

PS COMMITTEE #2  
April 7, 2011

Worksession

MEMORANDUM

April 5, 2011

TO: Public Safety Committee  
FROM: Susan J. Farag, Legislative Analyst *SJF*  
SUBJECT: **Worksession: FY12 Operating Budget  
Office of Consumer Protection**

*Those expected for this worksession:*

Eric Friedman, Director, Office of Consumer Protection (OCP)  
Marsha Carter, OCP  
Melissa King, Office of Management and Budget (OMB)

**Major Issue: The FY12 CE Recommended Budget abolishes an Investigator III position, following a multi-year trend where staffing has been reduced more than 33% since FY07. This additional staff reduction may significantly impact service delivery. Please see discussion below.**

The Executive's recommendation for the Office of Consumer Protection is attached at ©1-5.

**Overview**

For FY12, the Executive recommends total expenditures of \$1,948,320 for the Office of Consumer Protection, a 6.3% reduction from the FY11 approved budget.

	FY10 Actual	FY11 Approved	FY12 Rec.	% Change FY11-FY12
<b>Expenditures:</b>				
General Fund	\$2,376,469	\$2,079,200	\$1,948,320	-6.3%
Grant Fund				
<b>TOTAL Expenditures</b>	\$2,376,469	\$2,079,200	\$1,948,320	-6.3%
<b>Positions:</b>				
Full-time	19	16	15	-6.2%
Part-time	0	0	0	0.0%
<b>TOTAL Positions</b>	19	16	15	0.0%
<b>WORKYEARS</b>	18.5	14.7	14.5	-1.4%

The FY12 CE recommendation is a net decrease of \$130,880. This decrease comes from four changes with service impacts, for a savings of \$135,920, as well as the following identified same services adjustments:

<b>IDENTIFIED SAME SERVICE ADJUSTMENTS:</b>	
Increase Cost: Restore Personnel Costs - Furloughs	\$30,360
Increase Cost: Restore lapse of PAA	\$11,430
Technical Adj: Additional Personnel Costs Due to Staff Reclass.	\$9,400
Increase Cost: Annualization of FY11 Personnel Costs	\$3,270
Increase Cost: Printing and Mail Adjustment	\$1,690
Increase Cost: Retirement Adjustment	\$1,170
Increase Cost: Help Desk - Desk Side Support	\$60
Total Increases:	\$57,380
Decrease Cost: Cell phone line charges	(\$3,040)
Decrease Cost: Professional Services	(\$21,060)
Decrease Cost: Group Insurance Adjustment	(\$28,240)
Total Reductions:	(\$52,340)
<b>NET SAME SERVICES ADJUSTMENT TOTAL:</b>	\$5,040

## FY12 Expenditure Issues

### Personnel Complement

Personnel costs comprise 89.7% of OCP's FY12 recommended budget, for 15 full-time positions and no part-time positions. The CE FY12 recommended budget abolishes one Investigator III position, for a total workyear reduction of 0.2 workyears. This follows a multi-year trend, as staff within OCP has been reduced by more than 33% since FY07. This is illustrated in the chart below.

### OCP Personnel Changes FY07 to FY12

	FY07 Actual	FY08 Actual	FY09 Actual	FY10 Actual	FY11 Approved	FY12 Rec.	Net Change FY07-12	% Change FY07-12
<b>Positions:</b>								
<b>Full-time</b>	23	22	21	19	16	15	-8	-34.78%
<b>Part-time</b>	1	1	1	0	0	0	-1	-100.00%
<b>TOTAL Positions</b>	24	23	22	19	16	15	-8	-33.33%
<b>WORKYEARS</b>	23.3	22.3	21.3	18.5	14.7	14.5	-8.8	-37.77%

Last year, Council staff noted that the abolishment of three full-time positions left no room for any future staff reductions without compromising service delivery to County residents. Over the past three fiscal years, seven positions have been abolished, all but one of which was filled. The staff reductions have required the redistribution of workloads to other investigators, managers, and in some cases, the OCP Director.

### OCP Positions Abolished through Budget Process

Fiscal Year	Positions	Vacant
FY09	Investigator III	
	Principal Admin. Aide	
FY10	Investigator III	
	Senior Admin. Aide	
FY10 Savings Plan	Program Specialist	Yes
FY11	Investigator III	
	Manager III (MLS)	

While this workload redistribution has been feasible in the past, *Council staff advises that those incumbents at risk of being laid off in FY12 have highly specialized experience and/or training that is invaluable to the consumer protection function.* In the past, the loss of investigators has meant that more generalized cases were redistributed. While this has had a direct impact on the timeliness of case resolution, it has not constrained OCP's ability to continue to provide assistance in highly technical cases. Without certain in-house subject matter experts, fewer cases will be resolved by OCP and will possibly end up in the court system for resolution.

**Specialized Subject Matter Expertise:** OCP investigates and resolves complaints regarding most types of consumer transactions, including car repair and sales, home construction, and credit and financial transactions. Many of these complaints involve issues that are highly technical in nature, and OCP investigators are assigned certain cases based on their subject matter expertise. Currently, OCP has one investigator with expertise in the home construction industry: roofing, plumbing, electrical, carpentry, etc. This investigator handles the majority of new home construction and home improvement complaints. One investigator (an attorney) specializes in automotive loan and leasing documents, auto repossession cases, and mortgage/foreclosure cases. Another investigator is an ASE certified auto mechanic, who handles auto repair complaints. The loss of any of these investigators with specialized knowledge would significantly impact OCP's ability to assist County residents with consumer

complaints. For example, OCP currently has one lawsuit in Circuit Court involving a plumbing complaint. The loss of the investigator with building contractor and trade experience could hinder a successful outcome of this suit. In addition, without the technical expertise to successfully resolve certain types of cases, more County residents will likely take issues to court, increasing judicial caseloads.

***Increased Scope of Work:*** Also noted in last year's budget analysis, OCP has been given other duties over the past several years. In addition to its core consumer protection functions of investigation/reconciliation, law enforcement, and consumer education, it is responsible for staffing the Commission on Common Ownership Communities (CCOC) and licensing various professions. In recent years, it also has been given the added responsibilities of overseeing domestic workers model contracts (Bill 32-08), energy and environmental advocacy, including Pepco issues (Bill 35-07 and Bill 35-01), development tax district disclosure (Bill 36-07), and property tax disclosure (Bill 24-07).

