

Office of Massachusetts Attorney General

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Local Consumer Program Grant Standards and Responsibilities Handbook

Grant Year July 2024 – June 2025

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 G.L. ch. 12, secs. 8E and 8F, and G.L. ch. 68, sec. 19, all charitable organizations, except certain religious and other organizations that are exempt under 940 CMR 2.02, 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 LCPs to immediately notify the AGO if the organization is the subject of any investigation, complaint, or lawsuit by any federal, state, or local law enforcement or regulatory agency.
5. The AGO requires that LCPs choose the "contributory" rather than the "reimbursable" method of financing unemployment benefits as allowed under the Employment Security Law ([M.G.L. c. 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 or for severance agreements.
6. As a condition of the grant award, each LCP agrees that representatives of the AGO at any time may review the financials, print and electronic records, and/or filing system of the LCP to ensure compliance with the terms of the grant award. Such inspection, review, and/or audit by representatives of the AGO may occur at any time, with or without notice to the LCP.
7. Failure to comply with any portion of the Standards and Responsibilities and Scope of Services 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. For any reference made to the LCP's affiliation with the AGO (in writing or verbally), LCPs must use the statement "working in cooperation with the Massachusetts Attorney General's Office."
2. The LCP agrees to identify the AGO as a funding source for the consumer assistance program in any printed or electronic materials.
3. The LCP's point of contact for the AGO grant administration is Elhannah Burnett, Program Manager of the AGO's Consumer Advocacy & Response Division, (617) 963-2478 or LCP@mass.gov.
4. The LCP's point of contact for day-to-day operations and case questions is Elhannah Burnett, Program Manager of the AGO's Consumer Advocacy & Response Division, (617) 963-2478 or LCP@mass.gov.

Minimum Standards of Performance

1. Each LCP is responsible for providing a minimum of 30 hours per week of operations. Operations may include but are not limited to case work and outreach events. Additionally, each LCP must have an answering machine or voicemail system to receive calls outside of regular hours of business. When a call cannot be answered during business hours, calls must be routed to an answering machine or voicemail system.
2. No LCP may close for two (2) or more consecutive business days without advance written notice to and approval from the AGO.
3. Office Closings.
 - Non-emergency office closings. Notice of all routine office closings must be submitted to Elhannah Burnett (CARD) at LCP@mass.gov at least fourteen (14) days in advance.
 - Routine closings for which notice must be provided include but are not limited to scheduled vacations, office holidays (outside of Federal holidays) and events, and planned outreach and trainings.
 - 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.
 - Unanticipated or emergency office closings. In the event of an unanticipated closure, i.e., storm closure or unforeseen illness, LCPs should utilize best judgment as to whether the office will be open. If a decision is made to close, the LCP should

send a notification to Elhannah Burnett (CARD) at LCP@mass.gov as soon as the decision is made.

4. The primary representative from the LCP must attend the regularly scheduled in-person and/or telephone conference calls scheduled by the AGO. It is expected that the representative share process updates and training with the rest of their staff.
5. Each LCP agrees to accept consumer complaints filed directly with its office and referrals made to the LCP by the AGO. While the AGO aims to refer cases based on catchment area, in situations where the volume of cases received from the designated catchment area is below the average for the Program, the LCP will accept all referrals made by the AGO, regardless of the location of the parties involved in the dispute. The AGO will notify the LCP of assignments outside their catchment area.
6. Each LCP agrees to inform Elhannah Burnett (CARD) at LCP@mass.gov about any planned or unplanned changes in full or part-time staff, including retirement.
7. Each LCP should develop and maintain a manual of the program's major processes and contacts, including a legacy plan, in the event the Director position is unfilled at any point. This document should be kept updated and accessible to other staff members, as well as Elhannah Burnett (AGO).
8. Each LCP 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 at least as protective as the Attorney General's in accordance with M.G.L. c. 93H and 940 CMR 27.00.
9. Each LCP agrees to upload all records related to AGO files, including any and all substantive notes, template letters and correspondence related to a consumer complaint to the AGO's complaint database in real-time. Once documents are uploaded, any copies of records should be destroyed in a manner consistent with the LCP's paper record audit process and WISP.

Education and Outreach

1. LCPs are required to organize at least six (6) education, training, or outreach activities in their communities with the LCP grant funds they receive each grant year.
 - LCPs may not charge any fee for providing or participating in the activities.
 - Activities must be available to the public.
 - Participation in events with other community organizations that are targeting a specific population or area, qualify if those events are open to the public and if the LCP plays a substantial role in the organization and

execution of the event. Events may be scheduled in community centers or similar establishments.

