment is $700.

If the veterans' death was not service connected, one (1) of the following eligibility requirements must be met. **The veteran must have:**

- Been in receipt of VA disability pension or compensation at the time of death.
- Been in receipt of military retirement pay in lieu of VA compensation.
- Had a claim pending with the VA for disability benefits and was subsequently determined to be eligible from a date prior to the date of his or her death.
- Died while hospitalized by the VA or while on approved travel for VA medical care.
- Been indigent. (An indigent veteran must have been a veteran of a war, or discharged from active duty for a disability incurred or aggravated in the line of duty).

PLOT/INTERMENT ALLOWANCE: A reimbursement of plot or interment expenses to a maximum of $700. The plot allowance is not payable when burial is in a national cemetery.

To qualify for the plot allowance the veteran must have:

- Met any of the above basic eligibility requirements for the burial allowance, OR
- Been discharged from active duty for a disability incurred or aggravated in the line of duty.

TRANSPORTATION COSTS: The actual amount of payment is based on a "reasonable charge" for transportation service from the place of death to place of burial.

The VA may pay a transportation allowance if one (1) of the following requirements is met:

- The veteran died under VA medical care or on authorized travel for such care, OR
- The deceased veteran is to be buried in a national cemetery and he or she died of a service connected condition or, at the time of death, had a compensable service connected disability.

National Cemeteries. Veterans who were discharged under conditions other than dishonorable and, members of the Armed Forces who die while on active duty, are eligible for burial in a National Cemetery.

Those who first entered active duty after September 7, 1980 must meet the minimum active duty requirement which states that the veteran must have completed at least:

- 24 months of active duty, OR
- The full period for which "called" or ordered to active duty.

National Guard or Reserve members may be eligible if they meet one (1) of the following criteria:

- Was eligible for military retirement pay based on service in the Selected Reserve.
- Was disabled or died from a disease or injury incurred or aggravated in the line of duty while on active or inactive duty for training.
- Died while hospitalized or undergoing treatment at VA expense for an injury or disease contracted or incurred while performing active duty for training, or inactive duty for training, or while hospitalized by the government for that treatment.

A veteran's spouse and certain dependent children may also be eligible for burial in a national cemetery.

Headstones and Markers. Both veterans and deceased members of the Armed Forces are entitled to a Government headstone or marker regardless of the place of burial.

The basic requirements are:

- The veteran's service could have been either during peacetime or wartime.
- The veteran's discharge must have been under conditions other than dishonorable.
- If the deceased was serving in the US Armed Forces at the time of death, his or her service must have been under honorable conditions.
- If the veteran's active duty began after September 7, 1980, the minimum active duty service requirement must be met.

National Guard or Reserve members must meet one (1) of the following criteria:

- Was eligible for military retirement pay based on service in the Selected Reserve.
- Was disabled or died from a disease or injury incurred or aggravated in the line of duty while on active or inactive duty for training.
- Died while hospitalized or undergoing treatment at VA expense for an injury or disease contracted or incurred while performing active duty for training, or inactive duty for training, or while hospitalized by the government for that treatment.

For further information regarding VA burial benefits contact the SD Department of Veterans Affairs, 1-877-579-0015 (In-State Only) or 605-773-3269.

MULTI-LEVEL MARKETING vs PYRAMID SCHEMES

Multi-level Marketing (MLM) or network marketing, is individuals selling products to the public — often by word of mouth and direct sales. The main idea behind the MLM strategy is to promote maximum number of distributors for the product and exponentially increase the sales force. The promoters get commission on the sale of the product as well as compensation for sales their recruits make thus, the compensation plan in multi-level marketing is structured such that commission is paid to individuals at multiple levels when a single sale is made and commission depends on the total volume of sales generated.

Pyramid Schemes are, however, fraudulent schemes, disguised as an MLM strategy. The difference between a pyramid scheme and a lawful MLM program is that there is no real product that is sold in a pyramid scheme. Participants attempt to make money solely by recruiting new participants into the program. The hallmark of these schemes is the promise of sky-high returns in a short period of time for doing nothing other than handing over your money and getting others to do the same.

LEGITIMACY

Learn more about the company, by finding and studying the company's track record. Do an internet search with the name of the company and words like review, scam, or complaint. Look through several pages of search results. You also may want to look for articles about the company in newspapers, magazines, or online. Find out:

- how long the company has been in business
- whether it has a positive reputation for customer satisfaction
- what the buzz is about the company and its product on blogs and websites
- whether the company has been sued for deceptive business practices
- Check with the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 for complaints about any company you're considering, although a lack of complaints doesn't guarantee that a company is legitimate.

Don't pay or sign a contract in an "opportunity meeting." Take your time to think over your decision. Your investment requires real money, so don't rush into it without doing some research first.

Ask your sponsor for the terms and conditions of the plan, including:

- the compensation structure
- your potential expenses
- support for claims about how much money you can make
- the name and contact information of someone at the company who can answer your questions

Get this Information in Writing. Avoid any plan where the reward for recruiting new distributors is more than it is for selling products to the public. That's a time-tested and traditional tip-off to a pyramid scheme.

Keep in mind that when you recruit new distributors, you are responsible for the claims you make about how much money they can earn. Be honest, and be realistic. If your promises fall through, you could be held liable, even if you are simply repeating claims you read in a company brochure or heard from another distributor. If you don't understand something, ask for more information until it is absolutely clear to you.

HEARING AIDS

Hearing aids and batteries can be very expensive. To prevent a costly hearing aid mistake, make sure your hearing loss has been properly diagnosed. Your doctor may refer you to a hearing health professional for an examination and evaluation. It may be an otolaryngologist, an audiologist, or a hearing aid dispenser. Only two types of people are authorized to measure hearing loss and fit and dispense hearing aids in the U.S.: an audiologist and a hearing aid dispenser. Before you buy any product to enhance your hearing, it's important to understand the various types of hearing loss, the differences between a hearing aid and a personal sound amplification device, and what to consider when you're shopping so you get the product that's most appropriate for your particular kind of hearing loss.

A **hearing aid** is a small electronic device worn in or behind the ear. The device has three parts: a microphone, an amplifier, and a speaker. It receives sound through the microphone, which converts the sound to electrical signals and sends them to the amplifier. The amplifier increases the power of the signals and sends them to the ear through the speaker. The device doesn't work unless you have some ability to hear.

A **personal sound amplification product (PSAP)** is a device used by people with normal hearing to amplify hard-to-hear sounds. For example, if you are sitting at the back of a lecture hall, eating in a crowded restaurant, or bird-watching, a PSAP may be helpful. If your hearing is impaired, don't use a PSAP as a substitute for a hearing aid. That may delay the diagnosis of a potentially treatable condition, and cause more damage to your hearing.

PURCHASE AGREEMENT

The purchase agreement for a hearing aid should include details about the trial period, the warranty, the total price, and whether a loaner hearing aid will be available during servicing or repair. People who can't afford a hearing aid should contact the National Institute on Deafness and Other Communication Disorders Information Clearinghouse to find out about organizations that offer financial assistance.

In South Dakota, any purchaser of a hearing aid is entitled to a refund of the full purchase price less 10% within thirty (30) days from the date of delivery unless set by contract for more than thirty (30) days. (SDCL 36-24-33)

You can obtain a list of licensed hearing aid dispensers by contacting the State Board of Hearing Aid Dispensers and Audiologists at 605-642-1600.

MEDICAL QUACKERY

You've seen miracle claims for products related to health. It's no wonder people spend billions of dollars a year on fraudulently marketed health-related products and treatments that not only are unproven and often useless, but sometimes are dangerous.

Health fraud trades on false hope. It promises quick cures and easy solutions for a variety of problems, from

obesity and arthritis to cancer and AIDS. But the "cures" don't deliver. Instead, people who buy them are cheated out of their money, their time, and even their health. Fraudulently marketed health products can have dangerous interactions with medicines people are already taking, and can keep them from getting a proper diagnosis and treatment from their own health care professional. Many unapproved treatments are expensive, too, and rarely are covered by health insurance.

Miracle Cures. Miracle cure scams cover a whole range of products and services which can appear to be legitimate alternative medicine. They cover health treatments for all kinds of medical conditions. Miracle cure scams usually promise quick and easy remedies for serious medical conditions.

They are usually promoted by people with no medical qualifications who come up with a range of claims about why their products are not supported by conventional doctors. For example, they might talk about medical industry conspiracies to silence them or secret ancient techniques that challenge modern practices.

Miracle cure scams are particularly nasty because they usually increase health and emotional stress.

Weight Loss. These scams promise weight loss for little or no effort. The scam may involve an unusual or restrictive diet, 'revolutionary' exercise or fat-busting devices, or products such as pills, patches, or creams. Scammers exploit the fact that people can often be attracted by promises of success with little effort. Many weight loss scams suggest that you can achieve great results without having to do any extra exercise or even modify your diet.

Often, attractive people or celebrities are used to sell the products. At best fad diets and products might result in a temporary weight loss in the short term and can be dangerous if followed over a longer period. Unless a person develops and maintains a better diet and physical activity habit, any weight lost (often water or muscle rather than fat) will soon return.

Fake Online Pharmacies. Fake online pharmacies are scams that use the internet and spam emails to offer drugs and medicine at very cheap prices or without the need for a prescription from a doctor. These scams can cause both financial and health problems.

Most spam email offers selling medicines or drugs are designed to steal your credit card details or to download damaging files (like spyware and key-loggers) onto your computer. Even if you actually do receive the products that you order, there is no guarantee that they are the real thing. In some cases, the medicines or other products may even damage your health.

Remember that there are legitimate online pharmacies. These businesses will have their full contact details listed and will also require a valid prescription before they send out any medicine that requires one.

Free Trial Offers. A chance to try something out for free? What have you got to lose? Plenty! Do your homework before taking advantage of any "FREE Trial Offer" as you may ultimately be enrolling yourself in a **buying club**.

- Look for catches in the terms and condition section.
- Watch for pre-checked boxes.

- Mark your calendar so you know when you need to cancel the order.
- Look for details on how you can cancel future shipments or services.
- And always check your credit card to make sure you weren't charged for something you didn't agree to.

TIPS

Here are some tips regarding possible medical quackery:

- If it looks too good to be true—it probably is.
- Be very careful about offers for medicines, supplements or other treatments: always seek the advice of your health care professional.
- Only give out your personal details and information where it is absolutely necessary and where you have initiated the contact and trust the other party.
- ALWAYS get independent advice if an offer involves significant money, time or commitment.
- Read all the terms and conditions of any offer very carefully: claims of free or very cheap offers often have hidden costs.

TELEMARKETING SOLICITATIONS

Just about everyone who owns a telephone has received calls promoting products, services, investment opportunities, or contests. Although most telephone offers are legitimate, telemarketing fraud cost consumers billions of dollars a year. Federal and State rules and common sense can protect you from telephone scams and overly intrusive sales calls.

Under FTC rules, telemarketers may call only between 8 am and 9 pm. They must tell you immediately who they are and what they are selling, before they make their pitch. You can stop unwanted calls from telemarketers by telling them not to call back. If they do, they are breaking the law.

Before you pay anything, a telemarketer must tell you the total cost of the products or services offered and any restrictions on getting or using them, and whether a sale is final or nonrefundable. A telemarketer may never withdraw money from your checking account or credit card without your express, verifiable authorization (i.e. signed contract). It is also illegal for telemarketers to misrepresent information about whatever they are selling, including prize-promotion schemes.

