

Bill No. 25-05  
Concerning: Consumer Protection -  
Office - Powers and Duties  
Revised: 10-4-05 Draft No. 4  
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Enacted: October 11, 2005  
Executive: October 23, 2005  
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Sunset Date: None  
Ch. 26, Laws of Mont. Co. 2005

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President Perez and Councilmembers Praisner and Andrews

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**AN ACT** to:

- (1) create the Office of Consumer Protection as a principal office in the Executive branch of County government;
- (2) transfer certain duties and change certain references from the Department of Housing and Community Affairs to the Office of Consumer Protection.
- (3) make technical, conforming, and stylistic changes in provisions of law involving the Office of Consumer Protection and predecessor agencies; and
- (4) generally amend County law relating to the administration of housing, consumer protection, and related programs.

By amending

Montgomery County Code  
Chapter 1A, Structure of County Government  
Section 1A-201

Chapter 2, Administration  
Section 2-27

Chapter 2A, Administrative Procedures Act  
Sections 2A-2, 2A-4

Chapter 10B, Common Ownership Communities  
Sections 10B-2, 10B-3, 10B-4, 10B-5, 10B-11, 10B-13, 10B-14

Chapter 11, Consumer Protection  
Sections 11-1, 11-2, 11-3, 11-6, 11-7, 11-7A, 11-8

Chapter 11A, Condominiums

Section 11A-12

Chapter 17, Electricity

Section 17-20

Chapter 30, Licensing and Regulations Generally

Section 30-10

Chapter 30C, Motor Vehicle Towing From Private Property

Sections 30C-1, 30C-3, 30C-4, 30C-5, 30C-8

Chapter 31A, Motor Vehicle Repair and Towing Registration

Sections 31A-1, 31A-6, 31A-7

Chapter 31C, New Home Warranty and Builder Licensing

Sections 31C-1, 31C-2, 31C-7, 31C-8

Chapter 38A, Radio, Television and Electrical Appliance Installation and Repairs

Sections 38A-1, 38A-9, 38A-10

Chapter 40, Real Property

Section 40-20

Chapter 44A, Secondhand Personal Property

Sections 44A-2, 44A-8, 44A-10, 44A-12, 44A-13, 44A-14

Chapter 53, Taxicabs and Limousines

Section 53-103

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland, approves the following Act:*

1           Sec 1. Sections 1A-201; 2-27; 2A-2; 2A-4; 10B-2, 10B-3, 10B-4, 10B-5,  
2 10B-11, 10B-13, 10B-14, 11-1; 11-2; 11-3; 11-6; 11-7; 11A-12, 17-20; 30-10;  
3 30C-1; 30C-3; 30C-4; 30C-5; 30C-8; 31A-1; 31A-6; 31A-7; 31C-1; 31C-2;  
4 31C-7; 31C-8; 38A-1; 38A-9; 38A-10; 40-20; 44A-2; 44A-8; 44A-10; 44A-12;  
5 44A-13; 44A-14; and 53-103 are amended as follows:

6 **1A-201.   Establishing departments and principal offices.**

7           **(a)   Executive Branch.**

8                   (1)   These are the departments and principal offices of the  
9                           Executive Branch.

10   \*       \*       \*

11   Consumer Protection (Section 11-2)

12   \*       \*       \*

13 **2-27.       Functions and organization.**

14           The Department of Housing and Community Affairs has the following  
15 functions:

16   \*       \*       \*

17                   [(6)   Consumer affairs.]

18                   [(7)] (6)   Technical assistance to the Department of Economic  
19                           Development and the Department of Environmental Protection in the  
20                           area of human resources, budget, technology, and procurement.

21                   [(8)] (7)   Other functions designated by law.

22 **2A-2.       Applicability**

23   \*       \*       \*

24                   (e)   Complaints and actions filed with or by the [Department of Housing  
25                           and Community Affairs] Office of Consumer Protection under

26 Section 11-4 when a hearing is required or provided before a cease  
27 and desist order is issued.

28 \* \* \*

29 **2A-4. Definitions.**

30 The following words and phrases have the following meanings, except  
31 when otherwise indicated in this Article.

32 *Hearing authority*: The Commission on Human [Relations] Rights or a  
33 [designated panel thereof] Commission case review board; the Merit System  
34 Protection Board; the County Board of Appeals; the Landlord-Tenant  
35 Commission[.]; the Executive Director of the Office of Consumer Protection; the  
36 Director of the Department of Housing and Community Affairs; the Animal  
37 Matters Hearing Board; or a hearing examiner or [official] officer designated or  
38 appointed to conduct those hearings listed in Section 2A-2.

