

A public hearing will be held by the Office of Attorney General Mike DeWine on Thursday, November 13th, 2014 at 2:30 p.m. in the B-1 Hearing Room of the Rhodes State Office Tower, located at 30 East Broad Street, Columbus, Ohio 43215.

The purpose of the hearing is to solicit comment on amended rules 109:4-1-05 and 10.

**109:4-1-05 Organization of the office of the Ohio attorney general,
consumer protection section.**

The office of the Ohio attorney general, consumer protection section shall be comprised of administrative, ~~and~~ education and community outreach, investigative, legal, ~~and~~ consumer assistance ~~divisions~~, and economic crimes divisions. It shall be the function of these divisions to:

- (A) Adopt, amend, and repeal procedural rules;
- (B) Make available for public inspection all rules and all other written statements of policy or interpretations adopted or used by the office of the attorney general, consumer protection section in the discharge of its functions, together with all judgments, including supporting opinions, by courts of this state that determine the rights of the parties and concerning which appellate remedies have been exhausted, or lost by the expiration of the time for appeal, determining that specific acts or practices violate section 1345.02 or 1345.03 of the Revised Code;
- (C) Inform consumers and suppliers on a continuing basis of acts or practices which violate section 1345.02 or 1345.03 of the Revised Code;
- (D) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of comparable statutes;
- (E) Report annually on or before the first day of January to the governor and general assembly on the operations of the office of the attorney general, consumer protection section in respect to sections 1345.01 to 1345.13 of the Revised Code, and on the acts or practices occurring in this state that violate such sections. The report shall include a statement of investigatory and enforcement procedures and policies, of the number of investigations and enforcement proceedings instituted and other activities of the state and of other persons to promote the purposes of sections 1345.01 to 1345.13 of the Revised Code;
- (F) Conduct research, make inquiries, hold public hearings, and publish studies relating to consumer transactions;
- (G) Adopt, amend, and repeal substantive rules defining with reasonable specificity acts or practices which violate sections 1345.02 and 1345.03 of the Revised Code;

(H) Without limiting the scope of activities of the consumer protection section of the office of the attorney general, and without limiting the responsibilities of each of the divisions of the consumer protection section, the following shall constitute the duties of each division:

(1) The administrative division shall:

- (a) Direct and supervise the overall ~~planning~~ planning and operation of the consumer protection section;
- (b) Propose the adoption, amendment, or rescission of procedural rules concerning the internal management of consumer protection section;
- (c) Promulgate substantive rules in accordance with Chapter 119. of the Revised Code which define acts or practices which violate sections 1345.02 and 1345.03 of the Revised Code;
- (d) Recommend to the attorney general appropriate disposition of petitions requesting adoption, amendment or repeal of substantive rules that are submitted pursuant to division (E) of section 1345.05 of the Revised Code;
- (e) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of laws comparable to those set forth in rule 109:4-1-02 of the Administrative Code;
- (f) Report annually on or before the first day of January to the governor and the general assembly on the operations of the office of the attorney general, consumer protection section in respect to sections 1345.01 to 1345.13 of the Revised Code, and on the acts or practices occurring in this state that violate such sections. The report shall include a statement of investigation and enforcement procedures and policies, of the number of investigations and enforcement proceedings instituted and of their disposition, and other activities of the state and of other persons to promote the purposes of sections 1345.01 to 1345.13 of the Revised Code.

(2) The investigative and complaint division shall:

- (a) Receive and process complaints made by persons concerning events over which the consumer protection section has jurisdiction;
- (b) Conduct investigations of matters coming to the attention of the consumer protection section by complaints or through its own inquiries to determine whether a person or group of persons is complying with those laws referred to in rule 109:4-1-02 of the Administrative Code;

- (c) Recommend to the administrative division, based upon information received by it, that an enforcement proceeding against a person or group of persons be instituted to effectuate the purposes of those laws referred to in rule 109:4-1-02 of the Administrative Code;
- (d) Participate in fact-finding and investigatory hearings to determine consumer problems, aid in the preparation of substantive rules, aid in the resolution of complaints, when appropriate, and aid in the preparation of enforcement proceedings when appropriate.

(3) The legal division shall:

- (a) Make recommendations to the administrative division of enforcement proceedings which should be taken where it appears that a violation of those laws referred to in rule 109:4-1-02 of the Administrative Code has occurred;
- (b) Take all necessary steps to effectuate those enforcement proceedings, as directed by the administrative division;
- (c) Aid in the promulgation of substantive rules and participate in the conduct of public hearings, as directed by the administrative division.

(4) The public information/research division shall:

- (a) Publicize the organization and operation of the consumer protection section and inform the public as to how to obtain information and make submissions or requests;
- (b) Respond to inquiries concerning all rules and other written statements of policy or interpretations adopted or used by the office of the attorney general, consumer protection section in the discharge of its functions together with all judgments, including supporting opinions by courts of this state that determine the rights of the parties and concerning which appellate remedies have been exhausted, or lost by expiration of the time for appeal, determining that specific acts or practices violate those laws set forth in rule 109:4-1-02 of the Administrative Code. Such responses shall be consistent with the laws of this state governing confidential and/or privileged materials.

(5) The education and community outreach division may:

- (a) Prepare publications or consumer education material for distribution to the public including placement on the attorney general website;
- (b) Attend public events to distribute consumer education materials, to make presentations, and to collaborate with other agencies, organizations and persons interested in consumer advocacy issues;
- (c) Plan, sponsor and conduct events for public participation in consumer advocacy issues;
- (d) Train other agencies, organizations and persons on consumer protection best practices;
- (e) Organize community groups to educate and advocate for their citizenry on consumer protection issues.

(6) The economic crimes division may:

- (a) Review complaints received by the Ohio Attorney General's Office for potential criminal acts;
- (b) Work with local, state, or federal law enforcement to facilitate the investigation of economic and financial crimes;
- (c) Work with county or federal prosecutors to facilitate the prosecution of economic and financial crimes;
- (d) Train or give presentations to other agencies, organizations, and persons on economic or financial crimes;
- (e) Upon request, serve as Special Prosecutors or Special Assistant United States Attorneys.

109:4-1-10 **Description of forms.**

(A) The forms used by the office of the attorney general, consumer protection section shall include:

- (1) The complaint form- The complaint form shall be available on the internet and/or sent to all consumers who wish to register consumer complaints via telephone and to those persons who have provided insufficient information. This form shall be designed to elicit complete information from the consumer regarding the transaction with and complaint against the supplier, or complaints determined to be within the jurisdiction of the consumer protection section.
- (2) Public records request- A public records request form shall be available on the internet or sent to any person requesting a public record in order to obtain specific information needed to complete the request.
- (3) Education/community outreach request- A form shall be available on the internet for requesting a speaker or participant at any public event.
- (4) Registration forms- Forms ~~shall~~may be available for submission of all supplier registration requirements including telemarketing, ~~title defect recision, and~~ dispute resolution programs ~~and debt adjuster audits.~~

(B) The consumer protection section shall utilize such other forms as may be deemed appropriate to further the objectives set out in this rule.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Amber Aimar, Policy and Public Affairs Section, Office of the Ohio Attorney General Mike DeWine, 30 East Broad Street, Columbus, Ohio 43215, or Amber.Aimar@OhioAttorneyGeneral.gov no later than Wednesday, November 12th, 2014 by close of business.