FY2013 Performance and Accountability Report

Montgomery County
Office of Consumer Protection

OCP Alignment to County Priority Objectives

Montgomery County Priority Objectives

- **A Responsive and Accountable Government**
- Affordable Housing in an Inclusive Community
- An Effective and Efficient Transportation Network
- Children Prepared to Live and Learn
- Healthy and Sustainable Communities
- Safe Streets and Secure Neighborhoods
- **A Strong and Vibrant Economy**
- **Vital Living for All of Our Residents**

OCP Headline Performance Dashboard

Headline Performance Measure	FY12 Results	FY13 Results	Performance Change
Restitution received as a percent of restitution asked for by the consumer and validated by the assigned OCP case investigator	86%	85%	↔
Average OCP customer satisfaction rating - Manner in which the customer's case was handled (1-4 scale) based on customer satisfaction survey	3.6	3.4	↓
Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale) based on customer satisfaction survey	2.8	3.1	↑
Average time in workdays to investigate and close a written complaint: All complaints	60	68	↓
Percent of OCP-initiated consumer protection cases closed that are resolved by OCP	58%	61%	↑
Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing	61%	56%	↓
Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio	100%	94%	↓
Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise	42	27	↓

OCP At A Glance

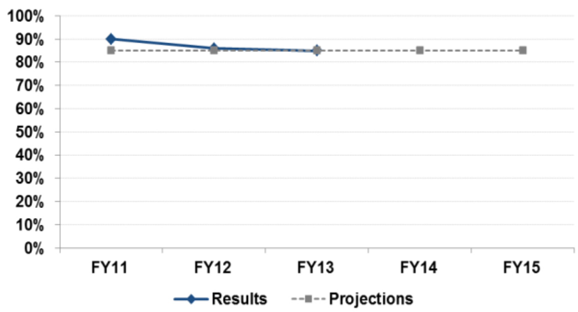
What Department Does and for Whom	How Much / How Many
Overall The mission of the Office of Consumer Protection (OCP) is to administer and enforce consumer protection laws prohibiting unfair and deceptive business practices in order to ensure integrity in our marketplace for consumers and businesses. OCP investigates and attempts to resolve consumer complaints including home sales and improvements; automobile sales and repairs; towing and other consumer transactions.	• **Total FY13 Budget**: $ **2,182,612** • **Total FTEs**: **16 Full time*** *In addition, the FY13 Approved Budget includes a new Patient Advocate/Executive Admin Aide position charged to the Montgomery County Fire and Rescue Services budget for the Emergency Medical Transportation Insurance Reimbursement Program.
Complaint Investigation and Conciliation OCP receives inquiries and written complaints from consumers regarding a myriad of consumer transactions. Responses to inquiries are provided and written complaints are investigated in an effort to resolve disputes and ensure compliance with applicable laws.	• $725,175 (33.0% of Budget) • FTEs: 5.4 (33.0% of Personnel)
Law Enforcement OCP issues subpoenas and civil citations, executes settlement agreements, conducts administrative hearings, initiates legal action, and collaborates with the Police, State's Attorney, County Attorney, Attorney General, Federal Trade Commission, Postal Inspection Service, and other state and federal law enforcement agencies to enforce consumer protection laws.	• $456,591 (21.0% of Budget) • FTEs: 3.4 (21.0% of Personnel)

OCP At A Glance (Continued)

What Department Does and for Whom	How Much / How Many
Consumer Education OCP leverages its ability to educate consumers and merchants by communicating via radio, television, and electronic and print media. OCP issues news releases, provides media requested interviews; and conducts presentations, public forums, and training sessions.	• $402,876 (19.0% of Budget) • FTEs: 3.0 (20.0% of Personnel)
Common Ownership Communities OCP serves as staff to the Commission on Common Ownership Communities (CCOC) which provides an alternative dispute resolution mechanism for the one-third (33%) of county residents living within home owner and condominium associations.	• $289,100 (13.0% of Budget) • FTEs: 1.9 (12.0% of Personnel)
Non-Core Mission Activities OCP is responsible for administering a variety of consumer related programs and county laws regarding Energy & Environmental Advocacy (including PEPCO), contracts for Domestic Workers, property tax disclosures, new home sales, and licensing of certain other businesses.	• $308,870 (14.0% of Budget) • FTEs: 2.3 (14.0% of Personnel)

