

PS COMMITTEE #2
April 23, 2014

Worksession

MEMORANDUM

April 21, 2014

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY15 Operating Budget
Office of Consumer Protection**

Those expected for this worksession:

Eric Friedman, Director, Office of Consumer Protection (OCP)
Marsha Carter, OCP
Helen Vallone, Office of Management and Budget (OMB)

Major Issues:

- **OCP datasets are housed on aging Microsoft Access databases, which can no longer be supported by Department of Technology Services;**
- **OCP has lost two of five attorney positions over the past several years, and lacks sufficient legal expertise to proactively address caseload and other consumer needs.**

See discussion below.

The Executive's recommendation for the Office of Consumer Protection is attached at ©1-5.

Overview

For FY15, the Executive recommends total expenditures of \$2,256,236 for the Office of Consumer Protection, a 5% increase from the FY14 approved budget.

	FY13 Actual	FY14 Approved	FY15 Rec.	% Change FY14-15
Expenditures:				
General Fund	\$2,122,132	\$2,148,716	\$2,256,236	5.0%
Grant Fund				
TOTAL Expenditures	\$2,122,132	\$2,148,716	\$2,256,236	5.0%
Positions:				
Full-time	17	17	17	0.0%
Part-time	0	1	1	0.0%
TOTAL Positions	17	18	18	0.0%
TOTAL FTEs:	16	16.6	16.6	0.0%

The FY15 County Executive recommendation is an increase of \$107,520, or 5%. This increase comes from the following identified same services adjustments:

IDENTIFIED SAME SERVICE ADJUSTMENTS:	
Increase Cost: FY15 Compensation Adjustment	\$78,831
Increase Cost: Retirement Adjustment	\$12,549
Increase Cost: Annualization of FY14 Personnel Costs	\$12,205
Increase Cost: Group Insurance Adjustment	\$3,230
Increase Cost: Printing and Mail	\$705
NET SAME SERVICES ADJUSTMENT TOTAL:	\$107,520

FY15 Expenditure Issues

Personnel Complement

Update on Patient Advocate: The FY14 approved budget included a patient advocate position within OCP, which helps develop and implement a program for customer service, develops and staffs a help desk, and serves as a liaison with a third party vendor retained by the Fire and Rescue Service to administer Emergency Medical Services (EMS) Transport Insurance Reimbursement program.

To date, the Patient Advocate has resolved 167 cases. The Patient Advocate also provides FRS with a weekly report of the calls received, so that services and processes can be evaluated for effectiveness. The Patient Advocate has also established an appeal process that helps provide a “check and balance” mechanism to the FRS billing. The Patient Advocate handles numerous requisitions for information regarding billing, insurance, and confidentiality.

Aging IT Infrastructure Significantly Impedes Work Processes

When OCP became a separate department in 2006, the Fiscal Impact Statement for the enabling legislation specified the need for and creation of an IT systems support position within OCP. For the past seven years, however, OCP has not had an IT position, although it relies heavily on multiple databases to meet its stated mission. It currently uses six Microsoft Access databases for: consumer investigations, second hand personal property licensing, motor vehicle repair and towing registration, patient advocacy, towing log, and its volunteer list. The County as a whole no longer supports Access databases, and is moving toward migrating and converting data to SQL, or using cloud-based or web-based solutions. As DTS has not been able to support Access, OCP has gone from department to department seeking staff who have knowledge of Access and who can repair errors. This is not an adequate method of maintenance, and OCP still has an open help desk ticket for an Access issue from 2012. DTS has conducted several reviews of OCP's needs and has indicated database systems need to be upgraded (see Enterprise Strategic Planning Questionnaire at © 13-27 for an overview of identified needs).

DTS has advised all departments that they need to upgrade or replace all old Access based applications because Microsoft is ending Office 2003 support. DTS indicates that departments should look at alternatives including Software as a Service (SaaS), which is cloud-based, and/or web-based solutions. If the solution stays on site, DTS has recommended moving to either MS SQL server or My SQL.

The County currently has engaged IT Professional Services through MCCATS, a contract with various vendors on file. It is a manpower contract and does not include any hardware or software. This vendor/contract is available to all departments.

Failure to provide support and maintenance for the Access databases puts large datasets in jeopardy should any of the Access databases fail permanently.

OCP continues to struggle with meeting current IT needs, and has no capacity to incorporate other IT initiatives that would modernize work processes. For example, the department does not have an image scanner, and must continue to maintain paper files instead of attaching scanned case documents to the databases. OCP also cannot provide access to business license records online, unlike many other state and local jurisdictions. OCP also cannot issue electronic civil citations.

Council staff advises that the aging Access databases are no longer supportable, either by DTS or even Microsoft itself. The current IT framework is not sustainable long-term, and may potentially create legal issues with failure to access data used in current law enforcement initiatives or civil cases. There are two approaches OCP may take to remedy their database issues: (1) hire an Information Technology Specialist II (approximately \$85,000 at mid-point) to assist in data conversion and migration, assess overall technology needs in the office, and coordinate with DTS as a liaison who has high-level subject matter expertise; or (2) use the County's existing MCCATS contract to hire contractual staff to provide the same services.

The cost of using the MCCATS contract is unknown at this time, and would require IT expertise to draw up a statement of work, including how many contractors are needed, whether they should be full or part time, and the expected duration of the work. Council staff recommends placing the lower-cost approach on the Reconciliation List.

OCP Lacks Adequate Attorney Positions to Handle Complex Cases and Proactively Advocate for New Legislation Impacting County Consumers

The Committee has been briefed multiple times on the significant staffing cuts OCP has experienced over the past several years. OCP has lost two of five attorneys (one of whom functioned as a division manager for CCOC cases) over the past few years. At the same time, OCP continues to handle complex cases that require legal expertise, such as consumer disputes with home construction and renovations being performed by unlicensed contractors or without obtaining proper permits. OCP is also working with the Police and other departments on legislative initiatives regarding the introduction of “reverse vending machines,” which provide cash in exchange for electronic devices. There are also many new County, state, and federal laws that are modified or enacted which impact consumers.

Council staff recommends placing a MII position (approximately \$165,000 at mid-point, with benefits) on the Reconciliation List, to allow OCP to hire an attorney/manager who could manage either a formally-organized Legal Division within OCP or provide oversight and expertise to individual attorney/investigators on complex legal issues. The position would also be able to be more proactive regarding legislation in other jurisdictions, local pending legislation that impacts County consumers, coordinate with regional and national consumer organizations to influence policy issues, and recommend new legislation that improves current laws, and assist with the review and update of all laws administered by OCP.

Commission on Common Ownership Communities (CCOC)

Over the past several years, \$30,000 in the Common Ownership Community (COC) fund has been earmarked to fund education initiatives. In FY15, the CCOC will produce a series of up to 15 short videos on topics of association management and member rights, as well as two eight-hour training sessions for homeowner association board of directors and members. OCP will also produce a video copy of CCOC’s Annual Forum training. The topic of the Annual forum will be Reserve Fund planning.

Performance Measures

OCP tracks various performance measures, including case volume and closure rates, as well as customer satisfaction rates. The following chart illustrates case closures for the past three years. During FY13, 1,293 consumer related cases were closed, and 69 COC cases were closed. There has been a 17% reduction in the number of cases closed over the past three fiscal years.

