

## Utah provides haven for companies avoiding consumer complaints

JANUARY 22, 2015 12:15 AM • [AARON HASTINGS CAPITAL WEST NEWS SERVICE](#)

SALT LAKE CITY – A national consumer advocacy group is praising potential legislation that would open consumer complaint records to the public.

Fran Silverman, editor of Truth in Advertising's website, TINA.org., said she supports a bill. The group fought to gain access to consumer complaints against Utah companies such as a small marketing firm and an e-cigarette producer. "We want to empower consumers and protect them," Silverman said.

Utah law currently protects companies who call Utah home, by restricting access to consumer complaints filed to the state government. While this protection is ideal for businesses, it does not allow consumers the opportunity to view consumer complaints against the company, putting Utah consumers at a distinct disadvantage to those in other states.

Aside from Utah, only Arizona strictly prohibits public access to consumer complaints.

Truth in Advertising is an independent nonprofit organization dedicated to opposing false advertising and deceptive marketing. The organization filed appeals last year to have the complaints released to the public, including an appeal to the State Records Committee under the Government Records Access and Management Act (GRAMA).

"This is bigger than Utah alone. It affects any consumer of a company headquartered in Utah," Silverman said, "This issue affects consumers throughout the U.S., and it is important for Utah to come aboard with other states in transparency."

The consumer complaints have the potential to help consumers see consistent problems or issues with Utah companies, forewarning them against poor customer service or even scams.

Federal agencies such as the FDA and FCC, and nonprofit organizations such as the Better Business Bureaus, openly publish consumer complaints online to help measure and maintain proper business practice towards consumers.

Most state governments have also adopted such open practices. In other states, complaints themselves are edited so that financial and personal information is protected, and only the nature of the complaint is revealed. All complaints are anonymous, and the names of company employees mentioned in complaints are also censored.

The legal battle for the release of these records has been up and down. Laura Smith, legal director of Truth in Advertising, says that while one request for the complaints to the State Records Committee was successful, another was not. "The consumer complaints are viewed as private records, and under that interpretation, they are protected by law," Smith

said.

She said as the law is currently interpreted, it will most likely take legislative action in the form of an amendment to make the records public.

State Senator Curt Bramble, R-Provo, told the Salt Lake Tribune he is exploring making the consumer complaint records public; however, there are no bills filed with the Legislature addressing this issue for the 2015 session.