Headline Performance Measure 1: Restitution received as a percent of restitution asked for by the consumer and validated by the assigned OCP case investigator

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	90%	86%	85%			
Projections	85%	85%	85%	85%	85%	85%

Factors Contributing to Current Performance

- OCP's administrator reviews cases to ensure that the non-monetary settlements are properly valued.
- OCP staff is cross-trained for enhanced complaint handling. The Investigative Administrator pairs subject matter experts with investigators who have minimal subject matter expertise, allowing the process of mentoring, training and coaching to proceed in a controlled fashion. The two investigators may then review the relevant codes, laws and documents, which frequently may involve joint field visits to collect evidence, see the actual conditions, and evaluate the circumstances.
- OCP's investigative staff includes many industry experts including an ASE certified automotive mechanic.
- OCP has instituted the use of resource investigators. In particular, all cases are reviewed to ensure that restitution valuations are completed.

Factors Restricting Performance Improvement

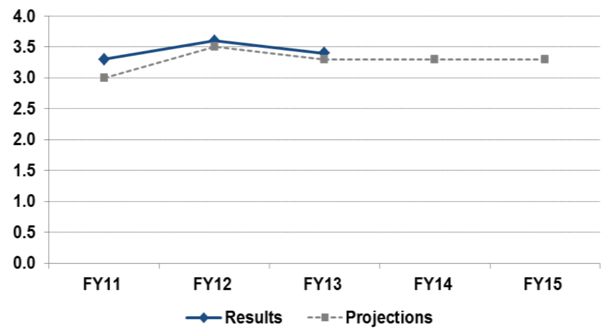
- For certain cases, outcomes cannot be quantified monetarily.
- In the continuing downward economy, merchants are not always willing to resolve complaints due to their own limited resources.
- Towing cases continue to account for a majority of OCP's case load. The law anticipated that consumers would obtain restitution by going to court.

Performance Improvement Plan

- OCP's administrator will initiate in-house training with investigative staff to reinforce calculation of investigator validated claim amount.
- OCP will continue to expand its education efforts of consumers and merchants on relevant laws.

Headline Performance Measure 2: Average OCP customer satisfaction rating - Manner in which the customer's case was handled (1-4 scale) based on customer satisfaction survey

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	3.3	3.6	3.4			
Projections	3.0	3.5	3.3	3.3	3.3	3.3

Factors Contributing to Current Performance

- OCP's administrator conducts one-on-one sessions with investigative staff on the manner cases are handled.
- OCP staff utilizes volunteers to provide detailed and frequent updates to consumers and merchants.
- OCP administrator reviews survey results to identify areas in need of improvement.

Factors Restricting Performance

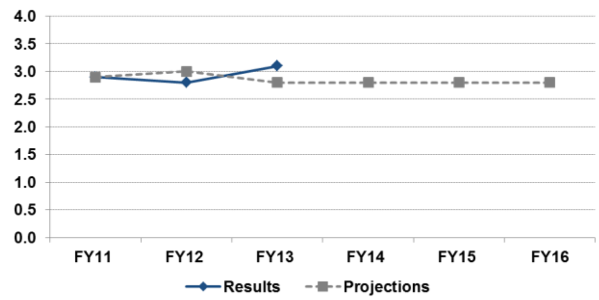
- Consumers frequently connect dissatisfaction with the outcome of their case with the manner the complaint was handled regardless of investigator's efforts.
- Communication issues between investigators and consumers can contribute to consumers' evaluation of manner.

Performance Improvement Plan

- OCP's administrator will continue his review of survey results to include personal contact with consumers who have identified concerns with the manner in which case was handled.

Headline Performance Measure 3: Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale) based on customer satisfaction survey

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	2.9	2.8	3.1			
Projections	2.9	3.0	2.8	2.8	2.8	2.8

Factors Contributing to Current Performance

- OCP staff has received mediation training to assist investigators with hard-to-resolve cases.
- OCP's investigative staff has immense subject matter expertise.
- OCP's operations team has updated case intake forms to manage realistic expectations.

