

CALIFORNIA DEPARTMENT OF BUSINESS OVERSIGHT



**PROTECT YOURSELF
FROM FRAUD**



About the Department

The California Department of Business Oversight, or Department, regulates state-licensed financial institutions, products and professionals in order to provide accessibility to a fair and secure financial services marketplace.

The Department serves California by enforcing the state's financial service laws and providing resources to Californians to make informed financial decisions.

As part of our mission, we strive to help consumers protect their personal finances from fraud. In 2001, the Department developed the Seniors Against Investment Fraud (SAIF) Program, which provides seniors with tools to help prevent financial fraud.

We hope you find the information enclosed in this booklet informative and helpful.

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Education and Outreach

The Department of Business Oversight is committed to providing consumers with helpful information and materials on a variety of financial topics. The Office of Education and Outreach informs consumers about using financial services wisely, about the Department's activities, as well as offers helpful resources.

The Protect Yourself From Fraud booklet is designed to encourage Californians to "check before you invest" and provide information needed to stop financial and investment fraud before it happens.

An informed and educated consumer is less likely to fall victim to financial fraud and scams!

The Seniors Against Investment Fraud (SAIF) Program alerts and educates California seniors about investment fraud, unscrupulous sales practices, and how to avoid being scammed. SAIF also empowers seniors to make more informed decisions about finances and investments.

California Troops Against Predatory Scams (TAP\$) Program alerts and educates California's military service members and their families about investment fraud, predatory lending, and how to avoid being scammed.

Since 2001, April has been designated as California Financial Literacy Month. This coordinated consumer education and outreach campaign encourages individuals to take advantage of free resources and financial education opportunities to improve financial literacy and achieve financial goals.



Common Financial Frauds and Scams

The information and tips in this section are designed to help you become an informed investor and can help you, your family and your community recognize common frauds and scams.

Affinity Marketing and Affinity Fraud

Affinity fraud refers to investment scams that prey upon members of identifiable groups, such as religious or ethnic communities, the elderly, or professional associations. The people who promote affinity scams frequently are, or pretend to be, members of the association. They often enlist respected community or religious leaders from within the association to spread the word about the scheme by convincing them that a fraudulent investment

is legitimate and worthwhile. Investing always involves some degree of risk. Minimize your risk by asking questions and getting the facts about any investment before you buy.

To avoid affinity fraud:

- No matter how trustworthy the person who brings the investment opportunity to your attention seems, verify everything.

- Never make an investment based solely on the recommendation of a member of an organization or religious or ethnic group to which you belong.
- Investigate the investment thoroughly and verify what you are told about the investment.
- Be aware that the person telling you about the investment may not have investigated the investment, either.
- Do not fall for investments that promise spectacular profits or “guaranteed” returns. If an investment seems too good to be true, then it probably is. Similarly, be wary of any investment that is said to have no risks; no investment is risk-free.
- Avoid any investment opportunity that is not presented in writing.
- Be suspicious if you are told to keep the investment opportunity confidential.
- Consult with an uninterested third party (such as an attorney or licensed financial planner or advisor) before you sign anything.

“Ponzi” and “Pyramid” Schemes These investments are illegal.

Many affinity fraud scams involve Ponzi or pyramid schemes, in which new investor money is used to make payments to earlier investors to give the illusion that the investment is successful. This ploy is used to trick new investors to invest in the scheme and to lull existing investors into believing their investments are safe and secure. In reality, the fraudster almost always steals investors’ money for personal use.

Both types of schemes depend on an unending supply of new investors - when the inevitable

occurs, and the supply of investors dries up, the whole scheme collapses and investors discover that most or all of their money is gone.

Be Suspicious if...

- Each new recruit must make an up-front investment or purchase a starter kit to join
- New recruits are required to purchase more products than they can reasonably sell
- Participants make money on each new recruit
- There is no customer refund policy

TIP

Sometimes financial salespeople will try to create the impression they have special credentials or expertise in senior services and products. The requirements to earn and maintain a senior designation vary considerably. If sales person’s credentials contain words like “senior” or “elder” in conjunction with “certified” or “registered,” proceed cautiously.

“Free Lunch” Seminars

Seniors frequently are invited to seminars that offer a free meal and information about investment opportunities, insurance products or wills and trusts. Free-meal seminars are rarely about education. Their ultimate goal is to recruit new clients and sell products. They may try to sell you unsuitable investments or convince you to replace your existing investments. They may not disclose their fees and commissions or other pertinent information, making it difficult to accurately compare products and services. Worse, some events are just a ploy to obtain your personal and financial information.

Also, be wary of so-called “experts” who misrepresent their qualifications. See Financial Industry Regulatory Authority (FINRA) on page 7 under “Helpful Resources” to check certifications.

Annuity Abuse

An annuity is a contract in which an insurance company makes a series of payments to you at regular intervals in return for a premium. Annuities are often purchased for future retirement income. As an annuity is a complex contract, it is important to know whether it fits your situation before signing a contract. For some, an annuity can be an appropriate part of an overall financial plan. Consider your goals, as well as how much risk you are willing to take.

Some annuity products carry high surrender fees. California requires individual annuity contracts for seniors to contain a disclosure regarding the surrender charge period. Ask about the drawbacks, not just the benefits. It also helps to talk to individuals with your interests in mind, such as a financial planner and/or tax consultant, before making a decision.

If you think you have been a victim of this type of abuse, see page 24 to contact the California Department of Insurance for more information or to file a complaint.

Viatical and Life Settlement Investments

Two legal, but highly risky investments, involve terminally ill or elderly people who sell the death benefit of their life insurance policy at a discount for cash. These people may accept cash to take out a new life insurance policy in their own name, based on their health and age.

A broker then sells shares to investors, each to receive a proportionate share of the death benefit when the insured person dies. These investments are often erroneously promoted as “guaranteed,” but they are not. Investors rely completely on the broker’s company to find the policy, obtain ownership of the death benefit, pay the premiums, track the status of the insured person, and pay off the investment.

Risk is also increased for the following reasons:

- Precise dates of death cannot be predicted
- All insurance policies are contestable for two years after being issued
- Policies may have been fraudulently obtained, and all premiums must have been paid or the policy is cancelled
- Most companies have no proven track record of paying premiums or actually paying off on the investments when they become due.
- Other investment offers related to anticipated cash windfalls or future settlements (for example, insurance settlements, inheritances, or lottery winnings) pose similar high risks.

If you have been approached and asked if a policy can be taken out on you, or you wish to discuss another insurance matter, contact the California Department of Insurance.