Types of Cases	FY13	FY12	FY11
Consumer Related	1,293	1,396	1,561
Common Ownership Communities	69	65	93

The following chart provides data on customer satisfaction, regarding both the manner in which the case was handled as well as the case outcome. Customer satisfaction with both the manner in which the case was handled as well as outcome are up from FY11.

Fiscal Year	OCP Customer Satisfaction (Manner)	% Change from Previous Year	OCP Customer Satisfaction (Outcome)	% Change from Previous Year
FY10	3.7	+28%	3.4	+31%
FY11	3.3	-11%	2.9	-15%
FY12	3.6	+9%	2.8	-3%
FY13	3.4	-6%	3.1	+11%

FY15 Revenue Issues

FY15 revenues for OCP are calculated based on Common Ownership Community fees, new home builder's licenses, other fines, and other business licenses. The information is summarized below.

FY15 Revenue Summary

Category	Actual FY13	Approved FY14	Rec. FY15	\$ Change FY14-FY15	% Change FY14-FY15
COC fees	\$401,291	\$405,500	\$405,500	\$0	0%
Misc. Revenues	\$731	-	-	\$0	0
New Home Builder Licenses	\$163,415	\$134,000	\$134,000	\$0	0
Other Fines/Forfeitures	\$3,615	\$1,000	\$1,000	\$0	0
Other Business Licenses/Permits	\$63,338	\$55,000	\$55,000	\$0	0
Total General Fund Revenues	\$632,390	\$595,500	\$595,500	\$0	0

Council Staff Recommendation

Council staff recommends adding two items to the Reconciliation List: (1) cost to modernize IT systems; and (2) an Attorney/Manager Position to provide supervision, oversight, and subject matter expertise on new and ongoing complex legal issues related to cases and legislation (\$165,000). Council staff recommends approval of the rest of the budget as submitted by the Executive.

This packet contains

Recommended FY15 Operating Budget

©
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OCP Responses to Questions

6-11

Organizational Chart

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DTS Enterprise Strategic Planning Questionnaire

13-27

2006 MOU with DTS

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Consumer Protection

MISSION STATEMENT

The mission of the Office of Consumer Protection (OCP) is to enforce consumer protection laws prohibiting unfair and deceptive business acts or practices to ensure a fair marketplace for consumers and businesses. Activities include complaint resolution, law enforcement, education, legislation, advocacy, and outreach to vulnerable consumers.

BUDGET OVERVIEW

The total recommended FY15 Operating Budget for the Office of Consumer Protection is \$2,256,236, an increase of \$107,520 or 5.0 percent from the FY14 Approved Budget of \$2,148,716. Personnel Costs comprise 93.7 percent of the budget for 17 full-time positions and one part-time position, and a total of 16.60 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 6.3 percent of the FY15 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ ***A Responsive, Accountable County Government***
- ❖ ***Strong and Vibrant Economy***
- ❖ ***Vital Living for All of Our Residents***

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY14 estimates reflect funding based on the FY14 approved budget. The FY15 and FY16 figures are performance targets based on the FY15 recommended budget and funding for comparable service levels in FY16.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***OCP embarked upon its new role as Patient Advocate regarding the Emergency Medical Services (EMS) Insurance Reimbursement program. OCP's critical role was to develop and implement a program of high level customer service to both County and non-County residents and to serve as liaison with Fire and Rescue Service's third party vendor to ensure that any billing issues are promptly resolved. OCP has made substantive recommendations regarding the implementation of this new program.***
- ❖ ***OCP is one of the only local government consumer protection offices to have a certified Master Automotive Technician on staff to handle complaints regarding auto repair. OCP's auto investigator served in the capacity of an independent expert regarding a multistate, hidden camera television report regarding transmission repair shops conducted by NBC affiliates. OCP's auto expert also collaborated 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, and provided expertise, resources, and evaluation of proposed expenditures relating to automotive issues. This program was a FY13 NACo Award Winner.***
- ❖ ***OCP collaborated with the County Police, State's Attorney's Office, and the Motor Vehicle Administration to investigate and initiate criminal prosecution of illegal car sellers, commonly referred to as "curbstoners." OCP's investigators issued subpoenas to the major auto auction sellers in Maryland, engaged in extensive searches on internet sales sites, and conducted field investigations to document the illegal sale of used vehicles in the County. Local Television news covered this enforcement action to warn and educate consumers.***
- ❖ ***OCP's actions regarding trespass towing were referenced in a nationally televised program report on ABC's 20/20 show. In addition, OCP entered into a settlement agreement with a major property owner and obtained refunds for consumers who were improperly towed from a shopping center in Silver Spring.***

❖ **OCP hosted a National Consumer Protection Week Open House inviting consumers, merchants, and service providers to meet common ownership community, consumer and business licensing experts. OCP assisted consumers in obtaining and reviewing a copy of their free credit report. Assistance was available in English and Spanish. Home Improvement, automotive repair, auto sales and leasing, towing, credit, common ownership community, and other experts answered questions throughout the event.**

❖ **Productivity Improvements**

- **OCP serves as staff to the Commission on Common Ownership Communities (CCOC). In an effort to help educate the residents and governing bodies of over 1,000 common ownership communities, OCP staff helped create a series of 15 educational videos. This video series provides information on various topics from how to hold an election to how to file a complaint. All of these individual videos have been posted to OCP's webpage and YouTube. Approximately one third of Montgomery County residents live in these communities.**
- **CCOC released its "Guide to the Procedures and Decisions of the Commission on Common Ownership Communities" that provides valuable information to County residents on laws affecting homeowners, and condominium and cooperative living associations, helps residents navigate the texts of Commission decisions on common ownership disputes, and is available on the CCOC website.**
- **OCP expanded upon its online live chats as part of its Consumer Ed Café—Food for Thought consumer education campaign. These outreach communications provided detailed information regarding trespass towing, home improvement, and common ownership community issues.**
- **OCP has expanded its educational efforts by using Facebook and Twitter. Since launching in FY13, OCP has over 500 Twitter and Facebook followers enabling OCP to reach a wider audience with consumer news and alerts.**

PROGRAM CONTACTS

Contact Marsha Carter of the Office of Consumer Protection at 240.777.3686 or Helen P. Vallone of the Office of Management and Budget at 240.777.2755 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Consumer Protection

The OCP receives and investigates complaints and initiates its own investigations of deceptive or unfair trade practices against consumers. Staff resolves disputes between consumers and merchants, identifies violations of County, State, and Federal consumer protection laws, and makes referrals to other agencies when appropriate. Complaint categories include automotive sales/repairs, new home construction, home improvement repairs, predatory financial practices, credit and collection practices, telemarketing, and retail sales.

The OCP issues subpoenas to compel the production of documents or compel the attendance of witnesses. The office is authorized to hold hearings, administer oaths, and issue civil citations for violations of consumer protection laws. Special investigations are conducted and may result in Settlement Agreements or abatement orders, or in transmitting cases to the Office of the County Attorney for appropriate legal action. Investigators initiate charges for criminal prosecutions by the Office of the State's Attorney, and investigators also testify in court as expert witnesses. In addition, the Office engages in consumer advocacy by testifying before County, State, and Federal legislative bodies and by drafting new legislation to protect consumers.

