



## **Briefing Paper**

## **Agenda Item 13**

**Date:** August 17, 2023  
**Prepared for:** OMBC Members  
**Prepared by:** Erika Calderon, Executive Director  
**Subject:** Enforcement Program Update

---

**Purpose:** Update on Enforcement Program for Q4 - FY 2022-2023

**Attachments:** [13\(a\) Enforcement Performance Measures-Q1-Q4](#)

---

### **Background:**

This is a report on the Board's Enforcement Program for the fourth quarter of FY 2022-2023. Please refer to attachment 13(a), which encompasses the enforcement statistics for FY 2022-2023.

---

### **Analysis:**

#### **Program Updates:**

The Enforcement Unit is doing extremely well. Enforcement staff is getting crossed trained in all areas of the enforcement process which will only make the unit a lot stronger. All enforcement analysts are now working their cases from initial review to final disposition, which means that they are handling the cases right after complaint intake. They are working their own desk investigations, referring their own cases to the field, executing their own administrative citations, offering their own pre accusation public letter of reprimands, referring their own cases to the Office of Attorney the General, and subsequently filing their own disciplinary orders.

Mrs. Mia Quinn's addition to the unit has proven to be a huge success, as we ended the 2022-23 fiscal year with an average of 6 days for our performance measure 2, which is complaint intake. We have finally met our 10-day target for the first time in the past four years.

Enforcement staff continues to work with the Department of Consumer Affairs BreEze team daily to continue to implement new codes for our BreEze database.

We continue to work with the Division of Investigation's (DOI) non-sworn unit on most of our cases that are being referred for further investigations, which is a cost savings to the Board. You will see in our statistics that we are referring more cases to the field.

To help with case aging enforcement staff continues to meet with me monthly for case reviews. In addition, they continue to receive their individualized monthly pending caseload 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 General's Office, and our legal counsel.

### Board Program Statistics:

In terms of our program statistics please refer to attachment 13(a) which covers our Enforcement Program Q1 Q2 Q3 and Q4 statistics for fiscal year 2022-2023. Performance Measure 1 covers the amount of consumer complaints and convictions and arrests received in comparison to last year. The Board saw a slight decline of 3 % in consumer complaints in comparison to last year, however we did see an increase in arrest and conviction cases of about 12%. 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 previously mentioned we have met our target this year ending with an average of 6 days.

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. 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 281 days year to date. We are hoping that with the development of the non-sworn unit the Board can start seeing these numbers 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 very complicated cases that the Board recently dealt with.

Overall, this fiscal year, the Board has referred a total of 53 cases for field investigation which was an increase of about 89% more cases in comparison to last year, filed 19 accusations, issued 8 more administrative citations in comparison to last year, placed 6 licensees on probation, had 3 surrenders and 4 revocations. It is fair to say that the Board took more disciplinary action this year in comparison to last year.

**Action Requested:** No Action Required