Telephone scam artists may cold-call individuals listed in a directory or on a mailing list. In more elaborate schemes, advertisements or direct mail pieces invite you to call a certain phone number to claim a prize or to make a purchase. Be skeptical of any deal that sounds too good to be true, and make sure sellers are trustworthy before you hand them your money.

TIPS

Here are some ways to avoid being victimized by telephone fraud:

- Resist high-pressure sales tactics. Legitimate businesses respect the fact that you are not interested.
- Do not send money (cash, check, or money order) to anyone who insists on immediate payment.
- Keep information about your bank accounts and credit cards to yourself unless you know with whom you are dealing.
- Hang up if you are asked to pay for a prize. ***Free is Free.***
- Take your time. Ask for written information about the product, services, investment opportunity, or charity that is the subject of the call.
- Before you respond to a phone solicitation, talk to a friend, family member, financial advisor or Consumer Protection.

Your financial investments may have unexpected consequences for people you care about. You can fight telephone fraud by reporting scam artists to the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 .

You can also contact the National Fraud Information Center (NFIC) at 1-800-876-7060. NFIC is a private nonprofit organization that operates a consumer hotline to provide services and assistance in filing complaints. NFIC also forwards appropriate complaints to the FTC for entry on its telemarketing fraud database.

THE NATIONAL DO NOT CALL REGISTRY

The National Do Not Call Registry puts you in charge of the telemarketing calls you get at home. The Federal government created the national registry to make it easier and more efficient for you to stop getting telemarketing calls you do not want. You can register your home and/or mobile phone number online at the National Do Not Call Registry (www.donotcall.gov), or call toll-free 1-888-382-1222 (TTY 1-866-290-4236). You must call from the number you wish to register. Registration is free and is effective for life. Placing your number(s) on the registry will stop most, but not all, telemarketing calls. You can check the above website to verify that your number is on the registry or you can call the registry's toll-free number and follow the prompts to verify that your number is on the registry.

If you do not want to put your number on the National Do Not Call Registry, you can still prohibit individual telemarketers from calling by asking them to put you on their own do not call list.

The National Do Not Call Registry does not block calls from the following sources:

- Political organizations.
- Charities (If a charity or a third-party telemarketer is calling on behalf of a specific charity, you can ask not to receive any more calls from, or on behalf of, that specific charity).
- Telephone surveys.
- Companies with which you have an existing business relationship. (Once you purchase something from a company, that company may call you for up to 18 months after your last purchase or delivery from it, or your last payment to it, unless you ask the company not to call again. In that case, the company must honor your request not to call. Similarly, if you make an inquiry to the company, or submit an application to it, the company can call you for 3 months after the inquiry or application. If you make a specific request to that company not to call you, then the company may not call you, even if you have an established business).
- Companies to whom you have provided express agreement in writing to receive their calls. (If there are some telemarketing calls you do not mind receiving, you can give a company written permission to call you. If you do, they may do so even if you have placed your number on the National Do Not Call Registry).

FILING A DO NOT CALL COMPLAINT

If your number has been on the Registry for at least thirty-one (31) days and you receive a call from a telemarketer that you believe is covered by the Registry, you can file a complaint with the National Do Not Call Registry, or by calling the registry's toll-free number at 1-888-382-1222 (for TTY, call 1-866-290-4236). To file a complaint, you must know either the name or telephone number of the company that called you, and the date the company called you.

CHARITIES & CONTRIBUTIONS

If you're considering donating to a charity, do some research before you give. By finding out as much as you

can about the charity, you can avoid fraudsters who try to take advantage of your generosity.

South Dakota does not have licensing or registration requirements for non-profit or charitable organizations. Also, South Dakota does not require charitable organizations who conduct solicitations via direct mail to register. Paid solicitors who conduct telephone solicitation campaigns on behalf of a charitable organization are required to be registered and bonded with Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 . Paid solicitors hired by a charity or non-profit organization are also required to provide solicitation campaign notices and financial reports to Consumer Protection.

Although charities are not required to be registered, here are tips to help make sure that your charitable contributions actually go to the cause you wish to support:

- Ask for detailed information about the charity, including name, address, and telephone number.
- Get the exact name of the organization and do some research. Searching the name of the organization online — especially with the word "complaint(s)" or "scam"— is one way to learn about its reputation.
- Call the charity. Find out if the organization is aware of the solicitation and has authorized the use of its name. The organization's development staff should be able to help you.
- Check if the charity is trustworthy by contacting the Better Business Bureau's (BBB) Wise Giving Alliance (www.bbb.org/us/charity), Charity Navigator (www.charitynavigator.org), Charity Watch (www.charitywatch.org), or GuideStar (www.guidestar.org).
- Ask if the caller is a paid fundraiser. If so, ask:
    - The name of the charity they represent
    - The percentage of your donation that will go to the charity
    - How much will go to the actual cause to which you're donating
    - How much will go to the fundraiser
- Keep a record of your donations.
- Visit the Internal Revenue Service (IRS) webpage at http://apps.irs.gov/app/eos/ to find out which organizations are eligible to receive tax deductible contributions.
- Know the difference between "tax exempt" and "tax deductible." Tax exempt means the organization doesn't have to pay taxes. Tax deductible means you can deduct your contribution on your federal income tax return.
- Never send cash donations. For security and tax purposes, it's best to pay by check (made payable to the charity) or by credit card.
- Never wire money to someone claiming to be a charity. Scammers often request donations to be wired because wiring money is like sending cash: once you send it, you can't get it back.
- Do not provide your credit or check card number, bank account number or any personal information until you've thoroughly researched the charity.
- Be wary of charities that spring up too suddenly in response to current events and natural disasters. Even if they are legitimate, they probably don't have the infrastructure to get the donations to the affected area or people.
- If a donation request comes from a group claiming to help your local community (for example, local police or firefighters), ask the local agency if they have heard of the group and are getting financial support.

Though the National Do Not Call Registry gives you a way to reduce telemarketing calls, charities and political groups are exempt. If a charity or non-profit is calling or sending you mailings, you can request that they remove your name and address from their system, and that they cease contact. If you request to be removed from a calling/mailing list and the charity continues to solicit you, please contact Attorney General's Consumer Protection Division at 1-800-300-1986.

CHARITABLE SWEEPSTAKES

Be cautious of promises of guaranteed sweepstakes winnings in exchange for a contribution. According to U.S. law, you never have to make a donation to be eligible to win a sweepstakes. Both donor and non-donor sweepstakes participants have an equal chance of winning a prize.

Although a sweepstakes letter indicates "you're a winner," it's unlikely that you have won the "grand prize." For a national direct mail campaign, a charitable organization may mail from a half million to ten million or more letters.

CHARITABLE SWEEPSTAKES SCAMS

Charities and fundraisers (groups that solicit funds on behalf of organizations) use the phone, face-to-face contact, email, the internet (including social networking sites), and mobile devices to solicit and obtain donations. Naturally, scammers use these same methods to take advantage of your goodwill.

Regardless of how they reach you, avoid any charity or fundraiser that:

- Refuses to provide detailed information about its identity, mission, costs, and how the donation will be used.
- Won't provide proof that a contribution is tax deductible.
- Uses a name that closely resembles that of a better-known, reputable organization.
- Thanks you for a pledge you don't remember making.
- Uses high-pressure tactics like trying to get you to donate immediately, without giving you time to think about it and do your research.
- Offers to send a courier or overnight delivery service to collect the donation immediately.
- Guarantees sweepstakes winnings in exchange for a contribution. By law, you never have to give a donation to be eligible to win a sweepstakes.

If you believe you have been a victim of a charity/non-profit scam, contact the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 to file a complaint. Your information can help detect patterns of wrong-doing.

MONEY WIRING SCAMS

Scam artists use a number of elaborate schemes to get your money, and many involve money transfers through companies like Western Union and MoneyGram. Money transfers may be useful when you want to send funds to someone you know and trust, but they're completely inappropriate when you're dealing with a stranger.

Why do scammers pressure consumers to use money transfers? So they can get their hands on the legitimate money before their victims realize they've been cheated. Once the money has been picked up, there is no way you can reverse the transaction or trace the money. Additionally, when you wire money to another country, the recipient can pick it up at multiple locations, making it nearly impossible to identify them or track them down. In some cases, the receiving agents of the money transfer company might be an accomplice in the fraud. Money transfers are virtually the same as sending cash and there are no protections for the sender.

Many money transfer scams involve dramatic or convincing stories that play on your optimistic nature, your selflessness or your thriftiness. But no matter how you construe it, they always cost you money. Here are some scams involving money transfers that you may recognize.

Grandparent Scams. *Grandpa, do you know who this is?"* Grandpa not wanting to admit he doesn't recognize his grandchild's voice gives a name of one of them. Now the scammer has the information he needs to continue with the scam. The scammer appears to be in great distress and tells grandpa *"I'm in jail and need bail money. Please go to the Western Union office and send me $2000.00 right away! And please don't tell my parents: they'll be so disappointed in me!"*

Scam calls such as this use several reasons for the grandparent to wire money such as needing funds to repair a car, pay a fine, or for getting out of trouble in a foreign country. These scammers are banking on your love and concern to outweigh your skepticism. They swear you to secrecy and play on your emotions, in hopes that you'll wire the money right away. Once the money is picked up, you can't trace it or get it back. Imposters encourage using money wire services so they can get your hard earned money before you realize you've been scammed.

Lottery and Sweepstakes Scams. The letter says you just won a lottery. All you have to do is deposit the enclosed cashier's check and wire money for "taxes" and "fees." Regardless of how legitimate the check looks, it's no good. When it bounces, you'll be responsible for the money you sent. Refer to the Sweepstakes Scams section of this handbook for more information.

Overpayment Scams. Someone answers the ad you placed to sell something and offers to use a cashier's check, personal check or corporate check to pay for it. But at the last minute, the buyer (or a related third party) comes up with a reason to write the check for more than the purchase price, asking you to wire back the difference. Eventually the check will be returned as a no-account check and you will be responsible for paying your financial institute back the funds you wired to the scammer.

Relationship Scams. You meet someone on a dating site and things get serious. You send messages, talk on the phone, trade pictures, and even make marriage plans. Soon you find out he's going to Nigeria or another country for work. Once he's there, he needs your help: can you wire money to help? The first transfer may be small, but it's followed by requests for more – to help him get money the government owes him, to cover costs for a sudden illness or surgery for a son or daughter, to pay for a plane ticket back to the U.S. – always with the promise to pay you back. You might get documents or calls from lawyers as "proof." But as real as the relationship seems, it's a scam. You will have lost any money you wired, and the person you thought you knew so well will be gone with it.

Mystery Shopper Scams. You're hired to be a mystery shopper and asked to evaluate the customer service of a money transfer company. You get a check to deposit in your bank account and instructions to withdraw a certain amount in cash and wire it to another country, using the service. When the counterfeit check is uncovered, you're on the hook for the money.

Online Purchase Scams. You're buying something online and the seller insists on a money transfer as the only form of payment that's acceptable. Ask to use a credit card, an escrow service or another way to pay. If you pay by credit or charge card online, your transaction will be protected by the Fair Credit Billing Act. Insisting on a money transfer is a signal that you won't get the item – or your money back.

Apartment Rental Scams. In your search for an apartment or vacation rental, you find a great prospect at a great price. It can be yours if you wire money – for an application fee, security deposit and/or the first month's rent. Once you've wired the money, it's gone, and you learn there is no rental. A scammer hijacked a real rental listing by changing the contact information and placing the altered ad on other sites. Or, they made up a listing for a place that isn't for rent or doesn't exist, using below-market rent to lure you in. If you're the one doing the renting, watch out for the reverse: a potential renter will say they want to cancel their deposit and ask you to wire the money back – before you realize the check was a fake.

