



VIA REGULAR US MAIL
VIA CERTIFIED US MAIL
RETURN RECEIPT REQUESTED
VIA FAX @ 404-768-1085

July 24, 2007

Better Business Bureau of Metro Atlanta, Inc.
Attention: Fred T. Elsberry, Jr. – President & CEO
503 Oak Place, Suite 590
College Park, GA 30349

Re: Your letter dated July 10, 2007

Dear Mr. Elsberry:

On June 14, 2007, even though we were not a member of the BBB, our firm had a “satisfactory record” with the BBB. Starting June 14, 2007, we were solicited by the BBB to join the BBB for a fee. Because of inaccuracies and omissions in our “satisfactory record,” we put off a decision to join. We did however, on July 6, 2007, notify in writing the BBB about these inaccuracies and omissions and requested changes in certain details stated in and omitted from our “satisfactory record.” After not receiving the changes we requested, we declined the BBB’s offer to join.

On July 13, 2007, we received a letter from the BBB stating:

“We have made the factual changes to your report as requested...” It then went on to state that the BBB was “...reviewing the information we provide to be sure it is as factual as it can be for the public to view...”

Incredibly, after receiving our letter and after receiving our denial to join the BBB for a fee, the BBB placed derogatory, unfactual, slanderous, libelous and inaccurate information about our company on the BBB website as well switching our rating to an “unsatisfactory record.” It appears the BBB’s investigation of our company’s report is complete and thus an additional response from our company is warranted.

After seeing the new changes to our BBB report and receiving the last letter from the BBB, our attorneys reviewed the BBB website and found the following bold statement:

“BBBs champion marketplace ethics and hold *member and non-member* businesses alike accountable to the highest standards of honesty...”

It appears from this claim that the BBB treats members and nonmembers alike. Our attorneys, after seeing this statement, conducted their own review of our competitors and looked on the BBB website to ensure the BBB has treated everyone fairly. They reported to us that it appears companies who join the BBB all have satisfactory records. Furthermore, in comparison with our company, the BBB has not placed similar information about BBB member companies. Our attorneys were stunned when they looked through a random sampling of our competitors and their corresponding records with the BBB and discovered a clear bias towards members over nonmembers like our firm. This despite BBB’s website proclaiming that the BBB acts a neutral party and treats all companies on a consistent basis:

As a neutral third-party, Bureaus provide reliability reports and handle complaints about member and non-member companies on a consistent basis.

Our attorneys easily found information available to anyone and certainly the BBB. For example, the report on Hammock’s Heating & Air states they have a satisfactory record. Our attorneys could not believe Hammock’s was held in such high regard with the BBB since their license holder (the person responsible for all of the work the company does) has been placed on probation by the very agency that governs our conduct and licenses to do business in Georgia.

https://secure.sos.state.ga.us/mylicense%20weblookup/docs/2002_1158_cn208513_002.pdf

https://secure.sos.state.ga.us/mylicense%20weblookup/docs/2002_1158_cn208513_001.pdf

Our attorneys pointed to another statement on BBB’s own website that deals with a requirement of member companies:

Non-actionability

“Be free from any governmental action concerning the marketplace and its customers...”

Hammock’s is under such governmental action yet the BBB fails to place this information on Hammocks’ report. Under BBB’s requirements to join and stay a member, a company like Hammock’s must constantly provide updates to its membership including any updates with its licenses upon request by BBB.

Licensing

Fulfill all licensing and bonding requirements by applicable city, county, state and

federal agencies and authorities, provide license numbers upon application for BBB membership and provide *periodic updates on request* of the local BBB.

BBB has decided not to request updates from Hammocks regarding his license problems in a clear effort to maintain a paying member's satisfactory record.