Commodities Fraud

Be wary of any firm or individual offering to sell you commodity futures or options on commodities, including precious metals, such as silver or gold; foreign currency, such as Euros or Yen; energy resources like crude oil, heating oil, unleaded gas; or agricultural products such as corn or soybeans. Investing in

commodities is very risky and even experienced investors can lose their entire investment very quickly. Anyone who claims otherwise might be breaking the law. Always ask for proof and report fraud to the California Department of Business Oversight.

Promissory Note Fraud

Some promissory notes can be legitimate investments, while others turn out to be fraudulent. Salespeople offering promissory notes must be registered with the Department to sell securities.

A promissory note is a form of debt that companies sometimes use, like loans, to generate revenue. The company promises to return the buyer's funds (principal), and to make fixed interest payments in exchange for borrowing the money. Promissory notes have set terms, or repayment periods, ranging from a few months to several years. Investors who consider buying promissory notes should research them thoroughly. Contact the Department to verify whether the seller is properly licensed and in compliance with California's securities laws.

Online Escrow Scams

Carefully evaluate online escrow sites before signing up for any service. Many are phony copycat sites.

- Avoid any escrow service that does not list an address or phone number on their website - this is a red flag.
- Do not give personal or financial information over the Internet, unless it is via a secure website and you initiated the contact.

Secure sites have an "s" at the end of the "http" in their website address, displayed as "https." Most browsers display a padlock icon to indicate that the website is secure.

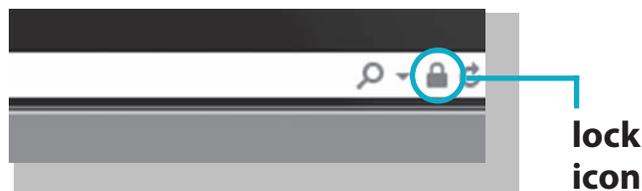
Browser window with search bar in top left of the screen:



Left side of search bar:



Right side of search bar:



Abusive Mortgage Lending Practices and Fraud

There are a wide array of abusive lending practices that impact borrowers with poor credit. Even consumers with credit in good standing may feel pressured to accept the terms offered or risk losing the opportunity to purchase a home they want very much. Abusive mortgage lending practices can include these activities:

- Frequent refinancing, or loan “flipping,” that results in little or no economic benefit to the borrower and is undertaken with the primary objective of generating additional loan fees, prepayment penalties, and fees from the financing of credit-related products.
- Refinancing of special subsidized mortgages that result in the loss of beneficial loan terms.
- Packing of excessive and sometimes hidden fees in the amount financed and/or undisclosed or excessive interest.
- Using loan terms or structures – such as negative amortization – to make it more difficult or impossible for borrowers to reduce or repay their debt.
- Using balloon payments to conceal the true burden of the financing and to force borrowers into costly refinancing transactions or foreclosures.
- No-cost or low-cost (no out-of-pocket) prices to refinance. If it is too good to be true – then it is not really a deal. The cost is included somewhere in the loan, perhaps in a higher interest rate.
- Solicitations to repair consumers’ credit by refinancing – consumers are advised to talk to a credit counselor before taking this step.

- Pressuring consumers into signing loans they cannot afford or do not understand.
- Convincing consumers to sign loan agreements without reading them.

Contact the Department to file a complaint about a mortgage company or salesperson, or for assistance to determine the appropriate governmental agency to contact.

Report Financial Fraud and Abuse

Do not let embarrassment or fear stop you from reporting fraud or abuse. If you have any doubts about an investment, or feel that you may have been a victim of fraud, please report such concerns immediately to the Department. Protect yourself and help protect others from fraud!

Check Before You Invest

Before engaging in financial or legal business, ask the salesperson to complete the “Check Before You Invest” form located on page 23 and then contact the Department toll-free 1-866-275-2677 or go to our website www.dbo.ca.gov to verify the license.

Remember...

When making a financial decision, be sure to evaluate all of your options and compare fees and services. Contact the California Department of Business Oversight (or the appropriate licensing agency) to check the license status of any financial professional before you make a final decision.

To check the license of a real estate broker, contact the California Bureau of Real Estate toll-free 1-877-373-4542 or visit their website at www.bre.ca.gov.

TimeShare Scams

Con artists are known to perpetuate a scam that begins with obtaining identities of timeshare owners from public records.

They call the owners claiming to have clients who are interested in purchasing their timeshare, explaining that the owners need to pay a fee before the transaction can proceed. If the first fee is paid, a second fee is requested and the scam continues as long as the timeshare owner continues to pay.

The use of phony California escrow companies has become part of this pitch. Scammers use the names of inactive and active licensed escrow companies and then create phony websites in those names. The scammers are using the names of the people who were actually involved in the defunct companies and claiming to be legitimately licensed. Before you proceed, contact the California Department of Business Oversight to verify an escrow licensee and report anything suspicious.

Charity Scams

Con artists often try to take advantage of the generosity of others, especially after a well-publicized disaster such as a hurricane or fire. Be wary of any solicitations from charities you don't already know, as well as those you do. Verify that a charity is legitimate before sending them a check or providing your credit card number. To become better informed about a charity before making a donation, visit the California Office of Attorney General's website www.oag.ca.gov.

Grandparent Scams

In this scam, a grandparent receives a call from

an imposter claiming they are related (usually as a grandchild), in trouble and urgently request they send money. The imposter describes various versions of an emergency. Their stories have included traveling in another country, being arrested, in the hospital, a car accident and/or needing emergency car repair.

The imposter sounds distressed and may be calling from a noisy location and claim they only a few moments to talk. Sometimes another person comes on the line identified as a lawyer or the arresting officer to add credibility to the story. The grandchild-imposter asks the grandparent to immediately wire money and not to tell anyone. The scammer typically asks for several thousand dollars and may even call back again several hours or days later asking for more money to be wired or to provide bank account routing numbers. Always verify the legitimacy of the call before sending money to anyone! Once the money is wired, it is nearly impossible to recover.

Lotteries and Sweepstakes Scams

Scam artists often use the promise of a valuable prize or award to entice people to send money. Victims receive a letter, an email or text message claiming they have won a foreign lottery or a sweepstakes. Scammers tell victims to claim their prize by sending a personal check, money order or wire transfer to cover taxes, fees, shipping costs, or insurance.

It is illegal for a U.S. resident to play a foreign lottery. Any letter or email from a lottery or sweepstakes that asks you to pay taxes, fees, shipping, or insurance to claim your prize is also illegal.