Factors Restricting Performance

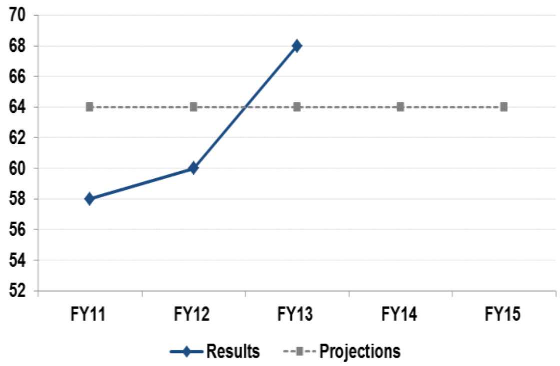
- The continued economic pressure on merchants limits their ability to resolve complaints to a consumer's satisfaction.
- OCP accepts an expansive array of cases; some of which have no violations of our statute.
- Consumers sometimes have unreasonable expectations concerning the outcome of their case.

Performance Improvement Plan

- OCP will review and update survey questions to better address concerns.
- OCP's administrator will continue to expand his review of survey results to include personal contact with consumers who have identified concerns with manner.

Headline Performance Measure 4: Average time in workdays to investigate and close a written complaint: All complaints

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	58	60	68			
Projections	64	64	64	64	64	64

Factors Contributing to Current Performance

- OCP's administrator continues to review pending cases with each investigator to identify issues which potentially could cause delays in order to offer suggestions for handling special cases.

Factors Restricting Performance Improvement

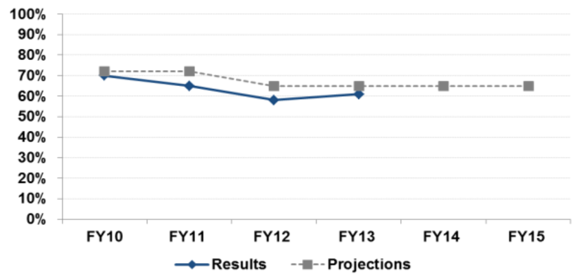
- Merchants continue to experience a decrease in staffing resources, increasing their response time to OCP.
- Complex cases and complaints in which it is difficult to locate the merchant can require extra time to resolve
- Loss of investigators and other staff results in fewer investigators with competing duties. In addition to case work, investigators are on duty on a rotating basis as the "Investigator on Duty" to consult with consumers and merchants via telephone and office visits.
- Expansion of OCP's duties with staff losses also competes with case work.

Performance Improvement Plan

- OCP's administrator will conduct monthly individual meetings with investigative staff to review aging cases.

Headline Performance Measure 5: Percent of OCP-initiated consumer protection cases closed that are resolved by OCP

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	65%	58%	61%			
Projections	72%	72%	65%	65%	65%	65%

Factors Contributing to Current Performance

- OCP staff has received mediation training to help resolve complicated and difficult-to-resolve cases.
- OCP's administrative volunteer network supports investigative efforts where paid staff is not an option due to lack of resources.
- OCP continues collaborating with the Police and Regional Service Centers and has devoted considerable effort to attempt to manage towing complaints.

Factors Restricting Performance Improvement

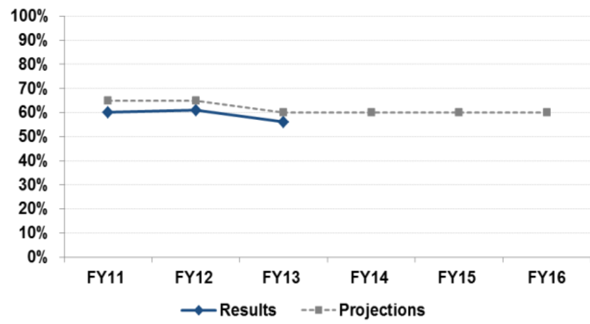
- Enactment of state towing laws has complicated an already complex transaction.
- Merchants continue to have limited resources for settling claims where there are no violations of the law.
- Impound towing complaints continue to grow. These cases are highly frustrating and emotionally charged complaints, and resolution to the consumer's satisfaction is difficult to obtain. The towing law anticipates that aggrieved consumers will seek restitution in court.

