

**Sec. 11-2. Office of Consumer Protection.**

(a) *Established.* The Office of Consumer Protection is a department of County government.

(b) *Authority.* The Office may:

(1) receive and investigate complaints and initiate its own investigation of deceptive, unfair, or unconscionable trade practices against consumers, hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and require the production of any evidence relating to any matter under investigation or in question by the Office;

(2) issue summonses and subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter to which this Chapter applies;

(3) issue cease and desist orders and bring enforcement actions regarding any trade practice that violates this Chapter;

(4) report to any appropriate government agency with jurisdiction over real estate transactions or consumer protection matters any information concerning violation of any consumer protection law;

(5) communicate the interests of consumers and merchants before administrative and regulatory agencies and legislative bodies to ensure that both are adequately represented;

(6) assist, advise, and cooperate with the Better Business Bureau and local, state, and federal agencies and officials to protect and promote the interests of County consumers;

(7) assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, or other materials prepared for distribution to County consumers;

(8) encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods or services;

(9) protect and promote the welfare of County consumers and merchants;

(10) report annually on the number, nature, and disposition of complaints filed with the Office. The annual report must include any recommendations made by the Advisory Committee on Consumer Protection;

(11) adopt regulations under method (2) to implement this Chapter;

(12) operate a voluntary arbitration program;

(13) enforce laws pertaining to motor vehicle repair, electrical appliances, secondhand personal property, and any other law that the Office is assigned to enforce; and

(14) undertake activities and establish procedures to identify, and assist consumers with respect to, any discriminatory, predatory, or abusive lending practices.\*

\***Editor's note**-Paragraph (14), formerly paragraph (n), was added by 2005 L.M.C., ch. 29, § 3 (Bill 36-04). However, in American Financial Services, et. al. v. Montgomery County, (Civil Action No. 269105), the Court declared Bill 36-04 "null and void" by order dated 11/30/06.

(c) *Energy and environmental advocacy.*

(1) The Office, after consulting appropriate County departments, must advocate for the County's interest in obtaining the lowest possible rates consistent with environmental stewardship, including the County's climate change objectives, for gas, electricity, and other energy sources by participating in matters pending before appropriate federal and state agencies, including intervening and filing comments in those matters.

(2) The Office may employ consultants and technical advisors as necessary to implement this subsection in accordance with funds appropriated in the County budget.

(3) By September 1 of each year, the Office must report to the County Executive and County Council on the actions that the Office has taken in the preceding fiscal year to implement this subsection.

(1972 L.M.C., ch. 11, § 1; 1974 L.M.C., ch. 13, § 2; 1979 L.M.C., ch. 16, § 2; 1980 L.M.C., ch. 21, § 12; 1984 L.M.C., ch. 24, § 13; 1984 L.M.C., ch. 27, § 12; 1986 L.M.C., ch. 37, § 3; 1996 L.M.C., ch. 13, § 1; [2005 L.M.C., ch. 26](#), § 1; [2005 L.M.C., ch. 29](#), § 3; [2006 L.M.C., ch. 7](#), § 1; [2007 L.M.C., ch. 5](#), § 1; [2008 L.M.C., ch. 12](#), § 1.)

**Editor's note**-The above section is discussed in Fosler v. Panoramic Design, Ltd., 376 Md. 118, 829 A.2d 271 (2003). The above section is described in Syndicated Publications, Inc. v. Montgomery County, 921 F.Supp. 1442 (D.Md. 1996).

2007 L.M.C., ch. 5, § 2, states: Affect on incumbents. If on the effective date of this Act [May 28, 2007] a merit system employee occupies a position which this Act converts to a non-merit position:

- (a) that employee retains all merit system rights; and
- (b) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

**Cross reference**-Office of consumer affairs established, § 1A-203(a).