The OCP develops and conducts consumer education programs. The Office issues press releases through the Office of Public Information, holds press conferences, and publishes consumer brochures; staff responds to requests for information regarding consumer protection rights and remedies. Staff makes presentations at schools; community, business and civic group meetings; and frequently appear on television and radio news programs. The Office maintains a webpage containing consumer protection information, a record of the number of complaints received against merchants, and consumer alerts. Outreach efforts include initiatives to better address the needs of vulnerable consumers, underserved communities, and residents with limited English proficiency. The office also works with the Advisory Committee on Consumer Protection.

The OCP is responsible for licensing or registering automobile repair and towing businesses; new homebuilders; radio, television and electrical appliance repair shops; and secondhand personal property dealers.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Restitution received as a percent of restitution asked for by the consumer	85%	85%	85%	85%	85%
Average Office of Consumer Protection (OCP) customer satisfaction rating	3.5	3.3	3.3	3.3	3.3
- Manner in which the customer's case was handled (1-4 scale)					

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	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale)	3.0	2.8	2.8	2.8	2.8
Average time in workdays to investigate and close a written complaint: (<\$100)	64	64	64	60	60
Average time in workdays to investigate and close a written complaint: (\$101 - \$1,000)	64	64	64	64	64
Average time in workdays to investigate and close a written complaint: (\$1,001 - \$5,000)	64	64	64	64	64
Average time in work days to investigate and close a written complaint (>\$5,000)	64	64	64	64	64
Average time in workdays to investigate and close a written complaint: (\$NA)	64	64	64	64	64
Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio	100%	94%	75%	75%	75%
Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise	42	27	24	24	24
Percent of OCP-initiated consumer protection cases closed that are resolved by OCP	58%	61%	65%	65%	65%

<i>FY15 Recommended Changes</i>	Expenditures	FTEs
FY14 Approved	1,870,814	14.70
Increase Cost: Annualization of FY14 Personnel Costs	12,205	0.00
Increase Cost: Printing and Mail	705	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	59,774	0.00
FY15 CE Recommended	1,943,498	14.70

Commission on Common Ownership Communities

The OCP serves as staff to the Commission on Common Ownership Communities. This Commission serves as an alternative dispute resolution mechanism to mediate and arbitrate certain disputes between the governing bodies of homeowner associations, condominium associations, and cooperatives, and the individuals living within these common ownership communities. The Commission also provides education to governing bodies of common ownership communities and their residents and acts as an advocate for their interests.

<i>Program Performance Measures</i>	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing	61%	56%	60%	60%	60%

<i>FY15 Recommended Changes</i>	Expenditures	FTEs
FY14 Approved	277,902	1.90
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	34,836	0.00
FY15 CE Recommended	312,738	1.90

BUDGET SUMMARY

	Actual FY13	Budget FY14	Estimated FY14	Recommended FY15	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	1,349,986	1,371,964	1,385,902	1,444,397	5.3%
Employee Benefits	645,874	635,545	673,172	669,927	5.4%
County General Fund Personnel Costs	1,995,860	2,007,509	2,059,074	2,114,324	5.3%
Operating Expenses	126,272	141,207	109,204	141,912	0.5%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	2,122,132	2,148,716	2,168,278	2,256,236	5.0%
PERSONNEL					
Full-Time	17	17	17	17	—
Part-Time	0	1	1	1	—
FTEs	16.00	16.60	16.60	16.60	—
REVENUES					
Common Ownership Community Fees	401,291	405,500	405,500	405,500	—
Miscellaneous Revenues	731	0	0	0	—
New Home Builder's License	163,415	134,000	134,000	134,000	—
Other Fines/Forfeitures	3,615	1,000	1,000	1,000	—
Other Licenses/Permits	63,338	55,000	55,000	55,000	—
County General Fund Revenues	632,390	595,500	595,500	595,500	—

FY15 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY14 ORIGINAL APPROPRIATION	2,148,716	16.60
Other Adjustments (with no service impacts)		
Increase Cost: FY15 Compensation Adjustment	78,831	0.00
Increase Cost: Retirement Adjustment	12,549	0.00
Increase Cost: Annualization of FY14 Personnel Costs [Consumer Protection]	12,205	0.00
Increase Cost: Group Insurance Adjustment	3,230	0.00
Increase Cost: Printing and Mail [Consumer Protection]	705	0.00
FY15 RECOMMENDED:	2,256,236	16.60

PROGRAM SUMMARY

Program Name	FY14 Approved		FY15 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Consumer Protection	1,870,814	14.70	1,943,498	14.70
Commission on Common Ownership Communities	277,902	1.90	312,738	1.90
Total	2,148,716	16.60	2,256,236	16.60

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY14		FY15	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
Fire and Rescue Service	Fire	77,874	1.00	61,599	1.00

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FUTURE FISCAL IMPACTS

Title	CE REC. FY15	FY16	FY17	(\$000's) FY18	FY19	FY20
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY15 Recommended	2,256	2,256	2,256	2,256	2,256	2,256
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	19	19	19	19	19
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
Labor Contracts - Other	0	-4	-4	-4	-4	-4
These figures represent other negotiated items included in the labor agreements.						
Subtotal Expenditures	2,256	2,272	2,272	2,272	2,272	2,272

(5)

Office of Consumer Protection Budget Questions – FY15

Note: OCP's first Public Safety Committee meeting is scheduled for 4/23 at 1:30pm in 7CHR. Please provide responses to these questions by April 17. Thanks!

1. Please provide a current organizational charge of the office, including titles.
ATTACHED

2. The number in the personnel complement has not changed from the approved FY14 operating budget numbers. Have any positions changed materially in terms of their functions and duties (e.g. assigned supervisory duties, switched subject matter areas)? If so, please describe.

- To assist the Investigative Administrator, two Senior Investigator IIIs have been assigned responsibility for assigning, reviewing, monitoring, and closing staff investigator cases.
- One Investigator III coordinates new IT initiatives
- The Management and Budget Specialist III frequently coordinates Consumer Education venues and Executive Director complaint cases.

3. Please provide the most recent statistics you have regarding case volume, closure, and customer satisfaction. What has the trend been over the past three years?

In FY13, OCP opened 1,314 new consumer related cases. During the same period, OCP's Office of Common Ownership Communities (OCOC) opened 69 new cases for a combined total of 1,383 new cases. In FY13, OCP provided 3,076 requests for consumer-related consultations and 697 OCOC consultations. Our total number of consultations in FY13 is 3,773. Consultations are investigator handled requests for advice handled on a daily basis by telephone, in-person or by email.

Over the past three years, new cases have decreased a total of 10.5% overall.
New Cases/Consultation requests:

	FY13	FY12	FY11
Consumer Related	1,314	1,440	1,482
Consumer Consultations	3,076	2,961	3,705
Common Ownership Communities	69	78	64
COC Consultations	697	676	655
TOTAL:	5,156	5,155	5,906

Case Closings:

During FY13, 1,294 consumer related cases were closed. OCOC closed 69 cases during this same period. Within the past three years, there has been a 17% decrease in the number of cases closed.

