

Office of Massachusetts Attorney General

Maura Healey



Local Consumer Program Grant Standards and Responsibilities

Fiscal Year 2017

Requirements

1. Use of Funds: Local Consumer Program (LCP) grant funds shall only be used for expenses involved with the intake, resolution, administration of consumer complaints and outreach concerning consumer topics.
 - No funding shall be used for expenses outside of the Commonwealth, including but not limited to conference/convention fees, travel or lodging.
2. Each LCP will provide service to the designated geographic area as specified in the Scope of Services.
3. Pursuant to [M.G.L. c. 12, §8\(F\)\(J\)](#), all charitable organizations, except those organized exclusively for religious purposes, which are eligible for tax exempt status under 26 U.S.C. §501(c)(3) must register, file annual financial reports, and be up to date with all reporting requirements of the Non-Profit Organization/Public Charities Division of the Attorney General's Office (AGO) in order to be eligible to receive grant funding from the AGO.
4. It is the duty of all grant funded programs to immediately notify the AGO if your organization is the subject of any investigation, complaint, or lawsuit by any federal, state, or local law enforcement or regulatory agency.
5. Unemployment Insurance The AGO requires that LCP grant recipients choose the "contributory" rather than the "reimbursable" method of financing unemployment benefits as allowed under the Employment Security Law ([151A, §14A](#)). LCP grant monies may be used for the quarterly contributions to the unemployment insurance fund. However, under no circumstances can LCP grant monies be used to pay unemployment benefits.
6. As a condition of a grant award, each Program agrees that representatives of the AGO at any time may review the financials, print and electronic records, and/or filing system of the Program to ensure compliance with the terms of the grant award and to ensure the accuracy of information provided to the AGO. Such inspection, review and/or audit by representatives of the AGO may occur at any time, with or without notice to the Program.
7. Failure to comply with any portion of the Scope of Services and Standards and Responsibilities may result in:
 - Forfeiture of grant monies not yet disbursed and/or reimbursement of previous monies awarded; or
 - Suspension or termination of grant program.

Relationship to the AGO

1. Any time reference is made to the Program's affiliation with the AGO (in writing or verbally,) use the statement "working in cooperation with the Massachusetts Attorney General's Office."
2. The Program agrees to identify the AGO as a funding source for the consumer assistance program in any printed or electronic materials.
3. The point of contact for the Program regarding grant administration in the AGO is Allyson Trenteseaux, Program manager in the Community Engagement Division, (617) 963-2077 or Allyson.Trenteseaux@state.ma.us.
4. The point of contact for the Program regarding day-to-day operations and case questions is Tim Depin, LCP Coordinator in the Consumer Advocacy & Response Division (CARD) at (617) 963-2188 or Timothy.Depin@state.ma.us.

Minimum Standards of Performance

1. Each Program is responsible for providing a minimum of 30 hours per week of operations. Operations may include but are not limited to: consumer assistance and outreach events. Additionally, each Program must have an answering machine or voicemail system to receive calls outside of hours of business. When a call cannot be answered during business hours, calls must be routed to an answering machine or voicemail system.
2. Each Program is expected to generate approximately 15% of its case load locally and not by AGO referral.
3. No Program shall close for **two (2)** or more consecutive business days without advance written notice to and approval from the AGO.
4. Notice of all office closings must be submitted to Tim Depin (CARD) at Timothy.Depin@state.ma.us at least **fourteen (14)** days in advance.
 - a. Closings include but are not limited to: scheduled vacations, office holidays and events (outside of Federal holidays), and planned outreach and trainings.
 - b. In the event of an office closing, the office's voicemail must indicate that the office is closed, when the office will reopen, and a number for immediate assistance.
 - c. In the event of an unanticipated closure, i.e. storm closure, utilize best judgment as to whether the office will be open. If the decision is made to close, please send notification to the email address listed above as soon as the decision is made.

5. At least one representative from the Program must attend the regularly scheduled in-person and/or telephone conference calls scheduled by the AGO.
6. Each Program agrees to accept for its service area consumer assistance referrals from the AGO and complaints filed directly with its office regardless of the location of the parties. These complaints should be handled or referred to another agency as appropriate with consideration being given to the consumer's request regarding the geographic location.
7. **Data Security** - Each program shall develop, implement, maintain, and monitor a Written Information Security Program (WISP) designed to safeguard the personal information of residents of the Commonwealth contained in the records of the complaints and referrals. This WISP must be as protective as the Attorney General's in accordance with M.G.L. c. 93H and 940 CMR 27.00.

