



TERRA LAWSON-REMER

CHAIR

SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DRAFT CONFIDENTIAL PREDELIBERATIVE FOR DISCUSSION

DATE: 03/24/2026

TO: Board of Supervisors

***DA's office is providing partial input here given the short time frame. DA's office received this draft for the first time on Monday, March 2, 2026, at 4:44 p.m. with input due on March 10, 2026. Most of the input can be found in the recommendations section of this draft letter. The recommendations have been recopied at the end of the letter with comments and recommended corrections.**

SUBJECT

ESTABLISHING A COUNTY CONSUMER FAIRNESS & PUBLIC PROTECTION UNIT TO PROTECT RESIDENTS AND ENFORCE THE RULE OF LAW USING DEDICATED SETTLEMENT FUNDS (DISTRICTS: ALL)

OVERVIEW

San Diego County is facing an affordability crisis that goes beyond the cost of housing alone. Environmental contamination, bad-faith health insurance denials, and corporate practices that break the rules are compounding everyday costs for families and small businesses alike. Hidden fees, predatory financial practices, unlawful debt collection, deceptive business conduct, and unfair housing practices are quietly draining household budgets. Seniors lose fixed incomes to overdraft charges, service members are steered into abusive loans, families face mounting medical bills when insurers unlawfully deny care, and honest businesses are undercut by competitors who profit through deception.

Together, these practices function as an invisible "unfairness tax," raising the cost of living without improving services, wages, or quality of life.

The federal government, particularly through the gutting of the Consumer Financial Protection Bureau, has given up on protecting the public, leaving a widening vacuum in consumer and civil law enforcement. And as national oversight has weakened, corporate misconduct has grown more

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sophisticated, with exploitative businesses not playing by the rules, including digital scams, AI-generated fraud, predatory fintech products, environmental contamination and Tijuana River pollution that harms public health, and bad-faith health insurance denials.

This enforcement gap allows harm to persist, despite the diligent and tireless work of local enforcement bodies, including the District Attorney's Office. The volume and complexity of corporate misconduct today simply exceed the capacity of any single office. State agencies must focus on large statewide cases, and city attorneys, legal aid organizations, and community groups often lack the resources to take on complex corporate misconduct. Structural barriers such as mandatory arbitration clauses and opaque corporate ownership further limit private enforcement, allowing illegal practices to continue largely unchecked. This leaves many harms, especially among vulnerable communities and small local businesses, without an effective public enforcement response.

The County of San Diego (County) can step into this gap and make sure residents are not left to fight corporate abuse on their own.

The proposed **Consumer Fairness and Public Protection (CFPP) Unit**, housed within the Office of County Counsel, will strengthen the County's ability to pursue proactive consumer protection, civil enforcement, and affirmative litigation against corporations and entities that harm residents through illegal, deceptive, or predatory practices. CFPP will help close enforcement gaps, coordinate with partner agencies, and take action to hold bad actors accountable.

In addition, CFPP would include a Mediation and Early Resolution Function to help residents who are facing unlawful fees, deceptive charges, or unfair practices. This function would allow the County to contact businesses directly, seek refunds or corrective action where appropriate, and stop ongoing harm quickly. When informal resolution is not sufficient or a broader pattern of misconduct is identified, CFPP would escalate the matter to formal civil enforcement.

CFPP will complement and amplify the work of existing enforcement partners across the region and state. Consumer and public protection today are shared among many entities, including the California Attorney General, the San Diego County District Attorney, City Attorneys, state and federal regulators, and legal aid and nonprofit organizations that represent harmed residents. Each plays a critical role, but each also operates within specific jurisdictional, legal, and resource constraints.

Within this ecosystem, the District Attorney's Office plays a vital role in protecting residents, especially through criminal and civil prosecution, and has shown strong leadership in combating fentanyl trafficking, protecting victims of domestic violence and human trafficking, prosecuting complex violent crimes, and pursuing financial crimes.

CFPP fills a complementary need by expanding the County's civil enforcement role to address corporate misconduct that may not be reached through criminal prosecution or that requires

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sustained civil litigation to stop ongoing harm. That is exactly what the State had in mind when it passed SB 461 (2021), recognizing a widening enforcement gap and authorizing large counties to bring civil actions on behalf of the People. Since then, Los Angeles County and Santa Clara County have used this authority to build dedicated civil enforcement capacity. San Diego alone has not yet taken advantage of this tool. Establishing CFPP would allow the County of San Diego to step into that role.

CFPP will focus on high-impact areas where unlawful practices are driving up costs and harming residents, including environmental pollution affecting the Tijuana River Valley, deceptive and bad-faith health insurance practices, predatory lending and debt collection schemes, PFAS and other toxic contamination, dangerous or defective consumer products sold in violation of safety and consumer protection laws, and housing- and tenant-related fraud. In these areas, the CFPP Unit would use existing civil enforcement tools to stop ongoing harm, secure restitution, and deter repeat misconduct.

This effort builds on the County Counsel’s existing work, which has already resulted in significant victories from opioid litigation, tobacco cases, ghost gun litigation, and other matters. The unit will enforce existing state and federal laws, will not create new regulatory requirements, and will not assume criminal prosecutorial functions.

The CFPP unit will not rely on taxpayer funding. Experience from similar units shows they can generate public dollars through enforcement fines and settlements. It will be launched using existing, restricted consumer protection settlement dollars and structured over time as a revolving enforcement and recovery fund, allowing penalties and settlements secured through enforcement to sustain and expand the work without competing with other County budget priorities.

Strong enforcement is a strategic use of public resources. When families are drained by illegal fees, fraudulent schemes, or unlawful housing practices, the costs often show up later in County systems, from emergency housing and public assistance to legal aid and healthcare. Preventing harm reduces those downstream pressures and protects honest businesses that play by the rules but are undercut by bad actors.

Together, these actions help stop the practices that quietly make life more expensive for working families, protect honest businesses, and make sure the rules are enforced fairly and consistently.

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**RECOMMENDATION(S)
CHAIR TERRA LAWSON-REMER**

1. Direct County Counsel, in coordination with the Chief Administrative Officer, to establish a Consumer Fairness and Public Protection (CFPP) Unit, to serve as a permanent, enterprise-level civil enforcement and affirmative litigation function of the County, focused on consumer protection, consumer product safety, financial abuse, unfair competition, environmental justice, and economic fairness. The CFPP unit shall be housed

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within the Office of County Counsel, with authority to investigate, initiate, and litigate affirmative civil enforcement actions under local, state and federal law, including but not limited to mass torts, unfair competition, false advertising, consumer financial protection, and related statutes, subject to all ethical, jurisdictional, and prosecutorial discretion standards applicable to County Counsel.

Administrative Code 142 shall be amended to provide standing authority for the County Counsel and the CFPP to bring lawsuits on behalf of the County.

