



Dora
Department of Regulatory Agencies

STRATEGIC PLAN

FY 2012-13



3.2 EXECUTIVE LETTER



Executive Director's Office
Barbara J. Kelley
Executive Director

November 1, 2011

I am pleased to present the Department of Regulatory Agencies' (DORA) Strategic Plan for 2012-13. Following are some of DORA's goals outlined in our strategic plan.

- 1) **Consumer Outreach** – In the current economic climate it is more important than ever to actively reach out to consumers and share information and educate consumers about their rights, and ways they can help protect their interests. We do this because smart consumers are good for business. Smart consumers are more confident and show that confidence by actively engaging in the marketplace.
- 2) **Professional Outreach** – DORA's outreach efforts will also concentrate on improving communications with the professionals we regulate. It is part of our goals to educate professionals as to their responsibility to consumers and the marketplace, as well as to provide guidance as to how they can comply with the practice standards required of their professions. In each instance that DORA is called upon to regulate a new profession, great effort must go into contacting professionals and explaining the steps to comply with their licensure or registration.
- 3) **Complaint Resolution** – DORA continues to work on improving its complaint resolution process in every division, and shares best practices across divisions in order to achieve greater customer service. DORA is now using the data from the types of complaints we receive to drive our outreach efforts to both professionals and consumers.

- 4) **Timely Access** – DORA offers a valuable service 24/7 to all professionals needing to renew licenses with 100% of renewal applications available online. Also, most of DORA’s divisions allow complaints to be filed online. DORA continues to seek ways to be more accessible to consumers and professionals, including modifying our website and encouraging citizens to utilize its services. DORA has also initiated outreach and translated web pages for Spanish speakers.
- 5) **Qualified Professionals** – Through an agency-wide training program focusing on managerial, supervisory, and technical job-related training sessions as well as mandatory orientation sessions for all new employees, DORA aims to accomplish its goal of its employees having the knowledge, skills, and abilities to effectively and fairly regulate Colorado professionals and industries. Through DORA’s commitment to training, Colorado consumers can be certain they are working with knowledgeable, respectful and qualified employees who are working to protect them.
- 6) **Economic Environment** – DORA understands its role in the current economic environment as supporting economic development, with the ultimate goal of job creation. By protecting consumers without erecting unnecessary barriers and costs to businesses and professionals, DORA positively impacts both business efficiency and consumer confidence, which will, in turn, enhance the level of activity in Colorado’s marketplace. Through fair standards and consistent regulatory oversight, DORA helps to foster a competitive business environment.

DORA continues to thoughtfully implement regulatory programs for the professions and businesses we regulate with the purposeful determination of protecting Colorado consumers. Through these efforts and our promotion of a fair and competitive business environment in Colorado, DORA will preserve the integrity of the marketplace.

Sincerely,



Barbara J. Kelley
Executive Director

3.3 INTRODUCTION

The mission of the Colorado Department of Regulatory Agencies (DORA) is consumer protection, and DORA seeks to preserve marketplace integrity in which consumers and businesses can thrive. The Department carries out regulatory programs that license, establish standards, approve rates, investigate complaints, and conduct enforcement across numerous professions, occupations, and institutions. The Department includes 10 separate divisions with over 41 boards, commissions, or advisory committees and 593.4 professional regulatory staff, including program administrators, professional examiners, inspectors, financial analysts, and administrative staff. DORA's programs are organized in the general appropriations act ('Long Bill') as follows:

Executive Director's Office
Division of Banking
Division of Civil Rights
Office of Consumer Counsel
Division of Financial Services

Division of Insurance
Public Utilities Commission
Division of Real Estate
Division of Registrations
Division of Securities

The Department is primarily cash funded by regulated entities through fees and assessments flowing to cash funds set based on appropriations made by the General Assembly. Additionally, two key areas involve the state General Fund: the Division of Civil Rights, which is partially funded by the General Fund, and the Division of Insurance, which is supported by a combination of license fees and insurance premium tax revenues that would otherwise be credited to the General Fund. However, effective in FY 2009-10 and beyond, General Fund impact in the Division of Insurance has been curtailed via the increase of fees charged to licensees in that division.

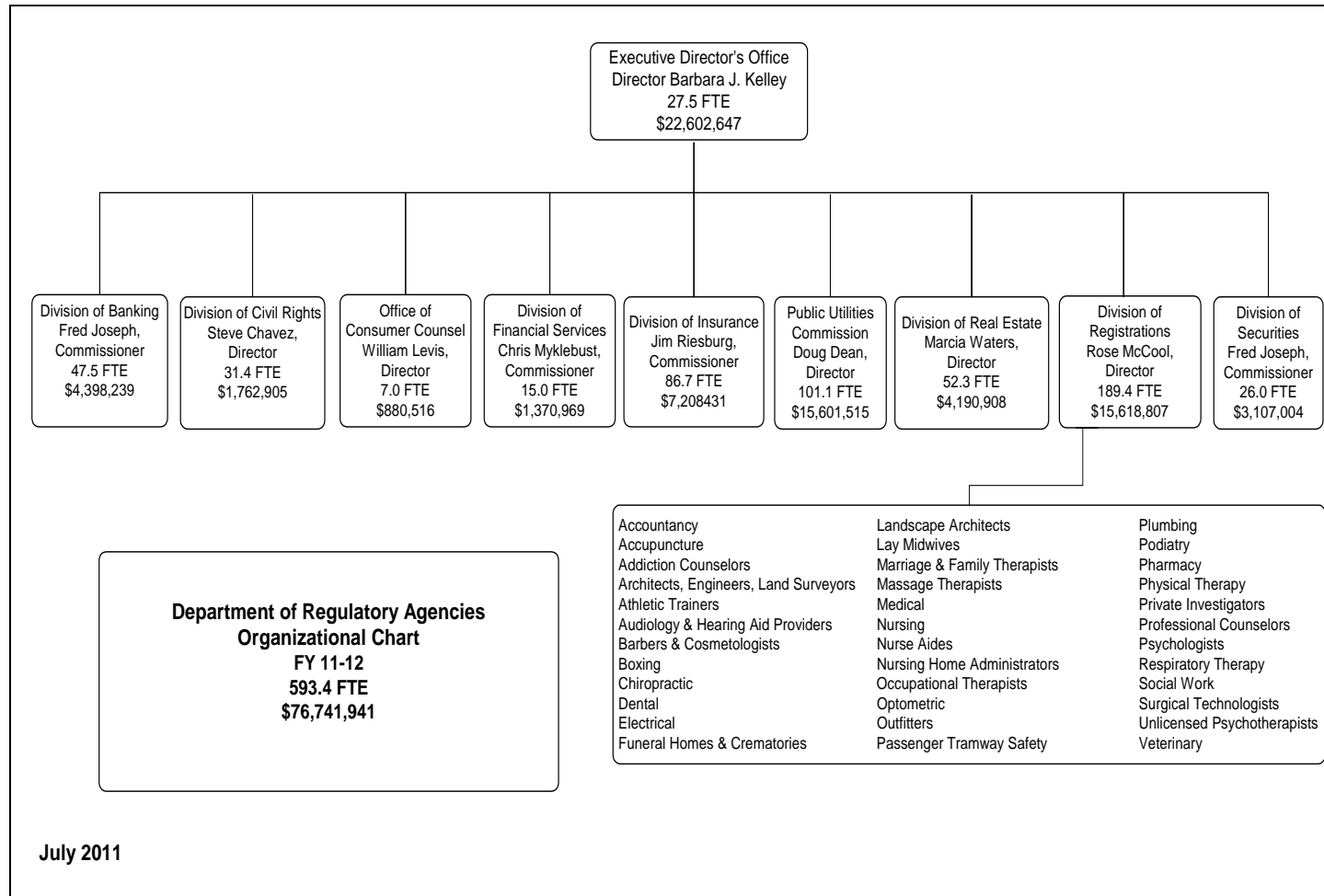
The number of people living and working in Colorado and the amount of legal services required by the Department's various agencies are the two largest factors driving DORA's budget. Population affects the number of professional and occupational licenses issued, as well as the number of complaints filed by consumers against licensed businesses and individuals. Additionally, DORA is unique in its

