

SPEECH BY:

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NOT LONG AGO, NED CLINE, A REPORTER WITH THE GREENSBORO DAILY NEWS, WROTE AN ARTICLE ABOUT EFFORTS TO PROTECT CONSUMERS IN NORTH CAROLINA AND CONCLUDED BY STATING THAT "CONSUMER PROTECTION IS HERE TO STAY". FRANKLY, NOTHING HE COULD HAVE SAID COULD HAVE PLEASED ME MORE FOR I HAVE DEVOTED A LARGE PORTION OF MY TIME DURING THE LAST FOUR YEARS TRYING TO PROMOTE CONSUMER PROTECTION ACTIVITIES IN NORTH CAROLINA AND ULTIMATELY, TO MAKE SURE THAT NED'S CONCLUSION IS CORRECT.

I HAVE NOT BEEN ALONE IN MY EFFORTS AND OBVIOUSLY WE COULD NOT HAVE BEEN SUCCESSFUL IF WE HAD BEEN. WHEN WE FIRST BEGAN TO TALK ABOUT CONSUMER PROTECTION, WE HAD MANY DETRACTORS. SOME IMPLIED THAT IF ONE WERE FOR CONSUMER PROTECTION THEN HE MUST BE AGAINST FREE ENTERPRISE; THAT CONSUMER PROTECTION WAS ANTI-BUSINESS; THAT THE WHOLE IDEA MIGHT BE JUST A CLEVER PUBLICITY GIMMICK. IT TOOK A WHILE TO DISPELL THESE NOTIONS, BUT I THINK WE HAVE. AND TO MAKE MATTERS BETTER, I THINK I CAN SAY TO YOU IN COMPLETE CANDOR THAT MANY OF OUR FORMER DETRACTORS HAVE NOW JOINED US.

WE WERE FORTUNATE IN NORTH CAROLINA TO HAVE A GOOD SOLID BASE UPON WHICH TO BUILD OUR CONSUMER PROTECTION PROGRAM FOR THE IDEA OF CONSUMER PROTECTION WAS NOT REALLY NEW TO EITHER THE GENERAL ASSEMBLY OF NORTH CAROLINA OR TO THE BUSINESS COMMUNITY OF OUR STATE.

THE GENERAL ASSEMBLY, THROUGHOUT THE HISTORY OF THIS STATE, HAS BEEN IN THE FOREFRONT OF ALL STATES IN ENACTING PROGRESSIVE LAWS.

I HAVE BEEN PLEASED TO TALK WITH ATTORNEYS GENERAL FROM OTHER STATES AND TO DISCOVER THAT THEY ENVY NORTH CAROLINA'S ANTI-TRUST AND ANTI-MONOPOLY STATUTES. MANY STILL OPERATE ENTIRELY ON THE BASIS OF COMMON LAW WITHOUT ANY STATUTORY LAW AT ALL. AT THE SAME TIME I HAVE BEEN SURPRISED TO HEAR THAT SOME STATES HAVE TURNED DOWN FORWARD-LOOKING CONSUMER PROTECTION LEGISLATION WHILE THE NORTH CAROLINA GENERAL ASSEMBLY, WITH ENTHUSIASTIC SUPPORT FROM BOTH POLITICAL PARTIES, WAS ADOPTING LAWS PROHIBITING UNFAIR AND DECEPTIVE TRADE PRACTICES. THE 1971 GENERAL ASSEMBLY ADOPTED THE INSTALLMENT SALES ACT WITH JUST THIS KIND OF SUPPORT.

AS I SAID A MOMENT AGO, THE BUSINESS COMMUNITY IN THIS STATE, LIKEWISE, HAS BEEN ACTIVE IN THIS FIELD AND FOR MANY YEARS HAS VOLUNTARILY ASSESSED ITSELF TO ESTABLISH BETTER BUSINESS BUREAUS, CHAMBERS OF COMMERCE, AND MERCHANTS ASSOCIATIONS TO RECEIVE COMPLAINTS, STOP UNETHICAL PRACTICES AND MAINTAIN HIGH STANDARDS WITHIN THE BUSINESS COMMUNITY.