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	FY13	FY12	FY11
Consumer Related	1,293 (-4%)	1396 (-7%)	1561
Common Ownership Communities	69 (+12%)	65 (-27%)	93

Customer Satisfaction:

OCP has improved its customer satisfaction ratings over the past three years. Survey results are divided into two main categories, the manner in which a case is handled by an investigator and the outcome of a case. The rating for the manner in which a case has been handled has increased slightly (+3%) in the past three years. The rating for the outcome of a case has increased 7% in the past three years.

	FY 13	FY 12	FY 11
Average OCP customer satisfaction rating - Manner in which the customer's case was handled (1-4 scale) based on customer satisfaction survey	3.4	3.6	3.3
Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale) based on customer satisfaction survey	3.1	2.8	2.9

4. Has OCP undertaken any new functions or duties?

OCP's role as Patient Advocate is an important element in the operation of Montgomery County's EMS Insurance Reimbursement program. OCP hired the Patient Advocate in January 2013. The Patient Advocate with assistance from OCP management staff has made substantive recommendations regarding the manner in which this program is administered (see also response to question #8).

OCP initiated a collaborative enforcement program with the Department of Permitting Services in order to address home construction and renovations being performed by unlicensed contractors or without obtaining the proper building permits. OCP's ability to compare permit application data with real estate advertisements and generic research has enabled Montgomery County to identify contractors engaging in illegal "house flipping" activity.

OCP is working collaboratively with the Police Department, the Office of the County Attorney, and the Office of Intergovernmental Affairs to make recommendations to amend Montgomery County's Secondhand Personal Property law (Chapter 44A) in order to reflect changes in the marketplace. This law is primarily designed to enable the Police to prevent the sale of stolen property and to enable the Police to better recover stolen property. OCP licenses Secondhand Personal Property Dealers as an administrative service to the Police. In addition, OCP is collaborating with these other departments to address state and county legislative initiatives regarding the introduction of "Reverse Vending Machines" which provide cash in exchange for electronic devices.

5. Has OCP had to stop providing any specific functions or duties?

Given OCP's current staff resources, changes to functions and services were necessary. OCP is no longer able to:

- Provide the same level of assistance to help consumer victims testify in Court when criminal charges are initiated against unlicensed home improvement contractors.
- Engage in reviewing and updating county regulations on a timely basis.
- Participate in educational forums and speaking engagements to meet all requests.
- Devote sufficient attention to national and state legislative initiatives and advocacy.
- More efficiently examine, resolve, and respond to CCOC complaints.

6. The past few fiscal years have included \$30,000 for consumer outreach and education for CCOCs. Is there funding in the FY15 recommended budget for those activities? If so, please describe how you plan to use the funds.

As in the past few fiscal years, OCP's FY15 budget includes \$30,000 for consumer outreach and education. In FY15, the CCOC plans to produce another series of 15 short educational videos on topics of association management and member rights; two, 8 hour training sessions for homeowner association board of directors and members; and a video copy of CCOC's Annual Forum training, The topic of Annual forum will be Reserve Fund planning.

7. Please provide a copy or link to the most recent annual report.

http://www.montgomerycountymd.gov/OCP/Resources/Files/OCP_Publications/annual_report_2011.pdf

8. Please provide an update about Patient Advocate position and the type of inquiries and disputes the position has handled. How many cases did you have YTD in FY14?

OCP's Patient Advocate and management staff developed and implemented a program that provides high level customer service to both county and non-county residents and serves as liaison with Fire Rescue Service's 3rd party vendor to ensure that any billing issues are promptly resolved. OCP's Patient Advocate created and provides FRS with a weekly report of the calls received so that services and processes can be evaluated for effectiveness and has established an "appeal" process that provides a "check & balance" mechanism to the FRS billing. The Patient Advocate has resolved 167 cases to date in FY14, receives numerous requests for information. The Patient Advocate frequently responds to inquiries regarding EMS billing records, EMS billing charges for non-County patients, and EMS request for additional information forms. EMS request for information forms are sent to patients if additional insurance information is needed to bill insurance companies. Concerns regarding these forms include the legitimacy of the form and confidentiality of the disclosed private information.

9. Please describe the \$12,205 increase from annualization of FY14 Personnel Costs.

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The \$12,205 increase in Personnel Costs was due to a Special Within-Grade Pay Increase.

In accordance with MCPR Section 10-16, a Special Within-Grade was approved by OHR for OCP's ASE Certified Automotive Expert Investigator. Historically, OCP has had difficulty attracting and keeping qualified candidates in this critical position. The difficulty in attracting and retaining an employee for this position is primarily due to the limited number of qualified applicant and due to the higher salaries paid to such an employee in the private sector. A qualified applicant can always earn a higher salary working as a service manager or a service director at an auto dealership in Montgomery County.

Automotive repair and service complaints have always been among the most frequent type of complaints received by our office and OCP was at risk of losing a highly trained, experienced Investigator with ASE Automotive certification and exemplary communication and law enforcement skill set due to an inadequate, comparatively, low salary.

10. I know that IT needs have been a concern for many years. Please provide an update on your current use of IT, and assessed needs moving forward. Please include information on the following:

- Current systems used and which office functions they assist;
- Current staff who provide any IT duties, including data entry, report generation, maintenance, programming, repair; web updates, social media updates, other IT duties;
- Whether DTS provides IT services to OCP, including maintenance, repair, equipment upgrades, and/or staff time;
- If DTS does provide services or staff, is this charged back to OCP? If so, at what rate? What was the total cost in FY13 and/or YTD in FY14? And;
- If OCP has determined a need for staff and/or systems, please identify those, including cost.

Current systems used and which office functions they assist;

1. Consumer.mdb – MS Access
 - Consumer Investigations
 - Commission on Common Ownership Communities
2. OCP_Licensing.mdb - MS Access
 - Second Hand Personal Property Licensing
3. Regist.mdb – MS Access
 - Motor Vehicle Repair and Towing Registration
 - Radio, Television & Appliance Installation and Repair Registration
4. PatientAdvocacy.mdb – MS Access
 - Patient Advocacy
5. OCP_Volunteer.mdb – MS Access

- Consumer Investigation
 - Commission on Common Ownership
6. TowLog.mdb – MS Access
 - Consumer Investigations
 7. Hansen (Department of Permitting Services)
 - New Home Builder Licensing
 - Consumer Investigations
 8. CLEAR
 - Consumer Investigations
 9. MDLANDREC
 - Consumer Investigations
 10. Siebel (311)
 - Consumer Investigations
 - Commission on Common Ownership
 - Licensing & Registration
 - Patient Advocacy
 11. CMS (Website)
 - Consumer Investigations
 - Commission on Common Ownership
 - Licensing & Registration
 - Patient Advocacy

Current staff who provide any IT duties, including data entry, report generation, maintenance, programming, repair; web updates, social media updates, other IT duties;

- Lorena Bailey, Investigator III
- Peter Drymalski, Investigator III
- Doug Numbers, Investigator III
- Jim Parks, Investigator III
- Marsha Carter – Management and Budget Spec III
- Shaun Carew, Patient Advocate/Executive Admin Aide
- Kendra Carter – Administrative Specialist I
- Pam Prather – Administrative Specialist I
- Peggie Broberg, Executive Admin Aide
- Program Aide

