

Senator Ihara's April 14, 2009 Senate Speech on HB1212 (consumer complaints)

1. Madame President, I rise in opposition to HB 1212. This bill relates to consumer complaints against regulated businesses. The issue here is whether the public should have a right to know if complaints have been filed against a business regulated by state government.
2. I must object to HB 1212 because it seeks to solve a specific problem by removing from public disclosure all information on certain government records.
3. This bill allows an exception to the open records law that involves nondisclosure of consumer complaints against businesspersons regulated by government, particularly when a person makes a right-to-privacy claim to keep complaints secret.
4. Government regulates businesses to protect consumers, and I don't believe government should withhold from consumers frivolous complaints by eliminating potentially ALL complaints from public review, even those that may turn out to be valid.
5. I believe this bill should not move forward, because the concern about frivolous complaints can be addressed administratively. DCCA could implement its website policy and remove all complaints filings over 5 years old.
6. The Department could also more clearly advise its website viewers that pending complaints indicate only the fact that a complaint was filed, which may be merit-less. I believe that consumers smart enough to find DCCA's website will more than likely understand that a complaint that is pending does not mean that the business did anything wrong.
7. Madame President, I would like to encourage fellow senators to look at this bill from the consumers' point of view. Government regulates businesses to protect consumers, and I believe consumers want to know if fellow consumers have filed complaints on businesses they might want to employ.
8. I urge the senate to defeat this attempt to open a significant hole in the state's open records law. I believe the public policy of transparency for consumers outweighs the narrow concern about frivolous consumer complaints.
9. Thank you Madame President.