Performance Improvement Plan

- OCP's administrator will continue to work with staff to identify and improve investigative techniques.
- OCP's cases are being reviewed to create a system that will better target repeat offenders and effectively utilize institutional case knowledge.
- OCP will continue to collaborate with other regulatory agencies including the State's Attorney, Department of Labor, Licensing, and Regulation, and the Maryland Attorney General's Office to promote joint investigations and to exchange information which may enable OCP to resolve certain cases with emphasis on senior and towing issues.

Headline Performance Measure 6: Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	60%	61%	56%			
Projections	65%	65%	60%	60%	60%	60%

Factors Contributing to Current Performance

- CCOC has produced a series of educational videos that explain the CCOC, mediation and hearing programs as well as several topics that reflect CCOC's most common complaint categories.
- CCOC provides training on the mediation process through live sessions and electronically published materials.
- CCOC has revised and expanded its mediation program to encourage parties to enter into mediation as a way of avoiding potentially high legal fees.

Factors Restricting Performance Improvement

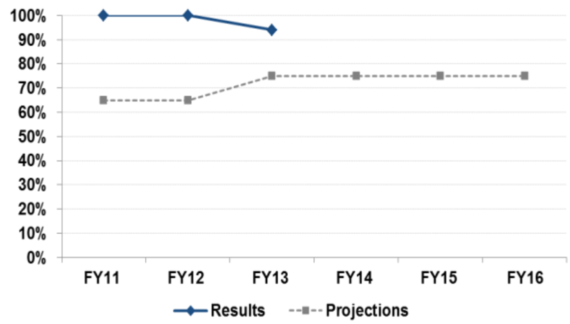
- Mediation services continue to be strictly voluntary; CCOC cannot require parties to participate in mediation.
- Staff does not have time to arrange all the mediations in a timely fashion and there is a bottleneck.

Performance Improvement Plan

- CCOC is currently in the process of producing two day seminars for proper board management.

Headline Performance Measure 7: Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	100%	100%	94%			
Projections	65%	65%	75%	75%	75%	75%

Factors Contributing to Current Performance

- OCP effectively identifies "hot topics" of concern to County residents.
- Integration with various media outlets such as Social Media, and eSubscribe provides a coordinated public outreach effort.
- Coordination of news releases with PIO staff.

Factors Restricting Performance Improvement

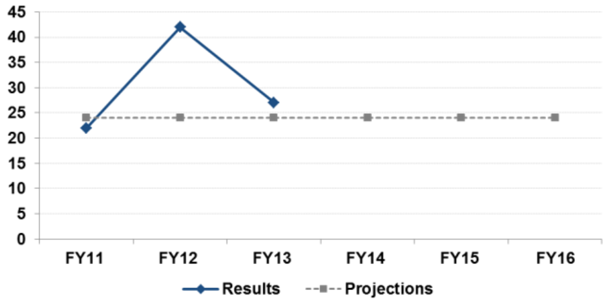
- OCP is only now recovering from staff reductions and staff is assigned multiple roles.

Performance Improvement Plan

- OCP will continue to integrate various media resources in its overall campaign.
- OCP projects that it will transition to the county's new web pages in FY14.

Headline Performance Measure 8: Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise

Performance Trends



	FY11	FY12	FY13	FY14	FY15	FY16
Results	22	42	27			
Projections	24	24	24	24	24	24

Factors Contributing to Current Performance

- OCP acquired additional part-time staff to assist with expanding our media presence.
- OCP's investigative work garners national acclaim.
- OCP continues to collaborate with local and national print, television and radio media channels.
- OCP expanded its outreach to regularly appear on Spanish language radio.

Factors Restricting Performance Improvement

- OCP continues to do more with less. Staff resources are limited and OCP continues to moderate the amount of time it has available for media.

Performance Improvement Plan

- OCP's expansion of its social media initiatives will increase its media resources.