Whether DTS provides IT services to OCP, including maintenance, repair, equipment upgrades, and/or staff time;

- Reviewed and assisted OCP with submitting an FY15 MITIRPS IT requests and identifying our overall IT needs. Please refer to the attached Enterprise Strategic Planning Questionnaire.
- DCM – Desktop Replacement

10

- Help Desk (7-2828)
- Currently adding fields and reports to our database to track senior complaint cases.
- There is no maintenance

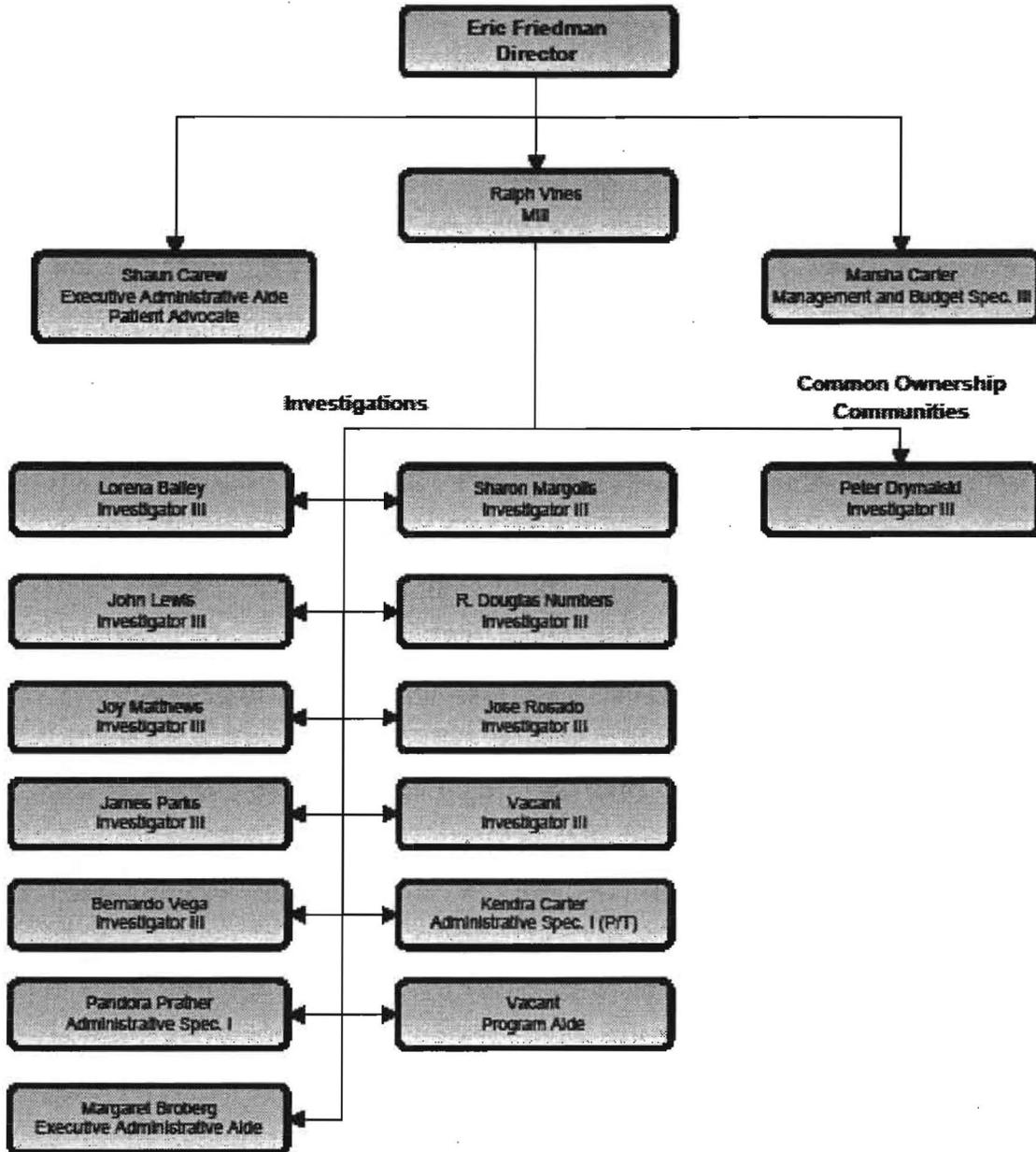
If DTS does provide services or staff, is this charged back to OCP? If so, at what rate? What was the total cost in FY13 and/or YTD in FY14? And;

- Please refer to attached Memorandum of Understanding (MOU)

If OCP has determined a need for staff and/or systems, please identify those, including cost.

In 2008, OCP's critical database needs were identified and reviewed by DTS. In 2014, DTS again worked closely with OCP to review our technology request and again determined that OCP's systems continue to be in need of replacement.

Office of Consumer Protection



Enterprise Strategic Planning Questionnaire

1a. Please describe the top 3-5 Departmental programs that you have planned over the next 3 years. Please identify the support you require from DTS in terms of resources, software, hardware etc. in order to implement these programs.

OCP is a law enforcement department in the public safety sector and operates three main programs: Investigations, Business Licensing, and Common Ownership Community dispute resolution. All three programs require a review and update of their IT needs. For the past 7 years our office has operated without any IT personnel on staff. Consequently, we have not been able to plan any new departmental programs which would require IT support and we have been challenged in our ability to maintain our IT systems and data sets.

In 2007, a DTS Project Manager conducted an extensive Technology Analysis regarding our Investigations program in which multiple "As-Is" process flows were documented (see 3-ring binder).

This comprehensive review identified that our investigative IT tools were outdated and not fully functional. Concerns were raised regarding security, reporting capabilities, data verification, and automation. As a result of these findings, in 2007 OCP submitted a request through DTS' Annual IT Review. Our request to develop a case management and complaint tracking system received a priority rating for internal systems, but due to lack of funding, no support was, or has been, made available.

Since 2007, our situation has not improved, and at best, we have avoided the crashing of our systems and resulting legal repercussions only by patchwork fixes by non-IT staff. We remain concerned about the accuracy and stability of our merchant complaint records, which could potentially subject the County to legal exposure.

1b. Thinking about the Enterprise rather than your Department... Please identify the top 3-5 new technology priorities that the County should pursue during the next 3 years in order to deliver better services to our constituents.

OCP is generally not in a position to identify how to improve the Enterprise system because we are light years behind other departments with respect to IT functionality and expertise.

Our office is not in a position to take advantage of many of Montgomery County's current IT capabilities much less help guide improvements. For example, other departments apparently have applications that assist field investigators and inspectors with their duties. However, our investigators make handwritten field notes and then must transfer that data manually into our case management system, resulting in a duplication of efforts. Another IT capability that we have been unable to use is image

scanning. Apparently, most departments have the capability to attach case documents to their database. However our office continues to maintain paper files.

In addition, consumers are unable to access OCP's business licensing records online. Most other local and state regulatory agencies in surrounding jurisdictions have the IT capability to allow consumers to check a merchant's license status online.

2. What suggestions do you have about improving the alignment of business priorities with technology priorities? Similarly, what suggestions do you have about improving the alignment of technical staff in your Department and technical staff in DTS?