A GOOD EXAMPLE OF MORE RECENT ACTION WITHIN PRIVATE INDUSTRY IS THE MAJOR APPLIANCE CONSUMER ACTION PANEL (MACAP). SPONSORED BY THE ASSOCIATION OF HOME APPLIANCE MANUFACTURERS, THE GAS APPLIANCES MANUFACTURERS ASSOCIATION, AND THE AMERICAN RETAIL FEDERATION, MACAP IS A CLEARINGHOUSE FOR COMPLAINTS RELATING TO MAJOR HOME APPLIANCES. TO BE COMPLETELY HONEST, MANY OBSERVERS REGARDED IT AS A PUBLIC-RELATIONS GIMMICK FOR THE INDUSTRY WHEN IT BEGAN OPERATIONS IN 1970. HOWEVER, THIS EXPERIMENT HAS SURPRISED MANY PEOPLE IN THAT IT DOES SEEM TO BE WORKING.

I AM PROUD OF THE COOPERATION WE HAVE RECEIVED FROM THE BUSINESS COMMUNITY AND CAN SAY

WITHOUT RESERVATION THAT MOST BUSINESSMEN IN NORTH CAROLINA WANT THE UNETHICAL OPERATOR REMOVED FROM THE MARKETPLACE AND DECEPTIVE TRADE PRACTICES HALTED.

THERE ARE EXCEPTIONS OF COURSE. THERE ARE SOME WHO WOULD PREFER TO PREY ON OUR PEOPLE OR WHO WOULD PREFER THAT WE ALLOW OTHERS TO DO SO. FRANKLY, I HAVE GOTTEN TO THE POINT THAT I AM UNCONCERNED WHEN IT BECOMES NECESSARY TO RUFFLE THE FEATHERS OF THESE UNSCRUPULOUS FEW.

LET'S TALK FOR A FEW MINUTES ABOUT HOW WE GO ABOUT PROVIDING CONSUMER PROTECTION IN THE NORTH CAROLINA ATTORNEY GENERAL'S OFFICE.

IN 1969, I STRESSED THE NEED FOR A CONSUMER PROTECTION DIVISION WITHIN THE ATTORNEY GENERAL'S OFFICE AS A VITAL PART OF MY CAMPAIGN PLATFORM. THEN WE MADE SPECIFIC PROPOSALS TO OUR LEGISLATURE. THE LEGISLATURE RESPONDED BY ENACTING SEVERAL AMENDMENTS TO CHAPTER 75 OF THE GENERAL STATUTES.

THE MOST SIGNIFICANT OF THESE AMENDMENTS PROVIDES IN THE SIMPLEST LANGUAGE THAT UNFAIR AND DECEPTIVE TRADE PRACTICES ARE UNLAWFUL IN NORTH

CAROLINA. THIS STATUTE IS VERY SIMILAR TO THE ONE WHICH EMPOWERS THE FEDERAL TRADE COMMISSION AND IS NOW OFTEN REFERRED TO AS THE "LITTLE FTC ACT." IT MAY BE "LITTLE" BUT I CAN VOUCH FOR THE FACT THAT IT IS A POTENT WEAPON WHEN USED ON BEHALF OF THE CONSUMING PUBLIC IN NORTH CAROLINA.

IT HAS BEEN USED TO STOP CHAIN REFERRAL SELLING SCHEMES; BAIT AND SWITCH ADVERTISING; FRAUDULENT AUTOMOBILE SELLING PRACTICES, INCLUDING RUNNING BACK ODOMETERS AND ADD-ON CHARGES; OUTRAGEOUS HOME IMPROVEMENT BUSINESSES AND A MULTITUDE OF OTHERS.

THOUGH MOST PEOPLE ARE NATURALLY INCLINED TO WANT TO MEASURE ACCOMPLISHMENTS OF ANY KIND IN NUMBERS, WE FEEL THAT STATISTICS TELL ONLY A SMALL PART OF THE STORY OF CONSUMER PROTECTION ACTIVITIES IN NORTH CAROLINA. THERE IS NO WAY TO TELL HOW MANY PERSONS ARE DETERRED FROM PURSUING AN UNLAWFUL SCHEME BECAUSE A SIMILAR SCHEME IS PUBLICLY EXPOSED.