Advance Fee Loans Scams. You see an ad or website – or get a call from a telemarketer – that guarantees a loan or a credit card regardless of your credit history. When you apply, you find out you have to pay a fee in advance. If you have to wire money for the promise of a loan or credit card, you're dealing with a scam artist: there is no loan or credit card.

Family Emergency or Friend-in-Need Scams. You get a call or email out of the blue from someone claiming to be a family member or friend who says he needs you to wire cash to help him out of a jam – to fix a car, get out of jail or the hospital or leave a foreign country. But they don't want you to tell anyone in the family. Unfortunately, it's likely to be a scammer using a relative's name. Check the story out with other people in your family. You also can ask the caller some questions about the family that a stranger couldn't possibly answer.

Hacked or "Hijacked" Email Scams. You get a flood of messages from friends and family. They're getting emails from you with seemingly random links, or messages with urgent pleas to wire you money. It looks like your email or social media account might have been taken over. What do you do? For starters, make sure your security protections are up-to-date, reset your password, and warn your friends (A quick email letting your friends know they might have gotten a malicious link or a fake plea for help can keep them from sending money they won't get back or installing malware on their computers). Also, check the advice your email provider or social networking site has about restoring your account. If your account has been taken over, you might need to fill out forms to prove it's really you trying to get back into your account.

SWEEPSTAKE SCAMS

Have you received an official-looking letter saying you've won a foreign lottery or sweepstakes? How about a phone call or email saying you won a large sum of money and a new car? Responding to these types of solicitations can be tempting: After all, maybe there's a possibility that you won some money that could turn your dreams into reality!

There's a catch! Unfortunately, many people think the cashier's check accompanying the letter is real. It's not. It's a trick to get you to cash the counterfeit check and wire all or a portion of the money to someone you don't know. Eventually your bank will be notified by the Federal Reserve that the check is fraudulent and your bank will then require you to pay all the money back. In some cases, the scammers don't send a letter and check, but instead they call and request that you purchase a prepaid or reloadable credit card, in order to obtain your winnings. Either way, this is a scam!

When receiving mailings, calls or emails saying that you won money, make sure to watch for these tell-tale lines that scammers use to trick you into falling victim to their scams:

- "You've' won millions of dollars!"
- "You must decide right away. We have no time to waste."
- "We can put the shipping/transport charges on your credit card."
- "Make sure to keep this a secret for now. Don't tell your family, lawyer, etc. until we finalize your transaction."
- "We'll send you the money to pay for the taxes."

If you are someone who trusts these kinds of offers, and follows up by wiring money or purchasing a prepaid/

reloadable credit card for fictional taxes and fees, you're not only out of luck, unfortunately you're also out of money. Responding to these mailings, e-mails, or calls, will place your name on a "sucker list" that fraudulent telemarketers buy and sell, so expect more bogus offers for lottery or investment scams. Here's how to protect yourself from these types of scams:

Sweepstakes Scams Require You Pay to Receive the Prize. Legitimate sweepstakes will never ask you to pay fees to participate or to receive a prize. You should never have to pay handling charges, service fees, or any other kind of charges up front to receive a win - those are sure signs of sweepstakes scams. Sweepstakes taxes are paid directly to the IRS along with your regular tax return.

Sweepstakes Scams Typically Use Free E-mail Accounts. It's possible that some smaller, legitimate sweepstakes sponsors could notify you with a free email address. But if you receive a win notice claiming to be from a big company like Publishers Clearing House or Microsoft, but the email arrived from a free account like Hotmail or Gmail, you can be sure that you are working with a sweepstakes scam.

Sweepstakes Scams Tell You You've Won - But You Don't Recognize the Contest. You can only win sweepstakes that you enter. This is another reason why it makes so much sense to organize your sweepstakes entries; when you receive a notification, you can easily check to make sure that you actually entered the contest.

Sweepstakes Scams Send You a Large Check with your Notification. To fool people into thinking that a sweepstakes scam is legitimate, many con artists send counterfeit checks along with their phony win notifications. Cashing fraudulent checks is a crime, and you could be liable for fines and even closure of your bank account, as well as losing any money you wire. Legitimate sweepstakes require affidavits before sending out any prize valued at more than $600.

Sweepstakes Scams Instruct You to Wire Money. Criminals love to use money transfer services like Western Union and MoneyGram to receive illicit funds, because it is nearly impossible to trace who received the money. Wire transfers are handled like cash, and it is nearly impossible to get back any money that you send to con artists in this way. In the few cases where you have to pay money to a sponsor, you would not be required to use a wire service.

Sweepstakes Scams Pressure You to Act in a Hurry. Sweepstakes scammers want you to act quickly, to ensure that they receive their money before their check bounces, or you read an article like this one, and realize that you are being defrauded. If you feel like you are being pressured to make a decision before you have the time to ensure that the win is legitimate, you should be very suspicious. In some cases, a sponsor might need a quick answer (for example, if they are giving away tickets for a concert that weekend), but you should always have at least a few hours to investigate the notification. If there is no good reason for a rush to accept a prize, then it's probably a sweepstakes scam.

Sweepstakes Scams Require Bank or Credit Card Info to Receive Your Prize. Legitimate sweepstakes do not send your winnings by direct deposit, nor do they need to withdraw money from your bank or verify information using your credit card number. The only sensitive information that a legitimate sweepstakes sponsor needs to process your win is a social security number. Asking for a bank account or credit card number is a huge red flag that you are dealing with a sweepstakes scam, and you should never hand over this information.

The "Win" is From a Lottery. It is impossible to win a lottery without buying a ticket, and even in that case, you'd have to find the winning numbers in a newspaper, the internet, or on TV and compare them to your ticket; the lottery does not contact you to tell you that you won. If your win notification says you've won a lottery, you can be quite sure that it's really a sweepstakes scam.

Win notices from foreign lotteries are even more suspicious. Not only do foreign lotteries have the same restriction as domestic lotteries, but it is also illegal to sell tickets for foreign lotteries across international borders. Therefore, unless you were actually in a foreign country and bought a lottery ticket, foreign lottery notifications are sweepstakes scams.

Sweepstakes Scams Often Don't Use Your Name. Especially in the case of email win notifications, many sweepstakes scams send thousands upon thousands of fake emails to every address they can get their hands on - often without knowing the name of the people they're contacting. If your win notice has a generic salutation like "Dear Sir" it's a good indication that it's a sweepstakes scam.

Sweepstakes Scams Can Pose As Government Organizations. To appear more legitimate, some sweepstakes scams pretend to come from government organizations such as the Federal Trade Commission (FTC) or the "National Sweepstakes Board" (which doesn't actually exist). Real sweepstakes sponsors, however, send their win notifications directly to the winners. Government organizations are not involved in awarding sweepstakes prizes.

Sweepstakes Scam Notifications Are Usually Sent Via Bulk Mail. When a legitimate sweepstakes sponsor sends out win notifications, they want to ensure that the information arrives at the winners' doors in a reasonable amount of time. To make sure this happens, they use first class postage or services such as FedEx or UPS to deliver notifications.

Sweepstakes scam artists, on the other hand, want to target the most people for the least cost in order to keep their profits high. They send scam letters out by bulk mail to take advantage of the postage savings. For this reason, you should never trust a win notification that arrives by bulk mail.

Sweepstakes Scams Contain Many Typos. It's possible that any company could make a mistake when typing out a win notification. However, glaring errors in spelling, grammar, and punctuation should set off red flags in your mind. Many sweepstakes scams originate outside of the United States and Canada and are created by people with poor command of the language. Be very cautious of any win notices that have a lot of errors.

JUNK MAIL & OPT-OUT

Our economy generates an enormous amount of data. Most users of that information are from honest businesses getting and giving legitimate information. Despite the benefits of the information age, some consumers may want to limit the amount of personal information they share.

Junk mail and telemarketing calls are often results of consumers providing their name, address, phone number and other personal information, which causes their names to be placed on calling and mailing lists.

The following events often result in junk mail and telemarketing calls:

- Filling out warranty and product registration cards.
- Joining or donating money to clubs, organizations, and/or charities.
- Subscribing to magazines, book clubs and music/CD clubs.
- Listing your phone number and address in the phone book. Omit your address, or be unlisted.
- Avoid entering sweepstakes and other contests if you want to stay off mailing and telemarketing lists aimed at "opportunity seekers," often called "sucker lists". The purpose of contests is to compile names and addresses that can be sold to marketers for other solicitations, such as fundraising or catalog offers. Some contests and special offers are scams, especially those that ask you for money up front or which offer

get-rich-quick schemes. Remember, many prize promotions or drawings are geared to gather your personal information. Often times, you are giving them permission to call or solicit you in the future.

Marketing Opt-Out. Many organizations are offering consumers choices about how their personal information is used. For example, many feature an "opt-out" choice that limits the information shared with others or used for promotional purposes. When you "opt-out," you may cut down on the number of unsolicited telemarketing calls, promotional mail and spam emails that you receive. Look for ways to "opt-out" of mailing lists to reduce "junk" mail and unauthorized solicitations. Many mail order forms, magazines and marketers now provide a box to check if you do not want your name(s), address and shopping habits to be shared with other companies.

Financial Privacy Opt-Out. Federal privacy laws give you the right to stop (opt-out of) some sharing of your personal financial information. These laws balance your right to privacy with the financial companies' need to provide information for normal business purposes.

Protect Your Financial Privacy. To protect your financial privacy, tell your financial companies that they may not sell or share your customer data with other companies. Federal law requires banks, credit card companies, insurance companies, and brokerage firms to send you a privacy notice each year. If you opt-out, you limit the extent to which the company can provide your personal information to non-affiliates. If you do not opt-out within a "reasonable period of time," generally about thirty (30) days after the company mails the notice, then the company is free to share certain personal financial information. If you didn't opt-out the first time you received a privacy notice from a financial company, it's not too late. You can always change your mind and opt-out of certain information sharing. Contact your financial company and ask for instructions on how to opt-out. Remember, however, that any personal financial information that was shared before you opted-out cannot be retrieved. Pay attention to the mail you receive from your bank, insurance company, credit card company, and brokerage firm. Look for words such as "Privacy Notice", "Privacy Policy" or "Opt-Out Notice." You might receive such notices via e-mail or the company's website if that is the way you normally do business with them.

DIRECT MARKETERS

If you shop direct - by mail, online, telephone or home shopping TV shows - chances are the companies you are ordering could be members of the Direct Marketing Association (DMA).

DMA offers the right to Opt-Out of direct marketing mailings and emails by visiting www.dmachoice.org. DMAchoice™ is an online tool developed by the DMA to help you manage your mail/emails. When you register with these services, your name will be put on a "delete" file that is updated throughout the year and made available to the direct-mail marketers. DMAchoice™ divides direct mails into four categories (credit cards, catalogs, magazine orders, other mail offers), to cut back on mailings you are not interested in. Two to three months after signing up for these services, you should notice a decrease in the number of solicitations you receive. However, your registration will not stop mailings from organizations NOT registered with the DMA.

To sign up for these services, go to www.dmachoice.org (you will be prompted to create an user account before using the services) and choose the types of mailings or emails you would like to opt-out of receiving. Registering for these mail preference services through the site is the fastest and easiest way to create an account.

- **Email Preference Service** registration is active for five (5) years, after which time you must register again.

