



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Monica D. Batanero
Nancy L. Klein
Margaret M. Merchat
Jennifer E. Nix
Mia N. Robertshaw
Loren W. Soukup
Patrick C. Wilson
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Janna L. Lambert
Virginia A. Riegel

LEGAL UPDATE

June 17, 2015

To: Superintendents, Member School Districts (K-12)

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

Subject: Deceptive or Misleading Business Solicitations
Memo No. 13-2015

The summer months can be a good time for districts to review their board policies and administrative regulations to ensure that the policies and regulations 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.



School & College Legal Services of California
Tel: (707) 524-2690 Fax: (707) 578-0517
www.sclscal.org

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.

© 2015 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client's own non-commercial purposes.