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Consumer Protection Suffers as DLCA Grapples with Limited Enforcement Capabilities

Senators pressed DLCA on its ability to hold businesses accountable with minimal enforcement staff. Officials admitted inspections are difficult to schedule, prompting calls for more officers and expanded oversight beyond traditional working hours.

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Janeke Simon **February 26, 2025**

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At Monday's meeting of the Senate Committee on Government Operations, lawmakers drilled down on the paltry numbers of enforcement officers attached to the Department of Licensing and Consumer Affairs, and what that meant for preventing consumer fraud, deception, and unfair business practices.

Representatives of the DLCA were present to provide updates on the department's activities to lawmakers, with Deputy Commissioner Myrna George detailing DLCA's complaint resolution and other services. "Over the past year, DLCA has successfully resolved or forwarded to the appropriate agency approximately 320 citizen complaints across the territory," she said. "In addition to individual case resolutions, we proactively investigate industry-wide concerns regarding business practices and take appropriate regulatory action," Ms. George told lawmakers.

However, the question on the minds of several lawmakers was whether the agency was well-resourced enough to take a more active approach. "We have two officers and a chief of enforcement on St. Thomas, and we have three officers and the director of enforcement on St. Croix," said Ms. George, responding to a query from Senator Marvin Blyden about the size of the enforcement division. "Do we have enough enforcement officers to cover that amount of businesses on a daily basis?" Senator Blyden wondered? "No, we don't have sufficient officers," Ms. George admitted, noting however that at least two additional officers would be joining the team in the next six weeks.

Without enough manpower, Senator Blyden wondered how would the DLCA be able to hold businesses accountable for deceptive practices such as a failure to prominently display pricing information. DLCA's Director of Consumer Affairs Matthew Padgett responded by listing the schedule of penalties for violation, but could not immediately disclose how many such fines had been assessed in the last fiscal year from such violations.

Staffing at the Division of Weights and Measures is similarly anemic, lawmakers were told – one employee each for St. Thomas and St. Croix, and only a co-ordinator on St. John. "They monitor everything from the fuel pumps' accuracy to the expiration dates on good," Mr. Padgett told lawmakers. Of their numbers, Senator Blyden asked, "you believe that's acceptable when it comes to consumer protections?"

"No senator," Mr. Padgett replied. "Historically, there's been a chief Weights and Measures inspector in each district, and a minimum of two weights and measures inspectors per district. "That's just been cut over the years and through attrition and retirement, positions have not been refilled," he explained.

Committee chair Senator Avery Lewis wanted to know how DLCA manages "with the limited enforcement team that you have maintaining all these different inspections and assessments and everything that's going on in the community?"

Wilbur Francis, the agency's director of enforcement, said it all came down to scheduling. That, he said, "may look like addressing certain issues [during] different time periods, or if something comes up and it's a hot topic item, then we do what we have to do to be able to address that issue as well." However, Mr. Francis admitted that the DLCA was challenged in that regard. "It is a struggle, senator," he said. Senator Lewis suggested that difficulties with "delegating or setting schedules," especially ones which don't conform to the traditional daylight working hours, are partially due to union restrictions.

Nevertheless, the work of the agency continues. "We continue to do random compliance checks on already-established businesses as well as any new business that's forming," Mr. Francis asserted, in response to a question from Senator Kenneth Gittens. "What hours are you talking about with your enforcement operations?" Senator Gittens volleyed back. "Are you doing any weekend and midnight or night inspections?"

“No, senator,” Mr. Francis admitted, noting however that DLCA officers did respond to police requests for assistance during carnival and other national events. “That's not the only time we find people in violation,” Gittens shot back, referring to the phenomenon of minors consuming alcohol at bars and other establishments. “Throughout the year, there should be some type of proactive campaign and enforcement going on,” the lawmaker insisted.

Despite acknowledging the lack of sufficient personnel in enforcement capacities, however, Mr. Francis declined to provide Senator Hubert Frederick with an idea of how many additional people would need to be hired to manage the limousine aspect of the DCLA's oversight responsibilities.

“If we're to focus on the limousine, because of how small the group is it takes focus away from anything else that we are doing,” Mr. Francis responded. “We should be addressing as many of our department mandates as we can.”

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