- Attendance at AGO trainings or meetings does not constitute an LCP outreach activity for the purposes of this requirement.
 - Attendance at an AGO hosted event does not count towards the LCP outreach requirement of six activities per year.
 - Tabling events where the LCP hands out educational materials but does not present on behalf of the organization or the AGO, cannot make up more than three (3) of the required six (6) events.
2. LCPs are invited to partner with the AGO at any of its scheduled outreach events. These events will be counted as one of the LCPs required events if the LCP plays a substantial role in the organization and execution of the event.
 3. In any outreach or education efforts, LCPs may only discuss the consumer advocacy process and general consumer topics. Under no circumstances are LCP staff members to discuss specific details pertaining to advocacy case work, including but not limited to any specific information related to businesses, consumers, or potential ongoing investigations.
 4. Any outreach material being utilized by the LCPs must be submitted to LCP@mass.gov and pre-approved by CARD staff. Please allow at least two weeks for the review and approval process.

Press Inquiries

1. LCPs should refer all inquiries from the press related to information concerning consumer complaints and/or practices of a business to the AGO press office. AGO press staff may direct the media to the LCPs as appropriate but will first notify the LCP Director and will discuss the nature of the request and the type of information LCP staff is at liberty to discuss.
2. LCP Directors may not discuss complaint related information with the media until they have received clearance from the AGO press office or other AGO staff. The AGO's Press Office can be reached at 617-727-2543.
3. Upon approval from the AGO's Press Office, the LCP may discuss generally with the press the type of service it provides and the kinds of complaints the program typically handles. Under no circumstance is an LCP to discuss individual case information or provide personal information of a consumer to members of the media.

4. In any press contact, the LCP 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 an LCP has a scheduled appearance with local media, the LCP shall notify the AGO 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 disclosure of records made pursuant to this grant award will be done in compliance with the provisions of the Massachusetts Public Records Law (PRL) and the Massachusetts Statewide Record Retention Schedule (SRRS).

A record is defined as any document or data, whether in electronic or paper format. For your purposes, “records” include complaints, correspondence, emails, memos, notes, and other materials that are included in or related to a consumer case file.

1. Public Records Law

- By accepting grant funds, each LCP agrees to cooperate with the AGO in complying with the PRL and responding to public records requests.
- The PRL requires a response to written requests. These requests include those made by regular mail, e-mail, facsimile, or in-person.
- All public records requests will be reviewed and responded to by the AGO in compliance with the PRL.
- Under the PRL, requests for inspection or copying of records must be responded to in a timely manner.
- Regardless of whether the request is made to the LCP or to the AGO, the AGO must respond within ten (10) business days of the initial receipt of the request.
- Business Day is defined as Monday through Friday. Business day does not include Saturdays, Sundays, Legal Holidays, or other weekdays where the AGO’s Office is closed unexpectedly.

2. Public Records Requests Made Directly to the LCP

- Oral Requests for Records:
 - The PRL does not require a response to oral requests.
 - Each LCP should ask that all requests be put in writing and directed to the Office of the Attorney General, Records Access Officer.
 - LCPs may not, under any circumstances, accept an oral request for LCP Grant Program records.
 - This website provides guidance as well as detailed instructions for the public: <https://www.mass.gov/public-records-requests-for-the-office-of-the-attorney-general>

- Written Requests for Records:
 - Written requests for records or other information received by or relative to any of the LCP's work as it pertains to consumer assistance must be forwarded to LCP@mass.gov) on the same business day of receipt by the LCP.
 - Failure to forward written requests on the same day they are received may result in termination of funding and participation in the grant program.
 - The AGO will review and respond to these written requests in compliance with the PRL.
3. Public Records Requests Made Directly to CARD:
- The CARD Public Records Officer will contact appropriate LCPs for information.
 - LCPs must provide the information requested by the AGO so that a response can be made in a timely manner in compliance with the PRL.
4. Requests for Information about Complaints
- A question about complaints, including a question about the number of complaints received by the LCP related to a particular business or issue is not a request for records.
 - If the LCP is unclear as to whether a question is a request for records, the question should be forwarded to LCP@mass.gov on the same day it was received.
 - If the LCP is asked for the number of complaints filed against a particular business, the LCP should refer the requestor to the AGO website: www.mass.gov/info-details/list-of-complaints-received-by-the-attorney-generals-consumer-advocacy-and-response-division and instruct them to download a list of complaints filed against businesses.
5. Records Retention
- By accepting grant funds, each LCP agrees to maintain its consumer case files according to the SRRS and cooperate with the AGO in complying with records retention requirements.
 - Consumer case files (paper or electronic) that are assigned to an LCP shall be retained and accessible for six (6) years.
 - Upon expiration of the retention period the AGO will seek approval for destruction from the Records Conservation Board and will destroy complaint records stored in the AGO's complaint database upon receiving such approval.
 - To ensure the complete destruction of complaint files, the LCPs must upload all case related materials to the electronic case file prior to closing a case.
 - Duplicates of records uploaded to the AGO complaint database should be destroyed in a manner consistent with the LCP's paper record audit process and WISP.
 - Because consumer case files contain personal information, *e.g.* social security or credit card numbers, all records must be destroyed by

shredding in accordance with M.G.L. c. 93I, §2.