Foreign Letter Scams

If you receive a letter claiming to be from Nigeria or another foreign government, foreign official, widow or service member asking you to send personal or bank account information, do not reply in any manner. Be skeptical of individuals representing themselves as foreign government officials asking for your help in placing large sums of money in overseas bank accounts. Do not believe the promise of large sums of money for your cooperation. Always guard your account information carefully.

Phishing Scams

Phishing is an email fraud method in which the perpetrator sends out legitimate-looking email in an attempt to gather personal and financial information from recipients. Typically, the messages appear to come from well-known and trustworthy websites such as government entities, banks and credit unions, as well as many popular retailers – and even friends and family members.

Other Helpful Resources:

The U.S. Securities Exchange Commission (SEC) Office of Investor Education and Advocacy provides a variety of services and tools to help investors invest wisely and avoid fraud. Visit www.investor.gov or www.sec.gov or call toll-free 1-800-732-0330.

Contact the Financial Industry Regulatory Authority (FINRA) to check a broker or investment adviser background. Go to FINRA BrokerCheck at www.finra.org or call toll-free hotline 1-800-289-9999.

The Federal Trade Commission (FTC) warns users to be suspicious of any official-looking email message that asks for updates on personal or financial information. Recipients should go directly to the organization's website to find out whether the request is legitimate. If you suspect you have been phished, forward the email to spam@uce.gov or call the FTC toll-free helpline 1-877-FTC-HELP (1-877-438-4338).





Investor Self-Defense

A Critical Step in Wise Investing is to Investigate **Before You Invest!**

Investing can be an important part of protecting your financial security. Understanding the risks and rewards of investments can seem difficult or complicated because there are so many different options and technical terminology. Ask questions and be sure you understand all terms and conditions before signing.

“An investment in knowledge pays the best interest.”
- Benjamin Franklin



Before you purchase an investment, be sure to build an emergency savings fund to cover your living expenses and unexpected expenses for at least three to six months. Keep the savings in an insured bank or credit union account where you can access it if you need to.

Before you Invest – Ask yourself questions like...

- 1** How much risk am I willing to tolerate? Remember—only invest what you can afford to lose!
- 2** Does the investment meet my needs? Does this investment allow me to access funds to meet my future cash needs without significant penalties? What are the tax implications? What other investment options are available? Do I prefer to pay for investment services through a fixed fee, a commission, charge per transaction fee, a percentage of assets in my account, or a combination of these?
- 3** Will my investment be in an advisory account or a brokerage account? Does the salesperson disclose potential conflicts of interest and other sources of commission? Will they put in writing whether they have any conflicts of interest? Ask if they receive compensation from other sources if you buy a particular stock, mutual fund, bond, annuity, or other investment they recommend.
- 4** Depending upon the type of investment account, what levels of consumer protection and disclosure may apply?
- 5** Am I rushing the decision? If the person offering you an investment won't give you time to investigate, proceed cautiously. It is far better to verify the company and individuals than it is to make an uninformed decision and lose your money.

To learn more about investing, see FINRA's Smart Investing at www.finra.org, or go to the North American Administration Association (NASAA) website www.nasaa.org, which provides a variety of online educational resources for investors including a senior investor resource center.



Managing Financial Difficulties

If you or your family members are having financial difficulties, don't let fear or embarrassment stop you from seeking assistance. This section explains common issues for people experiencing financial hardships and provides resources to support a financial recovery.

Avoid Costly Overdraft Fees

Track checks, ATM withdrawals, debit card purchases, and bills that get debited electronically from your account. Keeping a cushion of funds in your account can help prevent unintended overdrafts. If you have a concern about balances or transactions in your account, contact your financial institution. Explain the problem and how you would like to see the problem resolved. If contacting the bank or credit union does not produce

desired results, you can contact the financial institution's regulator for assistance. For California state-chartered banks and credit unions contact the California Department of Business Oversight or see below for assistance.

Federal Regulators:

Federal Deposit Insurance Corporation (FDIC)
Consumer Response Center

1-877-275-3342 (1-877-ASK-FDIC)

Office of the Comptroller of the Currency

Customer Assistance Group

1-800-613-6743

Federal Reserve Consumer Help

1-888-851-1920

National Credit Union Administration

Office of Consumer Protection

1-800-755-1030

For assistance with credit and/or creditor problems, contact the National Foundation for

Credit Counseling (NFCC) www.nfcc.org or call toll-free 1-800-388-2227 or

ClearPoint Credit Counseling Solutions

www.clearpointcreditcounselingsolutions.org or call toll-free 1-800-750-2227.

Monitor your checking, savings, investments, insurance, credit cards and other financial accounts regularly. Make sure you have sufficient funds before writing checks or using your debit card—overdraft fees can be very expensive.

Debt Collectors

If you are late making payments on a loan, a credit card or other bills, you may be contacted by a debt collector. If you are being contacted about a debt or transaction that is not yours – be cautious, this can be a ploy for a scam artist to access your personal information and/or money.

If you are overdue on a bill and are contacted by a debt collector, the Federal Fair Debt Collection Practices Act assures you are treated fairly and without harassment.

The law prohibits:

- The debt collector from calling you before 8 a.m. and after 9 p.m., without your authorization

- The debt collector from contacting you if you make this request in writing

You have the right to dispute any of the debt you are told you owe within 30 days from the initial contact made by the debt collector.

Ask for proof of the debt, such as a copy of a bill. California law prohibits a collector from bringing a lawsuit or collecting a debt unless it can verify the ownership and amount of the debt. It also ends lawsuits on uncollected debts that are barred by the applicable statute of limitations.

If you have a problem with a debt collector, you can report it to the California Attorney General's Office and the Federal Trade Commission (FTC) (see the Resource Guide on page 25).

Payday Loans and On-Line Cash Advances

To receive one of these loans, the borrower must fill out an application, provide necessary documentation, and write a check which the lender does not cash until the borrower's next payday, up to 31 days later.

Payday lenders and on-line cash companies are required to visibly post their California license and fee schedule at every store and/or on websites, and must provide contact phone numbers. California law restricts these loans to a maximum of \$300, and a lender cannot issue you a new loan to pay off an existing payday loan. If you request an extension of time or a payment plan, a payday lender cannot charge additional fees (however, they are not legally required to grant your request for deferment). If your check is returned for insufficient funds ("bounces"), you can only be charged one returned check fee. A payday lender cannot

prosecute you in criminal court for insufficient funds.

In California, payday loans (also called cash advances or deferred deposit loans) are regulated by the California Department of Business Oversight.

