



Meet the folks re-evaluating the state's main consumer law

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By **Sheryl Harris, The Plain Dealer**

The advisory committee reviewing the state's Consumer Sales Practices Act has started work.

Make that advisory committees.

Ohio Attorney General Mike DeWine appointed a committee of business and consumer representatives to consider whether the state's 40-year-old consumer law should be revamped.

The committee, though, is actually two separate "committees" – one made up of business representatives, the other of consumer advocates.

Business advisory committee members include:

- Bill Owens, a builder located in central Ohio, for the Ohio Home Builders Association
- Bob Reichert of the Kenwood Dealer Group auto dealership in Cincinnati
- Lora Miller, director of government affairs for the Ohio Council of Retail Merchants
- Carol Van Sickle, vice president of public affairs for the Toledo Chamber of Commerce
- Jon Kelly, an attorney for AT&T
- James Hadden, an attorney with the Columbus law firm Porter Wright
- Kristin Mullins, vice president and chief operating officer of the Ohio Grocers Association

The consumers committee includes:

- Harold Williams, head of the consumer law unit for the Legal Aid Society of Cleveland and editor of Ohio Consumer Law, the bible of consumer lawyers
- Cynthia Sich, director of the Summit County Office of Consumer Affairs

- David Weiss, president of the Cleveland Better Business Bureau
- Kip Morse, Weiss's counterpart at the Central Ohio BBB
- Linda Cook, a consumer attorney with the Ohio Poverty Law Center
- Amy Wells, a consumer attorney in Dayton
- Greg Travalio, a retired Ohio State University professor who taught consumer law and who currently is of counsel at the Columbus law firm Isaac, Brant, Ledman & Teetor

The business committee met for the first time last week. The consumer committee had its first meeting Tuesday. DeWine sat in on both sessions, although his consumer protection chief, Sandra Lynskey, runs the meetings.

DeWine announced the review of the consumer law in June, when he endorsed a "right to cure" bill introduced by Reps. Lynn Slaby of Copley and Ron Young of Leroy Township that was vetted by the Ohio Auto Dealers Association.

HB 275 would give a business that was sued for cheating the chance to derail a consumer lawsuit by offering a "fix" for the problem plus up to \$1,500 toward the consumer's attorney fees (an amount attorneys say doesn't cover the cost of investigation required before a suit can be filed).

Under the bill, if a consumer rejected the fix but went on to win the case, he would be entitled only to limited damages and could forfeit his rights to collect attorney fees and court costs from the loser.

The bill has been assigned to the House judiciary and ethics committee.

One to watch

Two downstate senators introduced a bill Monday that would exempt banks and credit unions from the state's usury laws if they have competition from higher-priced competitors.

Senate Bill 218 would allow banks chartered in Ohio to charge the same interest rates and fees as similar institutions from out of state who do business here.

Usury limits are set by states. The Supreme Court has ruled that financial institutions can import the rates allowed by their home state to other states where they do business.

Under this bill, if a bank located in another state charges higher rates to its Ohio customers, Ohio banks could skirt the state's limits on interest rates and fees and match that higher rate for its customers here.

(Didn't competition used to drive down prices?)

In a letter seeking co-sponsors, Sen. Bill Coley (who sponsored the measure in the Senate with Bill Seitz) and Rep. Andrew Brenner said the bill would entice banks to be come chartered here, "making Ohio the banking capital of the Midwest."

It's hard to see how, since banks chartered elsewhere can already import higher rates.

"This anti-consumer, pro-banks bill would make it possible for banks to raise credit card rates and other loan rates to match higher rates in other states. How is this good for consumers?" said Rep. Matt Lundy of Elyria, who vowed oppose Brenner's House version, **H.B. 322**.

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