39 \* \* \*

40 **10B-2. Definitions.**

41 In this Chapter, the following words have the following meanings:

42 \* \* \*

43 (c) [[Department means the Department of Housing and Community  
44 Affairs]] Office means the Office of Consumer Protection.

45 **10B-3. Commission on Common Ownership Communities.**

46 \* \* \*

47 (b) Designees of the County Council, Planning Board, Department of  
48 Environmental Protection, Department of Permitting Services,  
49 Department of Public Works and Transportation, Office of Consumer  
50 Protection, and Department of Housing and Community Affairs are  
51 ex-officio nonvoting members of the Commission.

\* \* \*

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(i) The [[Department]] Office must provide the Commission with staff, offices and supplies as are appropriated for it.

**10B-4. Administrative support.**

In selecting staff to carry out the [[Department's]] Office's responsibilities under this Chapter, the Director must consider the recommendations of the Commission.

**10B-5. Duties of the [[Department of Housing and Community Affairs]] Office of Consumer Protection.**

The [[Department]] Office, in consultation with the Commission, must:

\* \* \*

**10B-11. Mediation; dismissal before hearing.**

(a) The [[Department]] Office may investigate facts and assemble documents relevant to a dispute filed with the Commission, and may summarize the issues in the dispute. The [[Department]] Office may notify a party if, in its opinion, a dispute was not properly filed with the Commission, and may inform each party of the possible sanctions under Section 10B-13(d).

(b) If the [[Department]] Office, after reviewing a dispute, finds that, assuming all facts alleged by the party which filed the dispute are true, there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, it may so inform the Commission. The Commission, in its discretion, may dismiss a dispute if it finds that there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, or it may order the [[Department]] Office to

78 investigate further. The Commission may reconsider the dismissal of  
79 a dispute under this subsection if any party, in a motion to reconsider  
80 filed within 30 days after the dispute is dismissed, shows that:

81 \* \* \*

82 **10B-13. Administrative hearing.**

83 \* \* \*

84 (i) The Commission, acting through the [[Department]] Office and the  
85 County Attorney, may enforce a decision of the hearing panel by  
86 taking any appropriate legal action.

87 \* \* \*

88 **10B-14. Settlement of disputes; assistance to parties.**

89 \* \* \*

90 (b) The [[Department]] Office may inform any party who has settled a  
91 dispute by mediation, or any party who prevails in a hearing held  
92 under Section 10B-13, about how the agreement or decision can be  
93 enforced.

94 **11-1. Definitions.**

95 In this Chapter, the following words and phrases have the following  
96 meanings:

97 \* \* \*

98 *[Department: The Department of Housing and Community Affairs.]*

99 *Director or Executive Director: The Director of the [Department of Housing  
100 and Community Affairs] Office of Consumer Protection, or the Director's  
101 designee.*

102 \* \* \*

103 *Office: The Office of Consumer Protection.*

104

\* \* \*

105 **11-2. Office of Consumer [affairs] Protection.**

106 The Office of Consumer Protection is a department of County government.

107 Notwithstanding Section 1A-104(a) and (c), the Office is headed by a merit system

108 employee, who is entitled the Executive Director. The [Department] Office has

109 the following duties, powers and authority:

110 (a) To receive and investigate complaints and initiate its own  
111 investigation of deceptive or unfair trade practices against consumers;  
112 to hold hearings, compel the attendance of witnesses, administer  
113 oaths, take the testimony of any person under oath and, in connection  
114 therewith, require the production of any evidence relating to any  
115 matter under investigation or in question by the [Department] Office.  
116 At any hearing, a witness has the right to be advised by counsel  
117 present during the hearing.

118 \* \* \*

119 (j) To annually report on the number, nature, and disposition of  
120 complaints filed and the other relevant activities of the [Department]  
121 Office during the previous year. The annual report must include  
122 recommendations, if any, made by the Advisory Committee.

123 (k) To adopt regulations under method (3) for the conduct of the  
124 activities of the [Department] Office.