- **Mail Preference Service** registration is active for five (5) years, after which time you must register again.

If you would rather send your information by mail, you can download a form on the website, print it, and send it along with a check for $1 (one dollar) payable to the DMA. You can find the registration form at https://www.dmachoice.org/static/pdf/registration_form.pdf Do not send cash. Your name will remain on DMAchoice for three (3) years. Mail request to: **DMAchoice - Direct Marketing Association • PO Box 643 • Carmel, NY 10512**

The DMA also provides a **Deceased Do Not Contact Registration** for family members seeking to remove the names of deceased individuals from commercial marketing lists. Additionally, a **Do Not Contact List for Caretakers** is available for individuals who are in the care of another family member, friend or caretaker. When registering for either of these services, the individuals name, address and email address is placed on DMA's mail and email preference service lists. (**Do Not Contact List for Caretakers** is effective for six (6) years, after which time you must register the individual again.)

MAIL ORDER

Shopping by phone or mail is a convenient alternative to shopping at a store. The Federal Trade Commission's (FTC) Mail or Telephone Order Rule covers merchandise you order by mail, telephone, computer, and fax machine. It does not matter how the merchandise is advertised, how the customer pays, or who initiates the contact. The FTC's Mail or Telephone Order Merchandise Rule requires merchants to ship mail-order merchandise within 30 days of receiving a completed order unless a longer time is clearly specified in advertisements or catalog listings.

If, after placing your order, the company finds out they cannot ship within the time you stated or within 30 days, the company must seek your consent to the delayed shipment. If the company cannot obtain your consent to the delay the company must, without being asked, promptly refund all the money you paid you for the unshipped merchandise.

PLEASE NOTE: There is one exception to the 30-day Rule. If a company doesn't promise a shipping time, and you are applying for credit to pay for your purchase, the company has 50 days to ship after receiving your order.

Remember that these requirements also apply to telephone orders, including sales where a computer, fax machine or similar means are used to transmit orders over a telephone line. Many mail-order companies provide telephone numbers, including toll-free "800/888" or fax numbers, to make purchasing easier.

Things to remember when making mail/telephone-order purchases:

- Before ordering by phone or mail, consider your experience with the company or its general reputation. Determine the company's refund/return policies, the product's availability, and the total cost of your order.
- Order early to allow plenty of time for shipment and delivery.
- Keep a copy of the company's name, address, phone number, the date of your order. In addition, keep the ad or catalog from which you ordered, the order form you sent to the company, and a cancelled check or charge account record.

MAGAZINE SALES

Magazine sales solicitation can come in several forms. Telephone, Door-to-Door, and Mail solicitations are the most common. Magazine solicitations from these types of sales usually get processed through a "Magazine

Warehouse", and can cost considerably more money than ordering directly from the publisher of the magazine. Unfortunately consumer names get on "Mailing Lists" that magazine warehouses obtain in an effort to solicit new subscribers.

Telephone Solicitation. Magazine warehouses may contact you with a telephone call. They tend to make their sales through special offers of reduced rates or free years of subscription. These calls will be recorded, and they will verify the transaction with the consumer saying "Yes". South Dakota law requires these types of transactions to be verified with a written contract. The magazine warehouse is to send the consumer a contract specifying what the consumer is going to receive, the amount of the monthly or one-time payment will be, and the duration of the subscription. A verbal confirmation is not a binding contract.

Door-to-Door Solicitation. Various groups and organizations may use magazines sales for fund raisers, or may claim that you can make a subscription order that will be given to someone else as a gift. These orders are then processed through a magazine warehouse. If you choose to purchase a subscription from a Door-to-Door salesperson, do not pay with cash, and make checks payable to the company and not to the salesperson. Please refer to the Door-to-Door Sales section of this handbook for the explanation of your rights.

Mail Solicitation. Some magazine warehouses will send out "Renewal Notices" to consumers that state a subscription is about to run out. These notices may have statements that this is your "Final Notice" and will show "Amount Due". If you do have a subscription to a magazine, verify that this is the company that the original order was placed with. This tactic is usually used to get new subscribers, and not as a renewal.

TIPS

Here are some tips to go by when placing magazine orders:

- Order directly from the magazine company that publishes the magazine. Buy the magazine from the newsstand, and use the subscription card located inside the magazine. The order form will also let you know if you are getting the best price available for that particular magazine.
- Make a note of when you placed the magazine order and when it is due to expire. This prevents another company from trying to extend or renew a subscription that is already in place.
- Make sure that you know exactly what you are agreeing to prior to agreeing to anything over the phone. Request any offers to be put into writing prior to agreeing to the purchase.

DOOR-TO-DOOR SALES

Door-to-door salespeople can put a lot of pressure on consumers, sometimes catching people off guard and tricking them into buying items they don't need. When buying from a door-to-door salesperson, make sure to get prices and warranties in writing. Also, be sure to read contracts before signing them. Do not sign any documents that have not been fully completed.

All sellers must provide you with a contract or receipt at the time of sale showing the date, merchant's name and address, and a statement informing you of your right to cancel the contract within three (3) days. You have three (3) days to cancel purchases made in your home or place other than the place of business of the seller.

This law does not cover purchases under $25.00, items purchased at home parties, or purchases that began in the seller's place of business. The seller must inform you of your Three Day Right To Cancel and supply you a duplicate Notice of Cancellation. The seller is also prohibited by South Dakota Law from putting any language on the contract/receipt that nullifies the Three Day Right to Cancel.

To cancel your purchase, you must mail one copy of the Notice of Cancellation and a copy of your receipt

to the business, before midnight of the third business day after the sale. We recommend that the Notice of Cancellation be sent by Certified Mail.

If you cancel, the seller must cancel and return any papers you signed within ten (10) days. The seller must refund all of your money and tell you whether any product left with you will be picked up. The seller must also return any trade-in. After proper cancellation, the seller has ten (10) days to refund your money!

Asking the right questions when approached by those vendors can help you avoid making a purchase you may regret.

Remember to:

- Get a price quote, in advance, in writing.
- Ask if they have a permanent address and phone number.
- Get a list of local references and CHECK THEM before making a decision.
- Be careful about paying for work in advance.
- Get something in writing with the company's name, address & phone number.
- **Ask to see their current South Dakota tax license. They MUST have one to do business in our state!**
- Ask the salesperson about the product warranties, guarantees, etc.
- Find out if they have workman's compensation and general liability insurance.
    - If they don't, YOU could be liable for accidents that occur on your property!
- Make sure you're completely satisfied with the work before paying the bill, and
    - Don't pay more for the job than originally quoted unless you've given written approval for the additional work or cost.
- We recommend that all payments be made out to the company, and not in the name of the salesperson or associate.

Have doubts about the vendor or think you may have been scammed? Contact the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400 or by email at consumerhelp@state.sd.us. You can also contact your local police department or county sheriff's office. Be prepared to give as much information as you can about the vendor, including the name of the company and salesperson; company address and telephone number; and make, model and license number (if possible) of the vehicle the vendor was driving. Without tips from the public, law enforcement officials may not be able to catch illegal vendors before they move on to the next community.

For more information on transient vendors, contact the SD Department of Revenue at 1-800-829-9188 and Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400.

COINS, CURRENCY, PRECIOUS METALS & COLLECTIBLES

Coins and collectables can be an interesting and rewarding hobby to get involved in. With the price of precious metals today, this can also be a stressful investment. Knowing what you are buying, and who you are buying it from are very important.

Here are a few things to remember when considering a coin, currency, precious metal or collectable purchase:

- Research the product prior to making the purchase to make sure that you are getting exactly what you are paying for. There are various levels and grades of coins. Coins of a certain year or metal may not all be worth the same value.
- Research the company that you are purchasing the product from. Verify that the company is licensed to be buying and selling the product. If you are purchasing the items from a private individual, ask to have the

items looked at by a professional to verify that they are what they are advertised to be.

- If you choose to buy and sell coins, currency, precious metals or collectables, try to conduct that business with a reputable local company. If you choose to deal with a company in another state, make sure to contact the agency in that state that regulates the industry to verify that they are a legitimate company.
- Coins, currency, precious metals and collectable companies are often advertised on television and in print media. When placing an order with these companies, make sure that all of the terms of the purchase are agreeable to you. Some companies try to up-sell other products and offers, or may want you to join a monthly club where you will receive other items that will need to be paid for or returned within a certain time frame.
- Some companies may ask if you would like to trade your items for something of equal value that they have. If you choose to do this, always research the company to verify that they are legitimate. These valuable items are yours, and entrusting them with someone that you do not know can be a risk.

If you would like help finding out more information on a particular company, feel free to contact the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400.

RAFFLES & BINGO

South Dakota has specific laws to conduct both raffles and bingos (SDCL 22-25-23 through SDCL 22-25-25). Under South Dakota State Law, games of chance are prohibited in the state, except if an exemption is granted, such as for Deadwood gaming or the state lottery. Other exemptions include bingo and lotteries for charitable purposes.

RAFFLE DRAWING REQUIREMENTS

A raffle must be conducted by a non-profit or charity. It must also be registered at county/city level where the drawing is held thirty (30) days in advance of selling tickets. If tickets are sold state-wide, written notice must also be provided to the South Dakota Secretary of State.

Under state law, the 3 elements necessary for a lottery are:

- Prize
- Chance (not everyone will win) and
- Consideration (a person has to pay to be eligible)

EXAMPLE:
Question: I am planning on selling raffle tickets for a drawing of a prize. The money made from the sale of the tickets will go towards a charitable cause. Is this legal under South Dakota law?
Answer: No, according to South Dakota law this would be considered an illegal lottery. Only non-profits and charities are allowed to conduct the type of drawing you describe. Raffles conducted by a non-profit or charitable entity must give written notice to the governing body of the municipality or county in which it intends to hold the drawing, at least thirty (30) days in advance of selling any tickets. Also, if the tickets are sold state-wide, written notice must also be provided to the South Dakota Secretary of State. The municipality has the right to disapprove of the raffle.

If you have questions regarding bingos and raffles, you can contact the South Dakota Secretary of State at 605-773-3537 or the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400.

PATENTS, TRADEMARKS & COPYRIGHTS

A **trademark** is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others. A trademark protects the name of a business or product.

The Secretary of State is the filing agent for Trademarks, Emblems, and Name Registrations under the laws of South Dakota and can be contacted at 605-773-3537. State statutes governing Trademark and Service Mark Protection can be found in SDCL 37-6.

A **patent** is a property right granted by the Government of the United States of America to an inventor "to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States" for a limited time in exchange for public disclosure of the invention when the patent is granted. A patent protects an invention.

For more information on patents call the US Patent & Trademark Office: 1-800-786-9199. A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed.

For more information on copyrights call the US Copyright Office: 202-707-3000 or toll free at 1-877-476-0778.

TRAVEL

Need a vacation? Before you start relaxing to the sound of the waves or skiing the slopes, do some smart travel shopping first — not only to end up with a great trip and a good deal, but also to avoid a scam. Travel clubs are a popular way for seniors to "see the world." Many travel clubs promise alluring trips to exotic locations which include first-class accommodations, seemingly unlimited amenities and rock-bottom prices. While some deliver these things, others simply get the money and leave you stranded. Deal with businesses you trust, get a copy of the company's cancellation and refund policies, and ask "What if...?" And if someone says you've won a "free" vacation but need to pay? Just walk away.

