

Public Protection Division

The *Civil Rights Unit* enforces laws that protect victims of hate crimes and protect Vermonters from discrimination and harassment in the workplace, and that ensure fair employment practices, including: reasonable accommodation for disabled workers, protection for nursing mothers, and parental and family leave, National Guard leave, and protection of workers who request flexible work arrangements.

It produces informational materials and conducts regular outreach efforts with a wide range of stakeholders, including trade groups, educational institutions, civil rights advocates, immigrant support organizations, and youth entering the work force. It also provides training and legal guidance for attorneys, business owners, human resources professionals, and labor representatives on topics ranging from drug testing to workplace harassment. In addition, the Unit provided instruction to approximately 80 new police officers regarding hate crime investigations. Finally, representatives from the Civil Right Unit regularly provide legal guidance to the Vermont Legislature and the Office of Legislative Council regarding civil rights and fair employment practice legislation.

In FFY2016, the unit opened 130 new investigations and conducted 219 investigations. During that period, the Unit resolved 95 employment discrimination claims and investigated four complaints of hate crimes, reflecting a slight increase in each category over FFY2015. The unit also responded to 657 inquiries about Vermont's civil rights laws.

The *Antitrust Unit* investigates and prosecutes anticompetitive business practices such as attempts to monopolize, price-fixing, and market allocation agreements. The unit is currently participating in matters related to alleged attempts by drug manufacturers to bar generic competition, including the Suboxone antitrust litigation. It has also engaged in reviews of national and local mergers and acquisitions, worked with the Office of Professional Responsibility and other professional licensing boards regarding antitrust immunity and the antitrust implications of state actions, and updated legislators on antitrust class actions affecting Vermont businesses and dairy farmers.

The *Consumer Protection Unit* investigates, prosecutes, and periodically conducts rulemaking regarding unfair and deceptive business practices and other laws enacted to protect individual consumers as well as businesses. The unit handles a wide variety of matters both in Vermont and nationally, and also issues annual reports on disclosures of payments by manufacturers of prescribed products to health care providers, disclosures by paid fundraisers soliciting for charities, and reporting on foreclosure mediations, drug pricing, and broadcaster fees. During SFY2015, the unit continued its patent troll litigation and engaged in rulemaking for the labeling of genetic engineering in food products. Since July 1, 2017, the office filed litigation against Volkswagen, Audi, and Porsche, and discontinued implementation and enforcement of the genetic engineering rulemaking as a result of Congressional preemption.

In FY2016, 21 cases were settled totaling \$2.7 million to the State and over \$1.08 million in restitution or cy pres to consumers and nonprofits. Settlements were obtained in a wide variety of areas; areas with settlements totaling more than \$200,000 to the State and

consumers/nonprofits, were mortgage/foreclosure, propane, pharmaceuticals, wire transfers, and unlicensed lending.

The *Consumer Assistance Program (CAP)* provides a consumer helpline and a free letter mediation service to assist individuals and businesses resolve consumer complaints against businesses. It also maintains a public database of the complaints. CAP staff review trends and monitor complaints for investigation by the Consumer Protection Unit in Montpelier and provides information to the legislature.

CAP is a joint project with the University of Vermont and is housed on the UVM campus; UVM students are trained as consumer advisors and staff the CAP office. The CAP helpline serves as the scam reporting center for Vermont; CAP staff counsel consumers on how to respond to scam calls, provide assistance if funds have been lost, and issue consumer advisories to warn the public of new or recurring scams. In addition, CAP staff conduct numerous consumer protection outreach presentations each year, including presentations focusing on fraud prevention for Vermont seniors. In FY16, CAP obtained a \$6463 grant to fund a pilot project to purchase and install call blocking units for Vermont seniors (115 units purchased); reporting will occur in FY17. Staff: 1 attorney director, 0.5 staff attorney, 3 staff members, 0.5 UVM graduate student.

Consumer Assistance Program SFY2016

Contacts/Requests for Information/Complaints	Consumer Complaints Processed	Consumer Complaints Resolved	Consumer Complaint Recoveries
13,298*	1,713**	469	\$153,995.07***

Comparison with previous fiscal year:

* Increase of 2,341.

** Reduction of 517; propane complaints down from FY15 and written wireless & internet complaints referred to CAPI effective 8/2015. Complaints from businesses increased by more than 50%, from 48 to 102.

*** Increase of \$82K.

Top 3 Complaint Areas Reported SFY 2016

1	Auto
2	Banking, Credit and Finance (including debt collection)
3	Home Improvement

Ranking in SFY2015:

Banking etc., Auto, Fuel (including propane/gas pricing)

The Tobacco Group enforces the 1998 Tobacco Master Settlement Agreement (MSA) and Vermont's tobacco statutes, including laws that prohibit the sale of certain tobacco products over the internet and laws that require all cigarettes sold in the state to meet reduced ignition standards. In SFY2016, Vermont received an annual tobacco payment of approximately \$34,900,000. During SFY2016, the Tobacco Group resolved violations of Vermont's tobacco laws by two licensed wholesale dealers, resulting in a total of \$69,000 in penalties to be paid to

the State. The Tobacco Group also continued to prepare for diligent enforcement challenges for 2004 and future years and conducted reviews of the cigarette and roll-your-own tobacco sales practices of a number of licensed wholesale dealers.