Unlicensed Internet Payday Lending

Payday lending sites have increased across the Internet. Consumers are strongly urged to verify that a lender is licensed before providing personal information and borrowing funds. Be wary of illegal lenders who may collect from your bank account directly without your permission, charge you a higher interest rate, sell or pirate your personal financial information, and operate out-of-state or overseas, making it difficult to track them down, prosecute, and recover your lost funds. Before borrowing from an online payday lender, verify with the California Department of Business Oversight that the lender is licensed and check if an enforcement order has been issued regarding the lender's activity.

Installment Loans

Some consumers who need more funds than are available through payday loans may try installment loans – another lending product licensed by the California Department of Business Oversight under the California Finance Lenders Law. These loans are paid in installments, usually over one year or more. Lenders do report payments to the credit bureaus, so consumers can improve or harm their credit status by using these loans. For loans of \$2,500 and greater, interest can go into the triple digits. For example, a consumer

borrowing \$2,500 can end up paying \$6,500 for the loan. Before you sign a contract, calculate the full cost of the loan, and be cautious of any unnecessary fees.

Car Title Loans

A car title loan is a loan for a small amount of money (loans less than \$2,500) where borrowers sign over the title to their vehicle (car, truck or motorcycle) to the lender. Borrowers also pay the lender a fee to borrow the money. In California, consumers usually must pay the loan back within two years. Car title lenders can charge high interest rates (up to triple digits). If you cannot repay the money you owe by the due date, the lender can sell your vehicle (the collateral) to repay the loan. If your car sells for more than the loan amount, you are entitled to the remaining balance. If you are seeking a car title loan to pay living expenses, consider asking your creditors for additional time to pay your bills or seek help from a credit counselor.

Anticipatory Loans

Anticipatory loans allow you to borrow from your future income (such as a pending tax refund). These loans do not require a credit check or lengthy approval process, and may seem to be an easy way to get cash in a hurry.

A tax refund anticipation loan provides immediate cash, but reduces your refund by the amount of the loan plus charges, fees and high interest. To avoid loan fees or interest, have your tax refund(s) directly deposited into your checking or savings account.

Tax Resource

The Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs provide free assistance to individuals who need help preparing their income tax returns. Assistance is available at VITA/TCE sites throughout California.

The TCE program can also answer your questions about pensions and retirement issues. Call the IRS toll-free 1-800-829-1040 or the California Franchise Tax Board toll-free 1-800-522-5665 to find a site near you between January and April.

Home Foreclosures and Modifications

Homeowners who are having trouble making home loan payments or are facing foreclosure should look carefully when choosing someone to help them with their mortgage problems. Some scams that appear to rescue people from foreclosure actually aim to victimize those in financial trouble. These schemes are advertised on the Internet and in publications and fliers. Then scammers often contact people whose homes are listed in foreclosure records. Be cautious and do not sign your property away!

The California Homeowner Bill of Rights

This legislation became law on January 1, 2013, to ensure fair lending and borrowing practices for California homeowners. These laws are designed to guarantee basic fairness and transparency for homeowners in the foreclosure process.

Visit the California Office of the Attorney General's website at www.oag.ca.gov/hbor.

Warning signs of foreclosure fraud:

- Request for fees in advance. Advance fees for loan modifications are not legal in California unless you have an advance fee agreement.
- Request for the deed to your house for any reason, whether it is to take care of your credit or obtain new financing. Do not sign it over without professional advice!
- Offer to rent your house to you until your finances rebound.
- Anyone who encourages you to sign forms that contain blank spaces that will be filled in later.
- Anyone who rushes you, does not answer all of your questions, or does not give you ample time to review documents.
- A company that contacts you first. Some are legitimate but many may be looking for a victim. Always select a company with the assistance of trained professionals.

The Consumer Financial Protection Bureau (CFPB) has a resource to help find approved housing counselors in or near any U.S. zip code. This resource can be found at www.consumerfinance.gov/find-a-housing-counselor or call toll-free 1-855-411-2372.

Keep Your Home California

This is a free service for California homeowners who have suffered a financial hardship, helping them stay in their homes, maintain an affordable mortgage payment, and avoid foreclosure.

To learn about the programs offered visit <http://keepyourhomecalifornia.org>.

Reverse Mortgages

A reverse mortgage is a type of loan that allows homeowners (ages 62 and up) to borrow against the equity in their homes (tax-free cash). Unlike traditional mortgages, a reverse mortgage loan gives payments to the borrower as a line of credit (available when you need it), in lump sum or monthly installments.

The homeowner does not have to pay back the loan as long as they continue to live in their home and stay current on homeowners insurance and property taxes. If they move out or pass away, the loan becomes due and must be paid off by their heirs.

Keep in mind that borrowers are responsible for paying taxes, homeowners insurance, maintenance costs and other expenses. In addition, lenders often charge high origination fees and other closing costs that can be steep.

You might consider a reverse mortgage if:

- You must increase cash flow and your only significant asset is the equity in your home.
- If you prefer staying in your home versus other housing alternatives such as senior living facilities.
- If you want a cushion for major expenses (medical bills, long-term care, or major home repairs).
- If you are not concerned about leaving your home to children or other heirs.

Do not commit to a reverse mortgage until you have explored the alternatives with a professional.

Know the Law and Your Rights:

California law prohibits lenders from requiring the purchase of an annuity as a condition of obtaining a reverse mortgage loan; mandates counseling from a housing counselor prior to final acceptance of the loan; and requires that the loan be translated into the applicant's primary language.

Federal law requires a counseling session with a HUD-approved reverse mortgage counselor before a reverse mortgage is approved.

You may benefit from the services of a financial counselor if:

- You are only able to make the minimum payment on a credit card for two consecutive months.
- You are making late payments, have missed payments, or have to alternate payments.
- Your total credit card debt is more than your monthly income.
- Your monthly expenses are depleting your savings.
- You are borrowing or creating loans to make ends meet.
- You are relying on checking account overdraft protection funds on a regular basis.

Do you enjoy reading for pleasure?

*Use reading to grow and protect your wealth!
Read about saving and investing.*

FINRA Smart Investing

www.finra.org

Money Smart for Older Adults

www.fdic.gov

NASAA Senior Investor Resource Center

www.nasaa.org

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Ten Tips to Avoid Cyber Fraud:

- 1 Be cautious of emails that contain attached files; the files may contain viruses.
- 2 Avoid filling out forms contained in email messages that ask for personal information.
- 3 Do not reply to unsolicited (spam) email or pop-up messages that ask for personal or financial information.
- 4 Do not click on links in an unsolicited email.
- 5 If you receive an email claiming to be from a company you do business with, contact the business to verify that the email is genuine.
- 6 Log on directly to the official website for the business identified in the email instead of clicking a link in an unsolicited email.
- 7 If an email appears to be from your bank or credit union, credit card issuer, or other company you deal with frequently, your statements or official correspondence from the business will provide the proper contact information. Financial institutions will not request your personal information via email.
- 8 Wi-Fi hotspots provide free Internet access, are often in coffee shops, libraries, airports, hotels, universities, and other public places. While convenient, public Wi-Fi networks often are not secure. Protect your personal information while using public wireless networks.
- 9 Avoid exposing sensitive information such as your logins, passwords and your Social Security number.
- 10 If a Wi-Fi hotspot does not require a password, it is not secure. Other users on the network can see what you send. Your personal information, private documents, even login credentials could be accessed without your knowledge or permission.





