

## **Quarterly Report of Consumer Advocate for Q2 2024 (April–June 2024)**

### **2<sup>nd</sup> Quarterly Report of the 2024 Interim Independent Consumer Advocate (“ICA” or “Consumer Advocate”) for the Metropolitan District of Hartford County (MDC)**

**(Q2 2024: April 1, 2024 – June 30, 2024)**

#### **Introduction**

This is the second quarterly report submitted by the Consumer Advocate for purposes of summarizing the work he performed for MDC customers during the second quarter of calendar year 2024, between April 1<sup>st</sup> and June 30<sup>th</sup>.

#### **Transition to Successor Consumer Advocate**

The Consumer Advocate primarily focused his efforts on trying to assist the Office of Consumer Counsel (“OCC”) and the MDC District Clerk and District Counsel’s Office in the joint effort to seek applicants for a successor ICA. Given that Senate Bill 336 (AAC The Metropolitan District of Hartford County’s Independent Consumer Advocate) (a/k/a Public Act 24-98) (“SB 336”) was enacted during this quarter, the ICA tried to ensure that potential applicants knew that the annual statutory fee cap for the ICA going forward would no longer be \$50,000 per year, but that it had been increased to \$70,000 per year. The ICA also informally discussed with District and OCC Officials how they might consider other ways to incentivize applicants for the ICA position.

One of the ideas that the ICA still maintains may in fact increase interest in the position is to allow law firms and/or groups of individual lawyers to apply for ICA appointment, as opposed to restricting the hiring of an ICA to one individual. Put differently, in the same sense that municipalities request bids for the Town Attorney position and accept law firms to apply (not only individuals), it might similarly be feasible for the MDC to allow for such arrangements in the ICA application and hiring processes. When the undersigned ICA applied for the 2022-23 role, he initially thought that—based upon literature and other materials describing the position—that it was not necessarily prohibited for a firm or several attorneys—not strictly one alone—to apply for the ICA position. After the undersigned ICA was interviewed further for the position before accepting appointment, he quickly learned that the position could only be occupied by an individual attorney, not an attorney’s firm or other professional team of which he or she was a part outside of the ICA role.

The ICA questions whether there is any merit to enforcing such a hiring policy that only one individual—and not an individual and his or her colleagues or other law firm or practice affiliates—can be appointed to serve as the ICA. The ICA respectfully submits that he does not see any substantial reason supporting a bright-line rule that the ICA must always be an individual, and one individual alone. The purported reasoning behind such a strict policy becomes more tenuous when considering that such a policy may unduly deter attorneys from applying for the ICA position, or it may hamstring the ICA in performing his or her duties. Specifically, if the individual who accepts the ICA appointment regularly works as part of a team of individuals in his or her legal practice, being forced to work as a ‘one-man band’ while serving as the ICA may be materially detrimental to the lawyer’s productivity and effectiveness. The ICA tried to make these points to MDC Staff and Officials while they were considering how to incentivize new applicants for the position, but in retrospect, the ICA candidly wishes that he made this point earlier and more effectively.

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### Attendance at Board and Other MDC Commissioner Committee Meetings

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The ICA attended a District Board meeting but he was unable to attend many of the other meetings held by MDC Commissioners during this quarter. In connection with the District Board meeting that he attended, the ICA reviewed the agenda materials and looked into relevant documents in order to inform his background knowledge about the topics discussed at the meeting.

Due to the commencement of a major trial in May 2024 in one of his other client's highly contested litigation matters, the ICA unfortunately was unable to attend many of the meetings held by the District Board and other Committees at the MDC during this quarter. He also could not comment on, attend, or otherwise participate in the MDC's Integrated Plan Implementation Quarterly Report Meeting held on June 13, 2024 pursuant to the 2023 Consent Order.

### Customer Complaints and Inquiries

The ICA tried to assist some customers with various complaints and issues they brought to his attention, but due to the ICA's other legal work outside of the MDC, the ICA again had difficulty addressing many of the customer complaints and inquiries that were communicated to him during this quarter. Regardless, the ICA did the following, among other things, for these customers:

- I tried to assist a Hartford customer with property on North Canaan Street with addressing property damage caused by surcharging and other flooding events. Although the customer previously had had unprotected fixtures in their basement, after participating in the MDC's backwater valve installation program, they rendered those fixtures protected. Nevertheless, the MDC's claims department had initially determined that the water damage was related to ground water flooding events, not sewer backups or surcharges, and so there would be no payout of a claim at that time. I tried to help the customer pursue a claim but was unable to see the matter to a conclusion due to other client matters.
- I advised a customer about apparent discrepancies in the amounts reflected in her water bill, and provided her information on how to seek a potential adjustment.
- I helped direct a Hartford customer's complaint about property damage that allegedly had occurred at the hands of one of MDC's paving contractors. My understanding is that the City's DPW and/or MDC Staff eventually took over reviewing and addressing the customer's complaint.
- I helped a customer obtain a leak adjustment to his water bill.

Respectfully submitted,



Joseph D. Szerejko  
Independent Consumer Advocate (Interim) for 2024