demand for legal services, which under the Oregon Plan are obtained centrally from the Colorado Department of Law under the State Attorney General. DORA accounts for approximately 26 percent of all legal hours appropriated to state agencies, a fact that is driven by the nature of regulatory oversight and enforcement.

3.4 STATUTORY AUTHORITY

The statutory authority for the Department is found at Title 24, Section 34, Colorado Revised Statutes. More specific statutory authority by Division can be found in Titles 10, 11, 12, 24, 40, and 42.

3.5 ORGANIZATIONAL CHART



3.6 MISSION STATEMENT

DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. Consumer protection is our mission.

3.7 A NARRATIVE ON THE DEPARTMENT'S VISION

DORA interacts with consumers, professionals, businesses, government officials and the general public. DORA's belief is that Colorado's economy will thrive through a regulatory framework that protects Colorado's consumers, while fostering fair and rigorous standards for professionals and businesses.

Given the growing awareness that consumers and professionals have of DORA, we are proud to say that DORA has become a valuable resource in state government where consumers as well as professionals can go to have their issues addressed and questions answered.

The stated mission of DORA is 'Consumer Protection.' This includes alerting consumers to wrongdoing in the marketplace and how they can avoid harm. This also means working with professional organizations and the professionals themselves to create an understanding of their responsibilities.

Consumer protection is the common thread running through all of our operations at DORA. Working toward this end demonstrates the value Colorado places on a safe and competitive business environment. Adhering to the consumer protection mission also requires that DORA promotes fair standards across the professions.

Under the leadership of DORA Executive Director Barbara Kelley, the priority at DORA is to create a reliable resource for consumers. Whether it is a question about utility rates in Colorado, where one can attain the best value in health insurance, or if one has questions about their professional license or certification, DORA is the place to call. A "no wrong door" philosophy creates a new identity for DORA, making it a one-stop shop to have professional questions addressed and consumer complaints resolved.

The use of modern technology allows DORA to give consumers 24/7 access to information on their doctors or plumbers as well as those who provide their insurance or real estate transactions. DORA's knowledgeable and accessible personnel are being trained to answer questions across divisions and implement efficiencies wherever possible.

The goals of increasing consumer and professional outreach, timely access to information, and improving complaint resolution time are being achieved with renewed vigor and focus. Through these and other efforts to promote a fair and competitive business environment in Colorado, DORA will preserve the integrity of the Colorado economy.

This mission must be supported by viable budget initiatives. Particularly in the context of the challenges presented by the state budget, the Department's budget is focused on the most productive, sustainable utilization of base resources. The Department understands the imperative dictated by statewide budget constraints, as well as the practical limitations of the economic pressures on consumers and in the marketplace.

In terms of making consumers aware of how they can avoid fraud, scams, and wrongdoing in the marketplace – and also working with professional organizations and the professionals themselves to create an understanding of their rights and responsibilities – the Department has devoted considerable time and effort from existing staff to enhance communications activities.

Additionally, the Department has placed a focus on planning for and implementing training opportunities for Department staff, because qualified employees are an essential part of a regulatory structure that truly protects consumers. This has been made possible by effectively planning the use of base resources, and has not required any budget increase.

3.8 CORE OBJECTIVES & 3.9 PERFORMANCE MEASURES

DEPARTMENT OF REGULATORY AGENCIES

1. Consumer Outreach.

Objective: Consumers are educated about their rights and understand how the violation of those rights can be addressed and resolved.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
10% increase in number of web hits.	Benchmark	+10%	+10%	+10%	+10%
	Hits	+43.5% 177,498,380	+12.8% 200,163,133	Unknown	Unknown

Strategy: Consumers are educated about their rights and the protections the state provides through awareness campaigns, electronic publications, enhanced use of technology, public information events and media coverage.

Evaluation of Prior Year Performance:

FY 2010-11 performance was good as web hits increased 12.8 percent to 200.2 million, with overall page views increasing 7.5%. As awareness of DORA and its programs increases, the pace of growth is moderating (down from last year’s 43.5% increase in hits and 22.6% increase of overall page views), although 10% still makes sense as a benchmark. This measure was adopted in the FY 2009-10 Strategic Plan and has continued relevance into the future because it shows consumers valuing the Department’s educational outreach and helpful information as provided through its website. DORA’s outreach efforts began in February 2009.

Key Workload Indicators: Relevant workload indicators to this measure are set forth in the following tables:

	Actual	Actual	Actual
	FY 08-09	FY 09-10	FY 10-11
Total Web Hits	123,993,673	177,498,380	200,163,133

DEPARTMENT OF REGULATORY AGENCIES

2. Professional Outreach.

Objective: Businesses and professionals are educated about consumer rights and the standards and regulations that apply.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
50% of all active licensed professionals are available on listservs.	Benchmark	N/A	50%	50%	60%
	Actual	39%	42%	Unknown	Unknown

Strategy: Businesses and professionals are educated about their rights and responsibilities through awareness campaigns, electronic publications, enhanced use of technology, public information events and media coverage.

Evaluation of Prior Year Performance: During FY 2010-11, compared to all licensees performance was 42%, a small improvement from FY 2009-10. However, considering that some license types do not have an associated listservs, the average rate for those that do is 62% (up from 57% last year) which exceeds the performance measure. Additionally, the average rate for individual boards was 75.9%. With these important qualifications, the measure aligns with Department priorities, because it directly and specifically illustrates the ability to receive timely information from DORA and this demonstrates the Department’s effectiveness in consumer protection by communicating with and educating professionals and businesses about their responsibilities.

Key Workload Indicators:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Percent of Total Licensees	39%	42%	50%	50%
Number of Listserv Subscriptions	260,541	290,122	333,000	333,000

DEPARTMENT OF REGULATORY AGENCIES

3. Complaint Resolution.

Objective: Consumer complaints are resolved in a timely and efficient manner.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
75% of all complaints are resolved within 180 days.	Benchmark	75%	75%	75%	75%
	Actual	96.3%	100%	Unknown	Unknown

Strategy:

Identify and share efficiency strategies across divisions in order to process complaints and applications more efficiently.

