



STATE OF MONTANA • DEPARTMENT OF ADMINISTRATION

DIVISION OF BANKING AND FINANCIAL INSTITUTIONS

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COMPLAINT INFORMATION

WHEN SHOULD I FILE A COMPLAINT WITH THE DIVISION?

Before filing a complaint with the Division, consumers are encouraged to try to resolve the dispute themselves. We have found that complaints can normally be resolved if the consumer contacts the business directly. If you have not already done so, please contact the office manager of the business and attempt to resolve the problems yourself. If direct contact is unsuccessful, or if you are dissatisfied with the results, please complete the complaint form, and send it to the Division. Your complaint will be promptly acknowledged, and you will be advised of any action we take.

IMPORTANT ITEMS FOR YOU TO CONSIDER BEFORE FILING A COMPLAINT:

- ❖ The Division can only act on violations of laws, rules, and regulations by businesses regulated by the Division.
- ❖ The Division cannot give you legal advice, nor can we recommend an attorney to you.
- ❖ The Division cannot pursue legal redress on your behalf. You should always contact a private attorney who can advise you of your rights.
- ❖ The Division will not handle a complaint that is in litigation, has been litigated, or if an attorney has been retained nor will the Division act on behalf of either party to the dispute.
- ❖ The Division can only accept a complaint from the person involved in the dispute or the legal representative of that person.

FREQUENTLY ASKED QUESTIONS

What if the Division doesn't have authority?

In situations where the Division determines that it does not hold authority to investigate, we will either refer your complaint to the appropriate authority or reject your complaint with an explanation. If you do not understand our rejection or referral, please call our office for further

information.

In some cases, the Division may initially believe that it holds jurisdiction over the issues raised, but upon further investigation may determine that it does not. You will be informed of any such determination and again may call the Division for clarification.

How does the process work?

You, the consumer, will be referred to as “consumer” throughout the investigation and resolution. Upon receipt of your complaint, the information is logged into our complaint database and notification of receipt is sent to you. If the Division needs additional information, we will contact you and make a request. If you provide accurate initial information, it will make the process more efficient.

The Division next notifies the business, referred to as “Respondent”, that a complaint has been received and provides them with a copy of the complaint with any attached information. The business is instructed to respond to the complaint and provide information within 30 days.

Once the business has responded to the Division, the facts, evidence, and issues will be reviewed in relation to the appropriate laws and regulations. The Division will prepare a recommended resolution to the complaint which is sent to the consumer and business for consideration. Please keep in mind, this process can take several weeks depending on the complexity of issues in your complaint.

Must you comply with the resolution?

No. You are not under the Division’s jurisdiction, and the Division cannot provide you with legal advice.

Are your rights limited by the resolution?

No. You have the right to pursue the matter yourself or with legal counsel regardless of how the Division handles the matter. Please note that the Division cannot act privately on your behalf.

HOW DO I COMPLETE THE COMPLAINT FORM?

Answer all questions and complete the questions as accurately as possible. Please keep these things in mind:

- ❖ **Be logical, fair, and objective.** The business will review your complaint description. Our experience is that inflammatory statements or derogatory comments only cause to further distance between the parties and make a satisfactory resolution more difficult.

- ❖ **Be concise.** The fewer words you can use to describe the problem the better. Stick to the relevant facts. For example, it is important for the Division to know when you applied for a loan, but not necessarily the personal reasons why you needed a loan.
- ❖ **Who, What, Where, When, Why, and How.** Don't forget these clarifying facts. Especially the dates! In the regulatory industry, dates are of paramount importance. If you have an accurate recollection of the day you received a specific disclosure or document... tell us. Did you retain something that will support this date? Show us. Who did what? Where were they when it happened? Remember, we must form an understanding based upon the facts you provide us, and then we must attempt to verify these facts.
- ❖ **Documents are the key to any financial transaction.** Carefully review the documents you were given and provide legible copies of those that support your claim to us. We are especially interested in disclosures or written statements you may have received from the Respondent. If possible, please send copies of your documentation electronically. If you must send hard-copies - do NOT send originals unless we request them. Also, please redact any personal information such as social security numbers, date of birth, etc...
- ❖ **Be reasonable in your request for a resolution to the matter.** The Division will make its resolution request based in law and regulation. On occasion, after the Respondent reviews the complaint, a resolution may be obtained before the Division even begins its investigation.

HOW DO I FILE MY COMPLAINT?

A complaint form can be downloaded from our website at www.banking.mt.gov. (Note: This form must be downloaded and saved to your computer before filling out and clicking the submit button.)

IS YOUR COMPLAINT CONFIDENTIAL?

Generally, no. The documents and information you and Respondent provide may be provided to the interested parties in the complaint; law enforcement, the Department of Justice, or the county attorney. If the Division refers your complaint to another agency, our policies do not govern the dissemination of requested items by that agency. Likewise, the Respondent is not required to comply with the Division's policy on records production.

WHAT THE DIVISION CAN DO FOR YOU

- The Division can advise you of the documentation you should expect to receive throughout the course of your transaction.
- The Division can contact the business and request a written response to your complaint.

WHAT THE DIVISION CANNOT DO FOR YOU:

- The Division cannot give you legal advice, nor can we recommend an attorney to you.
- The Division cannot pursue redress on your behalf. You should always contact a private attorney who can advise you of your rights.
- The Division cannot obtain records on any account on which you are not a signatory.

CONTACT INFORMATION

If you have any questions, you may contact Linda Leffler, Compliance Specialist, at (406) 841-2932 or lleffler@mt.gov. If you have documentation from the Division concerning your complaint, please reference the complaint number for greater efficiency in response.