Education and Outreach

1. Programs are required to organize at least six (6) education, training, or outreach activities in their communities with the funds they receive from the LCP per grant year.
 - Programs may not charge any fee for the activities.
 - Activities must be available to the public.
 - Knowing that groups may work with other community organizations that are targeting a specific population or geographic area, these events are typically advertised in a community publication and thus open to the public.
 - Scheduling events in schools or similar establishments is encouraged and understood to not be necessarily open to the public.
 - Attendance at AGO trainings or meetings does not count towards the LCP outreach requirement.
 - Attendance at AGO hosted events does not count towards the LCP outreach requirement.
 - Events hosted jointly by the AGO and the LCP do count towards the outreach requirement, and LCPs are encouraged to contact the AGO for education and resources in planning outreach events.
2. In the outreach or education efforts, Programs may only discuss the process of consumer assistance and general consumer related topics. Under no circumstances are the Program staff members to discuss specific details pertaining to any particular consumer assistance case, companies, or consumers.
3. Programs are also invited to partner with the Consumer Advocacy & Response Division (CARD) at any of its scheduled outreach events.

Press Inquiries

1. All inquiries from the press related to information concerning consumer complaints and/or practices of a business must be referred to the press office of the AGO. The press staff may direct the media to the Programs as appropriate, but will first notify the Program director and will discuss the nature of the request and the type of information he/she is at liberty to discuss.
2. Program Directors may not talk to the media about complaint-related information until they have received clearance from the AGO press office. The AGO's Press Office can be reached at 617-727-2543.
3. Upon approval from the AGO's Press Office, the Program may discuss generally with the press the type of services it provides and the kinds of complaints the program typically handles.
4. In any press contact, the Program should mention that it is a recipient of a Local Consumer Aid Fund grant and that it works in cooperation with the AGO.
5. If a Program has a regularly scheduled appearance on or in the local media, the AGO shall be notified as soon as each occurrence is scheduled and the topic to be discussed. A prescheduled list of occurrences, topics and dates is also acceptable.

Public Records Requests/Records Retention

Maintenance and release of records made pursuant to this grant award will be done in compliance with the provisions of the Massachusetts Public Records Law and Massachusetts Statewide Record Retention schedules.

By accepting grant funds, each Program agrees to cooperate with the Attorney General's Office to comply with records retention and public records requests.

The AGO will be responsible for responding to all public record requests. Under the Massachusetts Public Records Law, requests for inspection or copying of records must be responded to. Regardless of whether the request is made to the Program or to the AGO, the AGO must respond within ten (10) calendar days within the initial receipt of the request.

1. A record is defined as: any document, whether in electronic or paper format, including complaints, correspondence, emails, memos and any notes that are included in or related to a case file.
2. Records Retention: All consumer complaints and associated files (paper or electronic) shall be retained and accessible for **six years**. Requests to shred or otherwise destroy files older than six (6) years must be made in writing (email is acceptable) to the AGO for submission to the Records Conservation Board for destruction permission. Records **may**

not be shredded or otherwise destroyed until the AGO confirms in writing that such permission has been granted.

- Note: Records containing personal information, i.e. social security or credit card numbers, must be destroyed by shredding in accordance with [M.G.L. c. 93I, § 2](#).
3. Requests for the Number of Complaints Filed Against a Business: If asked for the number of complaints filed against a particular business refer the caller to the AGO Hotline.
 4. Public Records Requests made directly to the Program: The Public Records Law requires a response to oral as well as written requests. These requests will be reviewed and responded to by the AGO in compliance with the Public Records Law.
 - Oral Requests: Each program may ask that all requests be put in writing for the purpose of clarity and directed to the Office of the Attorney General, Consumer Advocacy and Response Division. If the person making the request declines to do so in writing, forward the following information to Tim Depin (Timothy.Depin@state.ma.us) immediately:
 - Date of Request;
 - Requestor's contact information – mailing and email address, phone number, etc.;
 - Language used by requestor; and
 - Types of Documents Requested, i.e. complaints only, all additional records.
 - Written Requests for Records: Written requests for records or other information received by or relative to any of the Program's work as it pertains to consumer assistance must be forwarded to the Tim Depin (Timothy.Depin@state.ma.us) within one business day of receipt by the LCP. These written requests will be reviewed and responded to by the AGO in compliance with the Public Records Law.
 5. Public Records Requests directly made to CARD: The CARD Public Records Officers will contact Programs for information. Programs must provide the information requested by the AGO in the course of a Public Records Request.

