



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and
college districts
throughout the state.*

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LEGAL UPDATE

June 17, 2015

To: Superintendents/Presidents/Chancellors, Member Community
College Districts

From: Mia N. Robertshaw *MNR*
Assistant General Counsel

Subject: Deceptive or Misleading Business Solicitations
Memo No. 08-2015(CC)

The summer months can be a good time for community college districts to review their board policies and administrative procedures to ensure that the policies and procedures are up-to-date and being followed by district personnel. At times, districts may be contacted by companies offering to update districts’ policies or otherwise help districts achieve compliance with various laws. These companies are not always legitimate, and they may put districts under a great deal of pressure to use the companies’ services. Various red flags may indicate that companies are not legitimate. For example: cold calls or unexpected emails to personnel who typically would not be involved in such matters; urgency with regard to great deals expiring or looming deadlines; requiring districts to sign the company’s agreement; or other “hard sells.” At times, companies may pretend to be affiliated with trusted organizations.

On one occasion, an administrator received a call about toner cartridges for district printers. This administrator typically was not involved in purchasing office supplies. The company told the administrator about the great deals available to districts that purchased toner in bulk, and the administrator placed an order. Later, the administrator learned that the toner was more expensive and of lower quality than what the district normally purchased. The district sought to return the toner, and the company demanded an exorbitant “restocking fee” and also pointed to a clause in the purchase agreement requiring that all disputes be resolved in a court in Missouri. It took months to resolve the dispute.



Districts should act with caution before entering any agreements with companies. School and College Legal Services attorneys are available to advise districts that are considering entering agreements with companies.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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