Safeguarding Your Personal and Financial Information

This section explains what you can do to protect your personal information and how you can reduce your risk of financial exploitation and identity theft.

Protect Your Social Security Number, Credit Card and Debit Card Numbers, PINs and Passwords

- Carry only what is necessary in your wallet or purse: a credit card, debit card or checks. Keep the rest, including your Social Security and medicare card, in a safe place. Do not print your Social Security number, telephone number or Driver's License number on your checks.
- Never disclose your account numbers over the phone unless you initiate the call.
 - Keep a close watch on your bank and credit union account statements and credit card billing statements. Report discrepancies immediately.
 - When paying for anything online, it is better to use a credit card, which has more consumer protections than debit cards and checks, which draw directly from your bank account.

- Shred cancelled checks, credit card statements, and other financial documents that contain your personal and financial information.
- Never use your mother's maiden name, birth dates, phone numbers, or the last four digits of your Social Security number as passwords.
- Sign up for direct deposit of your paycheck, pension check or government benefits. Direct deposit is safe, quick and convenient, and prevents someone from stealing your checks, and it is also safer in the event of a disaster.
- Protect your incoming and outgoing mail by using a locked mailbox for your residence and promptly removing mail after it has been delivered; by depositing outgoing mail in a slot at your local U.S. Post Office or giving outgoing mail directly to your postal carrier. Do not leave mail out for pick up. If your mail was stolen, contact the Postal Inspector toll-free 1-877-876-2455 or go to <https://postalinspectors.uspis.gov>.

Order Your Free Credit Reports

Federal law requires each of the three national consumer credit reporting companies - Equifax, Experian and TransUnion to provide you with a free credit report every 12 months if you request it.

Review credit reports carefully. Look for accounts you do not recognize (especially new accounts), suspicious charges, or any addresses where you have never lived.

Report any discrepancies immediately. Call the three credit bureaus toll-free:

Equifax	1-800-525-6285
Experian	1-888-397-3742
TransUnion	1-800-680-7289

Or, go to www.annualcreditreport.com or call toll-free 1-877-322-8228 to make one request per year and get all three reports at the same time, free of charge. (Alert: Some websites advertise "free" credit reports, but may charge you for another product if you order the report).

Note: Identity thieves steal personal information of minors as well. Parents and those entrusted with financial Power of Attorney should request and review credit reports annually for all vulnerable individuals in their care.

Reducing Unsolicited Mail, Phone Calls, and Email

Cut down on the number of unsolicited mailings, calls, and emails you receive by learning where to go to "just say no."

To opt out of receiving pre-approved credit and insurance offers call toll-free 1-888-5-OPT-OUT or visit www.optoutprescreen.com. The phone number and website are operated by the major consumer reporting companies.

The federal government's National Do Not Call Registry is a free, easy way to reduce the telemarketing calls you receive. To register your phone number or to get information about the registry, call toll-free 1-888-382-1222 from the phone number you want to register or visit www.donotcall.gov.

Direct Marketing Association (DMA) has an Email Preference Service (eMPS) to help you reduce unsolicited commercial emails. To opt out of receiving unsolicited commercial email from DMA members, visit www.dmachoice.org.

If Your ATM, Credit, 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. Report the loss or theft of your card to the card issuer as quickly as possible. Many companies have toll-free numbers and 24-hour service for such emergencies. Once you report the loss of your ATM or debit card, federal law states you cannot be held liable for unauthorized transactions.

If You Think You May Be a Victim of Identity Theft

Immediately report identity theft to your local police department. If the loss involves funds held in a bank or credit union, report the problem to the financial institution immediately. The FTC recommends that you immediately take the following actions:

- Create an identity theft report
- Place an initial fraud alert with one of the three nationwide credit reporting companies (see page 16)
- Order your credit reports
- Consider placing an extended fraud alert or freeze on your credit

If Your ATM Card, Checks or Bank Account Information are Lost or Stolen

Immediately notify your bank or credit union to stop payments and ask them to notify their check verification company. Follow up in writing; keep a copy and send by first-class mail, certified mail and return receipt. Change your

passwords or close the account(s) and open a new account with a new password. If your checks have been stolen, after contacting your financial institution, call the following check verification companies toll-free:

ChexSystems	1-800-428-9623
TeleCheck	1-800-710-9898
SCAN	1-800-262-7771

If Your Social Security Number is Stolen

If you suspect that someone else is using your Social Security number, immediately contact the U.S. Social Security Administration at www.ssa.gov or call toll-free 1-800-772-1213 (TTY 1-800-325-0778).



Identity Theft Resources

The California Office of Attorney General
www.oag.ca.gov/idtheft

The FTC Identity Theft toll-free hotline
1-877-ID-THEFT (1-877-438-4338)
or www.ftc.gov



Financial Elder Abuse



Financial Elder Abuse is when an older adult, or a senior, is financially exploited by a stranger or someone they know. Financial elder abuse can cross all social, educational and economic boundaries and perpetrators can be family members and caregivers, friends, neighbors or acquaintances, persons with Power of Attorney, financial advisers, or persons known or unknown to the senior.

Contact Adult Protective Services

If you experience, witness, or suspect abusive activities, immediately contact Adult Protective Services (APS) in the California county where the senior resides. In the white pages of your local telephone directory under “County Government” you will find your local APS office listed. APS contact information is also available at www.eldercare.gov or 1-800-677-1116, a public service provided by the U.S. Administration on Aging.