Reporting Requirements

The Grant Cycle for FYE 2017 begins on July 1, 2016 and ends on June 30, 2017. For Program Specific Reporting Requirements, please review the LCP Minimum Standards of Performance as well as any specific additional performance metric agreed to as part of the grant review process.

On a Quarterly Basis

1. **All quarterly reports must be submitted electronically to Allyson Trenteseaux at Allyson.Trenteseaux@state.ma.us**
2. Programs must submit the financial and programmatic reporting forms by: October 17, 2016, January 16, 2017, April 17, 2017 and July 17, 2017.

Documentation (such as vouchers, pay stubs, receipts or copies of receipts) should not be attached to a financial reporting form, but must be made available to the AGO upon request.

On a Bi-Weekly Basis

1. Programs must submit their closed case reports every other Friday, beginning on September 16, 2016, to Tim Depin at Timothy.Depin@state.ma.us.
2. Programs will receive training on submitting their closed case reports at the first in person meeting of the grant cycle.

Technology Standards

1. Each Program must have a functioning computer with internet access, Microsoft Office Suite (specifically, Word and Excel), Adobe Acrobat, a printer and access to a scanner.
2. The computer must have Antivirus and Firewall programs installed and updated regularly.
3. Each Program must have a valid email address for each staff person assigned to work on LCP cases.

Legal Representation

The AGO is not permitted to provide legal representation to Programs, volunteers and/or paid staff of Programs who are sued, subpoenaed, or deposed with respect to consumer assistance intakes handled pursuant to these awards.

Disbursement of Funds to a Grantee

Disbursements of grant award funding will be made on a **quarterly basis**, as follows:

Q1	Q2	Q3	Q4
July 1, 2016	October 1, 2016	January 1, 2017	April 1, 2017

These disbursements are contingent upon meeting the report due dates noted above in the “Reporting Requirements” and these reports accurately reflecting the spending of the reported quarter. If a Program fails to meet the quarterly reporting deadline, its next disbursement may be held until the following quarterly disbursement is scheduled. (For example, if you miss the

October 17, 2016 reporting deadline, your Q3 January disbursement may be held until the Q4 scheduled disbursement date.)

Confidentiality/Conflict of Interest

1. Under no circumstances may any Program elicit or attempt to elicit any information from the consumer, other than that pertinent to the resolution of the consumer's complaint.
2. Program staff/volunteers will not disclose any information related to or obtained in the course of consumer assistance to any person other than the participant or the AGO, without the explicit authorization of the participants.
 - This authorization is given by the consumer upon signing the AGO complaint form, though it may be prudent to remind consumers of this prior to release of information.
3. Conflict of Interest: [M.G.L., Chapter 268A](#) (Conduct of Public Officials and Employees) may be applicable in some cases.

Administration of Standards and Responsibilities

The AGO may make changes, additions, or deletions to these Standards, may dispense with them entirely, or may waive specific provisions as it deems necessary.

LCP Minimum Standards of Performance

1. LCPs shall not charge consumers a fee for any services rendered under a LCP grant.
2. Any complaints sent to an LCP by the AGO in error should be brought to the attention of Tim Depin in a timely manner, with a note indicating the reason for the return. Returned complaints should be sent back to the AGO by the fastest means of transmission possible.
3. All letters and forms used by the LCP must be uploaded to the Google Drive. (Program staff will receive training on how to use Google Drive at the first in person meeting of the grant cycle.)
4. A consumer's request for assistance must be in written form and is deemed appropriate if it is:
 - a. Between an individual and a for-profit business; and
 - b. The consumer is seeking specified relief – rescission of the contract, return of funds, completed repairs, etc., but not general damages.

