

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE REGULATED INDUSTRIES COMPLIANCE OFFICE TO REPORT THE ITEMIZED TOTAL AMOUNT OF FINES OR JUDGMENTS COLLECTED AND UNCOLLECTED EACH YEAR, FROM 1983 TO PRESENT, AND TO INCLUDE THAT INFORMATION IN THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS' ANNUAL COMPLIANCE RESOLUTION FUND REPORT.

1 WHEREAS, the Regulated Industries Complaints Office (RICO)
2 is an enforcement agency within the Department of Commerce and
3 Consumer Affairs (DCCA) that processes individual complaints
4 involving persons who provide specialized trade or professional
5 services to Hawaii consumers that require a license or
6 certification from one of the professional or vocational boards
7 established within the Department of Commerce and Consumer
8 Affairs; and

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10 WHEREAS, as of 2021, RICO's authority covers fifty-two
11 industries and occupations, consisting of more than one hundred
12 seventy thousand active licensees, which are regulated because
13 the services they provide impact the health, safety, or welfare
14 of Hawaii's consumers; and

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16 WHEREAS, RICO is authorized to sue members of the public if
17 they provide consumers with services in a regulated industry
18 without having first obtained the proper license required by
19 law; and

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21 WHEREAS, RICO can also pursue disciplinary action and
22 sanctions against legitimate licensees if their conduct falls
23 below professional or regulatory standards; and

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25 WHEREAS, the money RICO collects from the judgments,
26 sanctions, and fines it obtains or imposes are deposited into
27 the Compliance Resolution Fund, along with other fees collected
28 by DCCA, such as license issuance and renewal fees; and
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1 WHEREAS, the Director of Commerce and Consumer Affairs
 2 (Director) is authorized to use the moneys in the Compliance
 3 Resolution Fund for operations of the DCCA, hiring attorneys and
 4 hearing officers, training personnel, and any other activity
 5 related to compliance resolution; and

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 7 WHEREAS, the Director is required to prepare and submit an
 8 annual report to the Governor and Legislature on the activity of
 9 the Compliance Resolution Fund; and

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 11 WHEREAS, although RICO collects fines and judgments each
 12 year, there are fines and judgments that go uncollected each
 13 year; and

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 15 WHEREAS, in the interest of government transparency and
 16 efficiency, it is critical for the Governor and Legislature be
 17 informed of the amount of fines and judgments that RICO
 18 collects, and what has gone uncollected, each year; now,
 19 therefore,

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 21 BE IT RESOLVED by the Senate of the Thirty-second
 22 Legislature of the State of Hawaii, Regular Session of 2023, the
 23 House of Representatives concurring, that RICO is requested to
 24 provide a report itemizing the total amount of fines or
 25 judgments collected and uncollected each year, from 1983 to
 26 present, and to include that information in the Director's
 27 annual Compliance Resolution Fund report; and

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 29 BE IT FURTHER RESOLVED that RICO is requested to submit a
 30 report on its findings for the years from 1983 to 2022 to the
 31 Legislature no later than twenty days prior to the convening of
 32 the Regular Session of 2024; and

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 34 BE IT FURTHER RESOLVED that certified copies of this
 35 Concurrent Resolution be transmitted to Director of Commerce and
 36 Consumer Protection.

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OFFERED BY: *Imma Inezado Kii*