125 \* \* \*

126 **11-3. Advisory Committee on Consumer affairs.**

127 \* \* \*

128 (d) *Powers and duties.* The Committee advises the [Department] Office  
29 in carrying out its duties and functions under this Chapter, and holds

130 public hearings as necessary, including hearings on including or  
131 excluding persons or organizations from the application of this  
132 Chapter.

133 \* \* \*

134 **11-6. Filing [of] complaints.**

135 Any consumer subjected to an unlawful trade practice as [set forth] defined  
136 in Section 11-4 or 11-4A, or the Director, may file a complaint in writing. The  
137 complaint must state the name and address of the person alleged to have  
138 committed the violation, the details of the violation, and any other information as  
139 the [Department] Office requires.

140 **11-7. Procedures and enforcement.**

141 (a) After receiving a complaint under Section 11-6, the Director may  
142 investigate the facts and issues. In that investigation the Director may  
143 use the authority granted in Section 11-2. Whenever appropriate, the  
144 Director may refer a complaint to the state Real Estate Commission,  
145 the Consumer Protection Division of the state Attorney General's  
146 office, or the Federal Trade Commission. If the Director finds  
147 reasonable grounds to believe a violation has occurred, the Director  
148 must attempt to conciliate the matter by methods of initial conference  
149 and persuasion with all interested parties and any representatives the  
150 parties may choose to assist them. In attempting a conciliation to  
151 assist a complaining consumer in resolving the consumer's individual  
152 dispute, the Director may utilize the good offices of the Advisory  
153 Committee on Consumer Affairs. Conciliation conferences are  
154 informal, and nothing said or done in a conciliation conference may



155 be made public by the [Department] Office, the Committee, or its  
156 members unless the parties agree in writing to make the matter public.

157 (b) The terms of conciliation agreed to by the parties may be reduced to  
158 writing and incorporated into a written assurance of discontinuance or  
159 settlement agreement to be signed by the parties. A written assurance  
160 or agreement is for conciliation purposes only and does not constitute  
161 an admission by any party that any law has been violated. A written  
162 assurance of discontinuance or settlement agreement must be signed  
163 on behalf of the [Department] Office by the Director.

164 (c) A person must not violate or fail to adhere to any written assurance or  
165 agreement of discontinuance or settlement agreement. Any failure by  
166 the [Department] Office to pursue a violation of any written assurance  
167 does not waive any right of the [Department] Office or provision of  
168 the agreement.

169 (d) The [Department] Office may seek the cooperation of licensing  
170 authorities and contracting departments of County government in  
171 connection with any investigation under this Chapter of any person  
172 licensed to do business in the County or having a contractual  
173 relationship with County government.

174 \* \* \*

175 (h) Any written assurance of discontinuance or settlement agreement or  
176 any cease and desist order under this Chapter may require the violator  
177 to pay the costs of investigation by the [Department] Office, and may  
178 also include stipulations or conditions for restitution by the violator to  
179 the consumer of money, property or other things received from the  
30 consumer in connection with a violation of this Chapter. The

181 stipulations and conditions must not preclude the [Department] Office  
182 from utilizing any other stipulation, condition, or remedy necessary to  
183 correct a violation of this Chapter.

184 **11-7A. Enforcement of summonses and subpoenas.**

- 185 (a) If any person does not comply with any summons or subpoena issued  
186 under this Chapter the County, on behalf of the [Department] Office,  
187 may enforce the summons or subpoena by appropriate legal action.  
188 (b) Any court with jurisdiction may, upon request of the County, grant  
189 injunctive or other appropriate relief:

190 \* \* \*

191 (2) Requiring the attendance of the named defendant before the  
192 [Department] Office at a time and place specified by the court;

193 \* \* \*

194 (5) Prohibiting the destruction of any records, documents,  
195 correspondence, papers, books or other evidence pending  
196 conclusion of any lawful investigation by the [Department]  
197 Office.

198 **11-8. Costs.**

199 In any action brought under this Chapter, the [Department] Office is entitled  
200 to recover its investigation and hearing costs from a violator if an unlawful trade  
201 practice is found to exist.

202 **11A-12. Complaints, penalties, enforcement.**

- 203 (a) Any person subjected to any unlawful practice under this Chapter  
204 may file a complaint in writing with the Department under the  
205 provisions for filing complaints in Chapter ~~[[11]]~~ 29.

