



DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS

DARIA A. LOY-GOTO
COMPLAINTS AND
ENFORCEMENT OFFICER

STATE OF HAWAII
REGULATED INDUSTRIES COMPLAINTS OFFICE
CONSUMER RESOURCE CENTER
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

LEIOPAPA A KAMEHAMEHA BUILDING
235 SOUTH BERETANIA STREET, 9TH FLOOR
HONOLULU, HAWAII 96813

FAX: (808) 586-2670
TELEPHONE: (808) 586-2653
cca.hawaii.gov/rico

HILO OFFICE
120 PAUAAHI STREET, SUITE 212
HILO, HAWAII 96720

KONA OFFICE
HUALALAI CENTER
75-170 HUALALAI ROAD, ROOM C-309
KAILUA-KONA, HAWAII 96740

MAUI OFFICE
1063 LOWER MAIN STREET, SUITE C-216
WAILUKU, HAWAII 96793

KAUAI OFFICE
3060 EIWA STREET, SUITE 204
LIHUE, HAWAII 96766

Dear Consumer:

Before filing your complaint with the Regulated Industries Complaints Office (RICO), we request that you:

- Write to the respondent to resolve your complaint (*A Sample Complaint Letter* is attached for your reference)
- **Send a copy of your letter to our office** (Please note that the copy you send to our office will not be considered as a formal complaint.)

If you know or suspect that the respondent is not appropriately licensed for the type of activity he is engaging in, you may file a complaint directly with RICO without further contact with the respondent. RICO does not condone the hiring of an unlicensed person or encourage any unlicensed person/entity to finish a project.

If you do not hear from the respondent within 14 days, or the response you receive is not satisfactory:

Complete and submit (do not fax) the enclosed complaint form with:

1. **Copies of your correspondence with the respondent**
2. **Copies of all pertinent documents regarding your complaint**

If you have already made an attempt to resolve your concerns, you may file your complaint with our office without further contact with the respondent. Please provide us with a copy of any correspondence with the respondent.

After we receive your written complaint, an investigator in the Consumer Resource Center (CRC) will:

- Review your complaint to see if RICO has jurisdiction
- Determine if there is enough information and evidence to indicate a possible licensing law violation

Please be aware that:

- If you wish to submit a complaint **anonymously**, you will not be informed about what is happening to your complaint as determinations are made.
- If your complaint is accepted into our case processing system, an investigation and possible legal action could result. RICO is responsible for enforcing certain regulatory laws on behalf of the state of Hawaii. Because we serve the state's interests, we do not act as attorneys or advisors for complainants.
- Based on your complaint, the violations we allege are determined by the laws and the types of sanctions we may seek. Depending upon the type of case, we may seek fines, injunctions, license suspensions or revocations, or restitution. However, although we ask in our complaint form what would be an acceptable resolution of your complaint, please keep in mind that we may not be able to assist you with what you want.
- The information and records you provide will be held in confidence, unless disclosure is required for RICO purposes or otherwise required by law. You may also seek the advice of your attorney to protect any claims you may have.

To call Oahu-RICO, dial the following toll free numbers: Kauai 274-3141, extension 74272; Maui 984-2400, extension 74272; Big Island 974-4000, extension 74272; Molokai and Lanai 1-800-468-4644, extension 74272.

This printed material may be made available for individuals with special needs in Braille, large print or audio tape. Please submit your request to the Complaints and Enforcement Officer by calling 586-2666.

SAMPLE COMPLAINT LETTER

Your Address
Your City, State, Zip Code

Today's Date

Name of Person You are Complaining To
Title *(if applicable)*
Company Name *(if applicable)*
Street Address or P.O. Box Number
City, State, Zip Code

Dear *(Name of person you are complaining to)*:

The Regulated Industries Complaints Office (RICO) recommended I write this letter to you.

On *(date)*, I *(bought, leased, rented, had repaired, signed a contract, etc.)* a/for *(name of product or service performed)* at *(location or other important details about the transaction)*.

Unfortunately, your *(product or service)* has not been satisfactory because *(state the problem[s])*. I am disappointed because *(explain your concerns)*.

To resolve the problem, I would appreciate your *(state the specific action you want)*. Enclosed are copies of my records *(receipts, warranty, cancelled checks – front and back, contracts, and any other pertinent documentation)*.

I look forward to your written reply and resolution to my problem. Please respond within 14 days of the receipt of this letter or by *(state date 14 days from today's date)*. If I do not hear from you I will seek assistance from RICO. Please contact me at the above address or by telephone at *(insert your phone number[s])*.