Since 2008, OCP has been working with our County agencies regarding energy and environmental issues, to advocate for the County's interests in obtaining the lowest possible utility rates, and to assist consumers with information regarding utility usage and costs. OCP is also authorized to employ consultants and technical advisors to carry out these new duties. In October 2010, the Council confirmed OCP's consultant to serve as Special Counsel to represent the interests of the County before the State Public Service Commission. OCP (along with the Department of Environmental Protection and the Office of Emergency Management and Homeland Security) also serves as staff to the Executive's Pepco Work Group.

In order to provide these services, one OCP investigator has been tasked with providing research and support services to the Work Group, monitoring numerous related cases before the PSC and various bills before the General Assembly. The investigator's complaint caseload and other duties were reassigned to other OCP investigators to enable the investigator to work exclusively on Pepco issues, in excess of 40 hours per week. In addition, the Director participates in Work Group meetings and provides support on PSC cases, public forums, and pending legislation. The Director spends about 10 to 12 hours each week on Pepco related issues.

***Customer Satisfaction Data:*** In FY09, CountyStat provided a baseline report on OCP customer satisfaction and performance measures. The OCP customer satisfaction rating has two components: (1) the manner in which the customer's case was handled; and (2) the outcome of the customer's case. The headline measures also look at the average time in workdays it takes to investigate and close a written complaint. In FY09, customer satisfaction for the manner in which the case was handled was 2.9 (on a 4.0 scale). The customer's satisfaction rating for the case outcome was 2.6. These ratings have steadily improved over the past two fiscal years to 3.6 and 3.3 respectively.

The number of workdays needed to investigate and close a case is also an important indicator about how the staffing losses have impacted OCP's performance. In FY09, the goal was to close an average of 87.5% of cases within 64 workdays. OCP has, on average, closed 73% of all cases within this time frame.

## FY12 Revenue Issues

FY12 revenues for OCP are calculated based on civil citations, new home builder licenses, and consumer affairs business licenses. Revenues for new home builder licenses and consumer affairs business licenses have dropped in the past year due to the recession. The information is summarized below.

### FY12 Revenue Summary

Category	Actual FY10	Approved FY11	Rec. FY12	\$ Change FY11-FY12	% Change FY11-FY12
Civil Citations	886	1,000	1,000	\$0	0%
New Home Builder Licenses	\$133,198	\$200,000	\$134,000	-\$66,000	-33%
Consumer Affairs Business Licenses	\$54,647	\$69,200	\$55,000	-14,200	-21%
<b>Total General Fund Revenues</b>	<b>\$188,731</b>	<b>\$270,200</b>	<b>\$190,000</b>	<b>-\$80,200</b>	<b>-30%</b>

## Council Staff Recommendation

***Council staff recommends adding \$128,420 to the Reconciliation List to restore the Investigator III position.*** Over the past few years, the abolishment of investigator positions has led to redistributed and increased caseloads for remaining staff. While this reduction of investigative staff has resulted in longer case resolution times, it has not significantly impacted the wide range of cases that OCP can effectively resolve. The abolishment of another Investigator III position in FY12, however, will result in the loss of an incumbent with subject matter expertise that is not easily replaced or assumed by other investigators on staff. While OCP will still be charged with investigating and resolving all consumer complaints, it will not have the technical expertise to do so as effectively as before.

***Council staff recommends approval of the rest of the FY12 Operating Budget for OCP as submitted by the Executive.***

<u>This packet contains</u>	©
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FY11 Organizational Chart	6
Office of Consumer Protection Brochure	7-8
News Release – <i>Newly Formed Pepco Work Group</i> (10/04/2010)	9-11
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“Consumers in Montgomery County have team of determined volunteers on their side,” <i>Washington Post</i> (February 5, 2011)	18-21

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# Consumer Protection

## MISSION STATEMENT

The mission of the Office of Consumer Protection (OCP) is to enforce consumer protection laws prohibiting unfair and deceptive business acts or practices to ensure a fair marketplace for consumers and businesses. Activities include complaint resolution, law enforcement, education, legislation, advocacy, and outreach to vulnerable consumers.

## BUDGET OVERVIEW

The total recommended FY12 Operating Budget for the Office of Consumer Protection is \$1,948,320, a decrease of \$130,880 or 6.3 percent from the FY11 Approved Budget of \$2,079,200. Personnel Costs comprise 89.7 percent of the budget for 15 full-time positions for 14.5 workyears. Operating Expenses account for the remaining 10.3 percent of the FY12 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ ***A Responsive, Accountable County Government***
- ❖ ***Strong and Vibrant Economy***
- ❖ ***Vital Living for All of Our Residents***

## DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY11 estimates incorporate the effect of the FY11 savings plan. FY12 and FY13 targets assume the recommended FY12 budget and FY13 funding for comparable service levels.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***OCP collaborated with the State Motor Vehicles Administration to take legal action against a used car seller who sold vehicles to which the seller did not have title. Many consumers paid thousands of dollars to purchase used vehicles without receiving title to these vehicles. Civil and criminal charges were filed in Court.***
- ❖ ***OCP investigated the home air-duct cleaning industry and participated in a hidden-camera TV exposé into the deceptive practices occurring in this industry. OCP collaborated with the office of the State Comptroller regarding possible sales tax violations and entered into a Settlement Agreement with a local company which agreed to change its business practices and provided thousands of dollars in refunds to Montgomery County consumers. An industry-wide investigation was conducted into the direct mail marketing of numerous air-duct cleaning firms.***
- ❖ ***OCP continues to collaborate with local law schools, colleges, and universities to recruit qualified volunteers to assist OCP's various programs. In FY10, OCP volunteers contributed over 2,600 work hours enabling OCP to leverage its ability to be productive. Volunteer hours are equivalent to over 1.0 full-time staff hours. This resource will continue to be utilized in FY11 and FY12.***
- ❖ ***OCP reached an agreement with a local electricity provider regarding misleading advertisements following an investigation of the marketing of electricity by third-party sellers.***
- ❖ ***OCP's Advisory Committee hosted and conducted a public forum to address car buying and car ownership issues in a changing economy. County Executive Isiah Leggett and Maryland Attorney General Doug Gansler participated in this event, which was moderated by a Washington Post columnist, and presentations were made by state and federal agency representatives.***
- ❖ ***OCP revised its model automotive invoice to comply with updates in the law and to keep abreast of current industry practice.***
- ❖ ***OCP's Director was appointed by the Governor to the State's Collection Agency Licensing Board, joining industry representatives and other consumer advocates.***



❖ **Productivity Improvements**

- OCP retained the services of an energy expert to serve as a consultant in promoting the County's energy and environmental advocacy position at the state level. As a result, OCP has intervened and filed comments with Maryland Public Service Commission regarding cases directly related to electricity issues affecting consumers in Montgomery County.
- OCP has changed its way of doing business by relying on electronic communication for correspondence, licensing, board-related business, and consumer outreach thereby reducing its paper usage by 50%, decreasing response time, and increasing its target audience.
- OCP enhanced its case management and complaint tracking system by improving "Case Notes," "Documentation" and reporting features. This enabled investigators and supervisors to avoid duplication of effort, be better able to respond to inquiries, and improve management of investigative benchmarks.