206 (b) After receiving a complaint under this Chapter, the Department must  
207 conduct investigations and hearings authorized by Chapter ~~[[11]]~~ 29  
208 as necessary to resolve the complaint.

209 \* \* \*

210 **17-20. [Electricians'] Electricians' licenses.**

211 \* \* \*

212 (c) If the Board requests, the Director must investigate the character,  
213 experience, training and education of an electrician's license  
214 applicant and provide the results of the investigation to the Board.  
215 Before a license is issued, the Director must ~~[ascertain]~~ obtain from  
216 reliable sources the applicant's record of compliance with state and  
217 County laws and record of complaint actions with the ~~[Department of~~  
218 ~~Housing and Community Affairs]~~ Office of Consumer Protection and  
19 the State Attorney General's Consumer Protection Division.

220 **30-10. Closing-out sales [~~General~~].**

221 \* \* \*

222 (b) License required.  
223 (1) A person must not advertise or offer for sale in the County  
224 merchandise under the description of "closing-out sale" or  
225 merchandise damaged by fire, smoke, water or otherwise,  
226 unless the owner of the business obtains a license to conduct  
227 the sale from the Director of the ~~[Department of Housing and~~  
228 ~~Community Affairs]~~ Office of Consumer Protection.

229 \* \* \*

230 **30C-1. Definitions; scope; purpose.**

231 (a) Definitions. As used in this Chapter, unless the context indicates  
 232 otherwise:

233 (1) Office means the Office of Consumer Protection.

234 [(1)] (2) Immobilize means to use any method, object, or device,  
 235 including a clamp or lock, to prevent or inhibit the movement  
 236 of a motor vehicle.

237 [(2)] (3) Owner includes any person in lawful possession or  
 238 control of a property or a motor vehicle. The "owner" of  
 239 general common elements of a condominium is the council of  
 240 unit owners, or the council's agent for parking management.  
 241 The "owner" of limited common elements of a condominium is  
 242 the unit owner or owners who have the exclusive right to use  
 243 the common elements, or the agent of that unit owner or  
 244 owners.

245 [(3)] (4) Redemption area means any area or building where a  
 246 vehicle owner may pay any charges necessary to redeem a  
 247 vehicle.

248 [(4)] (5) Storage site means any land or building used by a towing  
 249 service to store towed vehicles.

250 [(5)] (6) Towing means the removal, or preparation to remove,  
 251 any motor vehicle by another motor vehicle for compensation.

252 [(6)] (7) Trespass towing service or towing service means any  
 253 person who tows any motor vehicle from private property for  
 254 compensation without the consent of the vehicle owner.

255 [(7)] (8) Tow truck includes any motor vehicle used to tow, or  
 256 attempt to tow, a motor vehicle from private property.

257 [(8)] (9) Unauthorized vehicle means any motor vehicle which a  
258 property owner has not consented to have parked on the  
259 property.

260 30C-3. Administration; rates.

261 \* \* \*

- 262 (b) Every trespass towing service must file with the [Department] Office  
263 a schedule of its rates for each action connected with the towing or  
264 storage of unauthorized vehicles. The [Department] Office may  
265 disapprove a rate that exceeds the maximum rate set under Section  
266 30C-2.
- 267 (c) A trespass towing service must not charge a rate that is higher than  
268 the rate on file with the [Department] Office for any action in  
269 connection with the towing or storage of any unauthorized vehicle.
- 270 (d) Each trespass towing service must furnish the [Department] Office  
271 proof that it carries the insurance required under Section 31A-15(b).  
272 Each trespass towing service must inform the [Department] Office of  
273 the type of business organization or ownership in which the service  
274 operates and the names and current addresses of all owners or, if the  
275 service is a corporation, of the officers of the corporation.
- 276 (e) A property owner must not order the towing of an unauthorized  
277 vehicle unless the property owner has entered into a written contract  
278 that authorizes a towing service to tow vehicles from the owner's  
279 property. This provision does not apply if the towing service is the  
280 record owner of the property from which a motor vehicle is towed.  
281 The property owner must keep on file each contract that is in effect,  
32 or that was terminated within the previous 12 months. The

[Department] Office, the Police Department, and the owner of any vehicle towed by the service may inspect and copy any contract during normal business hours. The [Department] Office may issue model contracts that meet the requirements of this Chapter.

\* \* \*

**30C-4. Public notice; tow procedures.**

(c) Tow procedures.