Very truly yours,

(Your Name)

Enclosures

cc: Regulated Industries Complaints Office

STATE OF HAWAII
 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
 REGULATED INDUSTRIES COMPLAINTS OFFICE
 CONSUMER RESOURCE CENTER
 OAHU OFFICE
 235 SOUTH BERETANIA STREET, 9TH FLOOR
 HONOLULU, HI 96813
 cca.hawaii.gov/rico

For Official Use Only

**CONTRACTOR
 COMPLAINT FORM**

Case No. _____

The contractor you complained against will be informed of this complaint to facilitate resolution of this matter. Your complaint may also be referred to mediation, if appropriate. This complaint will not be processed unless this form is complete, legible, signed, dated and includes copies of all available evidence.

YOUR NAME

Please print legibly or type *(Last)* *(First)* *(Middle)*

- Mr.
- Ms.
- Mrs.

Address:	Telephone number where you may be contacted (8:00am-4:30pm):
	Residence number:
	Business number:

NAME OF CONTRACTOR YOUR COMPLAINT IS AGAINST

Name:	
Address:	Phone number:
	License number:
	Name of person you dealt with:

1. Have you contacted the contractor to try and resolve your complaint? **If you have not done so, please attempt to resolve your complaint with the contractor before you file this complaint.**

- Unable to contact the contractor
- Yes (Please tell us what happened. Include names of persons you contacted and dates of contact.)

PROJECT INFORMATION

2. OWNER OF CONSTRUCTION SITE:		3. CONSTRUCTION SITE ADDRESS: street and number		
ADDRESS:	PHONE	CITY	ZIP	PHONE
	()			()

4. Describe briefly the work included in the contract:

5. CONTRACT DATE	6. AMOUNT	7. AMOUNT PAID ON CONTRACT	8. DATE WORK STARTED	9. DATE WORK CEASED
------------------	-----------	----------------------------	----------------------	---------------------

10. Why did you choose this contractor?

- Regular contractor
 Door-to-door solicitation
 Advertisement (enclose copy of ad if possible)
 Referred by someone
 Other (explain)

11. BRIEFLY STATE YOUR COMPLAINT (Attach a separate sheet if necessary):

12. Is this project a: Residence Commercial Building Other

13. Is this project a: Addition Repair/Replace New Construction New Purchase

14. Is the contract: Written Oral New Home Purchase Agreement

15. Are there any change orders? Yes No

16. Is your complaint: Failure to complete Workmanship Other (please explain)

17. Building permit obtained by: Contractor You Do not know

18. Who presented the contract? (name):

Salesperson _____

Do not know

Contractor

19. Does the contractor have any employees? Yes - If so, how many? _____ No Do not know

20. Were employees, subcontractors, or materialmen paid? Yes No Do not know

21. Are any liens filed on this job? Yes - By whom? _____ No Do not know

22. Did you obtain an estimate from another contractor to complete or correct the job? Yes No

If yes, provide name, address, phone number of the contractor, and a copy of the estimate.

23. What would resolve your complaint? Please remember that what you want as a resolution may not be within the jurisdiction of this office.

Please attach complete COPIES of the following documents, if applicable. Do not send originals, they will not be returned to you.

- CONTRACT
- RECEIPTS
- CORRESPONDENCE
- OTHER: (PLEASE LIST)
- CHANGE ORDERS
- CANCELLED CHECKS (FRONT AND BACK)
- PLANS AND SPECIFICATIONS

FOR YOUR INFORMATION:

- A. RICO cannot direct an unlicensed contractor to complete or correct a project.
- B. In addition to this complaint, you may also file an action in civil court. Please get advice from an attorney on filing such a complaint.

If your dispute involves an amount of \$5,000 or less, you may consider filing a claim in Small Claims Court.
- C. RICO cannot represent private citizens in court nor collect any money for you. Please contact an attorney for advice on filing such an action.
- D. You may be able to file a claim through the Recovery Fund. Please contact your attorney for details. (Refer to Section 444-26, Hawaii Revised Statutes).

If you believe that this complaint involves issues particularly affecting the elderly, please check here:

The information contained in this form is true, correct and complete to the best of my knowledge. I understand that RICO is unable to represent private parties in court.

Sign here:	Date:
------------	-------

*Please submit this form with your **original** signature (failure to do so may delay the processing of your complaint).

THANK YOU FOR ASSISTING OUR EFFORTS TO REVIEW YOUR COMPLAINT.



INFORMATION FOR CONSUMERS ABOUT HAWAII'S CONTRACTORS RECOVERY FUND



What is the Contractors Recovery Fund?

Each year, licensed contractors pay into a fund that helps to compensate homeowners if something goes wrong with their project.

How does the Contractors Recovery Fund work?

The Contractors Recovery Fund consists of fees that are collected from all licensed contractors in the State. The Fund is managed by the State of Hawaii's Contractors License Board.