Evaluation of Prior Year Performance:

The Department continues good performance on this measure. Not all Divisions have timely complaint measures that are applicable to the 180 day period. However, of six Divisions having a measure that sought complaint resolution within a timeframe that is 180 days or less, five achieved their individual measure, and all six indicate percentages of at least 75% within 180 days. As such, the Department is reporting 100% compliance for applicable complaints relative to the benchmark level of 75% within 180 days. This measure is expected to have continued relevance because it illustrates to consumers how efficient the Department’s complaint resolution process is.

Key Workload Indicators: The overall number of complaints for the Department is included below:

	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Complaints	13,836	14,809	14,000	14,000

DEPARTMENT OF REGULATORY AGENCIES

4. Timely Access.

Objective: Businesses and professionals can access the regulatory process in a timely and efficient manner.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of Divisions meet their respective timely licensing measures.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy:

Enhance DORA’s website to be more consumer focused and ease access to DORA’s services. Make regulatory actions more easily accessible to the public. Identify and share strategies across divisions to ensure all applications for licensure or registration are available online.

Evaluation of Prior Year Performance:

Both of the Department’s major licensing Divisions (Real Estate and Registrations) showed substantive compliance with their licensing measures, and so performance is reported here as 100%. This measure is expected to have continued relevance because it illustrates a meaningful number to professionals and shows how the Department’s performance ties in with consumer protection by efficiently licensing businesses and professions.

Key Workload Indicators: The overall numbers of new and renewal licenses across the Department are included below:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
New Licenses	110,953	129,210	130,000	130,000
Renewal Licenses	379,930	338,547	340,000	340,000

DEPARTMENT OF REGULATORY AGENCIES

5. Qualified Professionals.

Objective: DORA’s employees have the knowledge, skills, and abilities to effectively and fairly regulate Colorado professionals and industries.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
% employees who received job-specific training.	Benchmark	85%	85%	90%	90%
	Actual	94%	87%	Unknown	Unknown

Strategy:

DORA’s implementing a department-wide training program that will address the job specific needs of its employees.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the measure was 87%. This measure was adopted in FY 2008-09 and has continued relevance into the future because it illustrates the Department’s performance can be maximized by proper employee training.

Key Workload Indicators:

87% of DORA employees participated in the training program. 88 sessions of 30 different classes were offered, and 87% of DORA's workforce (480 of 552 actual employees) participated in at least one session.

DEPARTMENT OF REGULATORY AGENCIES

6. Economic Environment. *Objective:* DORA plays an active part in improving Colorado’s economic environment.

Performance Measure #6	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Amount of savings and return on investment achieved through regulation, settlements and rate reviews.	Benchmark	100%	100%	100%	100%
	Actual	164.7%	113.1%	Unknown	Unknown

Strategy: DORA plays an active role in economic development through regulation/settlement agreements and rate review/approval.

Evaluation of Prior Year Performance: The FY 2010-11 benchmark for this measure was a target of 100%, and the actual performance was 113.1%. Comparing DORA’s cost to estimated savings as a performance measure is intended to assess the extent to which DORA is meeting its objective to play an active part in improving Colorado’s economic environment. Last year the Department reported an overall savings figure of \$183.9 million for FY 2009-10 based on estimated savings rates for rate cases, rate approvals, miscellaneous enforcement, and penalties, which reflected a 164.7% return on investment compared to a baseline appropriation of \$69.5 million. For FY 2010-11, the savings figure is \$142.7 million, which compares to a baseline appropriation of \$66.9 million and translates to a 113.1% return on investment. Baseline appropriations include costs to operate the Department and its programs, without including pass-through and federal funding that does not represent a DORA or State cost. Savings are estimated and fluctuate by year based on the timing and significance of matters before DORA entities. The Department’s benchmark conservatively targets that savings exceed costs each year for several reasons. First, annualized savings figures involving rates that remain in place since the date of the original action can recur until further rate action, and accumulated savings has a positive influence on estimated annual savings. Further, savings can only be estimate based on requested rates.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 11-12
Total Savings (in millions)	\$183.9	\$142.7	\$136.8	\$136.8
Baseline Appropriation* (in millions)	\$69.5	\$66.9	\$68.4	\$68.4
Total Return (in millions)	\$114.4	\$75.7	\$68.4	\$68.4
Percent Return	164.7%	113.1%	100.0%	100.0%

*Baseline appropriations include costs to operate the Department, but do not include pass-through moneys spent in other agencies.

EXECUTIVE DIRECTOR’S OFFICE

1. Commitment to Mission.

Objective: DORA employees understand the mission of DORA and their role in implementing it.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of new employees complete orientation within 30 days of beginning work.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: DORA’s Executive Director’s office will work with each of the Divisions and Section heads to develop a DORA-wide orientation that helps new employees understand the role of DORA as Colorado’s consumer protection agency. This will include helping staff understand the broad nature of the services and protections that DORA provides and the role their Division and their section plays as part of the whole consumer protection mission of DORA.

Evaluation of Prior Year Performance: In FY 2010-11, performance under the new measure was 100%. There were 84 new employees hired during FY 10-11. 84 of the 84 employees completed the orientation within 30 days of being hired.

This measure was adopted in FY 2009-10 and has continued relevance into the future because it quantifies the Department’s commitment to educating employees on the shared mission, which directly facilitates the performance and effectiveness of Department employees.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of personnel appointments	136	151	150	150

EXECUTIVE DIRECTOR’S OFFICE

2. Public Access.

Objective: DORA’s divisions and systems are easily accessible to the public.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of DORA's license and registration renewal functions are available on the internet.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: DORA ensures technology stays current with business needs through a variety of mechanisms. Information technology staff, both managerial and technical, regularly meets with Division business program staff to scope, plan and implement technology enhancements to business systems. Other meetings and dialog are continually occurring to ensure new legislation and business funding needs (fiscal notes) are addressed appropriately. DORA uses a project management methodology to ensure that both the business managers and technology staff are engaged and aware of technology upgrades supporting DORA’s licensing and other business systems.

Evaluation of Prior Year Performance: This measure was established as a new measure for the FY 2009-10 Strategic Plan. In FY 2010-11, performance under the new measure was 100%. This includes current programs as well as brand new programs that are immediately migrated onto online licensing systems. This measure is expected to have continued relevance because it quantifies electronic public accessibility to DORA’s licensing systems, and also ensures that licensing related to new programs or functions added to DORA’s regulatory authority will be reported here if they are not electronically available.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of Licensing and Registration Systems	2	2	2	2

Note: This data includes the Department’s two major licensing/registrations systems: DLS for the Division of Registrations, and RMS for the Division of Real Estate, both of which are electronic.

