



NEIL ABERCROMBIE
GOVERNOR

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LIEUTENANT GOVERNOR

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DIRECTOR
DEPARTMENT OF COMMERCE AND
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JO ANN M. UCHIDA
COMPLAINTS AND
ENFORCEMENT OFFICER

STATE OF HAWAII
REGULATED INDUSTRIES COMPLAINTS OFFICE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
LEIOPAPA A KAMEHAMEHA BUILDING
235 SOUTH BERETANIA STREET, NINTH FLOOR
HONOLULU, HAWAII 96813

TELEPHONE: (808) 586-2653

FAX: (808) 586-2670

HILO OFFICE
345 KEKUANAOA STREET, SUITE 12
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 other party to resolve your complaint and
- ❖ **Send a copy of your letter to our office**
- ❖ *A Sample Complaint Letter* is attached for your reference

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 receive a response within 14 days, or the response you receive is not satisfactory:

- ❖ Notify RICO **in writing by completing the enclosed complaint form**
- ❖ **Attach copies of your correspondence with the other party**
- ❖ Include **copies** of all pertinent documents regarding your complaint

If you have already written to the respondent in 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 your 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 73222; Maui 984-2400, extension 73222; Big Island 974-4000, extension 73222; Molokai and Lanai 1-800-468-4644, extension 73222.

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.

Rev. 12/2011

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
www.hawaii.gov/dcca/rico

CONTRACTOR COMPLAINT FORM

Case No.

For Official Use Only

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

<input type="radio"/> Mr.	(Last)	(First)	(Middle)
<input type="radio"/> Ms.			
<input type="radio"/> 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 contacted and dates of contact.)

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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 with the contract:				
5. CONTRACT DATE	6. AMOUNT	7. AMT 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 the 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 contract: Written Oral New Home Purchase Agreement
15. Are there any change orders? Yes No
16. Is your complaint: Failure to complete Workmanship Other _____
17. Building permit obtained by: Contractor You Do not know
18. Who presented the contract? (name): Salesperson _____
 Do not know
 Contractor
19. Does this 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, please 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.

- | | |
|--|---|
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> CHANGE ORDERS |
| <input type="checkbox"/> RECEIPTS | <input type="checkbox"/> CANCELED CHECKS (FRONT AND BACK) |
| <input type="checkbox"/> CORRESPONDENCE | <input type="checkbox"/> PLANS AND SPECIFICATIONS |
| <input type="checkbox"/> OTHER (PLEASE LIST) _____ | |

FOR YOUR INFORMATION:

- | | |
|--|---|
| A. RICO cannot direct an unlicensed contractor to complete or correct a project. | 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 |
| 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 | 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 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

This printed material can be made available for individuals with special needs in braille large print or audio tape. Please submit your request to the Complaints & Enforcement Officer at 586-2666.

**THE ATTACHED INFORMATION IS PROVIDED BY THE
CONTRACTORS LICENSE BOARD**

IMPORTANT!

PLEASE REVIEW CHAPTERS 444 AND 672E, HRS, WHICH REGULATES CONTRACTORS AND THE CONTRACTOR REPAIR ACT, RESPECTIVELY. TO REVIEW THESE STATUTES, GO TO WWW.HAWAII.GOV/DCCA AND CLICK ON "HRS."

WRITTEN NOTICE MUST BE GIVEN TO THE CONTRACTORS LICENSE BOARD (335 MERCHANT STREET, SUITE 343, KING KALAKAUA BUILDING, HONOLULU, HAWAII 96813) **AT THE TIME AN ACTION** (SUCH AS A LAWSUIT) **IS COMMENCED**.

PLEASE CONTACT VERNA ODA AT (808) 586-2700 IF YOU HAVE ANY QUESTIONS ABOUT THE CONTRACTORS RECOVERY FUND (CRF). WRITTEN OR ORAL NOTICE OF YOUR CLAIM TO THE REGULATED INDUSTRIES COMPLAINTS OFFICE (RICO) **DOES NOT** CONSTITUTE NOTICE TO THE CONTRACTORS LICENSE BOARD.

**GENERAL DESCRIPTION OF THE PROCEEDINGS INVOLVING THE CONTRACTORS
LICENSE BOARD AND THE CONTRACTORS RECOVERY FUND**

(This does not describe or discuss all of the requirements or
procedures involved)

BACKGROUND

1. The Contractors Recovery Fund ("CRF") consists of fees that are collected from all licensed contractors in the State of Hawai'i.

2. Claims are limited to a "person injured" or an "injured person". "Person injured" and "injured person" means and is limited to "owners or lessees of private residences, including condominium or cooperative units, who have contracted with a duly licensed contractor for the construction of improvements or alterations to their own private residences."

3. The contractor must be duly licensed at the time the contract is entered into.

4. The maximum claim per contract is \$12,500.00. The maximum total payment from the CRF for all claims against a specific licensed contractor is \$25,000.00.

5. In the event the total claims against a specific contractor exceed \$25,000.00, pro-rata payment may be issued from the CRF.

6. Recovery from the CRF is limited to actual damages, court costs and fees as set by law, and reasonable attorney's fees as determined by the court in the judgment in favor of the "person injured" or "injured person".

7. The provisions regarding the Contractors License Board ("CLB") and the CRF are contained in Chapter 444 of the Hawai'i Revised Statutes, as amended.

PROCEEDINGS

1. See Chapter 672E of the Hawai'i Revised Statutes, for separate procedures that may be required to be fulfilled prior to the filing of a lawsuit.

2. Written notice must be given to the CLB (335 Merchant Street, Suite 343, King Kalakaua Building, Honolulu, Hawai'i 96813) at the time an action (such as a lawsuit), which may result in collection from the CRF, is commenced.

3. After the CLB has received written notice of the action, the attorney for the CLB will contact the parties and/or their attorneys to gather information regarding the claims that are being made.

4. The claimant must obtain a judgment against the licensed contractor.

5. The claimant must then make all 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. The claimant must also first satisfy his or her claims and/or judgment from any applicable bond, insurance, or any other parties that the claimant may have a judgment against. The CRF is the last resort for any recovery.

6. After the claimant has attempted, but is unable to satisfy his judgment, he or she may then file a motion for payment from the Contractors Recovery Fund and present evidence that he qualifies as a "person injured" or an "injured person", has timely satisfied all requirements, and is entitled to payment from the CRF.

October 2006