\* \* \*

(3) The [Department] Office may issue a model tow slip.

\* \* \*

**30C-5. Notice to police.**

\* \* \*

(c) The property owner or the owner's agent must retain each tow slip and, for those vehicles towed without a tow slip, a record of the information furnished to the police, for one year after the tow. For each vehicle towed without a tow slip, the property owner or agent must record and retain the name of the owner of the property and, if the tow was authorized by an agent, the name of the agent. The Police Department, the [Department] Office, and the owner of any vehicle towed by the service may inspect and copy this information at any time during normal business hours.

**30C-8. Redemption and storage procedures.**

\* \* \*

(b) Payment and promise to pay.

\* \* \*

(2) Options.

\* \* \*

b. Each trespass towing service must notify the [Department] Office on the rate schedule filed under Section 30C-3 whether it opts to accept credit cards or personal checks or both. The towing service must notify the [Department] Office if it changes that option.

\* \* \*

(3) Credit card option.

a. Each trespass towing service must accept the 2 most widely used major credit cards. The [Department] Office must define, in regulations under method (2), which major credit cards are the 2 most widely used.

\* \* \*

(c) Rates displayed. Every trespass towing service must display prominently, at each redemption area, a copy of its current rates and a statement that these rates do not exceed the rates filed with the [Department] Office. Every trespass towing service must also display prominently a sign, furnished at a reasonable fee by the [Department's] Office, listing the [Department's] Office's telephone number and summarizing the vehicle owner's rights under this Chapter.

\* \* \*

(e) Receipt. Upon receiving payment, a towing service must furnish the vehicle owner a receipt on a form approved by the [Department] Office. The receipt must:

\* \* \*

335 (3) Briefly inform the vehicle owner that the [Department] Office  
336 can explain the vehicle owner's rights and how to enforce them  
337 in small claims court or another appropriate forum if the  
338 vehicle owner believes that any provision of County law has  
339 been violated, and that the owner may obtain a copy of the law  
340 from the [Department] Office.

341 \* \* \*

342 **31A-1. Definitions.**

343 In this Chapter, the following words and phrases have the following  
344 meanings:

345 [Department: The Department of Housing and Community Affairs.]

346 Director or Executive Director: The Director of the [Department of  
347 Housing and Community Affairs] Office of Consumer Protection.

348 \* \* \*

349 Office: The Office of Consumer Protection.

350 \* \* \*

351 **31A-6. Complaints.**

352 (a) Any person subjected to any unlawful practice, as defined in this  
353 Chapter, may file a complaint in writing with the [Department] Office  
354 as provided in Chapter 11.

355 (b) After receiving a complaint under this Chapter, the [Department]  
356 Office must conduct such investigations and hearings as necessary  
357 under the authority delegated by Chapter 11

358 \* \* \*

359 **31A-7. Procedure for revocation; hearing; appeals.**



360 (a) If the [Department] Office finds a violation of this Chapter or Chapter  
361 11, or a violation of any other applicable law or regulation relating to  
362 the repair or maintenance of motor vehicles, or if the [Department]  
363 Office finds a violation of Article III of this Chapter relating to the  
364 towing of motor vehicles, the [Department] Office may, in addition to  
365 the procedures established in Chapter 11, issue a written complaint  
366 against the registrant, [asking] seeking that the registrant's motor  
367 vehicle repair and towing registration be revoked, suspended, or  
368 refused. All complaints issued by the [Department] Office must be in  
369 writing and specify the allegations on which the complaint is based  
370 and the law or regulation which the registrant allegedly violated. All  
371 complaints must be served on the registrant against whom the  
372 complaint is made either by personal service or by certified mail,  
373 delivery restricted to addressee, mailed to the last address recorded in  
374 the official County registry.

375 (b) Before revoking, suspending or refusing to renew any registration, the  
376 [Department] Office must offer the registrant an opportunity for a  
377 hearing to show why the registration should not be revoked,  
378 suspended, or refused. The Director may serve as hearing officer at  
379 any hearing, or the Director may appoint a hearing officer. The  
380 registrant must receive at least 15 days written notice of the hearing  
381 by personal service or certified mail delivered to the last address  
382 recorded in the official County registry. The notice must specify the  
383 time, date and place of the hearing and contain sufficient information  
384 to inform the registrant of the nature of the complaint. The notice  
385 must specify that the registrant has a right to representation by

386 counsel and that the registration may be suspended, revoked or  
387 refused by the County.