Examples of Financial Exploitation:

- Unauthorized use of credit cards, ATM or debit cards, or checkbooks
- Forging a senior’s signature or deceiving a senior into signing any legal and/or financial document, especially when the senior seems unable to comprehend
- Diverting money meant to pay the senior’s rent, utilities, taxes or other expenses
- Significant transfers of assets, substantial loans or gifts to others
- Revising a senior’s will or other documents, especially when the new beneficiary is a caregiver or a previously uninvolved person now claiming a right to a senior’s property

- Promises of “lifelong care” in exchange for deeding property to caregiver
- Wrongful use of financial Power of Attorney or fiduciary relationship
- Selling ill-advised and unnecessary financial services or products
- Selling fraudulent financial services or products

Signs of Financial Elder Abuse Include:

- Disappearing valuables or assets
- Decline of physical and emotional well-being
- Suspicious activities/people at a senior’s home
- Substandard care despite adequate finances
- Unusual bank account activity—large withdrawals (especially when the senior is accompanied by another person) and unexplained changes of bank accounts from one branch to another

The forms to assist you in filing a report of suspected elder abuse are available from the California Department of Social Services (CDSS) at www.cdss.ca.gov.

Legal Advice or Representation

Legal assistance programs for people age 60 and older can provide assistance on issues such as income security, protective services, abuse, neglect, age discrimination, housing, utilities and health care. These free services are available to seniors with social and economic needs. To learn more about local legal assistance programs in your area, contact the California Association of Area Agencies on Aging at www.c4a.info or toll-free 1-800-677-1116.

To locate a private attorney to assist with a Power Of Attorney, trust, will or other advance planning tool, contact the lawyer referral service of the State Bar of California www.calbar.ca.gov

More Free Resources:

California Department of Aging

Toll-free 1-800-510-2020.
www.aging.ca.gov

Oversees programs serving older adults, adults with disabilities, family caregivers, and residents in long-term care facilities throughout California.

California Senior Gateway

www.seniors.ca.gov

Provides seniors, their families, and caregivers with the information they need to connect to helpful services and resources.

California Courts Elder Abuse Self-Help

www.courts.ca.gov/selfhelp-elder

Provides information regarding elder abuse restraining orders, help finding a lawyer, family law facilitator, and local self-help centers.

Guides For Managing Someone Else’s Money

Toll-free 1-855-411-CFPB (2372)

www.consumerfinance.gov

The Consumer Financial Protection Bureau produces four guides designed to help financial caregivers of older adults understand their duties.

Glossary of Financial Terms

Amortization - The gradual and systematic reduction of debt by periodic payments which include both principal and interest.

Annual Percentage Rate (APR) - The total cost of credit, including interest, fees, and other charges, expressed as an annual rate.

Borrower - Any person or organization that obtains funds from another for a period of time. The borrower usually signs a note as evidence of the indebtedness.

Capital Gain (or Loss) - The difference between the price at which you buy an investment and the price at which you sell it. There are frequently complex tax implications associated with capital gains or losses.

Churning - Excessive buying and selling in a customer's account by a broker seeking to maximize commissions regardless of the client's best interests.

Diversification - The method of balancing risk by investing in a variety of securities.

Fiduciary - A person who manages assets for the benefit of another person rather than for his or her own profit.

Maturity - The time when a note, bond or other investment option comes due for payment to investors or creditors.

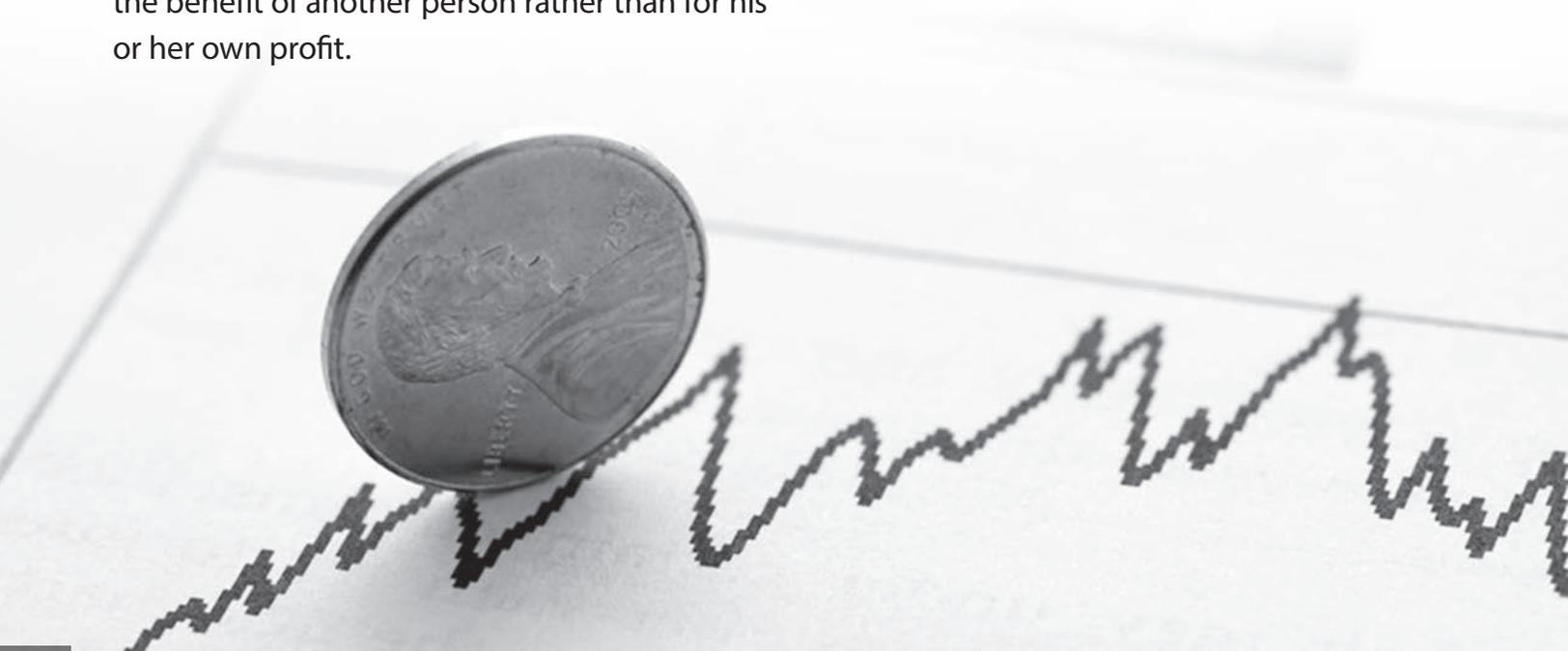
Negative Amortization - When a loan payment for any period is less than the interest charged over that period, so the outstanding balance of the loan increases.

Principal - The unpaid balance on a loan, not including interest; the total amount of money invested or loaned.

Securities - Financing or investment instruments (some negotiable, others not) bought and sold and traded in financial markets, such as stocks, bonds, notes, options and warrants.

Variable Rate - A variable-rate agreement, as distinguished from a fixed-rate agreement, has an interest rate that may fluctuate over the life of the loan.