What kind of projects may be covered by the Contractors Recovery Fund?

Claims against the Fund are limited to **owners or lessees of private residences, condominiums, and cooperative units** who constructed improvements and alterations, and owners or lessees of real property on which they constructed a private residence.

Who can recover from the Contractors Recovery Fund?

Any person who has been injured by an act, representation, transaction, or the conduct of a licensed contractor. The act, representation, transaction, or conduct must violate the licensing board's laws or rules.

Who can file a claim with the Contractors Recovery Fund?

The Contractors Recovery Fund is funded by licensed contractors and to file a claim with the Fund, you must have hired a licensed contractor. The contractor that you hired must have been *currently and actively licensed* at the time the contract was entered into.

How do you know if a contractor is licensed? The Regulated Industries Complaints Office provides information about licensed contractors, electricians, and plumbers, including license status, license classifications, and proof of insurance. Call the Consumer Resource Center at 587-4272 or visit the State's website at: cca.hawaii.gov/rico.

How much money is available from the Contractors Recovery Fund?

The maximum claim per contract is \$12,500.00. The maximum amount of money that can be paid by the Fund for a specific licensed contractor is \$25,000.00. If multiple claims are filed against the same contractor, payments from the Fund may be pro-rated.

How do you file a claim with the Contractors Recovery Fund?

Recovery from the Contractors Recovery Fund is not automatic. The following is a summary of information from the **Contractors Recovery Fund** that describes what you must do in order to make a claim:

- Give written notice to the Contractors Licensing Board when an action (like a lawsuit) which may result in collection from the Fund is commenced. Written notice should be sent to the Contractors Licensing Board at 335 Merchant Street, Suite 343, in Honolulu, Hawaii 96813.
- Obtain a judgment (from a Hawaii district court or a Hawaii circuit court) against the contractor. (In the simplest of terms, a judgment is a decision from a court that states who has won the case and what remedies the winner has been awarded.)
- The Contractors Recovery Fund is considered to be a last resort for recovery, so after receiving a judgment, you must make reasonable searches and inquiries to ascertain whether the licensed contractor

has any real or personal property or other assets from which the judgment can be satisfied. You will need to try to satisfy your judgment from any applicable bond, insurance, or other parties that the judgment may be against first.

- If the judgment remains unsatisfied, you can then file a motion for payment from the Contractors Recovery Fund. If you receive payment from the Recovery Fund, you will have to assign (i.e. give up) all your rights in the judgment to the Contractors License Board.
- There may also be separate procedures you must follow before filing a lawsuit, including providing a licensed contractor an opportunity to repair. (See Hawaii Revised Statutes Chapter 672E, which is commonly referred to as the “Contractor Repair Act.”)

Where to begin...

You should begin by reviewing Chapter 444 of the Hawaii Revised Statutes and Chapter 16-77 of the Hawaii Administrative Rules, paying careful attention to any provisions that relate to the Contractors Recovery Fund. As noted above, Chapter 672E of the Hawaii Revised Statutes contains separate procedures that may be required to be fulfilled prior to the filing of a lawsuit. (Links to the laws and rules can be found on the RICO website.)

Do I need to hire a lawyer?

You may wish to consult a private attorney to discuss any legal remedies you may have. Remember there are time deadlines for filing a civil lawsuit.

Important things to remember:

- If your contract is with an unlicensed person or company, or if, at the time you entered into the contract, the contractor’s license was suspended, revoked, forfeited, terminated, or inactive, you may be prevented from recovery from the Fund.
- You must give written notice to the Contractors Licensing Board at the time a legal action is commenced.

Where can I go for more information?

For additional information about the Contractor’s Recovery Fund, call the Contractor’s License Board at (808) 586-2700. Remember, neither the Board nor its staff can represent you or give you legal advice, and the Fund does not represent you.

Consider hiring a licensed contractor:

The Contractors License Board requires applicants demonstrate “a good reputation for honesty, truthfulness, financial integrity and fair dealing,” submit tax clearances, proof of insurance, and other required qualifications. Licensed contractors are also required to carry liability insurance and are responsible if a worker is injured on a jobsite. This protects you as a homeowner from putting your property at risk if anything is damaged on your project or if anyone is injured. And, if you hire a licensed contractor, there may be additional protection available to you in the form of the **Contractors Recovery Fund**.

Unlicensed contracting and violations of Hawaii’s licensing laws are investigated by the Regulated Industries Complaints Office (RICO).

To check licensing status or for information about hiring a licensed professional, call the Consumer Resource Center at 587-4272 or visit the State’s website at: cca.hawaii.gov/rico.

This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. Printed material can be made available for individuals with special needs in Braille, large print or audio tape. Submit requests to the RICO Complaints and Enforcement Officer at 586-2666. (April 2016)