388 \* \* \*

389 **Sec. 31C-1. Definitions.**

390 In this Chapter, the following words have the meanings indicated:

391 \* \* \*

392 [(3) Department. "Department" means the Department of Housing and  
393 Community Affairs.]

394 (4) Director. "Director" means the Director of the [Department of  
395 Housing and Community Affairs] Office of Consumer Protection.

396 [(5)] (4) Dispute settler. "Dispute settler" means an independent  
397 contractor with building construction expertise hired by the  
398 [Department] Office.

399 [(6)] (5) The fund. "The fund" means the new home warranty security  
400 fund, which is moneys contributed by participating builders in the  
401 warranty program administered by the County.

402 [(7)] (6) Load-bearing portions of the home. "Load-bearing portions of  
403 the home" means:

404 \* \* \*

405 [(8)] (7) Major structural defect. "Major structural defect:"

406 \* \* \*

407 [(9)] (8) New home. "New home" means every newly constructed  
408 private dwelling unit and the fixtures and structure that are made a  
409 part of a newly constructed private dwelling unit at the time of  
410 construction.

411 (9) Office. "Office" means the Office of Consumer Protection.

412 \* \* \*

413 **31C-2. Licensing.**

414 (a) Requirement.

415 (1) A builder must not engage in the business of constructing new  
416 homes or act in the capacity of a building contractor in the  
417 County unless the builder is licensed by the [Department]  
418 Office.

419 (2) The [Department] Office must provide application forms for  
420 licensing and prescribe the information to be included.

421 \* \* \*

422 (e) Denial of license. The [Department] Office must not issue a license  
423 to a builder who has or had any legal interest in a previously licensed  
424 firm who has or had a license revoked or suspended for any reason  
425 listed in Section 31C-8.

426 \* \* \*

427 **31C-7. Warranty claims.**

428 \* \* \*

429 (b) Conciliation.

430 (1) The [Department] Office must administer a dispute settlement  
431 procedure between the owner and the builder.

432 (2) Any claim submitted by an owner to the [Department] Office  
433 must first be reviewed through a conciliation procedure.

434 \* \* \*

435 **31C-8. Investigation and hearings.**

436 (a) Investigation.

37 \* \* \*

438 (2) The [Department] Office may:

439 \* \* \*

440 **38A-1. Definitions.**

441 In this Chapter, the following words and phrases have the following  
442 meanings:

443 [Department: The Department of Housing and Community Affairs.]

444 Director: The Director of the [Department of Housing and Community  
445 Affairs] Office of Consumer Protection.

446 \* \* \*

447 Office: The Office of Consumer Protection.

448 \* \* \*

449 **38A-9. Complaints; investigations.**

450 (a) Any person subjected to any unlawful practice as defined in this  
451 Chapter may file a complaint in writing with the [Department] Office  
452 as provided in Chapter 11.

453 (b) After receiving a complaint under this Chapter the [Department]  
454 Office must conduct investigations and hearings as necessary under  
455 the authority delegated by Chapter 11.

456 **38A-10. Procedure for revocation; hearing; appeals.**

457 (a) If the [Department] Office finds a violation of this Chapter or Chapter  
458 11, or of any other applicable law or regulation relating to the  
459 installation, maintenance and repair of radio and television equipment  
460 and electrical appliances, the [Department] Office may, in addition to  
461 the procedures in Chapter 11, issue a written complaint against the  
462 registrant, [asking] seeking that the registrant's radio, television and  
463 electrical appliance installation and repair registration be revoked,

164 suspended, or refused. All complaints issued by the [Department]  
465 Office must be in writing and specify the allegations [upon] on which  
466 the complaint is based and the law or regulation which the registrant  
467 allegedly violated. All complaints must be served [upon] on the  
468 registrant against whom the complaint is made either by personal  
469 service or by certified mail, delivery restricted to addressee, mailed to  
470 the last address recorded in the official County registry.