THERE IS NO WAY TO TELL HOW MANY UNSCRUPULOUS OPERATORS HAVE QUIETLY PUT THEIR HOUSES IN ORDER RATHER THAN RISK BEING CALLED INTO THE COURTS OF

NORTH CAROLINA TO "SHOW CAUSE" WHY THEY SHOULD NOT BE PROHIBITED FROM CARRYING ON THEIR BUSINESSES IN AN UNFAIR AND DECEPTIVE MANNER. WAVES MADE BY VIGOROUS CONSUMER PROTECTION ACTIVITIES IN NORTH CAROLINA EXTEND MUCH FURTHER THAN MOST PEOPLE IMAGINE.

NEEDLESS TO SAY, AS PUBLICITY CONCERNING THIS SERVICE OF THE OFFICE HAS BEEN DISTRIBUTED BY THE NEWS MEDIA, THE VOLUME OF COMPLAINTS AND THE PACE OF ACTIVITY HAVE INCREASED. IN MOST INSTANCES WE WELCOME CONSENT ORDERS FROM OFFENDERS RATHER THAN ALLOWING OURSELVES TO BECOME INVOLVED IN LONG, TIME-CONSUMING LITIGATION IN THE COURTS. MOST DEFENDANTS PREFER THIS ROUTE AND IT CONSERVES THE TIME OF OUR LIMITED STAFF.

ON THE OTHER HAND, WHERE COURT ACTION HAS APPEARED TO BE THE BEST METHOD FOR HALTING AN UNDESIRABLE PRACTICE OR FOCUSING PUBLIC ATTENTION ON A PARTICULARLY OBJECTIONABLE PRACTICE, WE HAVE GONE TO COURT AND BEEN SUCCESSFUL. AND WE WILL CONTINUE TO DO SO.

THE AUTHORITY OF THE ATTORNEY GENERAL TO INTERVENE BEFORE STATE REGULATORY AGENCIES WAS ALSO

BROADENED BY THE 1969 GENERAL ASSEMBLY. OUR EFFORTS TO REPRESENT THE CONSUMING PUBLIC BEFORE THESE PUBLIC, RATE-MAKING BODIES, ESPECIALLY THE INSURANCE COMMISSION AND THE UTILITIES COMMISSION, HAVE BEEN PARTICULARLY VISIBLE. WE HAVE TRIED TO MAKE OUR REPRESENTATION THERE VIGOROUS AND DETERMINED IN SPITE OF THE FACT THAT TO DO SO REQUIRES THAT A TREMENDOUS AMOUNT OF TIME IN RESEARCH, PREPARATION FOR TRIAL, AND IN HEARINGS BEFORE THE COMMISSIONS.

WHY DO WE PLACE SUCH GREAT IMPORTANCE ON THIS FUNCTION OF THE OFFICE? LET'S LOOK AT THE UTILITIES COMMISSION FIRST.

CONTRARY TO MOST BUSINESSES WHICH ARE CONSTANTLY FACED WITH COMPETITION, CERTAIN TYPES OF PRIVATELY OWNED COMPANIES ARE GIVEN THE EXCLUSIVE RIGHT TO ENGAGE IN PUBLIC SERVICE ENTERPRISES WITHIN DEFINED GEOGRAPHIC AREAS. THESE COMPANIES ARE ALLOWED TO OPERATE AS OFFICIALLY SANCTIONED MONOPOLIES. THEY ARE FREE FROM THE NORMAL COMPETITION PRESENT IN MOST BUSINESSES. IN RETURN, THEY ASSURE THE PUBLIC THAT THESE VITAL SERVICES - SUCH AS ELECTRICITY, TELEPHONES, GAS - WILL BE PROVIDED ON A CONTINUING AND SUFFICIENT BASIS.

BECAUSE OF THEIR PECULIAR STATUS, THE RATES THEY CHARGE THE PUBLIC ARE REGULATED BY GOVERNMENT AGENCIES, SUCH AS OUR UTILITIES COMMISSION. THE RATES ALLOWED BY THE REGULATORY AGENCY ARE DETERMINED AFTER THE PRIVATELY OWNED PUBLIC SERVICE COMPANY HAS PRESENTED WITNESSES, STATISTICS OR OTHER DATA RELEVANT TO THE EFFICIENT OPERATION OF THE COMPANY AND AN ADEQUATE RETURN ON ITS INVESTMENT.