**PROGRAM CONTACTS**

Contact Marsha Carter of the Office of Consumer Protection at 240.777.3686 or Melissa King of the Office of Management and Budget at 240.777.2624 for more information regarding this department's operating budget.

**PROGRAM DESCRIPTIONS**

**Consumer Protection**

The OCP receives and investigates complaints and initiates its own investigations of deceptive or unfair trade practices against consumers. Staff resolves disputes between consumers and merchants, identifies violations of County, State, and Federal consumer protection laws, and makes referrals to other agencies when appropriate. Complaint categories include automotive sales/repairs, new home construction, home improvement repairs, predatory financial practices, credit and collection practices, telemarketing, and retail sales.

The OCP issues subpoenas to compel the production of documents or compel the attendance of witnesses. The office is authorized to hold hearings, administer oaths, and issue civil citations for violations of consumer protection laws. Special investigations are conducted and may result in Settlement Agreements or abatement orders, or in transmitting cases to the Office of the County Attorney for appropriate legal action. Investigators initiate charges for criminal prosecutions by the Office of the State's Attorney, and investigators also testify in court as expert witnesses. In addition, the Office engages in consumer advocacy by testifying before County, State, and Federal legislative bodies and by drafting new legislation to protect consumers.

The OCP develops and conducts consumer education programs. The Office issues press releases through the Office of Public Information, holds press conferences, and publishes consumer brochures; staff responds to requests for information regarding consumer protection rights and remedies. Staff makes presentations at schools; community, business and civic group meetings; and frequently appear on television and radio news programs. The Office maintains a webpage containing consumer protection information, a record of the number of complaints received against merchants, and consumer alerts. Outreach efforts include initiatives to better address the needs of vulnerable consumers, underserved communities, and residents with limited English proficiency. The office also works with the Advisory Committee on Consumer Protection.

The OCP is responsible for licensing or registering automobile repair and towing businesses; new homebuilders; radio, television and electrical appliance repair shops; and secondhand personal property dealers.

<b>Program Performance Measures</b>	<b>Actual FY09</b>	<b>Actual FY10</b>	<b>Estimated FY11</b>	<b>Target FY12</b>	<b>Target FY13</b>
Restitution received as a percent of restitution asked for by the consumer <sup>1</sup>	72%	73%	85%	85%	85%
Average Office of Consumer Protection (OCP) customer satisfaction rating - Monner in which the customer's case was handled (1-4 scale)	2.9	3.0	3.2	3.5	3.5
Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale)	2.6	2.8	2.9	3.0	3.0
Average time in workdays to investigate and close a written complaint: (<\$100)	40	64	64	64	64
Average time in workdays to investigate and close a written complaint: (\$101 - \$1,000)	53	64	64	64	64
Average time in workdays to investigate and close a written complaint: (\$1,001 - \$5,000)	55	64	64	64	64
Average time in work days to investigate and close a written complaint (>\$5,000)	68	64	64	64	64
Average time in workdays to investigate and close a written complaint: (\$NA)	41	64	64	64	64



	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio	60%	65%	65%	65%	65%
Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise	10	20	24	24	24
Percent of OCP-initiated consumer protection cases closed that are resolved by OCP	73%	72%	72%	72%	72%

<sup>1</sup> All Actual FY2009 statistics are based on data from 1/1/09 to 6/30/09

<b>FY12 Recommended Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY11 Approved</b>	<b>1,825,770</b>	<b>12.8</b>
Increase Cost: Restore Personnel Costs - Furloughs	30,360	0.5
Increase Cost: Restore lapse of Principal Administrative Aide position	11,430	0.3
Technical Adj: Additional personnel costs due to staff reclassification/promotions	9,400	0.0
Increase Cost: Annualization of FY11 Personnel Costs	3,270	0.0
Reduce: Cental Duplication	-1,000	0.0
Reduce: Other Miscellaneous Office Expenses	-2,500	0.0
Decrease Cost: Cellular phone line charges	-3,040	0.0
Reduce: Computer Equipment	-4,000	0.0
Decrease Cost: Professional services	-21,060	0.0
Reduce: Abolish Investigator III position	-128,420	-1.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-14,270	0.0
<b>FY12 CE Recommended</b>	<b>1,705,940</b>	<b>12.6</b>

### Commission on Common Ownership Communities

The OCP serves as staff to the Commission on Common Ownership Communities. This Commission serves as an alternative dispute resolution mechanism to mediate and arbitrate certain disputes between the governing bodies of homeowner associations, condominium associations, and cooperatives, and the individuals living within these common ownership communities. The Commission also provides education to governing bodies of common ownership communities and their residents and acts as an advocate for their interests.

<b>Program Performance Measures</b>	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing			65%	65%	65%

<b>FY12 Recommended Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY11 Approved</b>	<b>253,430</b>	<b>1.9</b>
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-11,050	0.0
<b>FY12 CE Recommended</b>	<b>242,380</b>	<b>1.9</b>