TELL-TALE SIGNS OF A TRAVEL SCAM

- If you are offered a travel deal by email, it's almost certainly a scam. Just about all bulk email travel deals (or free vacations) are scams.
- "If it sounds too good to be true..." Wouldn't we all love to believe that we just won an all-expenses-paid trip to the Bahamas or a weekend at Disneyland? Listen for the details – or read the "fine print".
- Never give your credit card number over the phone unless you made the phone call and you know that you're dealing with a reputable company. You should never have to disclose any other personal details, like your checking account or social security number.
- If you think you are interested in the offer, always ask what's NOT included: 'service charges,' 'processing fees,' and taxes are typically added on after the fact -- and you'll be expected to pay for them. Ask for specific details. Many travel scams are based on really vague information, for example, they'll use phrases like 'major airline' without naming an actual airline.
- Never dial a 900 number to reach a travel agency or club. No legitimate company requires you to pay for a 900 call to phone their customer service desk. Also, beware of calling numbers with 809, 758, or 664 area codes. Many phone numbers seem ordinary, but are actually similar to unregulated 900 numbers located in the Caribbean – and you could be charged exorbitant per minute rates.

Whether reserving a hotel room, buying plane tickets or making other travel arrangements, following these tips will help you ensure you get exactly what you planned for:

- **Plan as far ahead as you can.** Special deals on hotel rooms and airline seats often sell out very quickly.
- **Be flexible in your travel plans.** Hotels usually offer better rates on days when they expect fewer guests. Once you get a fare quote from an airline, ask if you could save money by leaving a day earlier or later, by taking a different flight on the same day, or using a different airport. Changing planes during your trip is sometimes cheaper than a nonstop flight.
- **Check out the seller.** Ask tour operators and travel agents whether they belong to a professional association, then check to see if they are members in good standing. Contact Consumer Protection at 1-800-300-1986 to find out their complaint history.
- **Comparison shop.** Determine the complete cost of the trip in dollars, including all service charges, taxes, processing fees, etc.
- **Beware of unusually cheap prices and freebies.** It could be a scam and you could end up paying more in the end.
- **Make sure you understand the terms of the deal.** If you're told that you've won a free vacation, ask if you have to buy something else in order to get it. If the destination is a beach resort, ask the seller how far the hotel is from the beach. Then ask the hotel.
- **Ask about cancellation policies.** You may want to look into trip insurance for added protection. There are websites that offer pricing and policy information on plans from different companies and describes the different forms of policies available.
- **Insist on written confirmations.** Ask for written proof of reservations and dates.
- **Pay by credit card.** It's not unusual to make a deposit or even pay in full for travel services before the trip. A credit card gives you the right to dispute charges for services that were misrepresented or never delivered. If a travel agent or service provider tells you that you can't leave for at least two months, be very cautious-the deadline for disputing a credit card charge is sixty (60) days and most scam artists know this.

TIMESHARES & VACATION PLANS

The thought of owning a vacation home may sound appealing, but the year-round responsibility and expenses that come with it may not. Buying a timeshare or vacation plan may be an alternative. If you're thinking about opting for a timeshare or vacation plan, it's a good idea to do some homework. If you're not careful, you could end up having a hard time selling your timeshare.

The Basics of Buying a Timeshare. Two basic vacation ownership options are available: timeshares and vacation interval plans. The value of these options is in their use as vacation destinations, not as investments. Because so many timeshares and vacation interval plans are available, the resale value of yours is likely to be a good deal lower than what you paid. Both a timeshare and a vacation interval plan require you to pay an initial purchase price and periodic maintenance fees. The initial purchase price may be paid all at once or over time; periodic maintenance fees are likely to increase every year.

Deeded Timeshare Ownership. In a timeshare, you either own your vacation unit for the rest of your life, for the number of years spelled out in your purchase contract, or until you sell it. Your interest is legally considered real property. You buy the right to use a specific unit at a specific time every year, and you may rent, sell, exchange, or bequeath your specific timeshare unit. You and the other timeshare owners collectively own the resort property.

Unless you've bought the timeshare outright for cash, you are responsible for paying the monthly mortgage. Regardless of how you bought the timeshare, you also are responsible for paying an annual maintenance fee; property taxes may be extra. Owners share in the use and upkeep of the units and of the common grounds of the resort property. A homeowners' association usually handles management of the resort. Timeshare owners elect officers and control the expenses, the upkeep of the resort property, and the selection of the resort management company.

"Right to Use" Vacation Interval Option. In this option, a developer owns the resort, which is made up of condominiums or units. Each condo or unit is divided into "intervals" — either by weeks or the equivalent in points. You purchase the right to use an interval at the resort for a specific number of years — typically between 10 and 50 years. The interest you own is legally considered personal property. The specific unit you use at the resort may not be the same each year. In addition to the price for the right to use an interval, you pay an annual maintenance fee that is likely to increase each year.

Before You Buy a Timeshare. In calculating the total cost of a timeshare or vacation plan, include mortgage payments and expenses, like travel costs, annual maintenance fees and taxes, closing costs, broker commissions, and finance charges. Maintenance fees can rise at rates that equal or exceed inflation, so ask whether your plan has a fee cap. You must pay fees and taxes, regardless of whether you use the unit.

To help evaluate the purchase, compare these costs with the cost of renting similar accommodations with similar amenities in the same location for the same time period. If you find that buying a timeshare or vacation plan makes sense, comparison shopping is your next step.

- Evaluate the location and quality of the resort, as well as the availability of units. Visit the facilities and talk to current timeshare or vacation plan owners about their experiences. Local real estate agents also can be good sources of information. Check for complaints about the resort developer and management company with the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400.
- Research the track record of the seller, developer, and management company before you buy. Ask for a copy of the current maintenance budget for the property. Investigate the policies on management, repair, and replacement furnishings, and timetables for promised services. You also can search online for complaints.
- Get a handle on all the obligations and benefits of the timeshare or vacation plan purchase. Is everything the salesperson promises written into the contract? If not, walk away from the sale.
- Don't act on impulse or under pressure. Purchase incentives may be offered while you are touring or staying at a resort. While these bonuses may present a good value, the timing of a purchase is your decision. You have the right to get all promises and representations in writing, as well as a public offering statement and other relevant documents.
- Study the paperwork outside of the presentation environment and, if possible, ask someone who is knowledgeable about contracts and real estate to review it before you make a decision.
- Get the name and phone number of someone at the company who can answer your questions, before, during, and after the sales presentation, and after your purchase.
- Ask about your ability to cancel the contract, sometimes referred to as a "right of rescission." If the place of the sale is anything other than a storefront, this purchase may be considered door-to-door sale and the

"cooling-off period" may come into play. Please refer to the door-to-door section for details regarding this rule.

- If, for some reason, you decide to cancel the purchase, either through your contract or state law, do it in writing. Send your letter by certified mail, and ask for a return receipt so you can document what the seller received. Keep copies of your letter and any enclosures. You should receive a prompt refund of any money you paid, as provided by law.
- Use an escrow account if you're buying an undeveloped property, and get a written commitment from the seller that the facilities will be finished as promised. That's one way to help protect your contract rights if the developer defaults. Make sure your contract includes clauses for "non-disturbance" and "non-performance." A non-disturbance clause ensures that you'll be able to use your unit or interval if the developer or management firm goes bankrupt or defaults. A non-performance clause lets you keep your rights, even if your contract is bought by a third party. You may want to contact an attorney who can provide you with more information about these provisions.

Use Caution. Be wary of offers to buy timeshares or vacation plans in foreign countries. If you sign a contract outside the U.S. for a timeshare or vacation plan in another country, you are not protected by U.S. laws.

Timeshare Exchange Systems. An exchange allows a timeshare or vacation plan owner to trade units with another owner who has an equivalent unit at an affiliated resort within the system. Here's how it works: A resort developer has a relationship with an exchange company, which administers the service for owners at the resort. Owners become members of the exchange system when they buy their timeshare or vacation plan. At most resorts, the developer pays for each new member's first year of membership in the exchange company, but members pay the exchange company directly after that.

To participate, a member must deposit a unit into the exchange company's inventory of weeks available for exchange. When a member takes a week from the inventory, the exchange company charges a fee.

In a points-based exchange system, the interval is automatically put into the inventory system for a specified period when the member joins. Point values are assigned to units based on length of stay, location, unit size, and seasonality. Members who have enough points to secure the vacation accommodations they want can reserve them on a space-available basis. Members who don't have enough points may want to investigate programs that allow banking of prior-year points, advancing points, or even "renting" extra points to make up differences.

Whether the exchange system works satisfactorily for owners is another issue to look into before buying. Keep in mind that you will pay all fees and taxes in an exchange program whether you use your unit or someone else's.

SELLING A TIMESHARE THROUGH A RESELLER

If you're thinking of selling a timeshare, contact resellers, such as real estate brokers and agents, who specialize in reselling timeshares. Be cautious of those claiming that the market in your area is "hot" and that they're overwhelmed with buyer requests. Some may even say that they have buyers ready to purchase your timeshare, or promise to sell your timeshare within a specific time.

If you want to sell your deeded timeshare, and a company approaches you offering to resell your timeshare, go into skeptic mode.

- Don't agree to anything on the phone or online until you've had a chance to check out the reseller. Contact the state Attorney General and local consumer protection agencies in the state where the reseller is located. Ask if any complaints are on file. You also can search online for complaints.

- Ask the salesperson for all information in writing.
- Ask if the reseller's agents are licensed to sell real estate where your timeshare is located. If so, verify it with the state Real Estate Commission. Deal only with licensed real estate brokers and agents, and ask for references from satisfied clients.
- Ask how the reseller will advertise and promote the timeshare unit. Will you get progress reports? How often?

Ask about fees and timing. It's preferable to do business with a reseller that takes its fee after the timeshare is sold. If you must pay a fee in advance, ask about refunds. Get refund policies and promises in writing.

- Don't assume you'll recoup your purchase price for your timeshare, especially if you've owned it for less than five years and the location is less than well-known.

If you want an idea of the value of a timeshare that you're interested in buying or selling, consider using a timeshare appraisal service. The appraiser should be licensed in the state where the service is located. Check with the Department of Revenuee to see if the license is current.

Contract Caveats. Before you sign a contract with a reseller, get the details of the terms and conditions of the contract. It should include the services the reseller will perform; the fees, commissions, and other costs you must pay and when; whether you can rent or sell the timeshare on your own at the same time the reseller is trying to sell your unit; the length or term of the contract to sell your timeshare; and who is responsible for documenting and closing the sale. If the deal isn't what you expected or wanted, don't sign the contract. Negotiate changes or find another reseller.

To learn more about vacation ownership, contact the American Resort Development Association at (202) 371-6700 or at www.arda.org. It represents the vacation ownership and resort development industries. ARDA has nearly 1,000 members, ranging from privately-held companies to major corporations, in the U.S. and overseas.

CAR SHOPPING

Car dealerships are under constant pressure from the manufacturers to sell large volumes of cars. This means that they pass the pressure on to you when you're looking for a new or used vehicle.

TIPS

Here are tips to avoid succumbing to the pressure of salespeople:

- Plan your purchase ahead of time.
- Decide what kind of car you want and how much you can afford to spend. This includes talking to your bank to know how much you are pre-approved for and the interest rates on a loan.
- Try to make financial arrangements before you buy.
- Take a friend or family member along in case you may have questions about something that was said or promised.
- Shop around and compare dealer prices before buying a car.
- Buy from a dealer with a good reputation.
- Don't be talked into borrowing extra money to make a down payment.
- Always test drive a car before buying it. If the dealer is not willing to let you drive it, they may be trying to hide something.
- Avoid buying anything in a hurry. Take a few days to make sure you want the vehicle.
- Have used vehicles checked by a mechanic at another facility and make a list of the things which need to be repaired.