CONTRARY TO WHAT MANY PEOPLE BELIEVE, OUR RESPONSIBILITY IS NOT TO TRY TO PREVENT THE UTILITIES FROM EVER RECEIVING RATE INCREASES. CERTAINLY THERE ARE TIMES WHEN RATE INCREASES ARE NEEDED AND NECESSARY FOR THE CONTINUATION OF THESE ESSENTIAL SERVICES TO OUR PEOPLE. OUR DUTY, THEREFORE, IS TO APPEAR ON BEHALF OF THE USING AND CONSUMING PUBLIC TO MAKE SURE THAT RATE INCREASES ARE JUSTIFIED AND THAT ALL THE INFORMATION NECESSARY FOR THE COMMISSIONERS TO MAKE AN INFORMED DECISION IS PLACED BEFORE THEM FOR THEIR CONSIDERATION.

WE BELIEVE VERY STRONGLY THAT OUR EFFORTS THUS FAR BEFORE THE STATE UTILITIES COMMISSION HAVE BORNE FRUIT AND THAT THE TAXPAYER GETS NO BETTER RETURN ON HIS DOLLAR. TO ILLUSTRATE, I NOTE THAT NORTH CAROLINIANS ARE NOW PAYING \$100 MILLION PER YEAR LESS FOR ELECTRIC POWER AND TELEPHONE SERVICE THAN THE COMPANIES SUPPLYING

THESE SERVICES HAVE REQUESTED. IN MY OPINION, THIS SAVINGS IS THE DIRECT RESULT OF OUR INTERVENING IN RATE HEARINGS HELD BEFORE THE UTILITIES COMMISSION AND I AM EXTREMELY PROUD OF THIS FACT.

WE HAVE ALSO BEEN ACTIVELY ENGAGED IN REPRESENTING THE PUBLIC AT RATE HEARINGS BEFORE THE COMMISSIONER OF INSURANCE. FOR A WHILE THERE WAS CONSIDERABLE CONTROVERSY OVER OUR ROLE BEFORE THE COMMISSION, BUT WHEN I RAN FOR THE OFFICE OF ATTORNEY GENERAL I PLEDGED THAT I WOULD DO EVERYTHING I COULD TO DEFEND THE PUBLIC INTEREST IN THIS AREA. I HAVE TRIED TO DO SO AND I INTEND TO CONTINUE DOING SO.

OUR INTERVENTION IN THE INSURANCE COMMISSION HEARINGS, AS IN THE UTILITIES COMMISSION HEARINGS, ASSURES A TRULY ADVERSARY PROCEEDING. THE NEED FOR AN ADVOCATE IN BEHALF OF THE GENERAL PUBLIC AT THESE RATE HEARINGS IS OBVIOUS WHEN ONE EXAMINES THE RECORD OF RATE INCREASES DURING THE YEARS 1965 THROUGH 1969. DURING THIS FOUR-YEAR PERIOD, THE INSURANCE INDUSTRY RECEIVED RATE INCREASES OF OVER 40%. AND, IT SHOULD BE POINTED OUT THAT NO ONE WAS PRESENT TO ARGUE THE PUBLIC'S POINT OF VIEW. THERE WAS NO ONE TO CROSS

EXAMINE THE INDUSTRIES' EXPERTS OR TO PRESENT EVIDENCE CONTRARY TO THAT PRESENTED BY THE INDUSTRY.

UNDERSTANDING THE NEED FOR STATE INTERVENTION PROMPTED THE 1969 GENERAL ASSEMBLY TO GIVE THE ATTORNEY GENERAL THE STATUTORY DUTY TO REPRESENT THE PUBLIC BEFORE THE COMMISSIONER OF INSURANCE. THIS IS NOT TO SAY THAT THE INDUSTRY HAS BEEN TREATED UNFAIRLY. THEY ARE LIKEWISE CONCERNED THAT THEY RECEIVE A HEARING WHICH IS NOT ONLY FAIR IN FACT, BUT APPEARS TO THE PUBLIC TO BE FAIR. THEY ARE RIGHTFULLY CONCERNED ABOUT THE PUBLIC IMAGE OF THEIR COMPANIES AND THEIR REPUTATION AMONG THE PEOPLE.

