



Briefing Paper

Agenda Item 12

Date: May 11, 2023

Prepared for: OMBC Members

Prepared by: Erika Calderon, Executive Director

Subject: Enforcement Program Update

Purpose: Update on Enforcement Program for Q3 - FY 2022-2023

Attachments: [12\(a\) Enforcement Performance Measures-Q1-Q3](#)

Background:

This is a report on the Board's Enforcement Program for the third quarter of FY 2022-2023. Please refer to attachment 12(a), which encompasses the enforcement statistics for FY 2022-2023.

Analysis:

Program Updates:

At our last Board meeting the Board reported that there were several projects on the horizon for the Board's enforcement program. It was reported that the Board updated its consumer complaint form, to save intake processing times and gather more essential evidence upfront. The Board is happy to announce that in addition to updating its complaint form, the form has also been translated to Spanish and both versions will soon be available on the Board's website. The Board will also be exploring other languages soon.

In the staffing update I mentioned that Mrs. Mia Quinn was going to assist both the licensing program as well as enforcement. In terms of enforcement Mrs. Quinn will be responsible for the initiation of our consumer complaints. She will be opening our complaints to ensure that the Board continues to stay in line with the Board mandate to initiate all enforcement complaints within the statute requirement of 10 days of receipt and that these receive proper acknowledgment. In addition, she will assist enforcement staff by flagging high priority cases where subjects may already be under investigation,

have pending disciplinary matters, or the allegations are egregious in nature to foster a faster review.

Complainant status letters were created this quarter with the help of our BreEZe team. These letters will assist enforcement staff in updating our consumers at every phase of the enforcement process from intake to a consultant review, to a field investigation, and lastly to update the consumer when action has been filed against a licensee. In addition to these letters, several brochures were created to explain these processes in depth and will be mailed out along with these status letters when the complaint moves along to each phase. These brochures will soon be available on the web as well under the consumer tab.

At our last Board meeting chief Mrs. Nichols provided an update on the division's new non-sworn unit that will be assisting OMBC with the investigation of our complaints. After learning that our Board is experiencing a slight backlog in our enforcement cases, Mrs. Nichols sent two of her staff members to assist our Board with the review of all our aged cases that were older than 180 days. Board staff along with DOI staff sat in the Board's conference room and reviewed each case closely identifying the next course of action, potential closures, and 15 cases needing to be referred for field referrals.

To help with case aging enforcement is continuing to meet with me monthly for case reviews. In addition, enforcement staff continues to receive individualized monthly analyst pending reports which highlight high priority, short statute of limitation cases, and any aged cases over our 180-day desk investigation performance measure.

In terms of communication with our stakeholders, we continue to meet monthly with DOI, the Attorney Generals Office, and our legal counsel.

Board Program Statistics

In terms of our program statistics please refer to attachment 12 (a) which covers our Enforcement Program Q1 Q2 and Q3 statistics for fiscal year 2022-2023. Performance Measure one covers the amount of consumer complaints and convictions and arrests received in comparison to last year. The Board is seeing a slight decline in consumer complaints in comparison to last year, however we are seeing a slight increase in arrest and conviction cases. Overall, these numbers continue to be steady.

Performance Measure 2 is the average number of days it takes for our analysts to initiate our enforcement complaints and acknowledge receipt. The target for this performance measure is 10 days and as you can see our year to date is at 7 days, a huge improvement to last year. In addition, with Mia joining our enforcement unit who as previously mentioned is assisting enforcement staff with complaint initiation the Board should soon see our numbers decrease even further.

Performance Measure 3 is the average number of days it takes to complete investigations and enforcement action for cases not referred to the attorney general's

office. Case aging here fluctuates greatly because it takes an average of all cases, and one or two very complicated cases can skew these numbers drastically, in addition as you are aware historically enforcement staff was being redirected to assist applications, which we plan to never have to do again, applications is fully staffed, and they now have an amazing leader overseeing their operations. These numbers include the timelines for HQIU investigative staff. The target for performance measure 3 is 360 days and as you can see, we are at about 280 days year to date. We are hoping that with the development of the non-sworn unit the board can start seeing these number come down a bit.

Performance Measure 4 is the average number of days it takes to complete investigations and enforcement actions that are transmitted to the Attorney General's Office for formal action. Case aging in this category has increased in comparison to last year, this can be partly attributed to some of these cases experiencing covid related delays.

The Board has filed 12 accusations so far this year, has issued 4 administrative citations, has placed 5 licensees on probation, had 2 surrenders and 2 revocations.

Action Requested: No Action Required