

STATE OF NEW YORK
DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

December 27, 2018

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street
Albany, NY 12236

Re: Audit Report 2017-S-55

Dear Mr. DiNapoli:

As required by Executive Law § 170, the Department of State (the "Department") respectfully submits this 90-day response to recommendations made in audit report 2017-S-55, "Do Not Call Enforcement Efforts."

Recommendations:

Recommendation 1: "Assess current and planned Do Not Call enforcement activities to determine appropriate staffing levels, identify timing benchmarks for key enforcement efforts, and identify improvement opportunities."

Department Response: The Division of Consumer Protection (the "Division") has conducted a comprehensive review of the Do Not Call Program. The comprehensive review examined the Division's Do Not Call enforcement strategies and their effectiveness in combating the changing landscape of telemarketing and robocalls that inhibit enforcement of Do Not Call statutes. In addition, the Division participated in a LEAN review to further identify areas for improvement in the process and assist in identifying benchmarks and needed staffing levels. The Division has also hired a lead investigator, attorney, and an additional staff person to enhance enforcement efforts. As a result of the changes made, the Division has investigated thousands of complaints since the conclusion of the audit.

Recommendation 2: "Develop, implement, and communicate written procedures to Division staff that address the accuracy, completeness, and comparability of internally maintained Do Not Call information."

Department Response: The Division is committed to ensuring the accuracy and completeness of data maintained by the Do Not Call program. The Department is developing a new database to track enforcement efforts that significantly expands the Division's ability to address Do Not Call complaints as well as track metrics and key performance indicators. Written policies and procedures are being developed in conjunction with the LEAN review of the program.

Recommendation 3: "Evaluate the potential for using FTC resources and strategies (including expanded use of Sentinel capabilities) and consumer-friendly alternatives to



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notarized affidavits to enhance the Division's Do Not Call enforcement capabilities, and document the resulting decisions."

Department Response: The Division has been working with the FTC, the New York Office of the Attorney General, and other states to implement best practices for Do Not Call investigation and enforcement. As part of the comprehensive review of the program, the Division is developing a consumer-friendly alternative to the use of notarized affidavits in the enforcement process, such as a non-notarized affirmation that would make it easier for consumers and speed up the process. All staff involved in the Do Not Call program have attended training on the use of the Sentinel database and have been working with FTC's Sentinel Consumer Network staff to best utilize the system.

At the Department, we continually strive to improve our programs and are working to improve the operations of the Division.

Respectfully,

A handwritten signature in black ink, appearing to read "Rossana Rosado". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rossana Rosado
Secretary of State

Cc: Governor
State Comptroller
Lt. Governor
President Pro Tempore of the Senate
Minority Leader of the Senate
Speaker of the Assembly
Assembly Majority Leader
Assembly Minority Leader
Chair, Senate Finance Committee
Chair, Assembly Ways and Means Committee
Ranking Minority Member, Senate Finance Committee
Ranking Minority Member, Assembly Ways and Means Committee