## BUDGET SUMMARY

	Actual FY10	Budget FY11	Estimated FY11	Recommended FY12	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	1,636,999	1,287,520	1,311,570	1,240,990	-3.6%
Employee Benefits	650,180	560,570	544,990	506,070	-9.7%
<b>County General Fund Personnel Costs</b>	<b>2,287,179</b>	<b>1,848,090</b>	<b>1,856,560</b>	<b>1,747,060</b>	<b>-5.5%</b>
Operating Expenses	89,290	231,110	133,270	201,260	-12.9%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>2,376,469</b>	<b>2,079,200</b>	<b>1,989,830</b>	<b>1,948,320</b>	<b>-6.3%</b>
<b>PERSONNEL</b>					
Full-Time	19	16	16	15	-6.2%
Part-Time	0	0	0	0	—
Workyears	18.5	14.7	14.7	14.5	-1.4%
<b>REVENUES</b>					
Common Ownership Comm. Fees	0	0	0	405,500	—
Civil Citations	886	1,000	1,000	1,000	—
New Home Builder License	133,198	200,000	134,000	134,000	-33.0%
Consumer Affairs Business Licenses	54,647	69,200	55,000	55,000	-20.5%
<b>County General Fund Revenues</b>	<b>188,731</b>	<b>270,200</b>	<b>190,000</b>	<b>595,500</b>	<b>120.4%</b>

## FY12 RECOMMENDED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY11 ORIGINAL APPROPRIATION</b>	<b>2,079,200</b>	<b>14.7</b>
<b>Changes (with service impacts)</b>		
Reduce: Cental Duplication [Consumer Protection]	-1,000	0.0
Reduce: Other Miscellaneous Office Expenses [Consumer Protection]	-2,500	0.0
Reduce: Computer Equipment [Consumer Protection]	-4,000	0.0
Reduce: Abolish Investigator III position [Consumer Protection]	-128,420	-1.0
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: Restore Personnel Costs - Furloughs [Consumer Protection]	30,360	0.5
Increase Cost: Restore lapse of Principal Administrative Aide position [Consumer Protection]	11,430	0.3
Technical Adj: Additional personnel costs due to staff reclassification/promotions [Consumer Protection]	9,400	0.0
Increase Cost: Annualization of FY11 Personnel Costs [Consumer Protection]	3,270	0.0
Increase Cost: Printing and Mail Adjustment	1,690	0.0
Increase Cost: Retirement Adjustment	1,170	0.0
Increase Cost: Help Desk - Desk Side Support	60	0.0
Decrease Cost: Cellular phone line charges [Consumer Protection]	-3,040	0.0
Decrease Cost: Professional services [Consumer Protection]	-21,060	0.0
Decrease Cost: Group Insurance Adjustment	-28,240	0.0
<b>FY12 RECOMMENDED:</b>	<b>1,948,320</b>	<b>14.5</b>

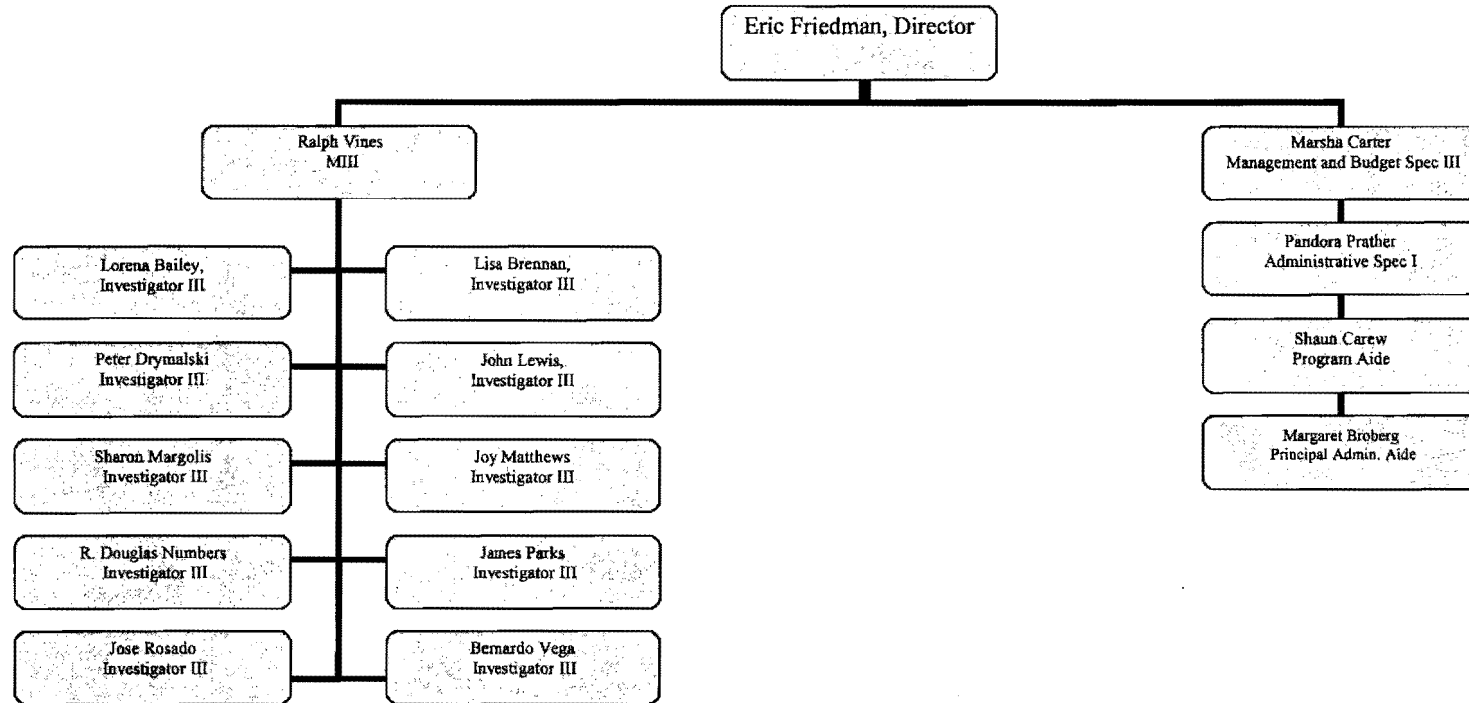
## PROGRAM SUMMARY

Program Name	FY11 Approved		FY12 Recommended	
	Expenditures	WYs	Expenditures	WYs
Consumer Protection	1,825,770	12.8	1,705,940	12.6
Commission on Common Ownership Communities	253,430	1.9	242,380	1.9
<b>Total</b>	<b>2,079,200</b>	<b>14.7</b>	<b>1,948,320</b>	<b>14.5</b>

# FUTURE FISCAL IMPACTS

Title	CE REC.					
	FY12	FY13	FY14	(5000's)		
	FY15	FY16	FY17			
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
FY12 Recommended	1,948	1,948	1,948	1,948	1,948	1,948
No inflation or compensation change is included in outyear projections.						
<b>Subtotal Expenditures</b>	<b>1,948</b>	<b>1,948</b>	<b>1,948</b>	<b>1,948</b>	<b>1,948</b>	<b>1,948</b>