EXECUTIVE DIRECTOR'S OFFICE**3. Qualified Professionals.**

Objective: DORA's employees have the knowledge, skills and abilities and ongoing training to succeed in their jobs.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
% of employees who receive job specific training	Benchmark	85%	85%	85%	90%
	Actual	94%	87%	Unknown	Unknown

Strategy:

The DORA Human Resources Section will utilize information collected by previous studies and assessments, and input from the workforce to identify training needs and interests. A training and development program will be implemented, and will continue to be refined and expanded, to include both formal (classroom, workshops, seminars, etc.), and informal (handbooks, manuals, electronic materials, etc.), opportunities for employees to receive job specific and transferrable skills training.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the measure was 87%. This measure was adopted in FY 2008-09 and has continued relevance into the future because it illustrates the Department's performance can be maximized by proper employee training.

Key Workload Indicators:

87% of DORA employees participated in the training program. 88 sessions of 30 different classes were offered, and 87% of DORA's workforce (480 of 552 actual employees) participated in at least one session.

EXECUTIVE DIRECTOR’S OFFICE

4. DORA is a Trusted Resource.

Objective: The Legislature accepts DORA as a trusted resource for sunset, sunrise, rules review, budgetary and other policy matters.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
80% of DORA's recommendations are adopted by the Legislature.	Benchmark	80%	80%	80%	80%
	Actual	>90%	>90%	Unknown	Unknown

Strategy: Relying upon well-trained and professional staff ensures that each recommendation is sound and well researched with sufficient information to support the request or conclusions. DORA seeks to empower the legislature and its staff with enough information on a given analysis to agree with DORA’s analysis, to disagree with DORA’s analysis, or to ask informed questions. This includes four primary activities: stating clear assumptions behind each and every quantified cost or impact; tracing each assumption to specific bill language and omitting any assumption that is not driven by bill language; indicating the minimum cost thought to be necessary; and, being willing to update or correct an assumption that turns out to be inaccurate, with or without being prompted by questions. In this way, DORA’s primary interest is not in simply convincing outside entities that DORA’s analysis is correct, but rather in ensuring that the analysis itself is correct in the first place. This affords credibility that serves as a basis for being a trusted resource.

Evaluation of Prior Year Performance: This measure was established as a new measure for the FY 2009-10 Strategic Plan. In FY 2010-11, performance under the new measure was good. Information provided from sunset recommendations is estimated to have led to an 98.2% adoption rate, and fiscal note analysis was accepted with very minimal substantive disagreement; as such the Department is therefore reporting here that performance was >90%. The Department believes this signifies that information being provided is honest, accurate, and viewed as such by the General Assembly. This measure has continued relevance into the future because it emphasizes the importance of trust in the Department as a resource.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
Number of:	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Sunrise Reviews	3	2	3	3
Sunset Reviews	16	11	24	11
Fiscal Note Assessments	194	184	200	200

EXECUTIVE DIRECTOR’S OFFICE

5. Fair Standards.

Objective: DORA’s procurement and contracting processes are perceived as fair and understandable.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
85% of evaluators rate the procurement process as having been understandable and fair.	Benchmark	85%	85%	85%	85%
	Actual	100%	100%	Unknown	Unknown

Strategy:

The DORA Procurement Office will survey all department staff who requested solicitations during the planning period as well as all evaluation team members. This survey will ask for feedback on the process, such as how easy the process was to understand; whether the procurement office provide adequate guidance and information during the process; whether the customer felt that the solicitation process was fair.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the new measure was 100%. This measure has continued relevance into the future because it illustrates the fairness and clarity of the Division’s processes and performances.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
Number of:	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Contracts	70	64	70	70
Purchase Orders	519	569	570	570

EXECUTIVE DIRECTOR’S OFFICE

6. Consumer outreach.

Objective: Consumers are educated about their rights and understand how the violation of those rights can be addressed and resolved.

Performance Measure #6	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
% increase in web hits to DORA's website.	Benchmark	+ 10%	+ 10%	+ 10%	+ 10%
	Actual	+ 43.5% 177,498,380	+ 12.8% 200,163,133	Unknown	Unknown

Strategy:

In all meetings, outreach events, correspondence with consumers and consumer groups, and in media contacts, the EDO will include the DORA brand and emphasize the mission and any applicable mandates. The “call to action” for consumers will be to visit the DORA website for helpful tips, complaint processes and to verify licenses or disciplinary action.

Evaluation of Prior Year Performance:

DORA continues to educate consumers and regulated professionals on consumers’ rights and professionals’ responsibilities. This ongoing effort has paid off as the number of web hits to DORA’s website has increased by 12.8%.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Actual
	FY 08-09	FY 09-10	FY 10-11
Total Web Hits	123,993,673	177,498,380	200,163,133

DIVISION OF BANKING

1. Professional Outreach.

Objective: Bankers are aware of statutory and regulatory requirements.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Division annually conveys key regulatory issues and guidelines to 80% of state chartered banks.	Benchmark	80%	80%	80%	80%
	Actual	80%	80%	Unknown	Unknown

Strategy:

The Commissioner will attend and participate in the regulatory update seminars hosted by the FRB, director training sessions sponsored by the FDIC, and banker roundtables arranged by the bank trade groups. All examination exit conferences will be attended by a Division manager. Alerts, interpretive opinions, and operating agreements will be posted on the Division’s website, and an industry list serve will be utilized to electronically communicate key issues.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the new measure was good. Division staff attended and participated in regulatory update seminars hosted by the FRB, training sessions by the FDIC, roundtable discussion by industry trade groups and bank visitations. Division staff also attended examination exit conferences, and bank board meeting to discuss examination findings. Former Commissioner Strunk attended the Conference of State Bank Supervisors (CSBS) September 2010, and December 2010 Board meetings, and annual FDIC conference and FRB conference in October 2010.

Key Workload Indicators:

The content of this measure does not lend itself to absolute tracking. However, the Division substantiates the performance of this measure based on exit meetings, board meetings, and participation in the annual regulatory update meeting.

DIVISION OF BANKING

2. Complaint Resolution.

Objective: Consumer complaints are resolved in a timely and efficient manner.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of Consumer complaints are resolved within 30 days.	Benchmark	100% within 20 days	100% within 30 days	100% within 30 days	100% within 30 days
	Actual	52%	66%	Unknown	Unknown

Strategy: The importance of quick complaint resolutions will continue to be emphasized with Division staff. The time allowed for the bank to respond to the Division’s notice and details of the complaint will be shortened from 10 to 7 days. The Division will utilize interagency agreements with federal banking regulators to monitor trends and refer consumers to the appropriate agency as necessary.

Evaluation of Prior Year Performance: During FY 2010-11, the Division closed 65 consumer complaints with an average processing time of 19 days. The days-to-closed ranged from 3 days to 56 days. It should be noted that the complaint processing goal for national banks regulated by the Office of the Comptroller of the Currency is 60 days.