<u>Responsive and Sustainable Leadership</u>:
Responsive and Sustainable Leadership has been the cornerstone of the County Executive's vision for Montgomery County government. To advance this vision, we have identified eight overarching goals for all County departments:

1) <u>Effective and Productive Use of the Workforce/Resources</u>:
Department actively works to effectively and productively use its workforce/resources, including, but not limited to, better management of overtime, implementation of productivity improvements, reduction of ongoing costs, and efficient use of other resources.

a) 0% change in average overtime hours used by all full-time, non-seasonal employees. (Source: CountyStat) - No overtime was charged for FY12 or FY13*

b) .4% increase in average Net Annual Work hours for all full-time, non-seasonal employees. (Source: CountyStat)*

*Values are based on the employee's HR Organization and not assigned Cost Center(s).

2) <u>Internal Controls and Risk Management</u>:
Department actively assesses its internal control strengths, weaknesses, and risks regarding compliance with laws, regulations policies and stewardship over County assets. *Department reviews and implements Internal Audit recommendations in a systematic and timely manner, and proactively manages risk pertaining to improving workplace safety, decreasing work-related injuries, and reducing County exposure to litigation*

a) N/A; No internal audits were performed within the last 12 months

b) 0% change in number of work-related injuries; there have been no work-related injuries

3) <u>Succession Planning</u>:
Department actively plans for changes in its workforce, in order to maintain continuity of services, develop staff capabilities, maintain and/or transfer knowledge, and enhance performance.

a) List all the key positions/functions in your department that require succession planning (Source: Department)

Mission-critical positions: OCP Director; Investigations Administrator (M3)

Hard-to-fill positions due to the technical and industry expertise needed or the detailed knowledge of overall interrelationships between program, services and resources required: OCP Director; Management and Budget Specialist III; Investigator III (ASE Certified Auto Mechanic)

b) 67% of those identified key position/functions have developed and implemented long-term succession planning (Source: Department)

4) <u>Mandatory Employee Training:</u>
Department systematically monitors and actively enforces employees' mandatory and/or required trainings.

100 % of OCP's employees have fulfilled mandatory County/State/Federal appropriate consumer protection training requirements.
OCP has scheduled mandatory OHR Workplace Harassment Training for all staff in FY14.

(Source: Department)

5) <u>Workforce Diversity and MFD Procurement</u>:

Department actively participates in the recruitment of a diverse workforce and enforcement of MFD procurement requirements.

Workforce Diversity: Department actively participates in the recruitment of a diverse workforce and enforcement of MFD procurement requirements.

MFD Procurement: refer to or attach summary yearly report prepared by DGS
(Source: Department provides and CountyStat validates) Link to report; OCP did not have any procurement contracts in FY13 and does not expect any in FY14.

6) Innovations:

Department actively seeks out and tests innovative new approaches, processes and technologies in a quantifiable, lean, entrepreneurial manner to improve performance and productivity.

Total number of innovative ideas/project currently in pipeline for your department, including the ones initiated in coordination with the Montgomery County Innovation Program.
(Source: Department)
Expected (or achieved) return on investment for each of those innovative ideas/projects, quantified in terms of at least one of the following measures: increased effectiveness/efficiency, cost savings/avoidance, increased transparency/accountability, or increased customer satisfaction.
(Source: Department)

Innovation/New Idea	Return on Investment/Benefit
OCP developed a mobile report to complement the county's tablet pilot program.	OCP investigators can quickly identify a motor vehicle and repair/towing company's compliance with licensing regulations. This mobile report reduces the investigative time requirements, maximizes investigator's field resources, and minimizes impact on other human resources. When mobile businesses are involved, it is critical as they are not easy to track and continually change locations making it virtually impossible to locate them.
OCP continues to improve its business licensing program by initiating the first of a multi-step database enhancement.	In FY13, OCP monitored the production phase of the first stage, Second Hand Personal Property Licensing, and began evaluating the second phase. The remaining licensing databases have additional, more detailed programming and algorithm requirements. The continuation of this innovation is contingent on OCP securing an internal IT specialist due to the integration and complex programming needs.
OCP continues to leverage its resources with the contribution of expert mediation services from its volunteer staff.	OCP expanded its mediation services by recruiting an expert mediator under the direction of OCP staff and management. Mediation services have been expanded to include both CCOC and investigative cases. This expansion has been for the benefit of consumers, merchants and HOA members who would otherwise be required to participate in legal proceedings. OCP saves time and resources used to prepare files, evidence and testimony for lengthy court cases.

