Frequently Asked Questions for Consumers – Information from the Regulated Industries Complaints Office (RICO)

1. **I filed a complaint with RICO, what happens next?** Your complaint will be evaluated by an intake investigator who will determine whether RICO has the authority to investigate the matter under the state's licensing laws, and if there is enough information or sufficient proof for RICO to conduct an investigation. RICO investigates and prosecutes possible licensing law violations by Hawaii licensees. RICO also works to protect consumers from unscrupulous and unqualified individuals by investigating and prosecuting unlicensed activity.

   If a complaint is accepted for investigation, it will be assigned to a RICO investigator. At any time during the investigation process, a complaint may be closed if the investigator determines restitution has been paid, a warning is appropriate, or if there is insufficient evidence.

   A complaint may also be referred to RICO's Legal Section for review and possible further action. RICO investigates a great number of complaints each year. Of that number a large percent are resolved by the parties or by settlement agreement with RICO. A smaller number are sent through an administrative hearings process and many of those are resolved before an actual hearing takes place.

2. **What happens if my complaint is not within RICO's jurisdiction?** If the complaint is not within our jurisdiction, it may be closed with no action or transmitted to another agency. Regardless of the outcome of RICO's initial review, you will be notified in writing of the status of your complaint.

3. **What part will I play in the RICO process?** You may be contacted by a RICO investigator and/or attorney to be interviewed or to provide additional information about your complaint. If a case proceeds to a hearing, you may be called as a witness for the State. If your complaint was already prosecuted criminally, has already gone to trial civilly, or if the alleged violation is technical in nature, you may not have an additional role.

4. **Will I be updated?** You will be periodically updated throughout the RICO process and notified in writing about the final outcome of your complaint. (Please note, we do not provide updates on complaints that have been filed anonymously.)

5. **How long will it take to resolve my complaint?** The processing of complaints, including investigation and proceedings, may be lengthy. Depending on the nature of the case, the time could range from a few weeks to a few months to sometimes a year or longer.

6. **Why would a case take so long?** The length of time required to resolve a complaint depends on the seriousness, complexity, the level of investigation required, and whether it goes through informal (for example, a settlement agreement between the licensee and the agency is reached) or formal (for example, a lawsuit is filed) proceedings. The availability of information and witnesses, the possible need for coordination with other investigations (for example, an on-going criminal prosecution), the need for obtaining expert testimony, and many other factors can affect the processing of a complaint.

7. **Is there a time limit for filing or prosecuting a complaint?** There is no time limit for filing or prosecuting a complaint, however, complaints that involve situations distant in time may be more challenging to investigate or prosecute.

8. **Are complaints prioritized?** RICO considers all complaints important. Complaints where the alleged behavior is egregious or if there is immediate potential for harm to others may be given priority.

9. **Will my complaint remain confidential? How about my identity?** The information and records you provide will be held in confidence, unless disclosure is required for RICO purposes or otherwise required by law. Under typical processing procedures, your identity will be disclosed to the respondent. RICO does accept anonymous complaints, but if you file anonymously, you won't receive updates.

10. **What kinds of laws and rules does RICO enforce?** RICO's jurisdiction is limited to acts and conduct that the licensing laws and rules address. For example, auto repair dealers must give you a written estimate before starting to work on your car and beauty shops must post a price list of services offered. Some things, even if proven true, do not constitute grounds for discipline. For example, concerns that a patient has been made to wait too long in a doctor's office or that a licensee has charged too much for a particular service, are not usually within the licensing authority's jurisdiction. Some conduct, even though egregious, may be covered by criminal or civil laws, not licensing laws. RICO will evaluate your complaint to determine if the conduct complained about is covered.

11. **Does the Regulated Industries Complaints Office represent me?** No. As a government agency, RICO represents the State of Hawaii as a whole. ***We do not represent individual consumers.***

12. **Should I pursue a separate civil action (like a lawsuit) in court?** That is a decision you must make. Because we do not represent individual consumers, we ***strongly encourage*** consumers consider seeking legal advice and immediately explore any civil remedies they may have. Filing a complaint with our office does not prevent you from pursuing any civil remedies or from filing a police report if appropriate. It's important to note there are time limits for filing a civil lawsuit, so it's important that consumers don't wait for the RICO complaint process to conclude.

13. **I filed a complaint against a licensee. Will he or she lose their license?** Whether a licensee loses his or her license will be decided by the licensing board (for example, the Hawaii Medical Board), or commission (for example, the Real Estate Commission). Licensing boards and commissions are charged with protecting the public and are the final decision maker in any disciplinary action against a licensee. Boards and commissions use a variety of sanctions, depending on the seriousness of the violation and the evidence that substantiates it. They may take into consideration other factors, like the potential risk of harm to other consumers, any mitigating (for example, the licensee fixed the problem after the complaint was filed) and aggravating (for example, the licensee was disciplined for the same violation in the past) factors, any corrective action already taken, in determining what disciplinary action may be imposed.

14. **I filed a complaint against an unlicensed person. Will the unlicensed person be incarcerated?** RICO files civil actions seeking injunctions prohibiting future unlicensed activity and monetary penalties. RICO may work with other law enforcement agencies to assist with the criminal prosecution of cases and a judge may order an unlicensed person be incarcerated as part of a sentence in a criminal case.

15. **Is there any chance I may be compensated through the RICO action?** Most victims are compensated through private civil lawsuits or personal settlements with licensees. RICO's primary obligation is to take the actions necessary to ensure that licensing violations are appropriately addressed. For this reason, we do not always seek or obtain restitution as part of our enforcement actions. We strongly advise all consumers to immediately explore any civil remedies they may have. ***Again, do not wait for a RICO action to be concluded.***