Complaints settled in favor of the consumer amounted to \$38,550. In addition to the formal complaints, the Division’s consumer complaints specialist fielded numerous general inquiry calls and concerns that did not rise to the level of a formal complaint, and/or were referred on to the appropriate regulatory agency for resolution.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 10-11	FY 11-12
Number of consumer complaints	58	65	60	60
Average Processing Time	39 days	19 days	30 days	30 days

DIVISION OF BANKING

3. Access to capital. *Objective:* Colorado’s low-income and under-banked consumers have better access to diverse products to meet their needs.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
An increase of 10% in the number of state-chartered banks that offer products targeted to the needs of under-served consumers.	Benchmark	+10%	+10%	+10%	+10%
	Actual	See Comment	See Comment	Unknown	Unknown

Strategy: Colorado’s low income and under-banked consumers will have better access to diverse products to meet their need. Communications with banking associations and other industry groups can continually serve to advance this interest depending on economic conditions.

Evaluation of Prior Year Performance: Recent years have been a time of great transition in financial services and more specifically the banking community, both in Colorado and nationally. In the current environment, banks are still struggling to fund loans to good borrowers, minimize loan losses and preserve capital. While the strategy outlined above was designed to provide better information as to the needs of the under-served in Colorado and how to achieve this measure, it is believed that more time is necessary to return to normal economic conditions before this can be effectively measured.

Key Workload Indicators: In light of the comments above, no relevant workload indicators yet exist for this measure. More time for economic recovery is necessary before the “number of state-chartered banks that offer targeted products” can be tracked.

DIVISION OF BANKING

4. Responsive government. *Objective:* Executive and legislative branches of Colorado government are able to influence banking policy.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
78% of Colorado banks are state-chartered & 75% of new charters are state-chartered.	Benchmark	>78% of Colorado Banks >95% of new charters	>78% of Colorado Banks >95% of new charters	>78% of Colorado Banks & >75% of new charters	>78% of Colorado Banks >75%of new charters
	Actual	No new charters; 79.85% of commercial banks are state chartered	No new charters; 77% of commercial banks are state chartered	Unknown	Unknown

Strategy: The measure will be achieved through the provision of fair and prompt regulatory oversight, streamlined application processing, and maintaining assessments at rates significantly below the levels applicable to national banks. Division managers will be evaluated based on prompt responses to bank inquiries, requests for interpretive opinions, and providing high quality supervisory oversight to regulated institutions. Delegated applications will be processed in under 10 business days. The Division’s application manager will work closely with new bank charter organizing groups to streamline the process and coordinate efforts with the FDIC officials reviewing the deposit insurance application. The Commissioner will meet with national bank management teams and volunteer to attend board of director meetings of all national banks that express interest in the state charter. Expenditures will be tightly controlled in order to preserve at least a 50 percent cost advantage for state assessments compared to national bank rates.

Evaluation of Prior Year Performance: During FY 2010-11 performance under the measure was good, within 1% of the benchmark for existing banks. There were no new bank charters were granted during FY 2010-11. This measure was adopted in FY 2008-09 and has continued relevance into the future because a desire to be state-chartered illustrates the ability of state government to influence banking policy.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF BANKING (* FirstBank combined from 25 banks to 1)	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 11-12
Regulated Institutions (as of 6/30)				
Commercial and Industrial Banks	105	79	76	76
Trust Companies	8	8	8	8
Money Order/Transmitter Licensees	46	51	55	60
Foreign Capital Depositories	0	0	0	0
Total Assets and other funds under supervision (000s omitted)				
Target	\$193,383,696	\$137,200,000	\$144,000,000	\$144,000,000
Actual	53% increase	29% decrease	5% increase	5% increase

Division of Banking

5. Economic Environment.

Objective: Public confidence is promoted, depositor funds are protected, and access to credit is facilitated by the safe and sound conduct of the business of state banks.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
New Measure: Complete 100% of Mandated Bank Exams	Benchmark	N/A	100%	100%	100%
	Actual	N/A	98%	Unknown	Unknown

Strategy: The Division will continue to strengthen its cooperative working relationship with the federal banking agencies to ensure thorough, full-scope examinations are conducted in a timely manner. The scope of examinations will be risk-focused based on off-site monitoring and surveillance reports, with particular attention focused on poorly performing banks with identified weaknesses. Enforcement actions ranging from board resolutions to cease and desist orders will be implemented promptly as warranted.

Evaluation of Prior Year Performance: The Division of Banking completed all mandated examinations, but is reporting the percentage as 98% because one state chartered commercial bank was completed unexpectedly early by a federal agency.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual FY 09-10	Actual FY 10-11
Percentage of Required Examinations Completed	100%	88%
Additional Discretionary Examinations Performed	2	98%

CIVIL RIGHTS DIVISION

1. Consumer complaint intake.

Objective: Consumers’ complaints are received and processed in an efficient and timely manner preserving consumer rights.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
80% of fully completed intake packets received will result in the drafting of a formal complaint or dismissal within 20 days.	Benchmark	80%	80%	80%	80%
	Actual	75%	74%	Unknown	Unknown

Strategy: In addition to expeditiously processing intake packets, the Division reorganized the intake unit to more closely align it with the work the investigatory units complete. Cross training of intake staff has been initiated to more efficiently meet stakeholder needs.

Evaluation of Prior Year Performance: Within 5 months, the Intake units had eliminated the intake backlog and improved the timeliness of drafting formal complaints to 80%-100% within 20 days. This averaged out to 74% for the entire fiscal year. At the same time, the quality of the formal complaints, information obtained, and reporting was improved.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of Cases Closed	845	714	775	775

CIVIL RIGHTS DIVISION

2. Consumer complaint intake.

Objective: Consumers’ complaints are received and processed in an efficient and timely manner preserving consumer rights.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
95% of charges filed are served on the Respondent within 10 days of filing of compliant	Benchmark	100%	100%	95%	95%
	Actual	90%	90%	Unknown	Unknown

Strategy:

Similar to the previous measure, in addition to expeditiously processing intake packets the Division reorganized the intake unit to more closely align it with the work the investigatory units complete. Cross training of intake staff has been initiated to more efficiently meet stakeholder needs.

Evaluation of Prior Year Performance: Within the first several months of FY10-11, the intake units were able to improve the timeliness of the service of formal complaints to 90%-100% served within 10 days of the receipt of the signed charge. This averaged out to 90% for the entire fiscal year.

This measure was adopted in FY 2009-10 and has continued relevance into the future because the Division’s performance under this measure helps show the preservation of consumer rights and efficiency of response.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of new cases opened	734	724	782	782

CIVIL RIGHTS DIVISION

3. Enforcement of consumer civil rights.

Objective: Investigations and mediations are resolved in a timely manner.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Complete 80% of investigations within 270 days of charge filing. Complete 80% of mediations within 30 days.	Benchmark	80%	80%	80%	80%
	Actual	81% Investigations 73% Mediations	81% Investigations 85% Mediations	Unknown	Unknown

Strategy: CCRD continues to evaluate the enforcement unit’s work processes to revise techniques in Civil Rights investigations that ensure timely investigations. CCRD also realizes and has implemented the guideline for timeliness in their Alternative Dispute Resolution unit, which moves matters to resolution more quickly, when possible.

Evaluation of Prior Year Performance:

This measure continues from FY 2009-10. Utilizing the strategy discussed above, the Division achieved both benchmarks, reaching 81% for investigations and 85% for mediations.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of cases closed	845	714	775	775
Number of mediations/conciliations	200	109	200	200

CIVIL RIGHTS DIVISION

4. Consumer education.

Objective: Public awareness of state and federal civil rights laws is increased with a key emphasis on retaliation, sexual harassment, and sexual orientation.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of outreach efforts convey at least one of the Division's identified key messages.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: Each year, CCRD increases the number of outreach/education events conducted and utilizes numerous staff members to broaden the message. The Division ensures that all training and outreach conducted by the staff of CCRD raises public awareness of civil rights laws and its key messages, where applicable, including in Division brochures, presentations, and the website. Although focus on the new basis of sexual orientation has fallen off somewhat, the Division understands that not all of the regulated community is current on the new law's applicability. Therefore, CCRD continues to emphasize that message in its outreach.

Evaluation of Prior Year Performance: Promoting the key messages regarding predatory lending and the new sexual orientation basis has been important in bringing awareness to the public. Through the Division's formal trainings, outreach, education, meetings, written materials, and the website, the Division has reached this goal.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of Training/education sessions and presentations conducted by staff	112	108	90	90
Number of Persons Trained*	3,849	3,625	3,000	3,000

*The Division sponsors civil rights conferences, forums, training, and fairs to provide education/information

CIVIL RIGHTS DIVISION

5. Outreach, intake and conflict diffusion.

Objective: Community and business groups, and government agencies partner with the Division on outreach to diffuse community conflicts, conduct targeted intakes and promote targeted messages.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
30% of the Division's activities where a partner was involved.	Benchmark	30%	30%	30%	30%
	Actual	58%	53%	Unknown	Unknown

Strategy:

CCRD continues to partner with community, academic, and government organizations to address a broader range of issues and potential complainants. This year, CCRD conducted education and outreach in numerous cities around the state, the majority of which the Division partnered with other organizations to maximize resources and reach.

Evaluation of Prior Year Performance:

Performance during FY 10-11 was good. The Division has developed a network of organizations who are dedicated to the same civil rights mission and with whom the Division partners in order to provide outreach in Colorado, including numerous government agencies, educational institutions, non-profit organizations, and businesses. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows the Division's outreach efforts and the affect on community conflicts.

Key Workload Indicators:

	Actual	Actual	Estimate	Estimate
	FY 08-09	FY 09-10	FY 10-11	FY 10-11
Number of Training/education sessions and presentations conducted by staff	112	108	90	90

OFFICE OF CONSUMER COUNSEL

1. Consumer Savings.

Objective: Consumers save money through OCC’s advocacy to reduced utility rates, obtain refunds, and decrease utilities’ rate increase requests.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Maintain a positive “Return on Investment” representing consumer savings of \$30 for every \$1 spent, based on a 4-year rolling average.	Benchmark	\$30 savings for each \$1 spent	\$30 savings for each \$1 spent	\$30 savings for each \$1 spent	\$30 savings for each \$1 spent
	Actual	\$30	\$17	Unknown	Unknown

Strategy: Following the final disposition of any filing or application in which the OCC participated on behalf of consumers, the designated OCC analyst will complete, within 30 days, an internal report of any savings and/or benefits achieved. The reports’ results will then be accumulated on an annual fiscal year basis at which time an updated rolling 4-year average will be computed and reported to EDC.

Evaluation of Prior Year Performance: The OCC continues to operate efficiently and effectively focusing more of its resources on larger more substantive dockets with larger impacts on consumers this fiscal year. The OCC intervened and advocated in accordance with its statutory duty and followed the analytical and litigative process of participating in each case. The OCC’s experienced technical staff provides insightful and fundamental testimony and ensures that Colorado consumer interests are represented. Some of the major accomplishments for this fiscal year include Qwest’s basic local service rate cap application, Public Service’s CPCN for the SmartGridCity project in Boulder and Black Hills’ and SourceGas’ rate cases. The savings figure of \$17 per each \$1 spent represents the timing of matters before the PUC in this particular fiscal year; however, the three-year rolling average of savings is much closer to the benchmark at \$29 per each \$1 spent. OCC focused more of its resources on more substantive dockets with larger impacts on consumers and it is important to note that not all of the OCC’s consumer advocacy is monetary. The OCC advocates for both consumer savings and benefits, which also results in improved service or other non-monetary return to Colorado customers. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance brings savings to the Consumer.

Key Workload Indicators: Relevant workload indicators to this measure include:

Office of Consumer Counsel Savings to Consumer	Actual FY 09-10	Actual FY 10-11
Solely Responsible (in millions)	\$18.57	\$19.57
Primarily Responsible (in millions)	\$0	\$0
Jointly Responsible (in millions)		
Actual	\$27.96	\$6.07

Note: The OCC does not estimate target numbers, as it cannot anticipate annual savings as a result of unknown interventions that may be required as a result of various utility actions.

OFFICE OF CONSUMER COUNSEL

2. Fair Rates. *Objective:* Consumers receive high quality and reliable services at fair and reasonable rates.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Review utilities' rate filings within 10 days to determine whether to participate in dockets affecting consumers' rates and/or quality of service.	Benchmark	10 days	10 days	10 days	10 days
	Actual	10 days	10 days	Unknown	Unknown

Strategy: On a daily basis, the OCC assigns to an analyst all pertinent rate-impacting filings received. The OCC holds weekly meetings to discuss each filing. The analyst recommends the disposition of said filing and the appropriate actions will be taken. An Access 2000 database is maintained that will validate when all filings were received in the entire year, when they were reviewed, what the disposition was and other pertinent information.

Evaluation of Prior Year Performance: In addition to using Sharepoint and the OCC's Access database, the office staff meets weekly with its legal counsel in order to determine what pertinent facts need to be gathered for each case, what positions to argue and what course of action needs to be taken. When an application with potential to have significant impact on Colorado consumers is filed with the PUC, the OCC takes immediate action, sometimes prior to using the databases and staff meeting, in order to get involved promptly. The benchmark has been successfully met for FY 2010-11.

Key Workload Indicators: Relevant workload indicators to this measure include:

Office of Consumer Counsel	Actual FY 09-10	Actual FY 10-11
Utility Filings Reviewed	644	766
Case Interventions/Active Cases	82	30
Filings Resolved/No intervention	24	120
Lack of Services/No intervention	2	1

Note: The OCC does not estimate target numbers, as it cannot anticipate the filings or cases that may be brought before the PUC in any given year.

OFFICE OF CONSUMER COUNSEL

3. Education/Outreach.

Objective: Consumers are knowledgeable about the OCC’s mission, scope and its consumer protection efforts.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of outreach efforts convey the OCC’s key messages of mission, statutory mandate, and consumer protection.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: In all meetings, OCC-sponsored outreach events, correspondence with consumers and consumer groups, and in media contacts, the OCC will include the DORA mission and any applicable mandates.

Evaluation of Prior Year Performance: The OCC ensures that all educational information on its website is updated and current and posts appropriate announcements regarding energy and telecommunications that affect Colorado consumers. As interest in Smart Grid is still growing, the OCC gives presentations at conferences and meetings and attends in/out of state and international events in order to share the OCC’s perspective from Colorado. The Consumer Counsel also participated in the first round of DORA’s PSAs.

This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows the Division’s performance in educating consumers about its mission and scope.

Key Workload Indicators: Relevant workload indicators to this measure include:

Office of Consumer Counsel	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Outreach Program				
Presentations, develop a speakers bureau	12	10	8	8

DIVISION OF FINANCIAL SERVICES

1. Complaint Resolution.

Objective: Consumers and businesses have quick and easy access to the Division’s resources for information and to file complaints.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of consumer complaints will be resolved within 45 days.	Benchmark	100%	100%	100%	100%
	Actual	100%	98%	Unknown	Unknown

Strategy:

The Division will respond to initial complaints within 24 hours. Incoming complaints and response times will be recorded to ensure measurable outcomes.

Evaluation of Prior Year Performance:

The Division responded to initial complaints within 24 hours of receipt. 98% of the consumer complaints received were resolved within the 45 day Division policy. This measure is expected to have continued relevance because it illustrates how the Division’s performance translates to consumer protection through complaint resolution.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of complaints resolved	81	67	75	75

DIVISION OF FINANCIAL SERVICES

2. Outreach.

Objective: Consumers and businesses are educated about the risks that exist in the marketplace and the regulatory framework that protects them.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
90% of communication the Division has with the public will address consumer protection, and the Division's identified key messages: having faith in financial institutions, information on contractual relationships, and educational resources.	Benchmark	90%	90%	90%	90%
	Actual	100%	>90%	Unknown	Unknown

Strategy: The Commissioner writes quarterly web-based newsletters that educate the public. Examiner knowledge of the consumer protection mission is measured in an annual employee survey.

Evaluation of Prior Year Performance: 100% of the Division's outreach to the public was based on timely consumer outreach. From the perspective of evaluation on an annual basis, the goal to address consumer protection by conveying faith in the financial services industry, the ability to be an educational resource for consumers and businesses alike was met for the FY 2010-11 performance period at least 90% of the time. Highlights include educating consumer concerning new overdraft rules were to go into effect on July 1. These changes resulted in how consumers would be able to use their debit cards and would impact the fees assessed for using them. Professional outreach was achieved when the Commissioner issued Bulletin teaching credit union boards of directors how to utilize CAMEL ratings when evaluating the performance of their credit union. The Commissioner also published an article on the Division's website to educate consumers about the fact that contents in a safety deposit box are not insured by the federal government. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division's performance reinforces faith in financial institutions and educational resources.

Key Workload Indicators: Given the qualitative nature of this measure, no workload indicator is thought to relate to this measure specifically.

DIVISION OF FINANCIAL SERVICES

3. Government Efficiency.

Objective: State-chartered institutions realize greater efficiencies than federally-chartered institutions.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
The average cost of regulation for state-chartered credit unions is at least 10% less than those of federally-chartered credit unions	Benchmark	>10%	>10%	>10%	>10%
	Actual	>33%	>10%	Unknown	Unknown

Strategy:

The annual fee assessment will ensure that the same discount applies across all state-charters.

Evaluation of Prior Year Performance:

The Division maintained an assessment that was less than the federal assessment by about 20%; therefore, this goal was exceeded for the fiscal year. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance creates increased government efficiencies.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
Cost of regulation (cents per \$1,000)	FY 09-10	FY 10-11	FY 11-12	FY 12-13
State Chartered	15.28	15.78	15.5	15.5
Federally Chartered	22.14	21.13	unknown	unknown

DIVISION OF FINANCIAL SERVICES

4. Access to Capital.

Objective: Colorado’s low income and under-banked consumers have better access to diverse products to meet their needs.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
1 additional credit union each year is designated as a community development provider.	Benchmark	+1	+1	+1	+1
	Actual	1	0	Unknown	Unknown

Strategy:

The Commissioner will attend at least two annual events dedicated to educating him about how to award a credit union as a community development provider. The Commissioner will sponsor or participate in an annual training session that will teach credit unions how to become a community development provider and how to apply for grants.

Evaluation of Prior Year Performance:

Ongoing negative economic conditions related to the "Great Recession" have resulted in slowing the industry's interest in obtaining this designation. No community development events were held this year. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance translates to increased community development.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Number of community development provider credit unions	3	0	0	0

DIVISION OF FINANCIAL SERVICES

5. Economic Environment.

Objective: Public confidence is promoted by the safe and sound conduct of state-chartered credit unions, life care institutions, and savings and loans.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
New Measure: Complete 100% of Mandated Exams	Benchmark	N/A	100%	100%	100%
	Actual	N/A	100%	Unknown	Unknown

Strategy: The Division maintains an ongoing watch list to track financial institutions that exhibit increased safety and soundness risk. 48 on-site examination visits were conducted, and the Division continued to enhance its off-site monitoring software that it developed in-house.

Evaluation of Prior Year Performance: 100% of examinations mandated by statute and policy were completed. This measure is expected to have continued relevance because it illustrates how the Division’s performance translates to increased consumer confidence.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual	Estimate	Estimate
Number of institutions	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Regulated	50	45	43	40

DIVISION OF INSURANCE

1. Complaint Resolution.

Objective: Timely resolution of complaints allows consumers to get the insurance they paid for to protect their assets.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
85% of consumer complaints will be resolved within 90 days.	Benchmark	85%	85%	85%	85%
	Actual	84.60%	82.2%	Unknown	Unknown

Strategy: We have shortened the companies’ response time to consumer complaints, analysts are evaluated on the timely handling of complaints in accordance with the 90-day goal; Consumer complaints and response times are monitored and reported monthly.

Evaluation of Prior Year Performance: For FY 2010-11, the Division's performance fell just shy of the benchmark. The Consumer Affairs Section returned \$11,571,136 to consumers and closed 4,617 complaints, but just over 82% of the complaints were resolved within 90 days.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Complaint Files Opened	3,401	2,983	3,500	3,500
Auto Protests Received	1,415	1,276	1,300	1,300
Consumer Complaints/Average Days Open	79	82	80	80
Protests/Average Days Open	50	50	50	50

DIVISION OF INSURANCE

2. Carrier Stability.

Objective: Colorado’s consumers and economy are protected through competitive and stable insurance carriers.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of examinations, analyses, and processes comply with national financial and market regulation standards and statutory requirements.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy:

The Division has adopted the NAIC standards and state requirements, and assesses and adjusts as changes occur to NAIC or state standards throughout the year. The Division updates rules, regulations, and bulletins related to state and national standards on an as needed basis.

Evaluation of Prior Year Performance:

During FY 2010-11, the goal of 100% was met. The Division amended 4 regulations to address changes in NAIC national and state standards. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance translates to insurance carrier stability.