The unit shall be led by a CFPP Director, who shall serve as a senior Assistant County Counsel or equivalent classification, reporting directly to the County Counsel. The Director shall possess significant demonstrated expertise in consumer protection, complex civil litigation, and public enforcement.

The unit shall be staffed with approximately 25 FTEs within two years of budget adoption, including approximately 12 attorney positions and 13 non-attorney investigative, analytic, intake, and support positions, consistent with the staffing framework described in the Background section of this letter. Negotiate and work collaboratively with the impacted union/associations.

The unit shall work collaboratively to develop coordination protocols with other enforcement agencies, such as the San Diego County District Attorney, City Attorneys, the California Attorney General and California Department of Justice to ensure deconfliction, referral of potential criminal matters, and alignment of enforcement priorities where appropriate.

2. Direct County Counsel to implement a CFPP Director hiring process, each time the position is filled, that includes robust stakeholder feedback. This includes two advisory panels that will make hiring recommendations to ensure strong community credibility and technical expertise.
 - Tier 1: Technical Expert Panel. County Counsel shall convene a panel that includes representatives with experience in consumer protection and complex civil litigation. Board Offices may provide input on potential panelists.
 - Tier 2: Community Hiring Panel: County Counsel shall convene a panel that includes voices reflecting impacted communities. Board Offices may provide input on potential panelists.

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3. Establish an ad hoc subcommittee of this Board, entitled the Ad Hoc Subcommittee on Consumer Fairness and Public Protection (Subcommittee), and appoint Supervisor Terra Lawson-Remer and Supervisor Paloma Aguirre for the purpose of:
 - Delegating to the Subcommittee the functions of advising and providing feedback and guidance regarding the recruitment and selection of the CFPP Director.
 - Receiving regular briefings during the initial hiring and implementation period
 - Sunset following the CFPP’s first annual report to the Board, unless extended by further Board action.
4. Direct County Counsel, in coordination with the Chief Administrative Officer and with input and coordination from the District Attorney, to establish within the CFPP Unit a centralized intake, and mediation and early resolution function for consumer and financial protection complaints.

This intake system shall be designed primarily to identify systemic patterns of unlawful conduct, repeat actors, and high-impact enforcement opportunities.

Where appropriate and consistent with enforcement priorities, County Counsel may utilize a structured early-resolution process to seek voluntary compliance, restitution, or corrective action prior to initiating litigation.

This function shall be carefully limited and shall not operate as a general consumer mediation program, dispute-resolution service, or substitute for private legal representation. Individual complaints that do not present evidence of systemic or repeat harm may be referred to appropriate agencies, nonprofit legal aid providers, or dispute-resolution resources.

Matters suggesting criminal conduct shall be referred to the District Attorney or appropriate law enforcement agency.

5. County Counsel, in coordination with the Chief Administrative Officer, may create a CFPP Community Advisory Working Group, composed of local litigation technical experts and community members grounded in lived experience who will advise the CFPP Unit on emerging local patterns and issues of consumer and civil harm. This Working Group would meet quarterly to help the CFPP Unit stay responsive to real-world conditions.
6. Refer to the Fiscal Year 2026-27 CAO Recommended Operational Plan the appropriation of \$2,400,000 in the Office of County Counsel for the Consumer Fairness and Public

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Protection (CFPP) Unit based on available settlement funds held in the Consumer Fraud Trust Fund, and to allocate an additional \$24.0 million for a total of \$30.0 million in available settlement funds to support the first five years of initial operations estimated for the CFPP, consistent with the consumer protection purposes of those funds.

7. Direct County Counsel to establish a Law and Policy Research and Development Project for the CFPP Unit and to develop formal partnerships with accredited law schools. This may include models such as the San Francisco Affirmative Litigation Project in partnership with Yale Law School, which has successfully supported complex public enforcement work for more than two decades. These partnerships will allow for students to support the unit’s work, including through legal research, factual development, and strategic case development. Authorize County Counsel to design and modify these partnerships over time, including through clinics, externships, independent study projects, or collaborations with academic institutes or nonprofit entities, consistent with the Board’s policy direction, ethical and legal requirements, and the operational needs of the CFPP.

8. Direct County Counsel to present an annual public report to the Board detailing enforcement activity, restitution secured, injunctive relief obtained, early-resolution outcomes, intake trends, and coordination efforts.

EQUITY IMPACT STATEMENT

The collapse of federal consumer protection enforcement disproportionately harms low-income families, communities of color, immigrants, seniors, active-duty military families and veterans, and individuals with limited English proficiency—groups historically targeted by predatory and deceptive financial practices. A dedicated Consumer Fairness and Public Protection (CFPP) unit will promote equity by strengthening local enforcement capacity, restoring protections lost at the federal level, and ensuring that vulnerable residents have access to restitution, legal recourse, and meaningful remedies. The unit will also protect small businesses that are harmed when competitors break the law, supporting a fair and equitable marketplace.

SUSTAINABILITY IMPACT STATEMENT

Strengthening consumer protections will improve long-term economic stability for San Diego residents by preventing fraud, debt traps, and financial exploitation that push families into crisis and reliance on public services. Recoveries from enforcement actions will be reinvested into the unit, creating a sustainable model that supports a resilient local economy and reduces strain on County safety-net systems.

FISCAL IMPACT

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There is no fiscal impact for Fiscal Year (FY) 2025-26. If approved, there will be costs and revenue of approximately \$2,400,000 that will be referred for consideration to the FY 2026-27 CAO Recommended Operational Plan, in the Office of County Counsel for the initial implementation and staffing of the CFPP unit, including the addition of 8 staff years and associated services and supplies (approximately \$1,880,000), and the one-time implementation cost of the consumer portal and intake system (approximately \$520,000).

Beginning in FY 2027-28, there would be ongoing costs of approximately \$4,400,000 for the full implementation and staffing of the CFPP Unit, including 20 staff years and associated services and supplies (approximately \$4,335,000), and the ongoing licensing and maintenance for the consumer portal and intake system (approximately \$65,000). The funding source would be settlement funds held in the Consumer Fraud Trust Fund for FY 2026-27 through FY 2030-31. Beyond FY 2030-31, the CFPP Unit is expected to bring in new settlement funds as an ongoing funding source to be self-sustaining.

There is no anticipated change in net General Fund cost. There may be future costs which staff would return to the Board for consideration and approval and/or inclusion in future Operational Plans.

BUSINESS IMPACT STATEMENT

Stronger enforcement levels the playing field for honest businesses that follow the rules but struggle to compete against bad actors who profit from deception or exploitation. In this way, CFPP is not only a consumer protection initiative, but pro-competition, pro-integrity, and essential to a functioning local economy. By tackling consumer and community harms that drain household resources and destabilize neighborhoods, CFPP also supports a healthier local workforce, strengthens small business conditions, and promotes more stable, sustainable economic growth across the region.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Affordability is no longer defined solely by the cost of housing, food, or transportation. For many San Diegans, it is shaped just as powerfully by a steady accumulation of unfair fees, deceptive practices, unlawful conduct, environmental pollution and Tijuana River sewage public health harms that impose real financial burdens on families and communities.

Rental junk fees, abusive debt collection, predatory auto sales, wage theft, and fraudulent financial products function as an “unfairness tax.” These costs hit hardest for working families who are already stretched thin.

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Some communities are targeted more aggressively than others. Active-duty military personnel and their families are frequently steered into predatory auto loans, high-cost credit, and exploitative rental arrangements near military bases. Neighborhoods already burdened by environmental and public health harms, such as toxic cross-border sewage in the Tijuana River Valley, as well as PFAS and toxic contamination, often face added financial strain from medical costs, property impacts, lost work, health risks, and long-term economic instability.

Research shows that consumer and worker protection violations disproportionately impact working families and communities of color, increasing financial instability, accelerating debt, and exacerbating housing insecurity.¹ In San Diego County, where the cost of living is among the highest in the nation, these unlawful practices can be the difference between staying housed, keeping a vehicle, or making payroll at the end of the month.²

B. Growing Enforcement Gaps

At the same time, enforcement capacity has not kept pace with the scale or sophistication of these harms. In 2024, U.S. consumers reported losing more than \$12.5 billion to scams and fraud, a 25 % increase over the previous year, illustrating how scams are becoming more financially damaging and sophisticated.³

- Federal consumer protection enforcement has been gutted by the federal administration, leaving significant gaps in oversight of financial markets, debt collection, rental practices, and emerging business models.⁴
- State-level enforcement remains essential but necessarily prioritizes matters of statewide or national significance, leaving many locally concentrated violations unaddressed.⁵
- Local nonprofit legal aid organizations provide critical services but are structurally limited in their ability to pursue large-scale affirmative litigation, particularly against well-resourced corporate defendants.⁶

As a result, many unlawful practices continue not because they are legal, but because public agencies do not have the capacity to bring cases at the scale required. Arbitration clauses, complex

¹ <https://www.naag.org/attorney-general-journal/communities-of-color-fraud-and-consumer-protection-agencies/#:~:text=and%20consumer%20issues-,1,and%20deceptive%20practices%20that%20abound.>

² <https://uwsd.org/what-it-really-costs-to-get-by-in-san-diego-county-the-real-cost-measure-study-explained/>

³ https://www.ftc.gov/news-events/news/press-releases/2025/03/new-ftc-data-show-big-jump-reported-losses-fraud-125-billion-2024?utm_source=chatgpt.com

⁴ <https://consumerfed.org/trump-trashes-the-economy-and-leaves-americans-vulnerable-two-disastrous-months-of-trumps-cfpb/>

⁵ <https://www.sfcityattorney.org/wp-content/uploads/2019/04/A-Practical-Guide-to-Affirmative-Litigation-FINAL-4.13.19-1.pdf>

⁶ <https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid/justice-gap-measuring-unmet-civil-legal-needs-low#:~:text=Low%2Dincome%20Americans-,The%20Justice%20Gap:%20Measuring%20the%20Unmet%20Civil%20Legal%20Needs%20of,to%20a%20lack%20of%20resources.>

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corporate structures, and repeat-player defendants further shield bad actors from private enforcement, allowing illegal practices to continue largely unchecked.⁷

The San Diego County District Attorney’s Office has played a critical role in protecting residents, primarily through criminal prosecution, and remains a critical partner in holding bad actors accountable. The District Attorney’s Office has demonstrated strong leadership in combating fentanyl trafficking, protecting victims of domestic violence and human trafficking, prosecuting complex homicide and violent crime cases, and pursuing major financial crimes.⁸ This unit aims to complement and amplify the District Attorney’s efforts, as well as the efforts of other partnering agencies, and protect communities.

California State Law SB 461 was passed in 2021 in response to growing enforcement gaps and the need for a stronger local response. This law explicitly authorizes County Counsels in large counties to bring civil enforcement actions under California’s Unfair Competition Law on behalf of the People of the State of California. Since that authority was granted, peer counties including Santa Clara and Los Angeles have established dedicated civil enforcement units. San Diego County has not, leaving a clear gap in local enforcement that this proposal is designed to fill.

Given the volume of unlawful conduct, the sophistication of corporate actors, and the scale of harm to San Diego residents, no single office can meet this need alone. CFPP expands the County’s enforcement capacity so that more bad actors are held accountable, more residents receive restitution, and fewer unlawful practices fall through the cracks.

C. Launching a Consumer Fairness and Public Protection Unit (CFPP)

The County is uniquely positioned to respond to this enforcement gap. The County sits at the center of residents’ daily economic lives through housing, labor standards, public health, environmental protection, and consumer-facing services.⁹ The County also receives dedicated consumer protection settlement funds that are expressly intended to support civil enforcement.¹⁰ When strategically deployed, these funds can support enforcement actions that both return money to harmed residents and deter future misconduct, creating a virtuous cycle of accountability and reinvestment.¹¹

All other large California counties have demonstrated the value of this approach -- San Diego is the last major county without such a unit. Jurisdictions such as Los Angeles, Santa Clara, and San Francisco have built affirmative civil enforcement capacity within their County Counsel or City

⁷ <https://www.epi.org/publication/unchecked-corporate-power/>

⁸ [2024 DA Annual Report.pdf](#)

⁹ <https://www.sandiegocounty.gov/content/sdc/openbudget/en/budget-summary.html>

¹⁰ <https://codes.findlaw.com/ca/business-and-professions-code/bpc-sect-17206/>

¹¹ <https://www.sfcityattorney.org/wp-content/uploads/2019/04/A-Practical-Guide-to-Affirmative-Litigation-FINAL-4.13.19-1.pdf>

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Attorney offices, recovering millions of dollars for residents while addressing systemic practices that undermine affordability, fair competition, and public trust.¹² These models show that local enforcement can complement state and federal efforts, while focusing on harms that are most acutely felt at the community level.¹³ San Diego is the only qualifying County that has yet to take steps.¹⁴

Establishing a Consumer Fairness and Public Protection (CFPP) unit within County Counsel represents a strategic, evidence-based response to these conditions. Rather than creating a new regulatory bureaucracy, CFPP would consolidate and scale the County’s existing civil enforcement authority to address unfair, deceptive, and unlawful practices that directly impact affordability, economic stability, and public confidence in the marketplace.

This approach reflects three core principles:

1. Targeted Enforcement Where Harm Is Greatest

CFPP would prioritize harms that affect large numbers of San Diego County residents, particularly in areas such as housing, debt collection, auto sales, wage theft, and consumer financial products, sectors repeatedly identified by regulators and researchers as high-risk for abuse.¹⁵

2. Protection of Vulnerable Populations and Local Economies

Robust civil enforcement protects not only individual consumers and workers, but also law-abiding businesses that are undercut by unfair competition. It reinforces public confidence that the rules apply evenly and that economic participation in San Diego County is not conditioned on the ability to absorb exploitation.¹⁶

3. Efficient Use of Public Resources

By leveraging settlement recoveries and civil penalties to support ongoing enforcement, CFPP would reduce reliance on discretionary General Fund resources while ensuring that

¹² <https://www.sandiegouniontribune.com/2025/12/27/how-san-diego-county-could-soon-crack-down-on-polluters-landlords-and-insurers/>

¹³ <https://www.sfcityattorney.org/wp-content/uploads/2019/04/A-Practical-Guide-to-Affirmative-Litigation-FINAL-4.13.19-1.pdf>

¹⁴ [California Code, Business and Professions Code - BPC § 17206 | FindLaw](#)

¹⁵ <https://www.ftc.gov/enforcement/consumer-sentinel-network>

¹⁶ <https://www.consumerfinance.gov/about-us/newsroom/remarks-by-richard-cordray-at-the-brookings-institution/>

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enforcement activity remains focused on restitution, deterrence, and compliance, not revenue generation.¹⁷

In an era of rising costs, shrinking federal oversight, and increasingly complex market practices, failing to act will leave bad actors free to keep draining household budgets and weakening our local economy. Establishing CFPP is a practical step to protect residents' purchasing power, strengthen accountability, and ensure that affordability is not undermined by unlawful practices.

The CFPP unit can tackle key issues plaguing our region, including:

- **Cross-Border Environmental Accountability, Tijuana River Valley Pollution:** U.S.-based industrial actors have contributed to toxic pollutants that worsen contamination in the Tijuana River Valley, harming regional public health and ecosystems. CFPP could pursue civil enforcement and injunctive relief against domestic polluters whose actions contribute to cross-border environmental damage. Health Insurer
- **Bad-Faith and Deceptive Coverage Practices:** Health insurers increasingly deny, delay, or underpay legitimate claims using opaque processes and automated decision systems, straining hospitals and harming patients. CFPP could investigate deceptive network representations and unlawful claims practices that mislead consumers and destabilize care access.
- **Predatory Financial Practices and Debt Collection Scams:** Abusive lending, hidden contract terms, and aggressive debt collection schemes drain wealth from working families, seniors, veterans, and young adults, while digital scams continue to evolve. CFPP could target repeat offenders, secure restitution, and deter emerging forms of consumer financial fraud.
- **PFAS and Toxic Chemical Contamination:** PFAS manufacturers have been linked to widespread contamination of drinking water systems, creating long-term public health and cleanup costs. CFPP could coordinate with other jurisdictions to pursue civil actions that recover remediation costs and hold manufacturers financially accountable.
- **Housing and Tenant Protection Violations:** Deceptive property management practices, unlawful eviction schemes, algorithmic rent-setting, and biased tenant screening tools are emerging threats to renters. CFPP could use existing consumer protection and unfair competition laws to pursue landlords and firms that violate tenants' rights or engage in housing-related fraud.

D. Scope and Structure of the CFPP Unit

Legal Authority and Enforcement Guardrails

¹⁷ <https://sfcityattorney.org/aboutus/affirmative-litigation/#:~:text=The%20program%20is%20funded%20virtually%20exclusively%20by,Affirmative%20Litigation%20Project%20at%20Yale%20Law%20School.>

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CFPP will operate within clearly defined legal and ethical guardrails to ensure focused, principled enforcement:

- CFPP will enforce existing laws only and will not promulgate regulations.
- Case selection will prioritize systemic, repeat, and high-impact violations, not individual disputes.
- Matters suggesting criminal conduct will be referred promptly to the District Attorney or appropriate agency.
- All enforcement decisions will be governed by County Counsel ethical obligations and prosecutorial discretion standards.
- CFPP will not function as a general complaint-resolution, ombudsman, or concierge dispute-resolution office.

The Consumer Complaint Mediation and Early Resolution team shall be limited to:

- Screening and triaging complaints for evidence of systemic, repeat, or high-impact violations;
- Utilizing structured early compliance outreach where such outreach advances public enforcement objectives;
- Securing restitution, corrective action, or voluntary compliance agreements when consistent with enforcement priorities; and
- Escalating matters to formal investigation or litigation where voluntary compliance is not achieved or where serious harm warrants immediate enforcement action.

Staffing Plan and Organizational Structure

Upon appointment, the CFPP Director will lead the establishment of a dedicated affirmative enforcement division within County Counsel. The recommended initial staffing structure is designed to support complex litigation, investigations, intake, and community-responsive enforcement at scale. The CFPP Director and County Counsel will have authority and discretion to evolve staffing as needed to best serve the community and fulfill the mission of this unit.

Initial Recommended Staffing Complement (25 FTE Total):

- 1 Assistant County Counsel (CFPP Director)
- 3 Supervising Deputy County Counsels
- 4 Principal Deputy County Counsels
- 4 Senior Deputy County Counsels
- 4 Senior Litigation Investigators
- 4 Confidential Senior Paralegals
- 4 Legal Support Assistant III
- 1 Confidential Legal Secretary

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This staffing model is comparable to high-functioning affirmative litigation units in other large jurisdictions and reflects the interdisciplinary needs of consumer and public protection enforcement, including investigation, litigation, data analysis, and administrative support.

The Director of the CFPP Unit will serve as an Assistant County Counsel, reporting directly to the County Counsel. This reporting structure ensures accountability through County Counsel, and aligns CFPP with other complex litigation and public interest functions within County Counsel's Office.

To allow the County to resolve appropriate matters efficiently before filing suit, the CFPP Unit shall include a dedicated Intake and Early Resolution Team consisting of no fewer than five (5) full-time equivalent positions.

This team would be responsible for reviewing complaints, identifying unlawful practices, and engaging businesses directly when evidence of misconduct is found. In appropriate cases—particularly smaller-dollar matters where prompt corrective action can prevent broader harm—the team may offer businesses the opportunity to voluntarily provide restitution and correct unlawful practices before litigation is initiated.

Early resolution efforts would be conducted by County enforcement attorneys and staff and would be backed by the Unit's full authority to pursue civil enforcement if voluntary compliance is not achieved.

This team shall include:

- 1 Supervising Counsel to oversee early-resolution activities and ensure alignment with enforcement priorities;
- 1 Counsel responsible for compliance conferences, voluntary compliance agreements, and escalation determinations;
- 3 Intake and Compliance Analysts or Investigators responsible for complaint screening, pattern detection, data analysis, and referral coordination.

The team's core responsibilities would include:

- Screening and analyzing consumer complaints to identify patterns of unlawful conduct;
- Conducting compliance conferences with businesses where violations are identified;
- Securing voluntary restitution and corrective action where appropriate; and
- Escalating matters to formal investigation or litigation when businesses refuse to comply or systemic harm is identified.

Law School Partnerships and Law & Policy Research and Development Project

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To hold powerful actors accountable, CFPP will need the capacity to investigate complex industries, develop strong legal theories, and build cases that can stand up in court. That kind of work is research-intensive, and building it entirely with County staff would be costly and slow.

To expand capacity responsibly, County Counsel will be authorized to partner with accredited law schools through a Law and Policy Research and Development Project.

This model has been used successfully for more than 20 years by the San Francisco City Attorney's Office in partnership with Yale Law School to support complex public-interest enforcement work.

Under this project, law students and recent graduates, supervised by County Counsel attorneys, may assist with legal research, factual development, and policy analysis. Their work will focus on identifying systemic harms, strong case strategies, and emerging risks affecting San Diego County residents. The emphasis will be on supporting large, high-impact enforcement cases, not resolving individual complaints.

County Counsel will retain full control over case selection and litigation decisions. Law school partnerships are intended to strengthen preparation and analysis, not determine which cases are filed. Partnerships may take the form of clinics, externships, or research collaborations and may be adjusted over time based on effectiveness and County needs.

This approach allows the County to stretch public dollars further, bring in additional research capacity, and help train the next generation of public-interest lawyers, while keeping enforcement decisions firmly in public hands.

County Counsel will report annually on these partnerships and how the work contributed to investigations and enforcement outcomes.

Budget and Cost Recovery Strategy

The CFPP Unit will operate at an annual budget of approximately \$4.4 million, including overhead, litigation costs, technology, and intake infrastructure. It is assumed that available settlement funds in the Consumer Fraud Trust Fund would be used for the first five years of operations, allowing the CFPP Unit to scale deliberately while pursuing long-term cost recovery through enforcement outcomes.

Further, the CFPP Unit, like many similar units in other jurisdictions, will work towards a near-term cost recovery model through civil penalties and remedies authorized under consumer protection and unfair competition laws, fee recovery where permitted by status, and settlement structures that support ongoing enforcement capacity.

The CFPP Unit is expected to become self-sustaining after approximately five years, making efficient use of County resources, while maintaining safeguards to ensure enforcement priorities remain driven by public harm rather than revenue generation.

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Intake System Design

To ensure the CFPP Unit remains focused on stopping unlawful conduct while still responding to residents, its intake system would serve two main purposes:

1. Identify Patterns of Illegal Conduct

Complaints received from residents would not be treated as isolated disputes. CFPP staff would review and analyze complaint data to identify repeat actors, systemic violations, and emerging schemes that may warrant investigation or formal civil enforcement.

2. Pursue Early Corrective Action Where Appropriate

When there is credible evidence of unlawful or deceptive conduct, CFPP may contact the business before filing suit to seek prompt corrective action. This may include demanding that improper charges stop, requiring restitution to affected consumers, or directing the business to change unlawful practices.

This early engagement is intended to stop harm quickly—particularly in smaller-dollar or early-stage matters where voluntary compliance can prevent broader injury. If a business refuses to cooperate, fails to correct violations, or if the conduct is severe or widespread, CFPP would escalate the matter to formal investigation or litigation.

The intake system would include:

- A dedicated consumer protection hotline;
- A multilingual online complaint and referral portal;
- Clear referral pathways to Legal Aid, nonprofit dispute resolution programs, the District Attorney, City Attorneys, and other appropriate agencies when matters fall outside CFPP’s jurisdiction; and
- Data analysis capacity to detect repeat offenders and emerging patterns of misconduct.

CFPP shall prioritize systemic impact over individual dispute resolution and shall not attempt to mediate all consumer complaints received.

Community Advisory Working Group

In addition, the CFPP Unit will convene a standing Community Advisory Working Group composed of those representing the County’s geographic, demographic, and lived-experience diversity, including voices from:

- The state Attorney General’s Office

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- The legal community
- Community based organizations with subject matter expertise
- Seniors and elders
- Veterans and military families
- Housing-insecure residents
- Rural and unincorporated communities

The Advisory Board will meet quarterly to:

- Identify emerging patterns of harm
- Flag enforcement gaps affecting specific communities
- Provide feedback on outreach, accessibility, and enforcement priorities

The Working Group serves in an advisory capacity and shall not participate in individual case decisions.

Outside Counsel Policy

Use of outside counsel, where necessary, will be governed by clear policies:

- County Counsel will retain full control over litigation strategy, settlement decisions, and public interest objectives.
- Conflict-of-interest and transparency safeguards will apply to all outside counsel engagements.

Success Metrics & Accountability

To ensure transparency and accountability, CFPP will report annually on:

- Intake volume and issue-area trends
- Investigations opened and resolved
- Injunctive relief obtained and unlawful practices halted
- Restitution or monetary relief returned to residents
- Non-monetary outcomes, including compliance reforms and deterrence effects
- These metrics will emphasize public impact and harm reduction, not revenue generation.
- The number of early resolution matters initiated, compliance secured, and matters escalated to formal investigations or litigation.

E. Implementation Plan

Timeline for Standing Up the CFPP Unit

- Director Hiring: 2–6 months

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- Staff Recruitment and Onboarding: 3–6 months following Director hire
- Full Operational Capacity: Approximately 2 years from Board authorization

This phased approach allows the Director to build a cohesive team, establish enforcement priorities, and implement operational systems deliberately and sustainably.

Director Hiring Process and Selection Structure

To ensure the CFPP Unit is led by a Director who combines deep technical expertise with strong community credibility, the selection of the Director will include a robust multi-tier approach that involves organizations that reflect the populations most affected by unfair, deceptive, and unlawful practices, such as seniors, military servicemembers and veterans, immigrant communities, and underserved communities.

This two-tier process is designed to balance technical excellence with community accountability, helping build the kind of broad, durable support that has contributed to the long-term success of offices such as OLSE.

Tier 1: Technical Expert Panel

County Counsel shall convene a technical expert panel that may include:

- Senior consumer protection litigators
- Experienced affirmative litigation investigators
- Leaders of comparable public enforcement units (e.g., San Francisco City Attorney, Santa Clara County Counsel)
- Experts in complex litigation, investigations, and enforcement strategy

Board offices may provide input to the County Counsel on panelists. This panel will assess candidates' litigation judgment, management capacity, enforcement philosophy, and experience building and sustaining high-performing public interest litigation teams.

Tier 2: Community Hiring Panel

Candidates advanced from Tier 1 will be evaluated by a second-tier panel composed of a broad-based community hiring panel that reflects the populations most affected by unfair, deceptive, and unlawful practices. County Counsel shall convene a community hiring panel that may include representation from:

- Senior advocacy organizations
- Veterans' organizations and military family advocates
- Legal aid and public-interest legal organizations
- Consumer protection and housing advocacy groups
- Community-based organizations serving immigrant, rural, and low-income communities

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- Environmental justice organizations and litigators

Board offices may provide input to the County Counsel on panelists. The purpose of this panel is not to assess technical legal qualifications, but to evaluate candidates' demonstrated commitment to public service, responsiveness to community harm, leadership values, and ability to build trust with impacted residents. This structure is designed to foster community ownership and long-term coalition support for the CFPP Unit from its inception.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The establishment of this new unit aligns with the County's 2026–2031 Strategic Plan by strengthening economic security, promoting fairness, protecting consumers, reducing fraud, and supporting thriving communities. Ensuring that residents are protected from deceptive practices and predatory actors support the County's goals around community well-being, equity, and economic resilience.

Respectfully submitted,

TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)

N/A

RECOMMENDATIONS ARE RECOPIED HERE WITH DA TEAM FEEDBACK IN RED

Recommendation(S)

CHAIR TERRA LAWSON-REMER

1. Direct County Counsel, in coordination with the Chief Administrative Officer, to establish a Consumer Fairness and Public Protection (CFPP) Unit, to serve as a permanent, enterprise-level civil enforcement and affirmative litigation function of the County, focused on consumer protection, consumer product safety, financial abuse, unfair competition, environmental justice, and economic fairness. The CFPP unit shall be housed within the Office of County Counsel, with authority to investigate, initiate, and litigate affirmative civil enforcement actions under local, state and federal law, including but not limited to mass torts, unfair competition, false advertising, consumer financial protection,

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and related statutes, subject to all ethical, jurisdictional, and prosecutorial discretion standards applicable to County Counsel.

Administrative Code 142 shall be amended to provide standing authority for the County Counsel and the CFPP to bring lawsuits on behalf of the County.

The unit shall be led by a CFPP Director, who shall serve as a senior Assistant County Counsel or equivalent classification, reporting directly to the County Counsel. The Director shall possess significant demonstrated expertise in consumer protection, complex civil litigation, and public enforcement.

The unit shall be staffed with approximately 25 FTEs within two years of budget adoption, including approximately 12 attorney positions and 13 non-attorney investigative, analytic, intake, and support positions, consistent with the staffing framework described in the Background section of this letter. Negotiate and work collaboratively with the impacted union/associations.

The unit shall work collaboratively to develop coordination protocols with other enforcement agencies, such as the San Diego County District Attorney, City Attorneys, the California Attorney General and California Department of Justice to ensure deconfliction, referral of potential criminal matters, and alignment of enforcement priorities where appropriate.

- Protecting San Diego County consumers from harm and unlawful business and environmental practices is a priority for the District Attorney's Office who established its consumer protection unit in 1971 and is currently considered a leader in California in both civil and criminal consumer protection. The DA's office always looks forward to collaborating and partnering with the County of San Diego in a manner that adds value to the People of San Diego. A good example of this partnership is the strong partnership between the County Office of Labor Standards and Protection and the District Attorney's Workplace Justice Unit with each party synergizing the protections for workers in every field. This collaboration took several months of hard work to create, and the partnership thrives with continuous communication, cross referrals and meetings. This proposal, in contrast, was developed by the Board Chair without collaboration and partnership with the primary office that has expertise and years of investment in this important subject matter. Despite being given one week for input, we will provide some partial input here. However, this is a missed opportunity for our region to fill key gaps and create a strategic

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and fiscally responsible and ethical collaboration that would create a win for our communities, especially those most vulnerable.

- While County Counsel are respected attorneys who represent the supervisors and defend the county in lawsuits, they are not prosecutors representing the People of the county. We would ask that you remove the language referring to them as prosecutors with a prosecutorial standard. Even Los Angeles County Counsel, Principal Deputy Counsel Andrea Ross, on the February 18, 2026 panel for the supervisor, clearly stated that the board of supervisors is their client and they are not independent prosecutors. It's risky not to acknowledge those differences because of the potential conflicts that can arise and that are made possible by other portions of this draft board letter. Since County Counsel answers to the supervisors, it's important that safeguards are placed to be sure that civil consumer protections aren't used to bludgeon political enemies or small businesses that don't agree with a supervisor's position. This board letter makes it clear that a separation will not be created as it includes a subcommittee of two supervisors to manage and hire the director and other aspects that provide more political control as opposed to impartial justice for all.
 - If the Board letter remains as it is without substantive changes, and without actual partnership with the primary office of consumer protection that currently exists at the DA's office to build out together what is best for the People, then at a minimum it is requested that you remove the inaccurate language of referring to county counsel as prosecutors.
 - Regarding the proposed staffing numbers, see comment at recommendation #6
2. Direct County Counsel to implement a CFPP Director hiring process, each time the position is filled, that includes robust stakeholder feedback. This includes two advisory panels that will make hiring recommendations to ensure strong community credibility and technical expertise.
- Tier 1: Technical Expert Panel. County Counsel shall convene a panel that includes representatives with experience in consumer protection and complex civil litigation. Board Offices may provide input on potential panelists.
 - Tier 2: Community Hiring Panel: County Counsel shall convene a panel that includes voices reflecting impacted communities. Board Offices may provide input on potential panelists.
- DA has no comment at to this recommendation at this time

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3. Establish an ad hoc subcommittee of this Board, entitled the Ad Hoc Subcommittee on Consumer Fairness and Public Protection (Subcommittee), and appoint Supervisor Terra Lawson-Remer and Supervisor Paloma Aguirre for the purpose of:
 - Delegating to the Subcommittee the functions of advising and providing feedback and guidance regarding the recruitment and selection of the CFPP Director.
 - Receiving regular briefings during the initial hiring and implementation period
 - Sunset following the CFPP’s first annual report to the Board, unless extended by further Board action.
- The direct insertion of the supervisors, especially in the form of a 2-person ad hoc subcommittee, into operations at this level underscores the ethical issues we continue to sound the alarm on and creates a framework for a lack of transparency. After establishing the illusion of community input through tiers of different categories of “experts” and “stakeholders” to conduct the hiring of the director, it appears the supervisor is essentially writing in her ability to control the outcome.
4. Direct County Counsel, in coordination with the Chief Administrative Officer and with input and coordination from the District Attorney, to establish within the CFPP Unit a centralized intake, and mediation and early resolution function for consumer and financial protection complaints.

This intake system shall be designed primarily to identify systemic patterns of unlawful conduct, repeat actors, and high-impact enforcement opportunities.

Where appropriate and consistent with enforcement priorities, County Counsel may utilize a structured early-resolution process to seek voluntary compliance, restitution, or corrective action prior to initiating litigation.

This function shall be carefully limited and shall not operate as a general consumer mediation program, dispute-resolution service, or substitute for private legal representation. Individual complaints that do not present evidence of systemic or repeat harm may be referred to appropriate agencies, nonprofit legal aid providers, or dispute-resolution resources.

Matters suggesting criminal conduct shall be referred to the District Attorney or appropriate law enforcement agency.

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- There cannot be legally or ethically a centralized intake that includes the District Attorney's Office. Please remove that language of coordinating with the DA's office to have a centralized consumer complaint intake. Instead, you can have a centralized intake within the Office of County Counsel that does not include the DA's Office. The DA's Office has to be able to protect the safety and privacy of victims and whistleblowers that report consumer protection violations. It is difficult to know at the onset if a matter is civil or criminal consumer protection. In fact, cases are reviewed for both pathways and then a decision is made as to the level of malfeasance and whether the best recourse being civil or criminal. It would be unethical and arguably unlawful for the DA's office to share information regarding criminal or civil complaints with non-prosecutors. The case law is replete with the independent constitutional authority of the DA that can't be circumvented by creating a centralized intake, and any effort to include this in the board letter will be challenged under the law. This is the same issue that presents a challenge for county counsel-led civil consumer protection across the state. Since most bad actors operate statewide - whether it's abusive debt collection, bad-faith health insurance denials, or the like - California prosecutors (AG, DAs, and City Attorneys) are part of the centralized statewide system that helps deconflict and avoid duplication and case interference. County counsel offices do not have access to those systems.

It's important to understand that, as we assume competence by members of a County Counsel unit, they would be unable to perform their consumer protection role in the ways provided to the Attorney General and district attorneys under state law. For example, California law might impede or prohibit the newly created unit from participating in multi-jurisdictional matters, as only the district attorney or city attorney can "in agreement with other district attorneys or city attorneys, act jointly in prosecuting a civil cause of action of benefit to his own county in a court of the other jurisdiction." (Gov. Code, § 26507.) Similarly, the new unit would not have access to important investigative information available to district attorneys. Under the Government Code, only the district attorney "shall be given access to, and may make copies of, any complaint against a person subject to regulation by a consumer-oriented state agency and any investigation of the person made by the agency, where that person is being investigated by the district attorney regarding possible consumer fraud." (Gov. Code, § 26509, subd. (a).)

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A major concern would be inadvertent interference with the district attorney's prosecutorial functions. California law recognizes that the investigation of criminal offenses is a responsibility inseparable from the district attorney's prosecutorial function. (*Hicks v. OC Board of Supervisors* (1977) 69 Cal.App.3d 228, 241.) The Board of Supervisors "has no power to control the district attorney in the performance of his investigative and prosecutorial functions and may not do so indirectly by requiring that he perform his essential duties through investigators who are subject to the control of another county officer." (*Ibid.*) A redundant consumer unit might wastefully duplicate existing investigations or interfere with the district attorney's investigative or prosecutorial activities, for example, by contacting victims and witnesses already working with the DA's Office. Of special concern is the potential for interfering with or exposing ongoing confidential DA investigations, which could compromise those investigations and make prosecutions unworkable. That is why it is alarming that the board letter reveals how little is understood about the potentially illegal interference with the DA's independence (for example by proposing a centralized consumer complaint process.)

Moreover, the Board "has no power to perform [a] county officer's [district attorney] statutory duties for them or direct the manner in which those duties are performed." (*Id.* at p. 242.) Should the Board establish this new unit as an alternative for investigating and prosecuting under our consumer fraud laws, this could give rise to potential encroachment on the district attorney's independent prosecutorial function, conceivably triggering an unintended violation of Government Code section 25303 which prohibits supervisors from "obstruct[ing] the investigative and prosecutorial function of the district attorney of a county." In all aspects of local consumer protection enforcement in San Diego County, this office stands ready to collaborate with other agencies that may be active in this field, including the County Counsel. However, as regards cooperation with non-prosecutorial agencies, our office is obligated to take all necessary steps to avoid compromising our ethical and legal obligations.

- The Intake and Early Resolution Team- The letter states: "Early resolution efforts would be conducted by County enforcement attorneys and staff and would be backed by the Unit's

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full authority to pursue civil enforcement if voluntary compliance is not achieved.” This statement amounts to an endorsement of improper coercion or extortion and, again, highlights the ethical issues with the proposed plan. This approach would permit the supervisors, through their litigation arm of the Office of County Counsel, to act as judge and juror against parties they may not like. Make no mistake, this is the antithesis of a fair process for the businesses or business owners that may find themselves at odds with the enforcement arm of an elected official. They will find themselves facing a goliath without having the benefit of prosecutors who are held to the highest of ethical standards under the watchful eye of an independent judiciary.

- Reference to Consumer and Financial Complaints: Prop 64 trust funds can only be used for Enforcement of Consumer Protection Laws. By allowing the scope to expand to financial complaints and mass tort litigation could risk falling outside of lawful use of these funds.
 - As stated previously, the DA’s Office would support a consumer mediation program and would welcome the opportunity to collaborate in its creation.
5. County Counsel, in coordination with the Chief Administrative Officer, may create a CFPP Community Advisory Working Group, composed of local litigation technical experts and community members grounded in lived experience who will advise the CFPP Unit on emerging local patterns and issues of consumer and civil harm. This Working Group would meet quarterly to help the CFPP Unit stay responsive to real-world conditions.
- DA has no comment on this recommendation at this time.
6. Refer to the Fiscal Year 2026-27 CAO Recommended Operational Plan the appropriation of \$2,400,000 in the Office of County Counsel for the Consumer Fairness and Public Protection (CFPP) Unit based on available settlement funds held in the Consumer Fraud Trust Fund, and to allocate an additional \$24.0 million for a total of \$30.0 million in available settlement funds to support the first five years of initial operations estimated for the CFPP, consistent with the consumer protection purposes of those funds.
- The number of staff and the money requested should be supported by data. The Board letter doesn’t contain any support for the numbers provided. There has been no indication other than comparing this to other peer counties, however San Diego is not Los Angeles, Santa

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Clara, or the City of San Francisco. There has been no assessment provided as to what the workload would actually look like in light of the already robust and successful unit at the DA's Office. A more responsible approach is to start with an area that has had demonstrated success and need in other counties and that's the Mediation team within county counsel that can immediately serve the community and provide a basis for organic discovery of other areas that can be fulfilled by the professional attorneys at County Counsel's office. That would be consistent with how our county has successfully operated in the past and is the hallmark for being a good steward of public funds. For example, Community Based Crisis Stabilization Centers and Mobile Crisis Response Teams began on a smaller scale before expanding.

7. Direct County Counsel to establish a Law and Policy Research and Development Project for the CFPP Unit and to develop formal partnerships with accredited law schools. This may include models such as the San Francisco Affirmative Litigation Project in partnership with Yale Law School, which has successfully supported complex public enforcement work for more than two decades. These partnerships will allow for students to support the unit's work, including through legal research, factual development, and strategic case development. Authorize County Counsel to design and modify these partnerships over time, including through clinics, externships, independent study projects, or collaborations with academic institutes or nonprofit entities, consistent with the Board's policy direction, ethical and legal requirements, and the operational needs of the CFPP.

- DA has no comment on this recommendation at this time.

8. Direct County Counsel to present an annual public report to the Board detailing enforcement activity, restitution secured, injunctive relief obtained, early-resolution outcomes, intake trends, and coordination efforts.

- DA has no comment on this recommendation at this time.

General Comments:

The timing of this letter indicates an alarming lack of concern for the discovery that the county contracted millions of dollars with an individual convicted of felony embezzlement and that there have been revelations of major fiscal and fiduciary failures that deprived consumers of their entitlement to monies from protected trust funds and taxpayer monies. It seems that a primary concern for this body would be to have County Counsel working diligently to fix issues regarding any other pending contracts and be more forward looking in order to fix any

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systemic failures that led county counsel to not stop the contracts assigned to a known embezzler that continued to embezzle from San Diego and its citizens. Instead, this board letter wants county counsel's office to grow exponentially before the huge gaping failures are corrected. How are San Diegans supposed to trust the county with protecting consumer rights when they failed to protect those consumer rights by their own actions or inactions?

There are several statements and omissions within the body of the letter that are misleading and not truthful. A few examples are provided below:

- 1) The letter acknowledges SDCDA plays a critical role in protecting residents through criminal prosecution and claims the proposed unit will complement and amplify the DA's efforts. This is misleading and omits critical information. The SDCDA has a long successful history of civil enforcement, including multiple civil consumer protection actions just last year working with a statewide network of prosecutors that netted 13.8 million dollars in successful judgments.
- 2) The letter is misleading and fails to acknowledge that the trust fund you want to use includes funds from the hard work of SDCDA in civil enforcement.
- 3) "No single office can meet this need alone." We still have not seen evidence that there are consumer protection civil enforcement actions that are not being affirmatively pursued by SDCDA that would be pursued using County Counsel. More clearly put, there has not been one referral to the DA's consumer protection division by the Board that was not diligently and competently handled.
- 4) This letter states that San Diego is the only qualifying county that has yet to take steps when other counties have recovered millions for residents. This fails to truthfully represent that the SDCDA, the Attorney General and the San Diego City Attorney have in fact recovered millions for residents in civil consumer protection.
- 5) This letter boasts that "Rather than create a new regulatory bureaucracy, CFPP would consolidate and scale the county's existing civil enforcement authority" At a time where the Board of Supervisors has expanded county government by the addition of multiple county offices, this is being dressed up as more prudent than creating a whole separate office- especially if it is one that is entirely duplicative of work already being done in another county agency. Presenting this as not creating a new regulatory bureaucracy is false and misleading when the only

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reason to imbed this proposal into county counsel is so that you can use the trust fund at a time when county counsel has not assured the public that dramatic failures that led to criminal misappropriation of public funds that belong to the consumers has not been corrected. This is absolutely creating a new regulatory bureaucracy. To say otherwise is not honest.

- 6) The letter references CFPP being built from 3 core principles: Number 3 touts “efficient use of public resources.” An efficient use of resources would have utilized the model of the Office of Labor Standards that has allowed the county to obtain millions of dollars in grant funding in partnership with the DA’s office because of the thoughtful building out of that county office with input from the DA’s office and the community stakeholders.
- 7) The letter attempts to rally the cause by stating: “Failing to act will leave bad actors free to keep draining household budgets.” Again, there is no failure to act because this work is already being done and has been successful for decades by the DA’s office and the AG’s office.
- 8) The letter has several mentions of guardrails and safeguards but gives no examples of what those would be. For example, it specifically mentions hiring outside counsel presumably on top of the very large county unit. The use of outside counsel is especially sensitive in a context such as consumer protection law enforcement and creates grave risks of ethical problems relating to the obligation of prosecutorial neutrality. The use of outside counsel on contingency fees or otherwise with a stake in the outcome of Consumer Protection enforcement is unethical and antithetical to justice. Because a prosecutor's job is fundamentally different from a traditional civil litigator’s work, prosecutors are subject to different ethical standards, including the overarching obligation “to seek justice, not merely to convict.” Prosecutors represent The People, not the interests of a particular client. Special responsibilities and duties are inherent in the prosecutor's job (e.g., Brady obligations), and law offices not trained in the ethical norms of prosecutors are poorly equipped to address these issues.

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It's hard to overstate how much the letter misrepresents the true facts and the unique powers that the District Attorney and Attorney General have to protect consumers using civil and criminal tools that are not available to county counsel offices including the systematic deconfliction network and ability to assess both civil and criminal avenues to best serve justice.

The Economic Crimes and Consumer Protection Division of the San Diego County District Attorney's Office includes the Consumer Protection Unit (CPU). The Consumer Protection Unit is among the most experienced and accomplished local consumer protection sections in the country and has an outstanding record of protecting the consumers of San Diego and California. Founded in 1971, CPU was one of the first such units in the western United States, and it is today the second-largest local consumer section in California. As of 2025, CPU's attorney staff has had a combined 137 years of consumer protection and civil litigation experience. The CPU intakes complaints directly from victims, from Consumer Protection regulatory agencies, law enforcement agencies, and from the Board of Supervisors offices. Complaints are evaluated for local or state-wide civil enforcement action, or for criminal prosecution.

Over the years, CPU has obtained 236 major civil consumer protection judgments and more than 400 criminal convictions. Examples of CPU cases from recent years illustrate CPU's record of protecting California consumers: *Time Warner Cable* (injunction; \$18.8 million, including \$16.9 million direct consumer restitution); *Welk Resorts* (injunction; \$4.3 million, including \$2 million in direct consumer restitution), and *Vivint* (injunction and \$4.3 million, including \$3 million in direct consumer restitution). CPU prosecutors serve as lead or co-lead attorneys for major statewide consumer protection task forces and projects, including several that directly address consumer problems highlighted by Supervisor Lawson-Remer's town hall commentators. For example, CPU staff are leaders in the California Automatic Renewals Task Force (CART), and have been instrumental in obtaining groundbreaking judgments in that industry, including cases involving *Hello Fresh* (injunction; \$7.5 million in penalties and costs); *Match.com* (injunction; \$2.5 million); *S.K. Fente LLC* (injunction; \$1.3 million); *Relaxium* (injunction; \$2.25 million); *DropBox Inc.* (injunction: \$2.20 million); and *Spark Networks USA* (injunction; \$1.56 million); and many others. Similarly, CPU staff have been co-leaders of the statewide Debt Collection Task Force, obtaining judgments in *Credit One Bank* (injunction; \$10.2 million in penalties and costs); *Synchrony Bank* (injunction; \$3.5 million); and *Capital One Bank* (injunction; \$2.3 million), and others. And CPU has played a leadership role in a number of other statewide projects, including the California Retail Pricing Task Force, the Skilled Nursing Facilities Task Force, and others.

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