Find a more detailed glossary listed on our website at www.dbo.ca.gov



California Department of Business Oversight

Licenses and Industries Regulated by the Department

- Banks: State-chartered commercial banks, foreign and industrial banks. National banks are regulated by the Office of the Comptroller of the Currency (OCC) and other federal entities.
- California Finance Lenders: Finance companies that offer consumer and/or commercial loans.
- California Residential Mortgage Loan Originators and Lenders (also called mortgage bankers) and loan servicers: Process and/or service residential mortgage loans.
- Capital Access Companies: Provide financial services to small businesses that have a significant connection to California.
- **Check Sellers, Bill Payers and Proraters:**
 - Check Sellers - A check or money order used to pay rent, utilities, or some other obligation that must be sent through the mail.
 - Bill Payers - For a fee, a bill payer receives money as an agent of a consumer to pay bills.
 - General Proraters - A general prorater contracts with delinquent debtors and mediates with creditors to settle debts on behalf of the debtor.
 - Special Proraters - A special prorater pays its customers' bills as part of its management of its customers' affairs, and is generally a business agent or a manager.
- Credit Unions: State-chartered credit unions only. Federal credit unions are regulated by the National Credit Union Administration (NCUA).
- Deferred Deposit Originators (Commonly known as "Payday Lenders"): Short-term cash lenders.
- Escrow Agents and Independent Escrow Companies: Hold money and other property for safekeeping and for delivering to third parties.
- Franchises: Franchisors who offer and sell franchises in California.
- Money Transmitters (includes issuers of payment instruments (money orders), travelers checks and stored value): Businesses that provide money transfer and payment services.
- Offer and sale of investments (securities, stocks and bonds), and certain commodity transactions.
- Premium Finance Companies: Financing premiums for insurance policies.
- **Securities Regulations:**
 - Broker-Dealers - Effecting transactions in securities and issuing or guaranteeing securities options.
 - Stock-brokers - A regulated professional, usually associated with a brokerage firm or broker-dealer, who buys and sells stocks and other securities for both retail and institutional clients, through a stock exchange or over the counter, in return for a fee or commission.
 - Investment Advisors (IAs) - Individuals or organizations who manage clients' securities portfolios or offer advice about investing in securities.

- Financial Planners - An investment professional who helps clients set and achieve long-term financial goals, through investments, tax planning, asset location, risk management, retirement planning and estate planning.
- Trust companies and departments who manage investments for sophisticated investors.

For a complete list of licensees and industries regulated by the Department, please visit our website at www.dbo.ca.gov.

Consumer Services Office

The Department's Consumer Services Office provides information and assistance to consumers. Specific services include:

- Helping you verify the licensing status of a financial institution, service or professional.
- Providing you with information on how to file a consumer complaint with institutions and/or individual licensed by the Department.
- Assisting you with identifying and contacting the regulator of a federal financial institution.

Call toll-free 1-866-275-2677 or visit www.dbo.ca.gov/consumers.

DEPARTMENT *of* **BUSINESS OVERSIGHT**

The California Department of Business Oversight would like to thank numerous state and federal agencies and other organizations for their contributions to the information covered in the Protect Yourself From Fraud booklet.



Check Before You Invest

Before investing, have the person offering products/services complete this form, sign it, and return it to you. Verify both the person and company are licensed and authorized to sell/offer the specific type of product, by contacting the appropriate licensing agency (see reverse side for agency contact information). Keep the completed form for your records.

Seller/Agent and Company Information (please print clearly)

Seller/Agent Name _____

Company/Business Name _____

Company/Business Address _____

Phone Number(s) _____ E-mail _____

✓ I am offering the following product(s) and/or services (check all that apply)

<input type="checkbox"/> Investment:	<input type="checkbox"/> IRAs	<input type="checkbox"/> Mutual Funds	<input type="checkbox"/> Oil & Gas/Minerals
	<input type="checkbox"/> Private Placements	<input type="checkbox"/> Securities	<input type="checkbox"/> Other _____

<input type="checkbox"/> Financial Planning:	<input type="checkbox"/> Annuities	<input type="checkbox"/> Financial Planning	<input type="checkbox"/> Investment Advice
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<input type="checkbox"/> Insurance:	<input type="checkbox"/> Life	<input type="checkbox"/> Viaticals	<input type="checkbox"/> Wealth Creation
	<input type="checkbox"/> Other _____		

<input type="checkbox"/> Real Estate:	<input type="checkbox"/> Equity Loan	<input type="checkbox"/> Escrow/Title	<input type="checkbox"/> Mortgage
	<input type="checkbox"/> Refinance	<input type="checkbox"/> Mortgage Modification	
	<input type="checkbox"/> Reverse Mortgage <input type="checkbox"/> Investment (specify) _____		

<input type="checkbox"/> Legal Services:	<input type="checkbox"/> Estate Planning	<input type="checkbox"/> Living Trust	<input type="checkbox"/> Wills
	<input type="checkbox"/> Other _____		

<input type="checkbox"/> Accounting:	<input type="checkbox"/> Tax Preparation	<input type="checkbox"/> Other _____	
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<input type="checkbox"/> Contractor Services:	<input type="checkbox"/> Home Repair	<input type="checkbox"/> Remodeling	<input type="checkbox"/> Other _____
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✓ I am currently licensed by

<input type="checkbox"/> CA Department of Business Oversight	License #:	_____
<input type="checkbox"/> CA Department of Insurance	License #:	_____
<input type="checkbox"/> CA Bureau of Real Estate	License #:	_____
<input type="checkbox"/> CA State Bar Association	State Bar #:	_____
<input type="checkbox"/> CA Board of Accountancy	CPA License #:	_____
<input type="checkbox"/> CA Contractors State License Board	License #:	_____
<input type="checkbox"/> Other	License #:	_____

✓ I certify that I am making these representations truthfully in order to do business with you.

Signature: _____ Date: _____



Before Investing or Getting Advice

have the person offering products/services complete this form, sign it, and return it to you.



Verify

both the salesperson/advisor and their company are licensed and authorized to sell/offer the specific type of product. Remember to keep this completed form for your records.



Contact

the appropriate California licensing agency below (or call the California Department of Business Oversight for referral to other agencies).