See Memorandum of Understanding between OCP and DTS dated September 7, 2006.

OCP's Information Technology staffing and resource issues were specifically identified when legislation was enacted in 2005 to restore OCP to the level of a separate Department and principal office within the Executive Branch (Bill #25-05). The Fiscal Impact Statement for Bill #25-05 called for the creation of an IT systems support position within OCP. The MOU documented these discussions with DTS, OMB, and the Office of the County Executive.

3. What suggestions do you have about improving the existing IT Governance structure (i.e. IPAC, TOMG, Project Steering Committees & Work Groups etc.) and processes (i.e. IT Budget Review, IT Work Intake etc.) to improve the delivery of IT services and solutions?

OCP would like to be more involved in contributing to improvements to IT Governance structures and procedures; however, without the technical staff to make suggestions, we are unable to make the link between our needs and existing IT structures and/or processes. As a result of not having IT staff, OCP staff are currently not invited to any committees or work groups, as OCP does not have the required expertise to participate. OCP's involvement is strictly as end-users.

4. Thinking about the County's current IT Infrastructure (hardware, applications etc.), both in your Department and at the Enterprise level.... What keeps you up at night?

OCP does not have any IT staff and we are far behind other departments. We currently operate archaic IT systems that have reached their capacity and we are fearful that the systems may crash at any time. We have very limited faith in the integrity of the systems, and are concerned about possible legal implications. In the past few years, we have had several problems with our Access database system and have reached out to DTS for assistance. We were advised that there is no support for Access and that it

was being phased out. We were forced to go from department to department to find an IT staff member with Access expertise. We still have one outstanding Help Desk ticket from 2012 that remains unresolved. We wonder how much longer we can continue to successfully operate a law enforcement agency without any internal IT resources or expertise.

5. Please discuss any other issues, concerns or recommendations that have yet to be discussed.

OCP's authority to issue civil citations is limited by the lack of resources available to other departments. OCP investigators still are unable to electronically issue any civil citations. OCP is not connected to the wealth of information currently available through databases or systems within the county. In addition we are challenged to independently comply with the current legislative mandate to publish data sets pursuant to the dataMontgomery initiative.

6. Please identify the primary point(s) of contact in your Department responsible for the identification of public data sets to be published on the County's Open Data platform, dataMontgomery.

In the absence of having any IT staff, Investigator Lorena Bailey has been tasked with serving as OCP's point of contact for dataMontgomery.

Please note: Investigator Lorena Bailey was hired by OCP as a bilingual attorney to investigate and resolve consumer protection cases. However, her duties and caseload were dramatically altered so that she can endeavor to respond to the numerous IT and CountyStat reports that would best be handled by an IT expert.

9/9/13

ENTERPRISE TECHNOLOGY STRATEGIC PLANNING (ETSP) QUESTIONNAIRE

Updated: Aug. 15, 2013

Please complete one submission for your department and return to: rmosley@pti.org and mitsuko.herrera@montgomerycountymd.gov

Minimum 48 hours before your scheduled ETSP Meeting with the DTS Director and the Consultant (Dr. Alan Shark)

1
2 **Customer Department Name: ___Office of Consumer Protection (OCP)**

3
4 **Date of Meeting with Dr. Shark: ___September 11, 2013**

5
6 **Name of Person Responding: ___Eric Friedman, Director Phone Ext.: _7-3719**

7
8 **Department Attendees: ___Eric Freidman, Lorena Bailey, Marsha Carter**

9
10
11 **Other Attendees: _____**

12
13
14 _____

15
16 **Question list #1**

17 **(Please use additional space as required)**

- 18 • **Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire**
19 **OCP's ability to substantively answer the following 12 pages of questions is limited in scope.**

20
21 In the following questions, the words "you" and "your's" refer to your department.

22 When answering the questions, please include all investments regardless of whether they are funded or will be funded via PSP or
23 CIP or Grant funds.

24
25 1. Systems: No. While all may be needed, none appear to be achievable in the absence of any IT staff in OCP.

- 26
27 i. Do you plan any of the following in the next three years (please circle and list):
28 a. Major system(s) upgrades?
29 b. New functionality?
30 c. Different platforms?
31 d. Retirements?
32 e. Replacements?
33



ENTERPRISE TECHNOLOGY STRATEGIC PLANNING (ETSP) QUESTIONNAIRE

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Minimum 48 hours before your scheduled ETSP Meeting with the DTS Director and the Consultant (Dr. Alan Shark)

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- ii. What IT support services do you anticipate needing to support these efforts (please circle and list):
 - a. Departmental IT? OCP has been operating without IT staff during the past 7 years.
 - b. DTS? Yes
 - c. Contracted?
 - d. All of the above?

- iii. Devices:
 - a. What type client devices does your department anticipate using to conduct business (please check):
 - i. Desktop computers? Yes
 - ii. Laptop computers? Yes
 - iii. Notebook computers? Yes
 - iv. Notepads? Yes? Does this mean "Tablet?"
 - v. Smart phones? Yes. Currently OCP staff have No OCP issued smart phones or even basic cell phones
 - vi. Other?

 - b. Are you committed to specific operating systems (please check): No? – Unknown?
 - i. Android (Google)?
 - ii. iOS (Apple)?
 - iii. Windows (Microsoft)?
 - iv. Open source?
 - v. Any?

 - c. Does your department process payments using PCI/ACH (please check)? No. OCP is not able to process credit card payments and is only able to accept cash and checks for business license payments, etc.
 - i. Using the County's network?
 - ii. Using payment processors?

- iv. ERP System:
 - a. Does your department use the ERP system? Yes
 - b. How many of your departmental systems have been replaced by the ERP system? Personnel and Budget
 - c. How many more of your departmental systems do you anticipate could be replaced into the ERP system?
Unknown,

17

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- 68 i. What functions do these system(s) represent?
69 d. Has the ERP system helped improve your ability to manage: Unknown.
70 i. Cost?
71 ii. Efficiency?
72 iii. Reporting?
73 iv. Did you have to change business process(s) to achieve this?
74 e. How many of your FTEs are detailed to the ERP office? None.
75 i. Do you expect them to come back?
76 ii. When?
77 f. Do you believe that ERP is becoming institutionalized (i.e., widely learned) in County government? Unknown.
78 g. What can be done to accelerate institutionalization? Unknown.
79
80
81
82 v. MC311:
83 a. Does the MC311 system serve your CRM needs? Yes
84 b. Does your department receive service requests from MC311? Yes
85 c. Has MC311 improved your CRM function? Yes
86
87
88 vi. Which new systems/applications do you plan to add (regardless of the funding source – PSP, CIP, or Grant funds):
89 Unknown.
90 a. Server based?
91 b. Cloud-based?
92 c. Social media-based?
93 d. Mobile?
94 e. Telecommunications:
95 i. PBX?
96 ii. VOIP?
97 iii. Unified Messaging?
98 iv. Video (including teleconferencing)?
99
100 f. Networks: Unknown.
101 i. FiberNet?
102 ii. T1 or T3?