# OFFICE OF CONSUMER PROTECTION



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## Helpful Agencies & Resources

Maryland Attorney General's Office,  
Consumer Protection Division  
[www.oag.state.md.us/consumer](http://www.oag.state.md.us/consumer)  
410-528-8662  
1-888-743-0023

Maryland Department of Labor, Licensing, & Regulation  
*Licenses professional and financial merchants including  
home improvement contractors*  
[www.dllr.state.md.us](http://www.dllr.state.md.us)  
410-230-6001  
1-888-218-5925

Federal Trade Commission  
[www.ftc.gov](http://www.ftc.gov)  
202-326-2222

Washington Consumers' CHECKBOOK Magazine  
*Non-profit organization issues ratings on local businesses  
and is available in public libraries.*  
[www.checkbook.org](http://www.checkbook.org)  
1-800-213-7283

### Consumer Reports

*Non-profit organization tests and reports on products  
and services and is available in public libraries.*  
[www.consumerreports.org](http://www.consumerreports.org)

### Consumer World

*Consumer news and information.*  
[www.consumerworld.org](http://www.consumerworld.org)

### Maryland Consumer Rights Coalition

*Non-profit grassroots consumer organization.*  
[www.marylandconsumers.org](http://www.marylandconsumers.org)  
410-528-1591

### Montgomery County—Landlord/Tenant Complaints

[www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)  
240-777-3609

### Montgomery County—Cable TV Complaints

[www.montgomerycountymd.gov/cable](http://www.montgomerycountymd.gov/cable)  
240-773-2288

### Better Business Bureau

[www.dc.bbb.org](http://www.dc.bbb.org)  
202-393-8000

## Montgomery County Office of Consumer Protection

100 Maryland Avenue  
Suite #330  
Rockville, MD 20850

### Telephone:

240-777-3636

### FAX:

240-777-3768

### Web page:

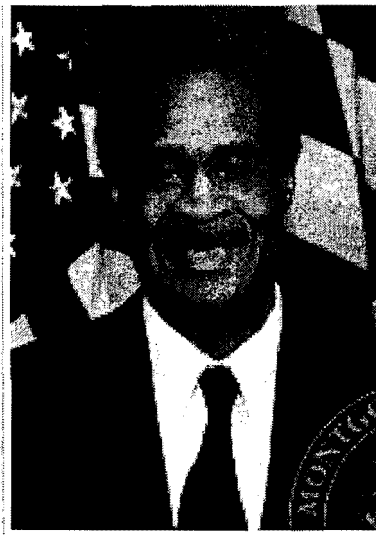
[www.montgomerycountymd.gov/  
consumer](http://www.montgomerycountymd.gov/consumer)

### Email Address:

ConsumerProtection@  
montgomerycountymd.gov

### Anonymous Consumer Tip Line:

240-777-3681



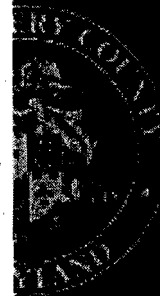
Isiah Leggett  
County Executive



Ensuring Integrity  
in our Marketplace



Ensuring  
Integrity  
in our  
Marketplace



**The Office of Consumer Protection (OCP)** is the Montgomery County agency responsible for enforcing consumer protection laws prohibiting unfair and deceptive business acts to ensure a fair marketplace for consumers and businesses. The office was established in 1971.

### Complaints

OCP investigates and resolves thousands of consumer complaints regarding automotive sales and repairs, new home construction, home improvements, credit and financial issues, retail sales, internet services, and most other consumer transactions.

### Law Enforcement

OCP issues civil citations and subpoenas, executes settlement agreements, conducts administrative hearings, and initiates legal action through the County Attorney. OCP works with agencies that prosecute criminal cases.

### Education and Outreach

OCP provides pre-purchase information on its web page including the number of complaints filed against each merchant. OCP issues news releases, email alerts, and provides speakers to community organizations. Investigators are available for consultation by telephone, email, and in person.

### Advocacy & Legislation

OCP testifies on consumer related bills and collaborates with other offices to enact new legislation in our rapidly changing marketplace.

### Licensing

OCP licenses automotive repair facilities, towing companies, new home builders, appliance repair firms, and pawn shops & consignment shops.

**OCP is also responsible for the following programs:**

#### Commission on Common Ownership Communities

OCP serves as staff to the Commission on Common Ownership Communities which handles disputes between residents and their condominium or homeowner associations.

#### Energy and Environmental Advocacy

OCP works with other County agencies to advocate for the County's interests in obtaining the lowest possible utility rates consistent with environmental stewardship. OCP assists home sellers and buyers obtain information about utility usage and costs.

#### Domestic Workers

OCP administers a program requiring employers to negotiate and offer written contracts disclosing information about job conditions and benefits to certain workers employed in their homes. A model contract and resource information are available on OCP's web page.

#### Property Tax Disclosures

OCP administers several laws concerning the proper disclosure and advertising of estimated property taxes and charges to ensure that home purchasers do not receive misleading information. An online tax calculator is provided on OCP's web page.

#### New Home Sales Contracts

OCP enforces several laws related to the sale of new homes.

**OCP receives assistance from the following groups:**

#### Advisory Committee on Consumer Protection

Provides advice to OCP in carrying out its duties and functions. Members are appointed by the County Executive and confirmed by the County Council.

#### Builder's Board of Registration

Provides recommendations to OCP in reviewing license applications for new home builders. Members are appointed by the County Executive and confirmed by the County Council.

### If You Have a Consumer Problem

First, explain your concerns directly to the merchant. If that does not work, contact OCP to file a complaint. A complaint form can be found on OCP's web page. Be sure to provide a copy of all related documentation when you file the complaint.

### OCP Staff

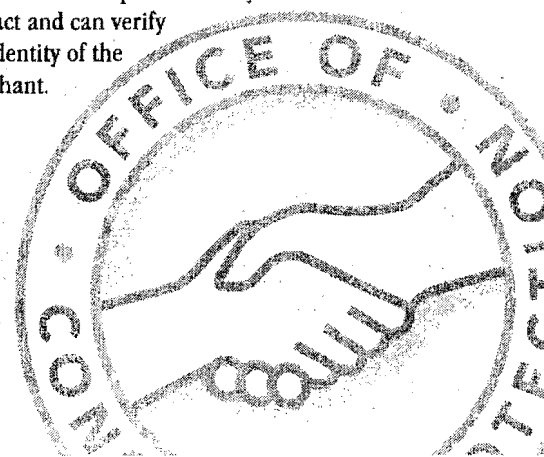
OCP's investigators have expertise in many areas. Our dedicated staff includes automotive experts, Spanish speakers, attorneys, and volunteers. We are here to be of service to you.