<i>Agency</i>	<i>Responsibilities</i>	<i>Contact Information</i>	
CA Department of Business Oversight	Licenses and regulates individuals and companies conducting various financial activities, including investment advisors, brokers, escrow/titles, mortgages, payday lenders and sellers of franchises.	Toll-Free TTY www.dbo.ca.gov	1-866-275-2677 1-800-735-2922
CA Department of Insurance	Licenses and regulates insurance agents, brokers, companies, viaticals and annuities.	Toll-Free www.insurance.ca.gov	1-800-927-HELP (1-800-927-4357)
CA Bureau of Real Estate	Licenses and regulates real estate brokers and salespeople, and mortgage lender/broker activities.	Fresno Los Angeles Oakland San Diego www.bre.ca.gov	(559) 445-5009 (213) 620-2072 (510) 622-2552 (619) 525-4192
State Bar of California	Information to help you find an attorney, including elder law or trust specialists. Also, file complaints and get assistance with reimbursement for attorney misconduct.	License verification & complaints Toll-Free Senior Information Hotline Toll-Free www.calbar.ca.gov	1-800-843-9053 1-888-460-7364
CA Board of Accountancy	Licenses and regulates certified public accountants, public accountants and accounting firms.	Sacramento www.dca.ca.gov/cba	(916) 263-3680
CA Contractors State License Board	Licenses and regulates 43 classifications of contractors and home improvement specialties.	Toll-Free www.cslb.ca.gov	1-800-321-2752



Resource Guide

<i>Agency</i>	<i>Responsibilities</i>	<i>Contact Information</i>
CA Department of Consumer Affairs	Licenses and regulates over 100 professions including accountants, real estate professionals, and contractors.	Toll-Free 1-800-952-5210 www.dca.ca.gov
CA Department of Justice –Attorney General’s Office	Prosecutes consumer complaints, related to fraud, and identify theft. Investigates Medi-Cal fraud and elder abuse in long-term care facilities.	Public Inquiry Unit Toll-Free 1-800-952-5225 TTY 1-800-735-2929 www.oag.ca.gov Medi-Cal Fraud and Elder Abuse Reporting Hotline Toll-Free 1-800-722-0432
CA Department of Veterans Affairs	Provides benefits and services to California veterans, including dependents and survivors, from residency in state Veterans Homes to assistance purchasing a home. Also advocates for veterans, providing information and representation before the U.S. Department of Veterans Affairs.	Toll-Free 1-800-952-5626 www.calvet.ca.gov
CA Public Utilities Commission	Regulates privately-owned utilities, telecommunications, transit, and transportation companies.	Consumer Affairs Bureau Toll-Free 1-800-649-7570 www.cpuc.ca.gov
U.S. Department of Veterans Affairs	Provides benefits and services to U.S. veterans, including dependents and survivors. Benefits include disability compensation, pension, education, home loans, life insurance, vocational, rehabilitation, survivors’ benefits, medical benefits, and burial benefits.	VA Benefits Toll-Free 1-800-827-1000 www.va.gov
U.S. Federal Trade Commission (FTC)	Provides consumer protection on loans, credit cards, identity theft, telemarketing, funerals and cemeteries.	Toll-Free 1-877-FTC-HELP (1-877-382-4357) www.ftc.gov
U.S. Internal Revenue Service (IRS)	Provides information on legitimate charities, tax-related fraud schemes, fraudulent federal tax returns, and other information.	Hotline for Charities Information Toll-Free 1-877-829-5500 Hotline for Tax Fraud Reporting Toll-Free 1-800-829-0433 www.irs.gov
U.S. Securities and Exchange Commission (SEC)	Regulates national securities exchanges, investment companies, and investment advisors who manage over \$100M in client assets.	Toll-Free 1-800-732-0330 www.sec.gov

Resource Guide

<i>Agency</i>	<i>Responsibilities</i>	<i>Contact Information</i>
Consumer Financial Protection Bureau (CFPB)	Congress established the CFPB to protect consumers by carrying out federal consumer financial laws. They work to give consumers the information they need to understand the terms of their agreements with financial companies and are working to make regulations and guidance as clear and streamlined as possible so providers of consumer financial products and services can follow the rules on their own.	Toll-Free (855) 411-2372 www.consumerfinance.gov
Eldercare Locator	The Eldercare Locator, a public service of the Administration on Aging, U.S. Department of Health and Human Services, is a nationwide service that connects older Americans and their caregivers with information on senior services.	Toll-Free 1-800-677-1116 www.eldercare.gov
Federal Deposit Insurance Corporation (FDIC)	The Federal Deposit Insurance Corporation (FDIC) preserves and promotes public confidence in the U.S. financial system by insuring depositors for at least \$250,000 per insured bank; by identifying, monitoring and addressing risks to the deposit insurance funds; and by limiting the effect on the economy and the financial system when a bank or thrift institution fails.	Toll-Free 1-877-275-3342 (ASK-FDIC) www.fdic.gov
Financial Industry Regulatory Authority (FINRA)	FINRA is the Financial Industry Regulatory Authority. FINRA is dedicated to investor protection and market integrity through effective and efficient regulation of the securities industry. FINRA is not part of the government. We're an independent, not-for-profit organization authorized by Congress to protect America's investors by making sure the securities industry operates fairly and honestly.	Toll-Free 1-800-289-9999 www.finra.org
Office of the Comptroller of the Currency (OCC)	The OCC's primary mission is to charter, regulate, and supervise all national banks and federal savings associations. They also supervise the federal branches and agencies of foreign banks. Their goal in supervising banks and federal savings associations is to ensure that they operate in a safe and sound manner and in compliance with laws requiring fair treatment of their customers and fair access to credit and financial products.	Toll-Free 1 (800) 613-6743 or TDD Number (713) 658-0340 www.occ.gov www.HelpWithMyBank.gov



Do You Think...

You Have Been a Victim of Fraud?

You Have Been Scammed?

Help us protect Californians from unlicensed or fraudulent consumer transactions.

How to File a Complaint with the California Department of Business Oversight:

- 1** Call us toll-free 1-866-275-2677 to have a complaint form mailed to you
- 2** Download the complaint form from our website. For the fastest response, we recommend filing online www.dbo.ca.gov/consumers
- 3** Summarize your complaint and provide all relevant information that may assist us in understanding and resolving your complaint
- 4** Provide copies of all documents supporting your complaint (do not send originals or Social Security number or any other sensitive information)

Mail the complete and signed complaint form to:

California Department of Business Oversight
Consumer Services Office
1515 K Street, Suite 200
Sacramento, CA 95814



Notes

Notes

CALIFORNIA DEPARTMENT OF BUSINESS OVERSIGHT



Toll-Free 1-866-275-2677

TTY 1-800-735-2922

Online www.dbo.ca.gov

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Contact us to arrange speakers for presentations. To request additional copies of this booklet, please call our toll-free number, or e-mail publications@dbo.ca.gov.