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- 103 iii. W-Fi?
104 iv. Satellite uplink?
105 v. Radio?
- 106
- 107 g. Security: Unknown.
108 i. Cyber security (e.g., firewall)?
109 ii. Physical (e.g., facility controls)?
110
- 111 h. Process control systems: Unknown.
112 i. Do you have process control systems? Which ones?
113 ii. Do you expect to add any? Which ones?
114
- 115 i. GIS: No.
116 i. Does your department use GIS?
117 ii. Do you anticipate an increase in the use of GIS?
118 iii. How do you plan to use more GIS?
119
- 120 j. Web Development: No.
121 i. Do you operate a website outside the County web domain?
122 ii. Do you anticipate doing so in the future?
123 iii. Do you find the current CMS to be adequate for your website development needs?
124
- 125 k. EDMS/RMS: Unknown.
126 i. Do you use the County's EDMS currently?
127 ii. Do you find it to be adequate?
128 iii. Do you have an RMS or anticipate needing one?
129
- 130 2. Cloud:
131 a. Do you currently use cloud services? No.
132 i. Email? What type?
133 ii. Collaboration (e.g., Dropbox)? What type?
134 iii. Software as a service (SAAS)? What type?
135 iv. Server hosting? Where?
136
- 137 b. Do you expect to use the cloud in the future?

19

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i. For which services?

140
141

c. If you use the cloud, has it resulted in or do you expect it to result in: N/A

143
144

i. Cost reduction?

ii. Efficiency enhancement?

145

iii. Productivity gains?

146

iv. Higher system availability?

147

v. Do you have security concerns when using the cloud?

148

149

3. Support:

150

a. Approximately how large is your current departmental IT workforce in FTEs: None: (Zero, Zip, Nothing)

151

i. Employees?

152

ii. Contractors?

153

b. Do you expect that your IT workforce will grow? Hopefully, Yes. It is not possible to decrease from none.

154

c. What do you attribute the projected growth to? Necessity.

155

156

4. Data sets:

157

a. Have you inventoried the data sets in your current systems? This includes those in databases and spreadsheets, etc.

158

b. Are you in the process of inventorying them? Yes, the best of our limited ability.

159

i. When do you hope to complete:

160

1. 50%?

161

2. 100%?

162

ii. Do you need DTS assistance in inventorying data sets? Yes.

163

iii. Do you have a large number of GIS data sets? No, None.

164

iv. Do many of your data sets contain PII? Unknown.

165

166

167

c. Are your data sets candidates for publishing:

168

i. Many? 1 has been selected for dataMontgomery

169

ii. Most?

170

d. Approx. how many MPPIA requests do you receive annually? 30 to 40



ENTERPRISE TECHNOLOGY STRATEGIC PLANNING (ETSP) QUESTIONNAIRE

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171 e. Please identify the primary point(s) of contact in your Department responsible for the identification of public data sets to be
172 published on the County's Open Data platform, dataMontgomery. Investigator Lorena Bailey
173
174

175 5. Security:

176 a. Cyber security:

177 i. Has your department experienced:

178 1. Security incidents? What type? OCP P-Card- several unauthorized charges by hackers

179 2. Do you have security concerns?

180 3. Do you have a designated security staff? No

181 4. Does this staff meet with the DTS security group? No

182 ii. What security services would you like to see from DTS? Monitor Front Desk Silent Alarm

183 iii. Does your department have a Cyber Security plan? No

184 b. Physical security:

185 i. Do you have automated physical security systems? Where? Silent alarm for reception Desk

186 ii. How are they supported? We test twice a year to see if it still works.
187

188 6. Cable and broadband:

189 a. Do you currently use these services? We have 3 TV's connected to cable

190 i. Cable Office provided?

191 ii. Third-party? Which?

192 b. Do you anticipate needs in: Yes

193 i. Media productions? We work with Council staff and Contractors to produce a Cable TV show

194 ii. Video development? We request assistance regarding posting local news video about OCP
195

196 7. Facilities:

197 a. Are you anticipating facilities activities and when: No. Unknown. Depends on what happens to the COB.

198 i. Construction

199 ii. Moves

200 iii. Telecom infrastructure upgrades?
201

202 8. IT Project/Programs:

203 a. Does your IT manage large IT projects? OCP has no IT staff to manage any IT projects.

204 b. Do you believe staff should follow project management best practices?

205 c. Does your staff work with the DTS PMO to leverage their knowledge and training on project management?

12

ENTERPRISE TECHNOLOGY STRATEGIC PLANNING (ETSP) QUESTIONNAIRE

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9. Legislation: OCP's role as Patient Advocate regarding ambulance transport fees requires IT coordination with FRS.

a. Do you anticipate legislation to affect your IT needs:

i. This year?

ii. Next year?

iii. Next 3 years?

10. IT Training OCP staff function primarily as IT "end-users." There are no IT staff at OCP to train.

a. Are you planning on acquiring any IT related training in the next 3 years?

b. Do you use the IT training DTS provides?

c. Do you use the IT training OHR provides?

d. What IT training would you like to see DTS provide going forward?

11. IT Contracting: N/A

a. Are you planning any IT related RFPs in the next 3 years?

b. Do you use the IT contracts DTS provides?

c. What would you like to see covered in the DTS-managed IT contracts going forward?

12. Funding sources: N/A

a. Do you anticipate any CIP projects in the next three years?

b. Do you anticipate any large Enterprise fund funded projects in the next three years?

c. Do you anticipate any Cable Fund funded projects in the next three years?

d. What grant funding do you plan to pursue?

i. Do grant funded programs have IT components?

e. Does your department submit its IT projects to DTS for review prior to execution?



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13. Technology Innovation:

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a. How do you identify technology assisted innovation now?

242

b. Would it help if DTS assisted you even more in identifying technology innovation in your business areas? Yes

243

244

14. Do you plan to add servers? N/A

245

a. Does your department operate its own servers? Unknown

246

b. Do you use virtualization techniques? Which?

247

c. Do you have a disaster recovery plan?

248

d. Do you have a continuity of operations plan? Yes

249

250

15. Your department's services:

251

a. Do you plan to add any new services (please list)?

252

b. Do you plan to add any line of business systems that are packaged (hardware and software combined)?

253

c. Do you anticipate procuring contracted support services for them?

254

d. What percentage of your IT needs is driven by law changes?

255

e. What new IT services do you anticipate needing: Need IT position

256

i. Requirements analysis Yes

257

ii. Systems design? Yes

258

iii. Development and programming? Yes

259

iv. Contracting and acquisition? Unknown

260

v. Maintenance and operations? Yes

261

vi. IT Help Desk? Yes



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16. DTS' Services:

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a. What services from DTS do you like? Help Desk Remote Control Assistance

265

b. What services from DTS would you like to see improve? Address the issues identified in OCP/DTS MOU

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c. What services should DTS add? OCP internal support position

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d. If DTS provided better or different services would it decrease your IT staff? No, it is not possible to decrease below nothing.

268

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e. What services could DTS provide that will help you reduce or contain IT costs?

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Question list #2

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(Please use additional space as required)

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- Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire

275

- Attached separately

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277

1. Thinking about the Enterprise rather than your Department, please identify the top 3-5 new technology priorities that the County should

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pursue during the next 3 years in order to improve efficiency / effectiveness and deliver better services to our constituents.