### OCP in the News

OCP's outreach and consumer education efforts are enhanced by media coverage regarding our activities. Staff frequently appear on local television and radio news programs, and are frequently quoted in local newspapers and magazines. Our staff have been quoted in national news publications such as the *New York Times*, *The Wall Street Journal*, *Business Week*, and *US News & World Report*. Staff have also appeared on national television news programs such as *DateLine*, *Good Morning America*, *Prime Time Live*, *The Today Show*, and *48 Hours*. Links to media coverage are provided on our web page.

### Consumer Tips

- Read all contracts and sales receipts carefully before you sign, and make sure to keep a copy. Do not sign blank documents.
- Never provide personal information over the telephone or computer unless you initiated the contact and can verify the identity of the merchant.





## MONTGOMERY COUNTY, MARYLAND *News Release*

For Immediate Release: 10/4/2010

Newly Formed Pepco Work Group to Study Causes of and Solutions for Utility's Frequent Outages and Their Duration; Leggett Announces Members of Work Group Headed by Retired Lockheed Martin CEO Norman Augustine

Responding to residents' increasing frustrations with Pepco's response and overall performance during several severe weather emergencies this year and to help assure reliable electricity for the County, Montgomery County Executive Ike Leggett today announced the names of residents selected to serve on the new Pepco Work Group. The group will identify and investigate causes for the frequent electricity outages and their duration.

Leggett said "It is incredibly important that we do not go through again what we experienced in February and July and August. While Pepco may be focused on these individual storms, we can't afford to stop there. We have to figure out why Pepco power outages occur regularly, on even the nicest of days, threatening life, inconveniencing families, and costing our businesses millions."

The group's work plan will consist of four parts:

- 1) Identify and investigate the causes for frequent outages and the duration of the outages in the Montgomery County portion of the Pepco service area;
- 2) Investigate and review Pepco's historic comparative position to other utilities regarding service stability and reliability;
- 3) Report the group's findings; and
- 4) Recommend improvements that will result in "best in class" utility service.

Among the issues to be addressed are:

- 1) Adequacy of Pepco's preventative maintenance and tree trimming programs;
- 2) Pepco's infrastructure and determining its contribution to the frequency of the outages;
- 3) Pepco's contracting and operational procedures and practices for bringing in mutual aid and other contractual resources to bear in emergency situations;
- 4) Adequacy of Pepco's communications systems for notifying and hearing from the public during major emergencies.
- 5) Adequacy of Pepco's staffing to respond to normal maintenance activities, as well as to major emergencies.

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6) The contribution of non-field causes to unreliable service (e.g., a rate structure that does not incentivize preventative maintenance; the absence of possible rate credits and other reparations to customers for damages caused, the lack of threat of payment of fines to the Public Service Commission); and

7) Adequacy of coordinating activities with the County during major emergency conditions.

The group is expected to submit a final report, with recommendations, within the next three to six months.

Leggett said he was “enormously pleased at how many residents were willing to roll up their sleeves and offer their perspectives and time to help assure reliable electricity for our County.”

The Pepco Work Group will be chaired by Norman R. Augustine, retired CEO of Lockheed Martin and Montgomery County resident, whose numerous leadership positions include having served as Under Secretary of the Army, Chairman and Principal Officer of the American Red Cross and President of the Boy Scouts of America. He also received the National Medal of Technology from the President of the United States and is a five-time recipient of the Distinguished Service Medal, the Department of Defense’s highest civilian decoration. Augustine has been cited for his “ability to cut through complex issues quickly” and to be able to “bring diverse groups of people together to focus on getting results.”

“I’m especially pleased that we have someone of Norman Augustine’s caliber heading the group,” Leggett said. “Given his results-oriented background and the credentials of the group as a whole, I know their final report will present some viable options for solutions to the issue at hand.”

Members of the group are:

- Gerald Fitzpatrick, National Institute of Standards and Smart Grid expert who serves on the Federal Smart Grid Task Force.
- Michal Ilana Freedhoff, staff member on the House Energy and Commerce Commission;
- Keith Haller, communications expert;
- Scott Hempling, executive director of the National Regulatory Research Institute;
- Brian Lang, representing the development and property management industries;
- Carmen Larsen, co-chair, Latin American Advisory Group;
- Steve Richter, electric utility industry consultant;
- Debbie Robins of Century Distributors, Inc. representing large employers;
- Arthur Slesinger, representing County civic associations;
- Scott Ullery, Rockville City Manager representing County municipalities; and

- Jim Young of Marriott International representing the hospitality industry.

###

Release ID: 10-406

Media Contact: Patrick Lacefield 240-777-6507

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## Energy and Environmental Advocacy



Pictured above from left: County Executive Isiah Leggett, Congressman Chris Van Hollen, and Council Vice President Roger Berliner

In 2008, Council Vice President Roger Berliner was the lead sponsor of seven environmental bills that the County Executive and the County Council enacted which combined to form one of the nation's foremost global warming programs by a County government.

Montgomery County Executive Isiah Leggett also established a County Sustainability Working Group which developed a Climate Action Plan to reduce greenhouse gas emissions by 80 percent by 2050. The climate action plan includes 58 actionable recommendations covering seven areas: renewable energy; residential building energy efficiency; commercial, multi-family and public building energy efficiency; transportation; forestry and agriculture; long-term planning and education and outreach.

In addition to enforcing consumer protection laws prohibiting unfair and deceptive business acts and practices, OCP has two specific roles in the area of Energy and Environmental Advocacy:

1. Collaborate with other County Agencies to advocate for the County's interests in obtaining the lowest possible utility rates consistent with environmental stewardship. (Energy and Environmental Advocacy)
2. Assist home sellers and buyers to obtain information about home energy efficiency improvements and energy costs by administering a law which requires home sellers to disclose this information when they sell a single-family home. (Energy Performance Audits).

The information on these pages is designed to provide information regarding these two new mandates. Please see the "tabs" on the top menu bar.