6. An LCP will not get involved in disputes:
 - a. between two private parties;
 - b. between two businesses;
 - c. where any previous court judgment has been entered;
 - d. in which the consumer is represented by an attorney;
 - e. relating to a charitable organization's execution of its charitable mission (refer these to the AGO Non-Profit/Public Charities Division or a complaint may be handled if the complaint pertains to a business transaction and does not relate to the performance of the organizations charitable purpose);
 - f. relating to a state agency (refer these to the appropriate oversight agency, listed in the Mass State Services guide, <http://www.sec.state.ma.us/cis/ciscig/guide.html> or by calling the Mass State Service phone number, 617-727-7030).

Many of these types of cases (with the exception of complaints against a state agency or against a charity) may be appropriate for Face to Face Mediation (FTFMP). In these instances, please contact the FTFMP in your area.

Consumer Assistance Process

1. Consumer complaints may be initiated in person via walk-in, through a written complaint or letter received by mail or email, e-complaint/e-form or by referral from the AGO.
2. Complaints received directly at the LCP may be referred to another appropriate agency within a timely manner. The consumer shall be notified by telephone and in writing of the referral and the reasons therefore. LCP will notify the AGO of such referral in their bi-weekly reporting information.
3. Cases shall be handled in the order in which they were received according to the date received by the AGO or LCP, whichever is earlier.
4. Within **five (5) business days** of the receipt of any complaint (either from the AGO or made directly to the LCP), an LCP staff person shall attempt to make an initial contact with the consumer to assess the status of the complaint and confirm any information necessary prior to commencing consumer assistance efforts on the case. The initial communication between LCP staff and consumer should identify the LCP, provide the specialist's contact information to the consumer, and explain the services to be provided and the procedures involved. The specialist may ask the consumer for additional information or documentation at this time, such as invoices, receipts, bills, or contracts. All form letters sent to the consumer and business by the LCP must be readily available to the AGO, and stored in the LCP Google Drive.

6. If a consumer does not reply to the initial phone call and/or letter within **five (5) business days**, a (ten) 10 day letter will be sent to the consumer indicating that the complaint will be closed, and provide information on how to open the case in the future if the consumer so desires. The letter should direct the consumer to contact the LCP directly, not to file a new complaint with the AGO or to call the AGO Consumer Hotline. The case may be marked as closed until further response from the consumer is received.
7. Under no circumstances shall an LCP contact the merchant in any way prior to contacting the consumer. Before contacting the merchant, LCP employees should carefully review the complaint. It is important to understand the complaint and the desired resolution prior to any attempt at consumer assistance.
8. Within **two (2) business days** of a consumer indicating he or she would like to pursue assistance an LCP staff person or volunteer must contact the merchant, explain the consumer assistance process and set out a process and timeline for working through the case with the merchant. If requested, the merchant may be provided with a copy of the complaint.
9. Consumer Assistance and resolution shall not be conducted solely through form letters.
10. Case notes should be kept in the case file for each complaint. To the extent possible, it is preferred that case notes be word-processed during the process and printed at the end. If hand-written, case notes must be legible and should include the date and content of each conversation, and/or steps taken. The file should also include copies of any letters received or mailed to either the consumer or the merchant, and any emails exchanged during the consumer assistance process. **Subjective or personal opinions of staff should not be recorded concerning the consumer assistance process.**
11. Upon closing a case, Program staff will complete the Closed Case .PDF document they were provided by the AGO for that specific case. This Closed Case Report must be submitted at the next available Bi-Weekly Report.
12. Referrals to Small Claims Court:
 - a. Thirty day demand letters sent prior to filing a claim in Small Claims Court must be written by the consumers themselves and cannot be sent on the letterhead stationery of the LCP. The LCP may supply a template letter for language purposes.
 - b. If the consumer is requesting the assistance of a private attorney, the LCP may refer the Consumer to the Massachusetts Bar Association Lawyer Referral Service at (617) 542-9103/ (800) 392-6164, the Boston Bar Association's Lawyer Referral Service at (617) 742-0625, or other local or county bar association referral services. Consumers should not be referred to individual attorneys.

Closed Case Records Retention

One month after the end of the grant year, LCP Programs shall complete an inventory for all closed cases. The Program must use the template box inventory document in the Google Drive to log the inventory of each box. It is highly recommended that this inventory be updated throughout the year as files are closed, so this requirement is not an administrative burden at the end of the grant.

Boxes of closed cases shall be organized in the following manner:

1. By the calendar year in which the consumer complaint was closed.
2. By Merchant name.
3. By Consumer Last name within the merchant grouping (if there is more than one by that Merchant name).

Example:

