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**CHAPTER 31
CONSUMER COUNSEL**

NOTE: The Consumer Council was merged into the Department of Law (Office of the Attorney General) by P.L. 13-117. Government Code 7005 provided that the Deputy in charge of the Consumer Counsel division "shall be governed by and operate under the authority given the Consumer Counsel under [this Chapter]", but under the cognizance of the Attorney General. Public Law 17-6, in amending GC 7005 [5 GCA § 30106] further merged the Consumer Counsel into the Attorney General's Office, giving the Consumer Counsel no special powers separate from the Attorney General. In fact, there is no Consumer Counsel Division of the Office, but to conform with 5 GCA § 30105, there is an identifiable *Consumer Advocate* within the Litigation Division of the Attorney General's Office.

Therefore, where P.L. 12-36, establishing the Office of Consumer Counsel, refers to the Consumer Counsel as having certain powers and duties, this Chapter will refer to that office as the Attorney General, as it is now that officer who exercises the ultimate discretion over the Consumer Counsel duties carried on within the office.

- § 31101. Legislative Intent.
- § 31102. Office of Consumer Counsel. [Repealed]
- § 31103. Personnel Consumer Counsel. [Repealed]
- § 31104. General Functions, Powers & Duties.
- § 31105. Enforcement of Laws by Consumer Counsel.
- § 31106. Duties in Civil Cases.
- § 31107. Private Civil Matters: Public Defender. [Repealed]
- § 31108. Investigations in Consumer Matters.
- § 31109. Cooperation with Office.
- § 31110. Powers & Duties of Other Departments.

§ 31101. Legislative Intent.

The Legislature declares that the public health, welfare and interest require a strong and effective consumer protection program to protect the interest of both the consumer public and legitimate businessman. The Legislature further declares that the government advances the interest of consumers by facilitating the proper functioning of the free enterprise market economy through:

- (a) educating and informing the consumer to insure rational consumer choice in the marketplace;
- (b) protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers;

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(c) fostering competition;

(d) promoting effective representation of consumers' interests in all branches and levels of government.

Towards these ends, a permanent Office of Consumer Counsel is created within [the Department of Law] to coordinate boards, departments, and agencies, together with private organizations, to aid in the development of preventive and remedial programs affecting the interests of the consumer public, and to vigorously prosecute those who violate the consumer protection laws of the territory.

SOURCE: GC § 53630 added by P.L. 12-36; modified by P.L. 13-117 and P.L. 17-6.

§ 31102. Office of Consumer Counsel: Consumer Counsel.

[Repealed.]

SOURCE: GC § 53631 added by P.L. 12-36; repealed by P.L. 13-117.

§ 31103. Personnel of the Office of Consumer Counsel.

[Repealed.]

SOURCE: GC § 53632 added by P.L. 12-36; repealed by P.L. 13-117.

§ 31104. General Functions, Powers & Duties.

The [Consumer Counsel within the Department of Law] shall have the following functions, powers and duties:

(a) To coordinate the consumer protection activities of the departments, agencies, divisions, commissions and branches of the government of Guam concerned with consumer protection;

(b) To advise and make recommendations to the Governor and the Legislature on matters affecting consumers;

(c) To assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public;

(d) To conduct investigations, research, studies and analysis of matters affecting the interests of consumers;

(e) To study the operation of laws affecting consumers and to recommend to the Governor and the Legislature new laws and amendments to laws in the consumers' interest;

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(f) To investigate reported or suspected violations of laws enacted, and rules and regulations promulgated for the purpose of consumer protection and to enforce such laws, rules and regulations by bringing appropriate actions in either the Superior Court or District Court of Guam;

(g) To organize and hold conferences on problems affecting consumers; and to undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;

(h) To provide a central clearinghouse of information by collecting and compiling all consumer complaints and inquiries and directing the complaining or inquiring party to the proper federal or territorial authorities;

(i) To propose and assist in the creation and development of consumer education programs;

(j) To represent the consumers' interests before federal and territorial legislative hearings and executive commissions;

(k) To perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in this section;

(l) To publicize the services of the [Consumer Counsel]; and

(m) To solicit and accept contributions for carrying out the services and duties of the [Counsel]. The acceptance of contributions shall, in no way, interfere with or affect the judgment of the Consumer Counsel.

SOURCE: GC § 53633 added by P.L. 12-36. Modified by P.L. 13-117 and P.L. 17-6.

COMMENT: Words in brackets [---] in this and other sections of this Chapter indicate where modifications have been made to the text by the Compiler to conform the text to the demands of P.L. 13-117 and P.L. 17-6, as they merged the Office of Consumer Counsel into the Department of Law. These changes recognize that there is no longer a separate Office of Consumer Counsel and that such a change was brought about by P.L. 13-117 and P.L. 17-6.

§ 31105. Enforcement of Laws by Consumer Counsel.

(a) The [Attorney General] shall have responsibility for appearing on behalf of the government of Guam in all those cases brought in the name of the government of Guam to enforce consumer protection laws.

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(b) [Repealed.]

SOURCE: GC § 53634 added by P.L. 12-36. Subsection (b) was repealed by P.L. 13-117 and P.L. 17-6.

§ 31106. Duties in Civil Cases.

[Repealed.]

SOURCE: GC § 53635 added by P.L. 12-36. Repealed by merger of Consumer Counsel into the Department of Law under the Attorney General by P.L. 13-117 and P.L. 17-6.]

§ 31107. Private Civil Matters: Public Defender.

[Repealed.]

SOURCE: GC § 53636 added by P.L. 12-36. Name of Public Defender changed to show change in that Office since adoption of this section. Repealed by P.L. 21-18:2 as part of the creation of a new Consumer Protection Law. See Chapter 32 of this Title.

CROSS-REFERENCE: See 5 GCA § 30103 relative to Common Law powers of Attorney General, and his powers to represent the people "in parens patriae", including representation in consumer matters. 5 GCA § 30103 was added by P.L. 13-117.

§ 31108. Investigations in Consumer Matters.

The [Attorney General] may, in the course of his investigations, issue subpoenas to any individual or to any director, officer, employee, or agent of any business organization within the territory, conduct hearings in aid of any investigation or inquiry, and may prescribe such forms and promulgate such rules and regulations as may be necessary in the interest of the consumer public.

SOURCE: GC § 53637 added by P.L. 12-36.

§ 31109. Cooperation with Consumer Counsel.

Each department, agency, officer and employee of the territory shall cooperate with and assist the [Attorney General] in the performance of the functions, powers and duties of the [Consumer Counsel].

SOURCE: GC § 53638 added by P.L. 12-36.

§ 31110. Powers & Duties of Other Departments.

Nothing contained in this Chapter shall be deemed to delegate or detract in any way from the functions, powers and duties prescribed by law for any other department or agency of the territory.

SOURCE: GC § 53639 added by P.L. 12-36.

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