7) <u>Collaborations and Partnerships</u>:
Department actively participates in collaborations and partnerships with other departments to improve results beyond the scope of its own performance measures. Please only list accomplishments that had positive results for other department(s) as well.

a) Total $$ saved by through collaborations and partnerships with other departments
b) List your accomplishments and/or expected results (Source: Department)

Collaborations	Results
Montgomery County Fire and Rescue Services, Emergency Medical Services (EMS)	OCP identified the consumer advocacy needs for the enactment of the Emergency Medical Transportation Insurance Reimbursement program, created a Patient Advocate position, and had preliminary meetings with EMS to identify the PA duties.
Montgomery County Police Department, the Office of the County Attorney, and the Intergovernmental Relations Office	OCP collaborated with the Montgomery County Police Department, the Office of the County Attorney, the Intergovernmental Relations Office, and elected officials regarding trespass towing issues and complaints. OCP has monitored the effect of the new towing regulations and continues to assist both consumers and the business community in addressing and complying with the new state trespass towing law.
Office of the State's Attorney	OCP staff continues to participate in outreach events with the State's Attorney's Financial Exploitation Prevention Initiative Unit to alert seniors to consumer scams that target the elderly. The State's Attorney's Office continues to refer cases to OCP in which the underlying violation appeared to be a consumer transaction.
Montgomery County Council	OCP has collaborated with Council members to coordinate several consumer education outreach events including Live Discussions that targeted the special needs of their respective Council districts. Topics addressed at these events include real property tax disclosures, new towing laws, EMS regulations, and consumer scams.
Local and National Media Outlets	OCP has developed strong partnerships with local and national media outlets to promote consumer advocacy. In FY13, OCP collaborated with the local CBS station, WUSA*9, to investigate and publicize an impound towing problem at a Silver Spring shopping center. OCP investigative staff and WUSA*9's investigative reporter obtained full refunds for consumers and an agreement by the property owner to change their towing practices.

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Housing Opportunities Commission, Family Self Sufficiency, and Health and Human Services	OCP has partnered with several County agencies that provide emergency funds to eligible residents who are in danger of losing their employment due to transportation problems because of emergency automotive repairs. These requests for funds may involve the purchase of a vehicle or repairs to a vehicle already in use by an eligible constituent. To maximize distribution of funds and minimize waste, the Office of Consumer Protection has established a unique partnership program with the agencies to quickly utilize OCP's expertise and resources to evaluate proposed expenditures from other County agencies relating to automotive issues.
DTS' Cable Office	OCP and the Cable Office coordinated the investigation and handling of consumer complaints regarding telephone service, internet service, and television service. Internal complaint processing procedures were established in order to ensure that consumer complaints were handled and/or referred in the most efficient manner possible.

8) <u>Environmental Stewardship:</u>
Department actively makes appropriate changes to workplace operations, workflow, employee behavior, equipment use, and public interactions to increase energy-efficiency, reduce its environmental footprint, and implement other environmentally responsible practices.

a) 16% increase in print and mail expenditures (Source: CountyStat)

b) .26% decrease in paper purchases (measured in total sheets of paper) (Source: CountyStat)

c) List your accomplishments and/or expected results (Source: Department)

- OCP distributes reusable tote and trash bags at all consumer education events.
- OCP initiated a pilot program that includes using a laptop computer and educational DVDs at consumer events in lieu of additional paper handouts and brochures.
- OCP routinely recycles office equipment and supplies.
- OCP is emailing more of its correspondence to consumers and merchants. However, OCP accepts complaint forms/documentation submitted by fax transmission and is required to print all email threads at case closing to maintain a complete hardcopy case file for at least 3 years.