- Insist that all promises made by the dealer be put into writing. This includes promised warranties, repairs, and accessories.
- Avoid low-value extras such as credit insurance, auto club memberships, extended warranties for new cars, rust proofing, and upholstery finishes. You do not have to purchase credit insurance in order to get a loan.
- Never sign a contract with blank spaces.
- Ask for proof, in writing, of any repairs made to the vehicle to make it ready for sale.
- When buying a used car, ask to see the title to reveal any damage disclosure information and to verify that it is not a salvaged title.
- Used car dealers must list the price of the vehicle on the contract, any trade-in allowance, and all other fees associated with the car deal. They must also explain all of these charges to you.

Dealers must disclose the true mileage of the car. An odometer statement should be given to you. If you suspect you car's odometer has been tampered with, contact the Department of Revenue, Dealer Licensing at 605-773-3541.

You should receive a title for the vehicle within thirty (30) days from the date of purchase.

USED VEHICLE PURCHASES

All used vehicles are sold "AS-IS" unless it still has factory warranty or the dealer places an "In-House" warranty on the vehicle. If the dealer has an "In-House" warranty, you will want to make sure that it is put in writing for you. When purchasing a used vehicle "AS-IS" the dealer is not responsible for any repairs on that vehicle after the sale, unless it is put into writing.

EXTENDED WARRANTY FOR VEHICLES

When buying a new or used vehicle, your car dealer may encourage you to buy a service contract or extended warranty. These products are designed to cover mechanical breakdowns occurring after the expiration of the manufacturer's warranty. Be wary of such offers

TIPS

When considering the purchase of an extended warranty, remember the following:

- Banks do **not** require that consumers purchase an extended warranty in order to be approved for a loan.
- Read all of the information provided to you about the warranty. Make sure you are aware of what is covered by the warranty and what is not. Some warranties claim to be bumper-to-bumper coverage when in fact they are not. Also make sure that you are aware of what you obligations are going to be when it comes to the deductible and non-covered parts.
- Some extended warranties require a waiting period after the policy is purchased before coverage begins. For example, the policy may not cover any repairs for the first thirty (30) days or 3,000 miles whichever comes first.
- Most extended warranties are going to require normal maintenance to be performed on a mandated schedule. They may also require certain documentation to be presented when a claim is made. For

example, the warranty company may require computer generated maintenance receipts with mandated information on it. If you do not have the required documents, your claim may be denied and your policy may become void with no refund.

- The decision to buy an extended warranty comes down to your comfort level. A vehicle is a big investment and extended warranties do not come cheap. Buyers need to be aware of all their options. Just remember that companies offering extended warranties are businesses and wouldn't offer the plans if they didn't make money on them.

SOUTH DAKOTA "NEW" VEHICLE LEMON LAW

Under South Dakota law, a "lemon" vehicle is one that has a single problem (or a series of problems) that "significantly impairs the use, value, or safety of the vehicle". The problems must arise from routine use, not through acts of abuse or neglect. Also, the problems cannot be the result of an accident, or an alteration of the vehicle that is not authorized by the manufacturer.

The Lemon Law pertains to new vehicles only. The Lemon Law enables consumers to obtain a replacement vehicle or a full refund for their new car, light pickup, or motorcycle if certain criteria has been met.

The first reported issue must be within the first 12 months and 12,000 miles after the purchase of the vehicle.

The following criteria would then need to be met for the Lemon Law to take effect:

- The same nonconforming condition was subject to repair attempts 4 or more times by the manufacturer, or its authorized dealers. At least one of which occurred during the Lemon Law rights period. PLUS a final attempt by the manufacturer, and the same nonconforming condition continues to exist; OR
- The motor vehicle was out of service and in the custody of the manufacturer or an authorized dealer due to repair attempts including the final attempt, one of which occurred during the Lemon Law rights period, for a cumulative total of thirty (30) calendar days, unless the repair could not be performed because of conditions beyond the control of the manufacturer or authorized dealers, such as war, invasion, strike flood, or other natural disaster.

PLEASE NOTE: You should request a repair order be generated every time you take your vehicle to the dealership for repairs of a nonconforming condition. If the service visit is not documented, it can't be used to establish the Lemon Law criteria.

UNCLAIMED PROPERTY

Unclaimed Property is unclaimed or abandoned intangible property. It represents a certain obligation a company is holding for another person or business. It includes checking and saving accounts, certificates of deposit, over payments, insurance checks, payroll checks, utility refunds, money orders, un-cashed checks, dividends, stocks, bonds, contents of safe deposit boxes, gift certificates and more.

How does property become unclaimed or abandoned and how can I prevent that from happening to me? Generally, if the property in question has not had any activity within a certain period of time, e.g., **three (3) years** for most properties, and the holder is unable to locate the property owner, it is considered abandoned and must be reported to the Unclaimed Property Division of the State Treasurer's Office 1-866-357-2547 (in-state only) or 605-773-3379.

GIFT CARDS & GIFT CERTIFICATES

Many of us have received or given gift cards or gift certificates. What ensures that your gift certificate or gift card doesn't expire and become a worthless piece of paper or plastic? Gift card or certificates, whether purchased from a retailer, a restaurant, or financial institution may come with strings attached.

A Gift Card is a preloaded debit card that allows the cardholder to use it for the purchase of goods or services. Some gift cards can only be used at select retailers, but some can be used anywhere that accepts major credit cards. Some gift cards may also be reloadable, which provides the cardholder with the ability to add funds to the card and continue using it.

A Gift Certificate is a piece of paper that is worth a certain amount of money and is given to someone to be used like money to pay for things, such as the products or services of a particular business.

The different kinds of cards:

- **Store gift cards.** Branded by a single merchant or group of merchants, and can only be used at those stores.
- **Network branded gift cards.** These will have a logo like American Express, Discover, MasterCard, or Visa and can be used wherever the network credit cards are used. They are reloadable, which means the recipient can add more money to them when they run out.
- **Reloadable prepaid cards.** You can use these cards the same way you'd use reloadable gift cards, but the rules that cover these cards are not the same. If it isn't sold as a gift card, then the federal rules that cover gift cards don't apply. For example, for such cards, the card issuer might immediately start charging fees, such as monthly service fees.

EXAMPLE:
Question: I received a card as a gift from my children last Christmas and just haven't gotten around to using it until recently. When I went to make the purchase I had way less available credit then what was given to me. What happened!?
Answer: The value of the gift card you buy or receive today could evaporate by $2.50 or more every month that the card sits unused in a wallet or pocketbook. This is also known as "dormancy fee." Dormancy fees cannot be imposed unless the card has been unused for at least 12 months. Only one such fee can be charged per month, and the issuer's policy on dormancy fees must be clearly disclosed.

Question: I've had a gift card for more than several months now and I went to check my balance for the 2nd time since I received the card and an automatic fee was deducted from my card for just checking the balance. How can they do that if all I wanted was my balance on the card?
Answer: This is known as a balance-checking fee and should be listed in your terms and conditions of the card. Typically the first call you make to check your balance is free, subsequent calls thereafter a fee will be deducted from your card automatically.

If you are giving a card as a gift, give the recipient the terms and conditions and receipt so they have all pertinent information should they encounter problems with the card. The terms and conditions are sometimes included in the original packaging. Also, before purchasing the card consider the financial condition of the business offering the card. For example, if you give a store gift card and the retailer goes out of business, the card may not be redeemable. Also, if locations near your recipient close, the card may be harder to use.

If a gift card or gift certificate contains an expiration date or if it has dormancy fees or other fees associated with it and has not been redeemed **within three (3) years**, the holder is required to file an electronic report to the South Dakota Unclaimed Property Fund, a Division under the South Dakota State Treasurer's Office regarding the unclaimed or abandoned property. They can be reached at 1-866-357-2547 (in-state only), 605-773-3379 or visit www.sdtreasurer.gov/unclaimedproperty. If a prepaid gift card or gift certificate does not contain an expiration date and has no fees associated with them, they would be exempt from the unclaimed property law.

INVESTMENTS

Developing achievable saving and investing goals can help you on your road to freedom, security or affording the kind of lifestyle you want. Take the time to create a personal investment plan.

Ask yourself these questions before you get started:

- **What do I want to accomplish?** Set specific investment goals. Be sure to include target dates and dollar amounts so you have a realistic idea of how long it will take to achieve your goals.
- **How much risk am I willing to take?** Are you willing to risk losing some or all of your money in order to earn higher returns, or will you accept lower returns for the peace of mind of knowing your initial investment is safer? Understanding how much risk you are comfortable taking determines your "risk tolerance," which in turn informs which types of investment products are most suitable for you.
- **What type of investment is right for me?** Each investment comes with certain characteristics, risk levels and potential returns. Understanding your situation, risk tolerance, time horizon and specific goals will make it easier to choose the right investment for you.
- **Am I comfortable enough to do this on my own?** How much time are you willing to spend sorting through investment choices and keeping up with the markets? How confident are you in your investment knowledge and ability to carry out your decisions? If you need some guidance, you may want to seek the services of a financial service professional. Investing, especially with significant amounts of money, can be a complicated process. Many people seek the help of one or more financial services professionals.

Investors should independently verify any investment opportunity as well as the background of the person and company offering the investment. State regulators provide detailed background information about those who sell securities or give investment advice, and about the products being offered. Investors should insist on working only with licensed brokers and investment advisers when dealing with both traditional and alternative securities investments, and should quickly report any suspicion of investment fraud. For more information regarding investing, contact the South Dakota Department of Labor & Regulations, Division of Securities, at 605-773-4823.

LANDLORD/TENANT

Landlord-tenant disputes are a common occurrence in the renting process. The Attorney General's role in landlord-tenant disputes is limited. We are not authorized by law to provide legal advice or private legal services to individual citizens. We can, however, offer you general information to explain your rights regarding a landlord-tenant relationship that may help you.

The rights and duties of landlords and tenants in South Dakota are spelled out in federal law, state statutes, local ordinances, safety and housing codes, common law, contract law and a number of court decisions. These responsibilities can vary from place to place around the state.

Tenants in federal housing and other forms of subsidized housing may have additional rights under federal law not covered in this summary. Those tenants should check their leases for further information regarding federal statutes or mandates.

The local building inspector, or state or local health department, are the authorities to contact if your complaint relates to the health or safety of the tenant(s). The name, address, and telephone number of those organizations can be found in your local telephone book under city, county or state government.

If you feel your grievance merits legal action, we suggest that you consult with a private attorney regarding the merit of your case. You also have the option of using small claims court. Information about this procedure is available from the Clerk of Courts office located at your county courthouse.

Many disputes could be avoided if landlords and tenants were aware of their rights and responsibilities to each other.

UTILITIES

Power and telephone lines crisscross our neighborhoods, and water flows into our homes. In today's modern world, these utilities have become virtual necessities. Therefore it is important to know where to find information when you have questions and whom to contact when there's a problem.

ELECTRICITY

Most South Dakota consumers receive their electric power from a municipal, cooperative or investor-owned provider. If you have a quality of service or billing dispute with your electric provider, the first and best course of action is to contact the provider directly to resolve the problem. If that is unsuccessful, consumer affairs representatives at the Public Utilities Commission (PUC) can assist you and your utility provider in reaching a resolution. PUC can be reached at 1-800-332-1782.