Reporting Requirements

The Grant Cycle for 2024-2025 begins on July 1, 2024, and ends on June 30, 2025. 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 in the provided format must be submitted electronically to CARD staff at LCP@mass.gov .**
2. LCPs must submit the financial and programmatic reporting forms by:
October 31, 2024, January 31, 2025, April 30, 2025, and July 31, 2025.

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.

Technology Standards

1. Each LCP must have a functioning computer with broadband internet access, Microsoft Office Suite (specifically, Word and Excel), Adobe Acrobat, a printer, and access to a scanner.
2. The LCP computer must have Antivirus and Firewall programs installed and updated regularly.
3. Each LCP Director must have a valid email address for communications with the AGO.
4. Each LCP staff person and volunteer must have an individual, valid, organization-assigned work email address for access to the AGO's complaint database and to conduct all LCP work-related communication. LCP staff cannot use personal email addresses for any kind of work-related correspondence.

Remote Operations

In circumstances where an LCP's primary physical office is closed for a period of one week or more, for example due to restrictions on in-person gatherings resulting from a public health emergency, the LCP will setup staff to work remotely and continue to provide consumer assistance services on complaints referred by the AGO.

If in-person gatherings continue to be limited, the LCPs should conduct outreach and community engagement events virtually and will be expected to remain in compliance with the requirement of six (6) outreach event per grant year.

Language and Translation Access

Each LCP shall make real-time Interpreter Services, sometimes called “language line” services, which provide interpreters on demand, typically over the phone, available to all staff interacting with the public as part of the LCP program. Interpreter Services must, at minimum, provide interpretation in Spanish, Portuguese, Mandarin, Cantonese and Haitian-Creole. The LCP should also ensure coverage of any additional languages that are commonly spoken in the communities within their catchment area.

Each LCP is responsible for accessing translation services, in order to translate complaint forms, supporting documents, including written communications whenever necessary and to the minimum requirements identified for Interpreter Services. Each LCP shall track and report the use of language and translation services as part of the quarterly reports or upon request by the AGO.

Legal Representation

By law, the AGO does not provide legal representation to volunteers and/or paid staff of LCPs who are sued, subpoenaed, or deposed with respect to consumer advocacy cases handled pursuant to these awards.

Disbursement of Funds to a Grantee

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

Q1 & Q2		Q3 & Q4	
July 1, 2024 (or within 14 days of contract execution), whichever is later		January 1, 2025	

The mid-year disbursement to an LCP is contingent upon the LCP meeting the October 31, 2024, reporting deadline noted above in the “Reporting Requirements” section. Reports must accurately reflect spending for the reported quarter. If an LCP fails to meet the October 31, 2024 deadline for filing a Q1 report, the mid-year disbursement will be delayed until both the Q1 and Q2 reports are filed.

Confidentiality/Conflict of Interest

1. LCP staff/volunteers may not elicit or attempt to elicit any information from the consumer other than that pertinent to the resolution of the consumer's complaint.
2. LCP staff/volunteers may not disclose any information related to or obtained in the course of case work to any person other than the participant or the AGO, without the explicit authorization of the participant or the AGO. This authorization is given by the consumer upon signing the AGO complaint.
3. Conflict of Interest: [M.G.L., Chapter 268A](#) (Conduct of Public Officials and Employees) may apply.

LCP Minimum Standards of Performance

1. LCPs shall not charge consumers a fee for any services rendered under the LCP grant.
2. Any complaints referred to an LCP by the AGO in error should be brought to the attention of Elhannah Burnett (LCP@mass.gov) within a week of receipt, indicating the reason for the return. If the assigned LCP notifies the AGO of misdirected complaints later than a week after receipt, the LCP will be expected to keep the complaint for consumer assistance services and the AGO will not accept return of the complaint or reassign the complaint to another LCP.
3. A consumer's request for assistance must be in writing and is deemed appropriate for advocacy if it is:
 - Between an individual and a for-profit business; and
 - The consumer is seeking relief related to a consumer transaction, such as rescission of the contract, return of funds, correction to the consumer's credit report, repair of damages caused to the consumer's personal property by a merchant, etc.
4. An LCP will not work disputes:
 - between two private individuals;
 - between two businesses;
 - where a court has entered a judgment on the substance of the dispute, provided however that an LCP may assist consumers with complaints concerning unfair debt collection practices even where a court has entered a judgment on the underlying debt;
 - in which the consumer is currently represented by an attorney;
 - 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 worked if the complaint pertains to a business transaction and does not relate to the performance of the organizations charitable purpose);

- relating to a state agency (refer these to the appropriate oversight agency, listed in the Citizen's Guide to State Services:
<https://www.sec.state.ma.us/divisions/cis/citizen-information-service.htm>

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, the LCP should contact the FTFMP in its area.