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[Click here](#) for a copy of our Energy and Environmental Advocacy Annual Report for Fiscal Year 2009.

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**Energy and Environmental Advocacy  
Office of Consumer Protection  
Annual Report  
Fiscal Year 2009**

Legislation was enacted in FY09 which created a new role and duties for the Office of Consumer Protection (OCP) in the area of energy and environmental advocacy.

Council Vice-President Roger Berliner was the lead sponsor of several environmental bills including Bill #35-07, Consumer Protection – Energy and Environmental Advocacy, and Bill #31-07, Real Property – Energy Performance. These bills established the following additional mandates for OCP:

- Work with other County agencies to advocate for the County's interests in obtaining the lowest possible utility rates consistent with environmental stewardship.
- Assist home sellers and buyers to obtain information about utility usage and costs.

**Start-Up**

OCP's first challenges were to become familiar with the subject matter, coordinate our efforts with other agencies, and establish operating procedures. During this first year OCP staff:

- Attended meetings of Montgomery County's Sustainability Working Group.
- Identified and consulted with environmental and legal experts.
- Coordinated activities with Montgomery County's Department of Environmental Protection (DEP).
- Reached out to and met with the Executive Director and Deputy General Counsel of the Maryland Public Service Commission (PSC).
- Reached out to and met with staff at the Maryland Office of the People's Counsel (OPC).
- Reached out to and consulted with other environmental organizations including AARP, MaryPIRG, and the DC Office of the People's Counsel.

- Established procedures with Montgomery County's Office of the County Attorney to intervene and submit testimony to the Public Service Commission.
- Attended an on-site demonstration of "smart grid" technology in a residential home in Montgomery County.
- Participated in the EmPOWER Maryland General Awareness Campaign Working Group convened by the Public Service Commission.

### **Maryland Public Service Commission**

Given OCP's limited resources, it was important to review the extensive docket maintained by the Public Service Commission (PSC) and to identify those cases in which OCP's actions in intervening and providing testimony would be the most effective and productive.

OCP attended PSC hearings and provided written or oral testimony regarding the following cases:

#### **1. EmPOWER Maryland Energy Act of 2008 (EmPOWER Maryland)**

**Allegheny Power (Case # 9153)**

**Baltimore Gas and Electric Company (BGE) (Case # 9154)**

**Potomac Electric Power Company (PEPCO) (Case #9155)**

Collectively, these cases are designed to establish energy and demand reduction goals in Maryland of 15% by 2015. The three electric companies that provide service in Montgomery County filed energy efficiency, conservation, and demand response programs with the PSC pursuant to these EmPOWER Maryland cases.

OCP commented on several issues in these cases in response to the proposals provided by each utility company. OCP's comments to the PSC included:

- Asserting OCP's interest in ensuring that the overall long term rate impacts of their proposed programs were of benefit to Montgomery County consumers.
- Requesting that the PSC pursue a fair and equitable distribution of costs and benefits of the programs.

- Recommending that there be opportunities for benefits to local governments and public buildings.
- Highlighting the County's Climate Protection goal.
- Seeking coordination between local jurisdictions in Maryland and with the Maryland Energy Administration (MEA) to ensure program success.

**2. In the Matter of the Allocation of Money in the Maryland Strategic Energy Investment Fund Pursuant to Section 9-20B-05(G)(2) of the State Government Article, *Annotated Code of Maryland* (Case #9166)**

This case concerns the PSC's allocation of money into the Maryland Strategic Energy Investment Fund (SEIF). This is a fund that was created from the proceeds of the auction of carbon allowances under the Regional Greenhouse Gas Initiative (RGGI). A percentage of the money in this fund is allocated to offset electricity rates of residential customers. OCP's comments to the PSC addressed consumer education efforts and included:

- Highlighting potential confusion regarding "credits" and "surcharges."
- Recommending how best to inform consumers of any changes on their bills.

**3. Smart Grid/Advanced Metering Infrastructure (AMI) (Case #9207)**

OCP provided written comments and attended a PSC administrative meeting regarding PEPCO's Smart Grid proposals. Promotion of Smart Grid technologies by utilities serving Montgomery County was one of the recommendations made in the Climate Protection Plan issued by the Sustainability Working Group. A "Smart Grid" is an advanced transmission and delivery system that uses digital technology to save energy and reduce costs. In our comments, OCP encouraged PEPCO to maximize the use of funds available under the American Recovery and Reinvestment Act. The Department of Energy (DOE) announced that the maximum individual awards available under the Smart Grid Investment Grant Program would be increased from \$20 million to \$200 million and that the maximum for Smart Grid Demonstration Projects would be increased from \$40 million to \$100 million.

## **Home Utility Usage and Costs**

Bill # 31-07, Real Property – Energy Performance, requires that home sellers provide an energy cost and consumption history along with information on the benefits of home energy and energy-efficient improvements. OCP worked closely with the Department of Environmental Protection (DEP) and the Greater Capital Area Association of Realtors (GCAAR) to create disclosure information for sellers and buyers of residential homes. The substantive language for an Executive Regulation was agreed upon to ensure that residential sellers and their agents know how to comply with this new law.

OCP participated in a meeting organized by Council Vice President Roger Berliner with several utility providers in Montgomery County to ensure that the statutorily required utility usage and cost information is easily available. OCP has compiled information for a Frequently Asked Questions (FAQ's) section on its webpage, and is in the final stages of adding additional resource information and links for sellers and buyers.

## **Summary**

During this first full fiscal year, OCP has made significant progress in collaborating with the various stakeholders in this arena. OCP has taken steps to ensure that it has “a seat at the table” and is an active participant in the field of energy and environmental advocacy. OCP revised its office brochure to reflect this and other new duties assigned to the office.

The County legislation which created these new programs for OCP to administer recognized the highly specialized and technical nature of the work, and specifically authorized OCP to employ consultants and technical advisors. During the initial year of operation, OCP was able to identify and benefit from the advice and assistance of those with expertise in the area of energy and environmental issues. Continued success of this program will be directly dependent upon sufficient funding for expert assistance.

\*\*\*\*

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Ensuring Integrity  
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# The Washington Post

## Consumers in Montgomery County have team of determined volunteers on their side

By Michael Laris  
Washington Post Staff Writer  
Saturday, February 5, 2011; 10:04 PM

When Stella Gonsalves realized her husband, Alen, paid \$1,400 for a new thermostat, she had a simple question: "Why did you do that?"