But the shock did not stop there. This firm apparently has a registered child molester working for them. Please see the following link for proof:
<http://services.georgia.gov/gbi/gbisor/SexualOffenderDetails.jsp?action=SexualOffenderDetails&sexualoffenderId=559801LB6>

Our attorneys called to confirm this individual was working there. Why is this information not listed under Hammock's "*Additional File Information*"? The BBB website states a benefit to consumers is to provide law enforcement actions:

Benefits of BBB Affiliation

Provides business reliability reports that identify you to the public as a BBB member, confirming your good reputation. Such reports also provide information on member and non-member business alike, alerting you to any consumer complaint histories, *law enforcement actions*, and advertising practices.

One would think the BBB would actually provide law enforcement actions and other facts on its members but clearly, it does not. Residential heating and air conditioning services require service technicians to enter personal residences often when children are present. The BBB could simply request a list from all members and run a simply public background check. Obviously, being a member of the BBB carries certain privileges and the BBB does not treat members and nonmembers alike. Our attorneys obtained information regarding several other competitors all from publicly available documents on the web. Apparently, the BBB does not do this investigation....except with our firm who has not paid the BBB to join and pointed out in writing problems with our report.

We are hereby notifying the BBB in writing that the report on our firm:

1. States what the consumer alleges. It fails to state what we allege. For example, occasionally, a consumer just does not have the money for air conditioning work. However, they are hot and in need of air conditioning. So they call us out but fail to tell us that we will not be paid for our work because they lack the funds. Unknowingly, we do the work they request and they contract for. When it comes time to pay, the customer either refuses to pay at the moment we complete the service or they write us a check that later bounces. In each case, the customer claims they were not happy with the service. Because they will not let us back on to the premises and it appears they are receiving cool, dry air, we have no choice but to file criminal charges and send them to collections. Stores prosecute shop lifters. Gas stations file charges against drive-offs. There is nothing

- more you can do with a person who takes your services or products for free. The customer's best defense is to take the offense and claim poor workmanship. The BBB does not look at the customer's bounced check or refusal to pay as imputing criminal intent on the customer. The BBB appears to believe that any customer has the right not to pay for services rendered whenever they feel like it. We request that the BBB at least state under each complain what we allege to provide a fair and balanced report for the consumer to decide.
2. States that our "*responses to complaints often request consumers to complete a detailed series of questions.*" Our attorneys have informed us that the inclusion of this statement is meant to taint our company by implying paperwork instead of resolutions. Unfortunately, the BBB implies that investigating a claim or problem is bad. Instead of stating: "*Many companies do not respond to customer complaints or do not make a serious attempt to understand or remedy the problem. This firm does the opposite by spending a lot of time and effort with paperwork documenting the complaint and any resolution the company offers.*" The BBB, or someone representing the BBB, has cleverly written our report to *spin* the facts to a certain conclusion. Simply put, someone came to the conclusion and instructed someone else to write a report based on that conclusion. It is amazing since many other businesses do what we do. Recently, an airlines lost one of our employee's bags. Instead of handing over the money, the employee had to list what was in the bag. It was a lot of paperwork and I am sure the employee was frustrated. However, the paperwork seemed fair. Eventually, they got their money but the airline made sure they were not being cheated. This is normal conduct by a business to ensure they: (a) understand the problem; (b) understand the cause of the problem; and (c) fix the problem if it is at fault. Another common issue that arises is when a customer calls us to fix their non-working unit. We discover five things wrong with the unit. The customer cannot afford all of the fixes and selects the fix that is the cheapest and will make it work now. Even though we document our recommendations and all of the problems with the unit, the customer still persists. We then fix the one item that makes it work. In one week, the unit fails again. The customer now claims we need to fix the rest of the items for free or replace the unit. This is not new. It happens with car mechanics. If you take your car in for an oil change, and the car has a problem the next day, you assume it was the oil change company's fault. Of course the oil change company will investigate the problem rather than simply replace your engine for free. Furthermore, we do not send a series of questions to all of our customers. In fact, our last 11 responses contained no "*series of questions*" to the customer. The BBB fails to mention that. When we do not understand the complaint, we send out questions. In addition, we take every complaint seriously. We do not hide our head in the sand like other businesses. Surely, the BBB ranks us high with the extremely thorough investigation we conduct with each complaint?