Advocacy Process

1. Consumer complaints may be initiated in person via walk-in, through a written complaint or letter received by mail, fax, 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 verbally and in writing of the referral to another agency and the reasons, therefore. Where the LCP receives a signed complaint but does not work a case and refers it to another appropriate agency the resolution should be reported as "Referral – Resolution Unknown." The documentation for complaints that are referred to other resources should still include the consumer's and business's full contact information.
3. Cases shall be worked in the order in which they were received and according to the date received by the AGO or LCP, whichever is earlier.
4. Within **five (5) business days** of receipt of any complaint, either from the AGO or made directly to the LCP, an LCP staff member or volunteer (collectively "advocates") shall attempt to make initial contact with the consumer to assess the status of the complaint and confirm any information necessary prior to commencing advocacy efforts on the case. The initial communication between an advocate and consumer should include identifying the LCP, providing the advocate's contact information to the consumer, and explaining consumer assistance services. The advocate 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 submitted with the grant application.
5. If a consumer does not reply to the advocate's initial phone call or letter within **five (5) business days of contact**, a "10-day letter" will be sent to the consumer indicating that the complaint will be closed if the LCP does not hear from the consumer within ten (10) days, and providing information about how to re-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 a further response from the consumer is received.

6. Before contacting a merchant, the subject of a complaint, advocates should carefully review the complaint. It is important to understand the complaint and the desired resolution prior to any attempt at advocacy. Under no circumstances shall an LCP contact the merchant prior to communicating with the consumer.
7. Within **two (2) business days** of a consumer indicating they would like to pursue resolution, an LCP staff member or volunteer must contact the merchant, explain the advocacy 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.
8. Advocacy and resolution shall not be conducted solely through form letters.
9. Prior to closing a complaint, the consumer must be notified that the complaint has been closed, either by phone or in writing.
10. Case notes should be kept as part of the electronic case file for each complaint and must be added in real-time. Copies of any letters received or mailed to either the consumer or the merchant and any emails exchanged during the case should be attached to the electronic case file prior to closing the record. Case notes should describe the work performed and the information discussed with consumers and businesses but should not include subjective or personal opinions concerning the case.
11. Referrals to Small Claims Court:
 - a. The LCP may not write a demand letter to the merchant prior to the consumer's filing of a claim in Small Claims Court and the consumer's demand letter may not be printed on the letterhead stationery of the LCP or AGO. However, the LCP may supply a template letter of general applicability to assist consumers in writing their own demand letter. An example 30-day demand letter is available from the Office of Consumer Affairs and Business Regulation at: www.mass.gov/service-details/30-day-demand-letter
 - 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 Lawyer Referral Service at 617-742-0625, or other local or county bar association referral services. Consumers should not be referred to individual attorneys.

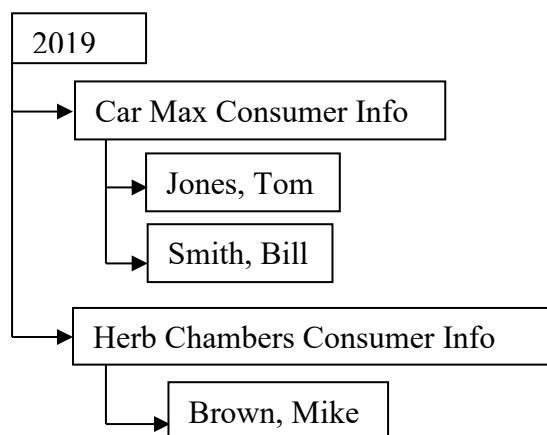
Closed Case Records Retention

One month after the end of the grant year, LCPs shall complete an inventory of all closed cases that remain as paper files. LCPs must use the template box inventory document provided by the AGO to log the inventory of each box. It is highly recommended that this inventory is updated throughout the year as files are closed, so this requirement does not become an administrative burden at the end of the grant cycle.

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:



Quality Control Procedures

1. Duplicate Paper Records. The LCPs are expected to follow the duplicate paper file quality control audit, as provided at the point of each program's conversion onto the portal. This includes adherence to the policies and procedures outlined in the authorization forms signed by each staff member and volunteer prior to receiving access to the AGO complaint database.
2. Electronic Records Audit. All LCPs are expected to adhere to the Program Quality Control Guidelines, as provided at the point of each program's conversion onto the online portal. This includes adherence to the policies and procedures outlined in the authorization forms signed by each staff member and volunteer prior to database access.

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.