471 (b) Before revoking, suspending or refusing to renew any registration, the  
472 [Department] Office must offer the registrant an opportunity for a  
473 hearing to show why a registration should not be revoked, suspended,  
474 or refused. The Director may serve as hearing officer at any hearing,  
475 or the Director may appoint a hearing officer. The registrant must  
476 receive at least 15 days written notice of the hearing by personal  
477 service or certified mail delivered to the last address recorded in the  
478 official County registry. The notice must specify the time, date and  
479 place of the hearing and contain sufficient information to inform the  
480 registrant of the nature of the complaint. The notice must specify that  
481 the registrant has a right to representation by counsel and that the  
482 registration may be suspended, revoked, or refused by the County.

483 \* \* \*

484 **40-20. Administration and penalties; regulations.**

485 (a) This Article is enforced by the [Department of Housing and  
486 Community Affairs] Office of Consumer Protection. Any violation of  
487 the Article is a class A violation.

488 \* \* \*

39 **44A-2. License required.**

490 A person must not conduct the business of a dealer unless the person  
491 possesses a dealer's license issued by the [Department of Housing and Community  
492 Affairs] Office of Consumer Protection, which must be displayed to the public  
493 wherever the person conducts the business of a dealer. An individual must not act  
494 as officer, employee or agent, and in that capacity engage in transactions involving  
495 secondhand personal property, for a person required to be licensed by this Chapter  
496 unless the person possesses a valid and current dealer's license.

497 **44A-8. Application for license; license fee.**

498 (a) Each application for a license must be made on the form that the  
499 [Department of Housing and Community Affairs] Office of Consumer  
500 Protection requires. The applicant must certify that the information  
501 given is correct under the penalties of perjury.

502 \* \* \*

503 **44A-10. Reporting changed information.**

504 If, during any license year, there is a change in the information that a person  
505 gave in obtaining or renewing a license under this Chapter, the person must report  
506 the change to the [Department of Housing and Community Affairs] Office of  
507 Consumer Protection within 30 days after the change occurs and certify that the  
508 information given is correct under the penalties of perjury.

509 **44A-12. Grounds for refusal, suspension or revocation of license.**

510 The [Department of Housing and Community Affairs] Office of Consumer  
511 Protection may refuse to grant a license under this Chapter to any individual and  
512 may suspend, revoke or refuse to renew the license of any person if it finds:

513 \* \* \*

514 **44A-13. Hearing; appeals.**

515 (a) Before revoking, suspending or refusing to renew any license, the  
 516 [Department of Housing and Community Affairs] Office of Consumer  
 517 Protection must offer the dealer an opportunity for a hearing to show  
 518 cause why a license should not be revoked, suspended or refused.  
 519 The Director of [Housing and Community Affairs] the Office of  
 520 Consumer Protection may serve as hearing officer at the hearing, or  
 521 the Director may appoint a hearing officer. The licensee must receive  
 522 at least 15 days written notice of the hearing by personal service or  
 523 certified mail delivered to the last address recorded in the official  
 524 County registry. The notice must specify the time, date and place of  
 525 the hearing and contain sufficient information to inform the licensee  
 526 of the reason for revoking, suspending or refusing to renew the  
 527 license. The notice must specify that the licensee has a right to  
 28 representation by counsel and that the license may be suspended,  
 529 revoked or refused by the County.

530 \* \* \*

531 **44A-14. Return of licenses on suspension or revocation.**

532 (a) If the license of any employee or dealer is suspended, revoked or not  
 533 renewed, the employee or dealer must immediately return the license  
 534 to the [Department of Housing and Community Affairs] Office of  
 535 Consumer Protection.

536 \* \* \*

537 **53-103. Taxicab Services Advisory Committee.**

538 \* \* \*

539 (d) The Director or the Director's representative must serve as an ex-  
 10 officio non-voting member. The [Chief of the Division] Director of

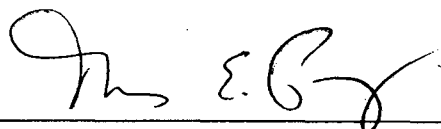
541 the Office of Consumer [Affairs in the Department of Housing and  
542 Community Affairs] Protection, or the [Chief's] Director's  
543 representative, must also serve as an ex-officio non-voting member.

544 \* \* \*


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

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


555 *Approved:*

556   
\_\_\_\_\_  
Thomas E. Perez, President, County Council 10/11/05  
Date

557 *Approved:*

558   
\_\_\_\_\_  
Douglas M. Duncan, County Executive 10/03/05  
Date

559 *This is a correct copy of Council action.*

560   
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council 10/24/05  
Date