

# New York State Consumer Protection Board

## MOTOR FUEL MARKETING PRACTICES ACT COMPLAINT FORM

PLEASE PROVIDE AS MUCH INFORMATION AS YOU CAN TO THE EXTENT THAT YOU HAVE PERSONAL KNOWLEDGE OF SUCH INFORMATION AND PLEASE ATTACH ANY DOCUMENTATION THAT SUPPORTS THE INFORMATION PROVIDED SO THAT YOUR COMPLAINT MAY BE PROCESSED IMMEDIATELY

Post Office Box 2078  
Albany, NY 12223  
Phone: 518-473-0058  
Fax: 518-408-1172

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### Section I: Complaint Filed By

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1. Name of Person filing this complaint: \_\_\_\_\_

2. Please check the best way to contact you:

Fax       Telephone       E-Mail       Regular Mail

Please provide such contact information: \_\_\_\_\_

3. Name of Retail Gas Station: \_\_\_\_\_

Brand of Gasoline Sold: \_\_\_\_\_

Physical Address of Retail Gas Station: \_\_\_\_\_

\_\_\_\_\_

City	County	State	Zip
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Telephone Number: (    ) \_\_\_\_\_

Fax Number: (    ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

4. Corporate Address of Retail Gas Station: \_\_\_\_\_

\_\_\_\_\_

City	County	State	Zip
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UNFAIR PRACTICES COMPLAINT (NYS GBL § 370-f)

5. Name of Supplier: \_\_\_\_\_

6. Address of Supplier: \_\_\_\_\_

\_\_\_\_\_  
City County State Zip

Telephone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

7. Name of business contact at your supplier:  
\_\_\_\_\_

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**Section II: Complaint Filed Against**

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Name of Seller/Supplier: \_\_\_\_\_

Brand of Gasoline Sold: \_\_\_\_\_

Physical Address of Seller/Supplier: \_\_\_\_\_

\_\_\_\_\_  
City County State Zip

Telephone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

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**Section III: Unfair Practices Complaint**

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**NYS General Business Law § 370-f. Unfair practices unlawful.**

(a) It shall be unlawful for a refiner or other supplier to fix or maintain the retail price of motor fuel at a retail outlet supplied by that refiner or supplier. Nothing in this section shall be construed to prevent a refiner or supplier from counseling concerning retail prices, provided no threat or coercion is used in the counseling. This subdivision shall not apply to retail outlets operated by the refiner or supplier.

1. Referencing § 370-f. (a) above, please state in specific detail, the dates that you allege the retail prices at your station were fixed and the amount(s) in dollars per gallon. Attach additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UNFAIR PRACTICES COMPLAINT (NYS GBL § 370-f)

2. Please describe in specific detail the method(s) used by the supplier to fix the retail price at your retail gas station. Additionally, please provide copies of any supporting documentation (i.e., Letters from your supplier, notices, etc.) Attach additional sheets if necessary.

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**NYS General Business Law § 370-f. Unfair practices unlawful.**

(b) It is unlawful for any person who supplies motor fuel to a dealer for resale and who leases a retail outlet to the dealer to impose any material modification in the contractual arrangements during the term of the contract, including a material modification of the leased retail outlet, unless such modification is made in good faith and based upon reasonable business practices.

3. Referencing § 370-f. (b) above, please describe in specific detail the manner and on which occasions your contract was modified in bad faith and based upon unreasonable businesses practices. Attach additional sheets if necessary.

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4. Did the material change to the contract affect the motor fuel supply, the lease agreement or other aspects of the agreement? Please be specific and attach copies of any supporting documentation, such as letters from your supplier, notifying you as to the change in the contract. Attach additional sheets if necessary.

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UNFAIR PRACTICES COMPLAINT (NYS GBL § 370-f)

5. Please submit a copy of your supply contract agreement prior to the modification as well as a copy of the modified contract along with this complaint form or attach a written statement that describes in specific detail the current agreement between you and the supplier regarding retail gasoline prices at your station and the subsequent modification(s) to such agreement.

6. Please state the date that the contract in effect prior to the modification began and the date that the contract terminates. Attach additional sheets if necessary.

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7. State the number of years you have contracted with this supplier: \_\_\_\_\_

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**READ THE FOLLOWING BEFORE SIGNING BELOW**

Please attach to this form **photocopies** of any papers involved (contracts, warranties, bills received, cancelled checks, correspondence, etc.). **Do not send originals.**

**NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.**

In filing this complaint, I understand that the Consumer Protection Board is not my private attorney, but represents the public in enforcing the NYMFMPA. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Return to: New York State Consumer Protection Board  
Post Office Box 2078  
Albany, NY 12223**