Alen had an answer, however embarrassing.

He thought the touch-screen programmable model must be something special. With their energy bills rising last winter - and without stopping to Google the real price of \$120 - he trusted the technician who showed up at their home north of Silver Spring.

Calls of protest to the installer went nowhere. Last February, Stella Gonsalves filed a complaint with Montgomery County's Office of Consumer Protection, seeking \$1,000 back. Months passed with no resolution, and she gave up. Then, while she was traveling in India in July, she heard from David Lesser.

Lesser had been general counsel for Riggs Bank and for the Ryland Group, a major home builder. But that summer the Bethesda lawyer had begun fighting rip-offs for fun - and for free - as part of a squad of consumer protection volunteers working for a Montgomery government squeezed by bad budget times. "He was really working hard on it," Gonsalves said. "It was as if it was his

money."

Joining Lesser are a retired Secret Service administrator, an Argentine intellectual-property-rights lawyer, a onetime deputy attorney general in New Jersey and a former federal librarian, all working pro bono to buttress a consumer protection staff that has shrunk by a third in recent years and now totals 16 people. Working with investigators, more than a dozen volunteers sort through case details, take calls from the duped, nudge merchants, and, in Lesser's case, negotiate intricate settlement agreements and track down wily window repairmen.

"He has that fire in the belly. You can't find that always," said Eric Friedman, the office's director, who for decades has sustained a quiet outrage at the procession of petty and profound scams, frauds and financial

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# The Washington Post

## Consumers in Montgomery County have team of determined volunteers on their side

trickery that pervade the American marketplace.

Friedman joined the Montgomery office in 1980 after volunteering with consumer protection investigators in New York City. Even before the latest budget squeeze, he allowed his unpaid help to take on important jobs. That openness, combined with the bureaucratic savvy and legal chops of the local workforce, has offered a remarkable opportunity for ordinary citizens to try their hands at crusading government work.

Janet Bacot stepped out of her life as a law partner more than a decade ago to raise her three girls. Now her youngest is 10, and Bacot shows up for her job in the county council office building two mornings a week. She and another volunteer did investigative legwork for a rare lawsuit filed by Montgomery last month.

The county alleges that All State Plumbing, Heating & Cooling Inc. and its principal, Wayne E. Garrity Sr., engaged in "wrongful, fraudulent, deceptive, and unconscionable practices." According to the suit, All State routinely charged homeowners \$100 to \$150 for a permit to install a water heater - then didn't bother getting the permits (which cost about \$60.) Without a permit, heaters aren't inspected, raising safety concerns, officials said.

Garrity would not address the accusation of fraud, saying he has yet to see the suit.

"Permits were pulled, and everything's been inspected," Garrity said. "To the best of my knowledge, like I said, everything's been done."

Not so, said Friedman: All State has done many more installations in Montgomery than Garrity has acknowledged, and many still have not been inspected. "He only took action after being caught," Friedman said. Drawing on Montgomery's findings, the Washington Suburban Sanitary Commission issued All State more than \$20,000 in citations for failing to obtain permits and inspections, according to the WSSC. Similar issues have also been found in Prince George's County, a WSSC spokesman said.

To help investigators build the case in Montgomery, Bacot and another volunteer

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tracked down homeowners and persuaded them to hunt for long-forgotten water heater receipts. It was familiar work, reminiscent of her previous life, when Bacot investigated work accidents and the misuse of pesticides.

"I was shocked by the plumbing case," Bacot said. "He was essentially inflating the cost of doing business by a hundred and fifty bucks. It was like a tax."

Bacot is happy to be back, even if it's taken time adjusting to years of workplace evolution. She had volunteered at her daughters' schools, but this feels different.

"I love it. . . . I feel like I'm growing. I feel like I'm truly engaged when I'm there," Bacot said. "In my house, it's my job. It's work. I feel like I should put that in quotes. But it's work. I never said that when I volunteered at school. It was never 'mommy's job.' It was 'helping.' "

David Lesser was hooked by the \$1,400 thermostat.

It was his first real case, but he has since seen the pattern repeat itself. Even the most sophisticated people can fall for bad deals.

Lesser's background in corporate acquisitions - and his marriage to a professional mediator - have helped him "figure out what the crucial issues are and get to the nub of where everybody's pressure points are," he said.

He'll sit on both sides in a room until they write up an agreement. Often, merchants are happy to hear from a reasonable voice. Not all consumers are totally reasonable.

Relentlessness also doesn't hurt. One elderly Chevy Chase couple prepaid a glass repairman \$365 to replace a storm window last April. But he still hasn't shown up. Lesser reached the repairman on his cell, but he has since stopped answering. Now Lesser leaves messages. "I'm just calling to let you know that I'm still after you," he says.

"That's under his craw, I know it is," said John Lewis, a county investigator who works closely with Lesser, even when the volunteer is living in Florida for part of the year. Lesser churns through his county work from there.

The thermostat case was clear-cut, Lesser said. He found the same model online for

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# The Washington Post

## Consumers in Montgomery County have team of determined volunteers on their side

about \$120. The technician also changed a filter and suggested replacing a nearby pipe, though her husband declined to have that done, according to Stella Gonsalves. The work took maybe an hour, she said.

Even assuming an astronomical profit margin, the \$1,400 bill from S.L. Johnson Plumbing and Heating "was just totally over the top," Lesser said.

Lesser took his concerns to company head Samuel Johnson. County officials had also learned another important detail. The firm has an ongoing contract with Montgomery's housing agency, the Housing Opportunities Commission, which some officials thought offered additional motivation to resolve the case. The company has done \$163,000 in business with the commission since December 2009, officials said.

Johnson agreed to give the Gonsalves's \$1,000 back.

But the check bounced, Lesser said. He kept pressing Johnson, and the payment finally went through, complete with the banking fee Gonsalves had incurred.

"We're here to please our customers. Whether the customer's right, the customer's right," Johnson said. "If we return money in a certain situation, it doesn't always mean we agree with what the customer's saying. We

wanted to resolve the matter. This type of thing happens in business all the time."

A spokeswoman for the housing commission said contracting officials have had the usual give and take with Johnson over occasional invoices, but "they do not stand out compared to other contractors."

Lesser said his cases are often "nothing huge and nothing earth-shattering." But they're satisfying. As a corporate lawyer, "you're not exactly representing the little guy. This is much more about representing the little guy."

*Staff researcher Magda Jean-Louis contributed to this report.*

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