

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 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 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 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.

© 2011 The Washington Post Company