For a listing of electric providers and their contact information, visit the PUC's website at www.puc.sd.gov and select "Energy" and "Electric."

TELECOMMUNICATIONS

The South Dakota Public Utilities Commission can help consumers understand the elements of their telephone bill or aid when billing or quality of service disputes occur. Additionally, PUC representatives provide assistance to consumers who experience quality of service issues with their wireless telecommunications service.

Billing or contractual service issues with wireless telecommunications providers should be reported to the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400. Consumers may

also contact the Federal Communications Commission at http://www.fcc.gov/complaints to report concerns or complaints about telecommunications providers.

WATER

Several types of organizations provide water service in South Dakota. If you have a concern about water quality, service, or billing, contact your water supplier directly to discuss these issues. You may also wish to contact the South Dakota Department of Environment and Natural Resources for water quality questions, 605-773-3754.

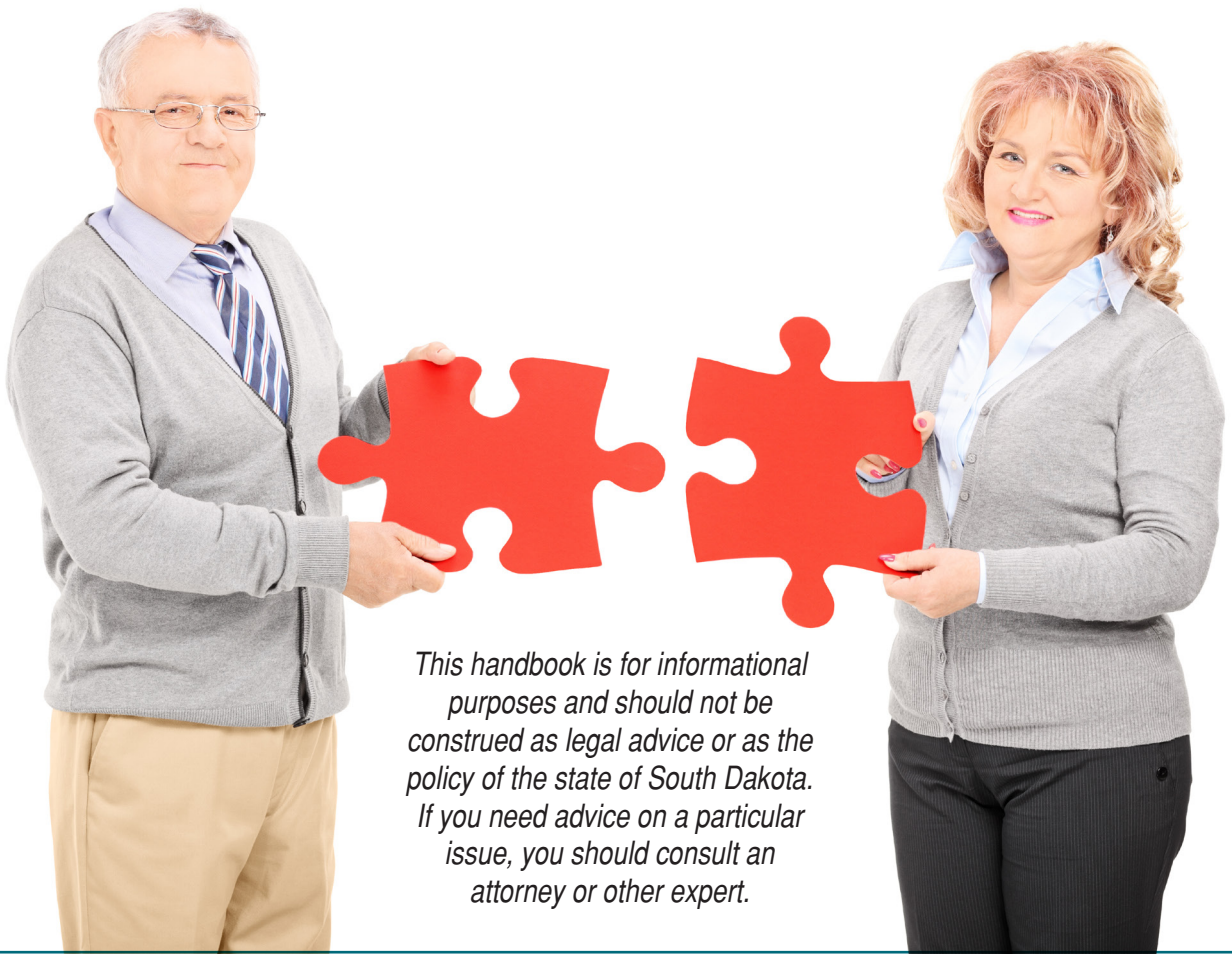
As a customer of a utility service provider, you have an obligation to pay for the services you use. There may be times when you have difficulty meeting those financial obligations. Early and honest communication with the utility company is one of the best first steps you can make to work your way through the challenging situation. You should also be aware of the following helpful tools.

- Low Income Energy Assistance Program. Qualifying consumers may apply to the Office of Energy Assistance within the South Dakota Department of Social Services for the Low Income Energy Assistance Program (LIEAP) that provides payment for some home heating costs. Refer to the Reference Guide section for contact information.
- Weatherization Assistance Program. The South Dakota Department of Social Services' Weatherization Assistance Program helps qualifying residents make their homes more energy efficient through weatherization improvements. The improvements are completed by four different community action programs serving specific counties. Refer to the Reference Guide for contact Information.
- Lifeline and Link-Up Telephone Assistance Programs. Most South Dakota telephone companies offer Lifeline and Link-Up programs for their qualifying customers. Lifeline offers a discount on basic local telephone service. Link-Up provides a discount on the installation or activation for new telephone service. Applicants must meet certain eligibility requirements. Enhanced Lifeline and Link-Up programs are available for residents of tribal lands.
- Electric and Natural Gas Utility Budgeting Services. Although not a discount program, balanced billing offered by electric or natural gas providers can be a valuable tool for managing your budget. With balanced billing, the utility company reviews your past bills to determine a monthly average. You are billed this average amount each month, regardless of how much energy you actually use. Some months your energy use is higher, some months it's lower. But you always pay the same amount. The company tracks monthly usage monitors your account and lets you know if adjustments to the balanced billing are necessary.

PLEASE NOTE: If someone calls unexpectedly claiming to be from your utility company and demanding payment, don't panic and don't send any money. Hang up and call your utility company directly to verify your account balance and report the scam. It's also helpful to report this and other imposter scams to the Attorney General's Consumer Protection Division at 1-800-300-1986 or 605-773-4400, so they can issue a public warning.

TIPS TO REMEMBER

- Everyone, regardless of age, sex, education level, financial situation or where they live, is a potential victim—including seniors.
- Don't be afraid to hang up—it's okay to be rude.
- Seniors may be targeted more because they are perceived by scam artists to have more free time and tend to be alone more.
- Educate yourself and talk to others. These are the most effective ways to prevent scams.
- There will never be a solution to eliminate scam artists—they are constantly changing their methods to keep from getting caught.
- Don't be afraid to ask a neighbor, family member, friend, banker, or trusted advisor if you have doubts about an offer or business.
- Call law enforcement immediately if you think you have been victimized.
- Never accept the help of someone who calls you and offers to help recover the losses in a scam "for a small fee." Odds are, it's the same scam artist coming back for more.
- Protect your personal information by shredding the following:
  - Receipts
  - Copies of credit applications
  - Physicians' statements
  - Expired charge cards
  - Mailing labels from magazines
  - Credit card statements
  - Insurance forms
  - Bank checks and statements
  - Credit cards and other offers of credit
  - Any item that might have account numbers customer numbers or membership numbers.



This handbook is for informational purposes and should not be construed as legal advice or as the policy of the state of South Dakota. If you need advice on a particular issue, you should consult an attorney or other expert.

SD Office of Attorney General, Marty Jackley
1302 E Hwy 14 Ste 1
Pierre SD 57501
Phone: 605-773-3215
Email: atghelp@state.sd.us
Web: www.atg.sd.gov

Division of Consumer Protection
1302 E Hwy 14 Ste 3
Pierre SD 57501
Phone: 605-773-4400 or 1-800-300-1986
Email: consumerhelp@state.sd.us

Medicaid Fraud Control Unit
1302 E Hwy 14 Ste 4
Pierre SD 57501
Phone: 605-773-4102 or 1-888-497-3100
Email: atgmedicaidfraudhelp@state.sd.us

AARP South Dakota
5101 S Nevada Ave Ste 150
Sioux Falls SD 57108
Phone: 1-866-542-8172
Email: sdaarp@aarp.com
Web: www.aarp.org/sd

American Resort Development Assoc (ADRA)
1201 15th Street NW #400
Washington DC 20005
Phone: 202-371-6700
Web: www.arda.org

Annual Credit Report
PO Box 105281
Atlanta GA 30348-5281
Phone: 1-877-322-8228
Web: www.annualcreditreport.com

Equifax
PO Box 105788
Atlanta GA 30348
www.equifax.com
Phone: 1-800-525-6285

Experian
PO Box 9554
Allen TX 75013
Phone: 1-888-397-3742
Web: www.experian.com

TransUnion
PO Box 6790
Fullerton CA 92834-6790
Phone: 1-800-680-7289
Web: www.transunion.com

Better Business Bureau (BBB) – SD Office
300 N Phillips Ave Ste 202
Sioux Falls SD 57104
Phone: 605-271-2066 or 800-649-6814
Email: info@bbbsouthdakota.org
Web: www.bbb.org

Federal Trade Commission (FTC)
600 Pennsylvania Ave NW
Washington DC 20580
Phone: 202-326-2222
Web: www.ftc.gov

Food & Drug Administration (FDA)
10903 New Hampshire Ave
Silver Spring MD 20993-0002
Phone: 1-888-463-6332
Web: www.fda.gov

Internal Revenue Service (IRS) – SD Office
1720 S Southeastern Ave
Sioux Falls SD 57103
Phone: 605-330-4539
Web: www.irs.gov

LEGAL SERVICES & CREDIT COUNSELING

Dakota Plains Legal Services
Main Office
PO Box 727
Mission SD 57555-0727
Phone: 605-856-4444
Fax: 605-856-2075

Branch Offices

PO Box 500
Eagle Butte SD 57625-0500
Phone: 605-964-2175

PO Box 20
Fort Thompson SD 57339-0020
Phone: 605-245-2341

PO Box 1989
Pine Ridge SD 57770-1989
Phone: 605-867-1020

528 Kansas City St Ste 1
Rapid City SD 57709-1500
Phone: 605-342-7171 or 1-800-742-8602

2009 E Hwy 10 C
Sisseton SD 57262-2501
Phone: 605-698-3971
PO Box 507
Fort Yates ND 58538-0507
Phone: 701-854-7204

East River Legal Services
Main Office 335 N Main Ave #300
Sioux Falls SD 57104
Phone: 605-336-9230 or 1-800-952-3015

SD Lawyer Referral Services (SD State Bar Assoc)
222 E Capitol Ave
Pierre SD 57501
Phone: 605-224-7564 or 1-800-952-2333

Access to Justice Inc
816 6th Street
PO Box 495
Rapid City, SD 57709
Phone: 605-791-4147

Consumer Credit Counseling Services
(Lutheran Social Services)
705 E 41st St Ste 200
Sioux Falls SD 57105
Phone: 605-444-7500 or 1-800-568-2401