3. Fails to mention that our firm has responded to all complaints brought to our attention.
4. States that “*responses often provide signed affidavits from their employees, suggesting that the consumers are not factual in their accounting of the situations*”. It is very interesting how the BBB has spun this fact. Apparently, it is important for the public to know that our firm sometimes disagrees with the customer. The BBB has chosen not to list the other positive aspects about our company like how many times we correct problems brought to our attention and settle other claims. If we join the BBB, will this change our report?
5. Makes statements under the heading “*Additional File Information*” that is false and misleading. The Bureau is disseminating this false information about private individuals or private employees, which have nothing to do with our firm. What is the purpose of this false information? The BBB is disseminating information on our “*BBB Reliability Report*” under this heading concerning other firms that we have no relation to whatsoever! The Bureau is misleading the public by implying there is some relationship, libeling us and damaging our company. Hopefully, the BBB used a law firm with malpractice coverage to proof our report.
6. Fails add a link to our website. Again, our attorneys pointed out that the BBB will add direct web links for “members” who pay, however, will not add this web link for “non-members” who do not pay your membership fees. This is evident at the following site of two of your “members.”
<http://www.atlanta.bbb.org/commonreport.html?compid=4000456>
<http://www.atlanta.bbb.org/commonreport.html?compid=559>

The BBB will not put up a link on our “*BBB Reliability Report*” to our web site

http://www.airconditioningatlanta.com/Mechanics_Customer_Compliments.htm in order to give our potential customers a “fair and balanced” look at what our customers have been telling us about our services.

7. Fails to reflect our 25,000+ happy customers. The BBB report does not reflect the thousands (yes that right “thousands”) of customers per season we help, via our “*Same Day Service*” who are desperate to find relief from Atlanta’s oppressive heat and cold, when no other company has appointments available to come out. The reason we can do this is because we pay people to stand around waiting for calls unlike other services who set appointments in two to three days. It costs more and some clients can wait three days and pay less. That is their choice.

Other issues we have with the BBB:

1. The BBB keeps on closing out complaints and then reopening the complaint every time the customer writes in another letter, despite the fact the customer’s letter contains no new information relevant to the facts of their case.
2. The BBB requires us to respond to the same thing over and over again.

3. No one at the BBB seems to be able to make a final decision on the merits of a complaint.
4. The BBB seems unable or unwilling to either point out to us where we have violated the Law or our contract in relation to a matter, or to have the professionalism and the courage to put a complaint to bed once and for all.
5. It seems no one at the BBB reads our responses, but rather just pushes a button on the BBB's new computer system.
6. The BBB's "customer complaint process" seems to be nothing more than an exercise in endurance for both sides.
7. The BBB allows consumers to abuse their services.
8. The BBB has failed to respond to many of our response letters requesting assistance to resolve matters with customers.
9. Our unresolved complaints on the BBB's website closely resembles our stopped payments, bounced checks or refusal to pay list.

In summary, the BBB states on its own website that the goal of the BBB is:

As a neutral third-party, Bureaus provide reliability reports and handle complaints about member and non-member companies on a consistent basis.

Staunchly Neutral

Today's BBBs are committed to the belief that the majority of marketplace problems can be solved through voluntary self-regulation. They understand the perspective of both consumers and businesses.

Our attorneys have discovered and now have pointed out to the BBB, information and processes to make their reports more reliable (a stated goal of the BBB). Since the BBB claims to be a neutral, third party, it is assumed that the BBB will correct our report to make it *fair and balanced* and add additional information about our competitors to make their reports *fair and balanced*.

We request an immediate response in writing and a correction of the above items as well as the addition of information about our competitors.

A copy of our file in this matter is enclosed for your convenience.

This letter is being sent to you via US Certified Mail, Return Receipt Requested, and Regular U.S. Mail to insure your timely receipt thereof.

Time is of the essence.

Thank You.

Sincerely,

Terry Adams

Terry Adams

Mechanic's Heating & Air Conditioning, LLC

Member