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- Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire

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ENTERPRISE TECHNOLOGY STRATEGIC PLANNING (ETSP) QUESTIONNAIRE

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- 285 2. . Please describe the top 3-5 technology priorities for your Department for the next 3 years. Please identify the support you require from
286 DTS in terms of the following to succeed:
287 a. Resources
288 b. Software or skills?
289 c. Hardware or related skills?

290 **Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire**
291

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- 295 3. What suggestions or recommendations do you have about improving or otherwise modifying the existing IT Governance structure:
296

- 297 a. IPAC
298 b. TOMG
299 c. Project Steering Committees
300 d. Work Groups?

301

302 • **Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire**
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304

305

- 306 4. What suggestions or recommendations do you have about improving or otherwise modifying the existing IT Governance processes and
307 methodologies (i.e. IT Budget Review, IT Work Intake, etc.)?
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- Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire

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5. Thinking about the County's current IT Infrastructure (hardware, applications etc.), both in your department and at the enterprise level.... What keeps you up at night?

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- Please see OCP's written responses to the 6 questions in the Enterprise Strategic Planning Questionnaire

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6. Thinking about the services your department currently receives from DTS, what gaps, if any, exist between the services currently being provided by DTS and the services that your department requires of DTS?

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7. What suggestions or recommendations do you have about improving or otherwise modifying the alignment of business priorities with technology priorities?

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- a. Similarly, what suggestions or recommendations do you have about improving or otherwise modifying the alignment of and collaboration between technical staff in your department and technical staff in DTS?

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335

8. Do you currently have IT skill set gaps or IT staff retention issues in your department? Please describe?

336

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- a. How can DTS work with your department to upgrade existing skill sets and/or address retention issues to better position your department over the next 3 years?

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9. External agencies:

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- a. Does your department work with the external agencies on IT projects? N/A

346

- b. Do you expect to work with the external agencies on IT projects? What type?

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10. Please discuss any other technology or technology governance related issues, concerns or recommendations that you may have that have yet to be discussed.

350

Memorandum of Understanding

This Memorandum of Understanding dated the 7th day of September, 2006, is between the Office of Consumer Protection (OCP) and the Department of Technology Services (DTS) with the understanding of the Office of Management and Budget (OMB) and the approval of the Assistant Chief Administrative Officer (CAO). The intent of this Memorandum of Understanding is to recall the context and to confirm the arrangements that have been discussed during several different meetings to address the information technology needs of the new Office of Consumer Protection.

I. Background.

On January 22, 2006 Bill #25-05 became effective, creating a new Office of Consumer Protection. This bill generally transferred the functions of the Division of Consumer Affairs within the Department of Housing & Community Affairs to a separate Office of Consumer Protection (OCP). The unanimous action by the County Council, supported by the County Executive, was designed to focus increased visibility and resources on consumer protection issues.

The Fiscal Impact Statement dated September 13, 2005 provided to the County Council President by OMB via the CAO regarding Bill #25-05 called for, in part, the creation of a systems support position (Technology Specialist II)

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within OCP. Previously, the Division of Consumer Affairs received assistance from an Information Technology Tech III working with a Senior Information Technology Specialist. These two positions were retained by DHCA when OCP was created.

However, when the County Council reviewed the FY07 budget for OCP, most of the funds for the creation of a Technology Specialist II within the new OCP were converted from "personnel" to "operating dollars." The rationale was to provide sufficient resources for OCP to conduct a needs assessment in anticipation of building or purchasing a new complaint tracking and case management computer system.

DTS and OCP have begun conducting a needs assessment for OCP. A Senior Project Manager within DTS (Harry Carew) has been assigned to work with OCP. The project goal is to sufficiently understand OCP's operation and needs in order to identify solutions and make recommendations regarding obtaining an Information Technology system to handle OCP's unique applications:

- tracking and managing consumer complaints,
- tracking and managing Common Ownership Community complaints,
- disclosing merchant complaint records and legal actions to the public, and
- licensing auto repair shops, new home builders, appliance repair shops and second hand property dealers.

Currently, OCP has two distinct needs: A) developing a strategic plan regarding overall Information Technology needs; and, B) maintaining day-to-day operations while the strategic plan is being developed and implemented.

II. General Terms.

A. Strategic Plan.

With respect to developing a strategic plan regarding OCP's overall Information Technology needs, OCP and DTS agree to the following:

1) OCP has created a six member Information Technology Working Group comprised of OCP's Acting Director and five OCP staff members to work with DTS and with any contractors. Weekly Joint Application Development sessions are anticipated to be held.

2) Harry Carew, DTS, Senior Project Manager, is currently assigned to work in OCP two days a week. (Upon retaining the services of a Business Analyst it is anticipated that Harry Carew's work hours assigned to OCP will be decreased but will remain sufficient to ensure progress with the project.) A Project Charter will be jointly prepared by DTS and OCP to describe the Senior Project Manager's level of authority and to outline the scope of the work. Generally, the Project Manager will oversee the gathering of information and the

developing of business rules necessary to make recommendations for ultimately building or purchasing a complaint tracking and complaint management system for OCP. The duration of this phase is anticipated to be 12 months.

3) DTS has recruited the services of a Business Analyst contractor (Tina Muthana), who will report jointly to DTS's assigned Project Manager, Harry Carew, and to OCP's Acting Director. This contractor will work five days a week at OCP and the contractor's salary will be charged to OCP. This contractor will assist in gathering information and helping OCP develop business rules necessary to enable DTS and OCP to make joint decisions regarding the building or purchasing of an IT system to meet OCP's needs. The Project Manager and OCP's Acting Director will jointly identify solutions and make recommendations to develop a Program of Requirements for a complaint tracking and case management system. The duration of this phase is anticipated to be 6 months.

4) OCP will submit an IT Intake & Request Process System (ITIRPS) application with DTS to seek building or purchase of a complaint tracking and case management computer system.

5) Upon such time that OCP obtains a complaint tracking and case management system, OCP will initiate discussion to seek the creation of a system administrator position to maintain this unique application. This MOU does not constitute any commitment or decision regarding such a position.

B. Day-to-Day Operations.

With respect to maintaining day-to-day operations while the strategic plan is being developed and implemented, OCP and DTS agree to the following in recognition of the fact that OCP currently has no systems support positions within OCP:

1) OCP staff will utilize the DTS Help Desk for most end-user problems.

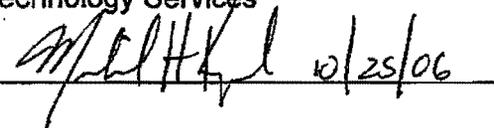
2) DTS will provide sufficient assistance on a case-by-case basis to enable OCP to run all required performance measure and budget reports, update and improve OCP's interactive webpage, and maintain and operate OCP's current complaint tracking systems and OCP's licensing systems.

3) It is anticipated that the assistance from DTS in responding to OCP's day-to-day needs will not be excessive.

This Agreement is accepted by:

Department of Technology Services

Mike Knuppel

 10/25/06

Office of Management and Budget

Beryl Feinberg Beryl L. Feinberg 10/25/06

Office of Consumer Protection

Eric Friedman Eric Friedman 10/24/06

This Agreement is approved:

Assistant Chief Administrative Officer

Scott Reilly _____