THE OFFICE HAS APPEARED BEFORE THE INSURANCE COMMISSIONER MANY TIMES ON BEHALF OF THE CONSUMING PUBLIC TO MAKE SURE THAT ANY INSURANCE RATE HIKES ORDERED DURING THE LAST FOUR YEARS WERE JUSTIFIED. THIS HAS BEEN A VERY DIFFICULT TASK SINCE WE HAVE SERIOUSLY QUESTIONED THE WHOLE RATE-MAKING PROCEDURE USED BY THE INSURANCE COMMISSION.

IN AN EFFORT TO ESTABLISH WHAT WE BELIEVE TO BE CORRECT PROCEDURES FOR THE DETERMINATION OF RATE HIKE INCREASES ON THEIR MERITS, WE HAVE INITIATED EXTENSIVE LITIGATION, SOME OF WHICH IS STILL PENDING.

THIS LITIGATION EVENTUALLY SHOULD LEAD TO A CLARIFICATION OF VERY SERIOUS PROCEDURAL QUESTIONS AND INURE TO THE BENEFIT OF NORTH CAROLINA CONSUMERS.

IN TWO CASES SPECIFICALLY, THE APPELLATE COURTS HAVE VACATED AN ORDER OF THE COMMISSIONER ALLOWING SIZEABLE RATE INCREASES AND SENT THEM BACK FOR REHEARING. ONE ORDER INVOLVED AN 8.9 PERCENT INCREASE IN PRIVATE PASSENGER AUTOMOBILE LIABILITY RATES AND ANOTHER 23.5 PERCENT HIKE IN PRIVATE PASSENGER COLLISION AND COMPREHENSIVE INSURANCE RATES. A FINAL DETERMINATION HAS NOT BEEN MADE IN THESE CASES, BUT THE MERE FACT THAT THE INCREASES HAVE BEEN DELAYED BY COURT ACTION HAS RESULTED IN MILLIONS OF DOLLARS IN SAVINGS TO THE INSURANCE-USING PUBLIC.

ANOTHER AREA I WOULD LIKE TO TOUCH ON BRIEFLY IS ENFORCEMENT OF OUR ANTI-TRUST LAWS.

BECAUSE OF THE COMPLEX AND TIME-CONSUMING NATURE OF ANTI-TRUST SUITS, THE OFFICE HAS HAD TO PURSUE ONLY A LIMITED NUMBER OF CASES. A MAJOR PORTION OF OUR MANPOWER HAS BEEN DIRECTED INTO THE SUIT NOW PENDING AGAINST FIVE MAJOR DRUG COMPANIES, ALLEGING THAT THEY CONSPIRED TO FIX THE PRICES OF LIVE-SAVING, BROAD SPECTRUM ANTIBIOTICS. HOPEFULLY THIS CASE, IN WHICH WE ARE ASKING SEVERAL MILLION DOLLARS IN DAMAGES,

IS NOW MOVING TO TRIAL IN THE FEDERAL COURTS. MAJOR LITIGATION ALSO HAS BEEN INSTITUTED ALLEGING PRICE-FIXING BY THE MANUFACTURERS OF PLUMBING FIXTURES AND CONSPIRACY BY AUTOMOBILE MANUFACTURERS IN THE ELIMINATION OF FLEET PURCHASE DISCOUNTS.

WE HAVE A KEEN INTEREST IN THIS AREA FOR VIOLATIONS OF THE ANTI-TRUST LAWS ARE PARTICULARLY EXPENSIVE TO THE CONSUMING PUBLIC. HOPEFULLY, WE WILL GRADUALLY BE ABLE TO EXPAND OUR EFFORTS HERE.

THUS FAR I HAVE TALKED PRIMARILY ABOUT THE ENFORCEMENT OF OUR CONSUMER PROTECTION LAWS. HOWEVER, THERE ARE OTHER WAYS IN WHICH GOVERNMENT CAN APPROACH THE PROBLEM OF HELPING PROTECT THE CONSUMER FROM THE SHADY OPERATOR.

ONE LONG-RANGE APPROACH IS EDUCATION OF THE CONSUMER SO HE WILL BE MORE AWARE OF HIS OPTIONS AND THEREFORE BE BETTER ABLE TO ACT MORE EFFECTIVELY. THERE IS NO REAL PROSPECT THAT EDUCATION ALONE CAN APPRECIABLY AFFECT MOST OF THE CONSUMER PROBLEMS IN THE IMMEDIATE FUTURE, BUT WE MUST NOT LOSE SIGHT OF THIS APPROACH AS AN ULTIMATE GOAL. WE MUST REALIZE ALSO THAT THE CONSUMERS WHO ARE MOST LIKELY TO BE ABUSED ARE USUALLY THOSE WHO ARE UNABLE TO TAKE ADVANTAGE OF MOST TRADITIONAL EDUCATIONAL OPPORTUNITIES.