Consumer Credit Counseling Services of the Black Hills
(Rushmore Consumer Credit Resource Center)
2310 N Maple Ave
Rapid City SD 57701
Phone: 605-348-4550 or 1-800-568-6615

Medicare
Centers for Medicare & Medicaid Services
7500 Security Blvd
Baltimore MD 21244-1850
Phone: 1-800-MEDICARE (1-800-633-4227) TTY/TDD 1-877-486-2048
Web: www.medicare.gov

SD Foundation for Medical Care
2600 W 49th St Ste 300
Sioux Falls, SD 57105
Phone: 605-336-3505
Web: www.sdfmc.org

National Fraud Information Center (NFIC)
National Consumers League
1701 K Street, NW, Suite 1200
Washington, DC 20006
Phone: 1-800-876-7060 or 202-835-3323
Email: info@nclnet.org
Web: www.fraud.org

OPT-OUT (Pre-Screened offers of Credit)
PO Box 2033-A
Rock Island, IL 61204-2033
1-888-5-OPTOUT (567-8688)
Web: www.optoutprescreen.com

Equifax Information Services LLC
PO Box 740123
Atlanta GA 30374-0123
Web: www.equifax.com/home/en_us

Experian Customer Service
Service Dept
901 W Bond St
Lincoln NE 68521
Web: www.experian.com

TransUnion Opt-Out Request
PO Box 505
Woodlyn PA 19094

OPT OUT – Direct Mailing Lists
DMAchoice
Direct Marketing Association
PO Box 643
Carmel, NY 10512
Web: www.dmaconsumers.org/consumerassistance.html

SD Dept of Health
600 E Capitol Ave
Pierre SD 57501
Phone: 605-773-3361
Web: www.doh.sd.gov

SD Board of Chiropractic Examiners
407 Belmont Ave.
Yankton, SD 57078
Phone: 605-668-9017

SD Board of Dentistry
105 N Euclid Ave
Pierre SD 57501
Phone: 605-224-1282
Web: www.sdboardofdentistry.com

SD Board of Examiners for Speech-Language Pathology
810 N. Main St., Suite 298
Spearfish, SD 57783
Phone: 605-642-1600

SD Board of Funeral Services
810 N. Main St., Suite 298
Spearfish, SD 57783
Phone: 605-642-1600

SD Board of Hearing Aid Dispensers & Audiologists
810 N. Main St., Suite 298
Spearfish, SD 57783
Phone: 605-642-1600
Email: proflic@rushmore.com

SD Board of Message Therapy
PO Box #340, 1351 N. Harrison Ave.
Pierre, SD 57501
Phone: 605-224-1721

SD Board of Medical & Osteopathic Examiners
101 N Main Ave Ste 301
Sioux Falls SD 57104

SD Board of Nursing
4305 S. Louise Avenue Suite 201
Sioux Falls SD 57106-3315
Phone: 605-362-2760

SD Board of Nursing Facility Administrators
PO Box #340
1351 N Harrison Ave
Pierre SD 57501
Phone: 605-224-1721

SD Board of Examiners in Optometry
PO Box 6
Langford, SD 57454
Phone: 605-493-6504

SD Board of Pharmacy
3701 W. 49th St., Suite 204
Sioux Falls, SD 57106-3115
Phone: 605-362-2737

SD Board of Podiatry Examiners
810 N. Main St., Suite 298
Spearfish, SD 57783
Phone: 605-642-1600

SD Department of Human Services
3800 E Hwy 34 Hillsview Properties Plaza
c/o 500 E Capitol Ave
Pierre SD 57501
Phone: 605-773-5990 or 1-800-265-9684
TTY: 605-773-6412
Fax: 605-773-5483
Web: www.dhs.sd.gov

SD Department of Labor & Regulation
700 Governors Dr
Pierre SD 57501-2291
Phone: 605-773-3101
Web: www.dlr.sd.gov

Division of Banking
1601 N Harrison Ave Ste 1
Pierre SD 57501
Phone: 605-773-3421
Email: banking@state.sd.us

Division of Insurance
445 E Capitol Ave
Pierre SD 57501
Phone: 605-773-3563
Email: insurance@state.sd.us

Division of Securities
445 E Capitol Ave
Pierre SD 57501
Phone: 605-773-4823

SD Department of Revenue
445 E Captiol Ave
Pierre SD 57501
Phone: 605-773-3311
Web: www.dor.sd.gov

Division of Property Tax
445 E Capitol Ave
Pierre SD 57501
Phone: 605-773-3311 or 1-800-829-9188
Email: proptaxin@state.sd.us

Division of Motor Vehicles - Dealer Licensing
445 E Capitol Ave
Pierre SD 57501
Phone: 605-773-4416
Email: motorv@state.sd.us

SD Department of Social Services
700 Governors Dr
Pierre SD 57501
Phone: 605-773-3165
Web: www.dss.sd.gov

Division of Adult Services & Aging
700 Governors Dr
Pierre SD 57501
Phone: 605-773-3656 or 1-866-854-5465
Email: ASA@state.sd.us

SD Department of Veterans Affairs
Soldiers & Sailors Memorial Bldg
425 E Capitol Ave
Pierre SD 57501
Phone: 605-773-3269 or 1-877-579-0015
Fax: 605-773-5380
Web: www.vetaffairs.sd.gov

SD Legislative Research Council
500 E Capitol Ave
Pierre SD 57501
Phone: 605-773-3251
Web: www.legis.sd.gov

SD Public Utilities Commission (PUC)
500 E. Capitol Ave.
Pierre, SD 57501-5070
Phone: 605-773-3201
Email: pucconsumerinfo@state.sd.us
Web: www.puc.sd.gov

National Do Not Call Registry
Phone: 1-888-382-1222
Web: www.donotcall.gov

SD Retirement System
PO Box 1098
Pierre SD 57501-1098
Phone: 605-773-3731 or 1-888-605-SDRS (7377)

SD State Treasurer
500 E Capitol Ave
Pierre SD 57501-5070
Phone: 605-773-3378
Web: www.sdtreasurer.gov

SD Unclaimed Property
500 E Capitol Ave
Pierre SD 57501-5070
Phone: 605-773-3379

SD Secretary of State
500 E Capitol Ave Ste 204
Pierre SD 57501-5070
Phone: 605-773-3537
Email: sdsos@state.sd.us
Web: www.sdsos.gov

SD SENIOR MEDICARE PATROL

West River
South Dakota SMP
2525 W. Main, #301
Rapid City, SD 57702
Phone: 605-342-3494 or 1-800-695-8168

East River
South Dakota SMP
335 N Main Ave #300
Sioux Falls SD 57104-3038
Phone: 605-336-2475 or 1-800-822-8804

SENIOR HEALTH INFORMATION & INSURANCE EDUCATION (SHIINE)

Eastern South Dakota - Active Generations
2300 W 46th St
Sioux Falls SD 57105
Phone: 1-800-536-8197 or 605-333-3314
Email: SHIINE@cfag.org

Central South Dakota SHIINE
800 E Dakota
Pierre SD 57501
Phone: 1-877-331-4834 or 605-224-3212
Email: SHIINE@centralsd.org

Western South Dakota SHIINE
3022 W Saint Louis St
Rapid City SD 57702
Local: 1-877-286-9072 or 605-342-8635
Email: SHIINE@westriversd.org

Social Security Administration
Office of Public Inquiries
1100 West High Rise
6401 Security Blvd
Baltimore MD 21235
1-800-772-1213 (TTY 1-800-325-0778)
Web: www.ssa.gov

Social Security Aberdeen Office
115 4th Ave SE
Room 111 Federal Bldg
Aberdeen SD 57401
Phone: 1-855-278-4196

Social Security Huron Office
200 4th Street SW
Rm 105 Federal Bldg
Huron SD 57350
Phone: 1-866-563-4604

Social Security Pierre Office
2 Floor Federal Bldg
Pierre SD 57501
Phone: 605-224-2137

Social Security Rapid City Office
605 Main St Ste 201
Rapid City SD 57701
Phone: 1-866-964-7416

Social Security Sioux Falls Office
5021 S Nevada Ave
Sioux Falls SD 57108
Phone: 1-877-274-5421

Social Security Watertown Office
514 10th Ave SE
Watertown SD 57201
Phone: 1-888-737-1763

Social Security Yankton Office
121 W 3rd St Ste 101
Yankton SD 57078
Phone: 1-877-405-3522

WEATHERIZATION ASSISTANCE

Energy Assistance
910 E Sioux Ave
Pierre SD 57501
Phone: 1-800-233-8503
TTY: 1-800-325-0778

Inter-Lakes Community Action
PO Box 268
Madison SD 57042-0268
Phone: 605-256-6518 or 1-800-896-4105
Counties Served: Brookings, Clark, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, McCook, Miner, Minnehaha, Moody.

Rural Office of Community Services
PO Box 70
Lake Andes SD 57356-0070
Phone: 605-487-7634 or 1-800-793-3290
Counties Served: Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Jones, Lincoln, Lyman, Mellette, Sanborn, Todd, Tripp, Turner, Yankton, Union.

Northeast South Dakota Community Action
104 Ash St E
Sisseton SD 57262-1551
Phone: 605-698-7654 or 1-800-245-3895
Counties Served: Beadle, Brown, Campbell, Day, Edmunds, Faulk, Hand, Hughes, Hyde, McPherson, Marshall, Potter, Roberts, Spink, Stanley, Sully, Walworth.

Western South Dakota Community Action
1844 Lombardy Drive
Rapid City SD 57701-4130
Phone: 605-348-1460 or 1-800-327-1703
Counties Served: Bennett, Butte, Corson, Custer, Dewey, Fall River, Haakon, Harding, Jackson, Lawrence, Meade, Perkins, Shannon, Pennington, Ziebach.

US Copyright Office
101 Independence Ave SE
Washington DC 20559-6000
Phone: 202-707-3000 or 1-877-476-0778
Web: www.copyright.gov

US Department of Health & Human Services
200 Independence Ave SW
Washington DC 20201
Phone: 202-690-7000 or 1-888-275-4772
Web: www.hhs.gov

US Department of Housing & Urban Development (HUD)
451 7th St SW
Washington DC 20410
Phone: 202-708-1112 (TTY 202-708-1455)
Web: www.hud.gov

US Patent & Trademark Office
Customer Service Window, Mail Stop _____ (see website for “Mail Stop” number)
Randolph Bldg
401 Dulany St
Alexandria VA 22314
Phone: 571-272-1000 or 1-800-786-9199
Web: www.uspto.gov

FREE CREDIT REPORT CHECK-OFF LIST

Consumers are able to obtain one copy of their credit report from each of the three credit reporting agencies each year. Consumers may want to request these reports from each of the reporting agencies at the same time, or stagger the requests throughout the year. (SEE PAGE 6 FOR MORE INFORMATION)

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
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☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

YEAR: _____
☐Equifax Date Ordered_____
☐Experian Date Ordered_____
☐TransUnion Date Ordered_____

DATE OF REGISTRY

OPT-OUT
Pre-Approved Credit Cards:
_____ (renew every 5 years)

Direct Marketers:
FOR MAIL:
_____ (renew every 5 years)

FOR E-MAIL:
_____ (renew every 5 years)

DO NOT CALL REGISTRY
_____ (no renewal required)

SECURITY FREEZE
_____ (renew every 7 years)

South Dakota Office of Attorney General

Division of Consumer Protection

1302 E. Hwy. 14, Ste. 3
Pierre, SD 57501
(605) 773-4400 • 1-800-300-1986 (in-state)
www.atg.sd.gov • consumerhelp@state.sd.us