I WOULD LIKE TO POINT OUT A FEW OF THE EDUCATIONAL PROJECTS WE HAVE UNDERTAKEN IN OUR OFFICE DURING THE LAST FOUR YEARS. WE NOW PUBLISH EACH MONTH A CONSUMER PROTECTION NEWSLETTER. COPIES ARE SENT TO ALL NEWS MEDIA AND ARE AVAILABLE TO THE GENERAL PUBLIC AT A MODEST SUBSCRIPTION RATE OF \$1.00 PER YEAR. IN THIS NEWSLETTER WE ATTEMPT TO INFORM THE CITIZENS OF CURRENT UNFAIR AND DECEPTIVE BUSINESS PRACTICES AS WELL AS INTERESTING CASE HISTORIES. THE NEWS MEDIA ARE ENCOURAGED TO DISSEMINATE THE INFORMATION CONTAINED IN THE NEWSLETTER AND MANY ARE DOING SO. AGAIN, WE ARE PROUD OF THE COOPERATION WE HAVE RECEIVED.

TAPED RADIO MESSAGES ARE BEING PRODUCED BY RADIO STATION WYNA IN RALEIGH AND OTHER STATIONS ARE ABLE TO SECURE COPIES OF THE RADIO MESSAGES BY FURNISHING BLANK REELS OF TAPE TO RADIO STATION WYNA. APPROXIMATELY 30 RADIO STATIONS ARE MAKING THESE MESSAGES AVAILABLE TO THEIR AUDIENCES.

WE HAVE SEVERAL TELEVISION PROGRAMS WHICH ARE ALSO DESIGNED TO INFORM THE EDUCATE THE CONSUMER. TV STATIONS WSOC-TV IN CHARLOTTE, WLOS-TV IN ASHEVILLE, WGHP IN HIGH POINT AND WTVD IN DURHAM, AS WELL AS EDUCATIONAL TELEVISION, WITH SIX TRANSMITTER LOCATIONS, ARE GIVING THEIR VIEWERS TIMELY MESSAGES CONCERNING SPECIFIC CONSUMER PROBLEMS OR OTHER INFORMATION.

THESE MESSAGES ARE CARRIED AS PUBLIC SERVICE PROGRAMS AT NO EXPENSE TO THE TAXPAYERS OF NORTH CAROLINA. HOPEFULLY THESE PROGRAMS WILL BE EXPANDED IN THE FUTURE.

AS I MENTIONED EARLIER, THE 1969 AND 1971 LEGISLATURES ENACTED SPECIFIC LEGISLATION TO DETER UNFAIR AND DECEPTIVE SALES PRACTICES. WE MUST CONTINUE TO MODERNIZE OUR LAWS RELATING TO CONSUMER FRAUDS AND ENDORSE LEGISLATION THAT WILL PROVIDE ADEQUATE AND REASONABLE REMEDIES FOR VICTIMIZED CONSUMERS SUCH AS ENABLING CLASS ACTIONS. A CLASS ACTION IS A JOINT SUIT FOR RECOVERY OF CIVIL DAMAGES BY A NUMBER OF SIMILARLY AGGRIEVED CONSUMERS.

I BELIEVE THE IMPACT OF CONSUMER PROTECTION EFFORTS DURING THE PAST FOUR YEARS HAS PROVED TO BE OF GREAT BENEFIT TO ALL CITIZENS OF THIS STATE. I ALSO BELIEVE THE STATE OF NORTH CAROLINA HAS THE DESIRE AND ABILITY TO MEET THE FUTURE NEEDS FOR ADEQUATE CONSUMER PROTECTION AND REPRESENTATION. PERSONALLY, I PLEDGE TO CONTINUE THE PROGRAMS WE HAVE INITIATED AND HOPEFULLY TO EXPAND MY EFFORTS TO PROTECT THE CONSUMING PUBLIC OF NORTH CAROLINA.

THANK YOU FOR LETTING ME BE WITH YOU TONIGHT.