Key Workload Indicators: Relevant workload indicators to this measure include:

Market Regulatory Actions	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Level 1 Market Analysis reviews	39	14	0	0
Other Market Regulatory Actions	63	17	20	20
Market Regulation Planning Meetings	7	2	4	4
Market Regulation Reports; Surveys; Data Calls and MCAS	492	469	14	14

DIVISION OF INSURANCE

3. Consumer Outreach and Education.

Objective: Consumers are educated about responsibilities, rights and choices, and the complaint resolution process.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
10% increase in the number of consumers reached through speaking engagements	Benchmark	N/A	N/A	10%	10%
	Actual	N/A	3,089 baseline	Unknown	Unknown

Strategy: Staff will be educated about key messages. Key messages are incorporated in all printed material: brochures, handouts, signage, trade show booth design, etc. Key messages are incorporated in website design and information. Key messages are included in talking points, speeches, panel discussions. Availability of the complaint resolution process will be highlighted on the web and in one-on-one contact with consumers.

Evaluation of Prior Year Performance: The Division continued to strengthen its knowledge about the Key Messages. Staff made 42 presentations to consumer groups and reached 3,089 consumers. Key messages were delivered in 41, or 97%, of the presentations. This becomes the baseline for the new measure, and the Division will try to reach 10% more consumers, totaling 3,398 during FY 11-12.

Key Workload Indicators: During FY 2010-11, the Division conducted 42 presentations and reached 3,089 consumers.

DIVISION OF INSURANCE

4. Business Education.

Objective: Insurance providers and companies can access the regulatory process in a timely and efficient manner.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
In 2010, 100% of all required filings are done electronically.	Benchmark	100%	100%	100%	100%
	Actual	97%	96%	Unknown	Unknown

Strategy:

The Division has enacted rules, regulations, and bulletins with regard to electronic filing requirements. The Division will contact and communicate with the company/individual to determine why they have not followed electronic filing requirements;

Evaluation of Prior Year Performance:

Over the past few years, the Division has made significant progress in increasing the number of electronic filings. In FY 2010-11, DOI received 23,329 filings of which 22,426, or 96%, were submitted electronically.

Key Workload Indicators: Several different workload indicators that are related to this measure are currently collected and tracked, ranging from insurance rate filings to premium tax filings to financial statements. These appear in the Department Description. However, the key workload statistic to this measure was stated above.

PUBLIC UTILITIES COMMISSION

1. Dispute Resolution.

Objective: Consumers are protected through timely and fair resolution of complaints and disputes and other issues among and between utilities and consumers.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
95% of informal consumer complaints resolved in 15 business days.	Benchmark	95%	95%	95%	95%
	Actual	92%	95%	Unknown	Unknown

Strategy: Consumer Affairs staff is trained in proper complaint handling procedures. Timeliness of complaint resolution is tracked through the Consumer Complaints Tracking System. Work with regulated utilities to ensure information is provided to staff and consumers in a timely fashion.

Evaluation of Prior Year Performance: Performance during FY 2010-11 met the benchmark of 95%. The consumer affairs unit was fully staffed for the fiscal year and met the 95 percent standard. The unit also saved consumers \$302,578 through its intervention with regulated utilities.

Key Workload Indicators: Relevant workload indicators to this measure include:

Public Utilities Commission	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Fixed Utilities				
Complaints Close	2,053	1,932	2,000	2,000
Transportation				
Complaints Closed	361	575	300	300
Investigations Closed	236	322	325	325

PUBLIC UTILITIES COMMISSION

2. Economic Oversight.

Objective: Colorado utilities maintain financial viability through just and reasonable rates.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Measured over a 5-year period, the savings the PUC secures for consumers outweighs the cost of the agency.	Benchmark			5 year net savings	5 year net savings
	Actual	\$84.1 million (\$6.91 in savings for every \$1 expended)	\$85.4 million (\$6.63 in savings for every \$1 expended)	Unknown	Unknown

Strategy: Vigorously analyze rate filing data to ensure the filing is justified and the resulting rates are reasonable. Negotiate settlements with utilities on rate cases when appropriate. Compare Colorado utilities “rate of return” with other national utilities to ensure rates are providing the companies the opportunity to earn a profit and thus maintain financial viability. Track savings for consumers as a result of complaint resolution.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the new measure was good. The accounting for savings in utility rate regulation is complex because rates are often in effect over periods crossing several fiscal years. The Commission ruled on 4 rate cases (2 electric and 2 gas) in the past fiscal year approving \$36,600,365 as compared to the \$71,655,813 requested. The savings in the 2010-2011 fiscal year for the rate cases decided was \$20,016,039 (additional savings will occur in subsequent years). There was continuing rate savings of \$64,239,332 from prior years. The Commission also authorized refunds totaling \$1,186,452 to customers for quality of service issues and complaint resolution. In total Commission decisions in effect over the past fiscal year resulted in \$85,441,823 in savings to customers. The total budget for the PUC for fiscal year 2010-2011 was \$12,888,311. The result was \$6.63 in customer saving for every \$1.00 expended.

Key Workload Indicators: Relevant workload indicators to this measure include:

	Actual	Actual
	FY 09-10	FY 10-11
Savings (in millions)	\$84.1	\$85.4
Costs (in millions)*	\$12.1	\$12.1

*Pass-through funding is no longer included in this measure as it is not an applicable PUC cost.

PUBLIC UTILITIES COMMISSION

3. Outreach.

Objective:

Consumers and utilities are educated about their rights and responsibilities and the effect of PUC decisions.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of outreach is consistent with the key messages of consumer protection, education and public participation.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: Consumers are provided the opportunity to address the Commission at every weekly meeting and prior to all major rate cases a public hearing is held. The Commission holds frequent information meetings to educate the public on important utility issues. The Commission regularly publishes and revises “Consumer FYI” publications, which inform ratepayers how PUC decisions will affect them. The Commission holds town meetings when feasible.

Evaluation of Prior Year Performance: In FY 2010-11, performance under the new measure was good. The PUC held 5 public hearings, 12 Commission Information meetings and published or revised 3 Consumer FYI publications during the fiscal year. Public comment was solicited at every weekly meeting. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance translates to consumer protection through education of consumer and utility responsibilities.

Key Workload Indicator: No workload measures presently collected are thought to clearly relate to this measure.

PUBLIC UTILITIES COMMISSION

4. Safety and Compliance.

Objective: Utilities provide reliable, safe, equitable, adequate, and quality services.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% score from the Office of Pipeline Safety annual review.	Benchmark	100%	100%	100%	100%
	Actual	99.5%	100%	Unknown	Unknown

Strategy: Pipeline inspectors spend at least the minimum required time in the field and follow approved pipeline safety inspection procedures and conduct thorough investigations of jurisdictional incidents. Similarly, transportation safety and rail safety inspectors follow appropriate federal and state laws and procedures in conducting inspections and safety audits.

Evaluation of Prior Year Performance: During FY 2010-11, performance under the new measure was good. Federal-State safety certification requirements and program guidelines require minimum inspection time and qualified inspectors to perform pipeline safety inspections of intrastate pipeline operators. Procedures and qualifications are reviewed and observed during actual field work involving welding, pipe fitting, repairs, and incident investigation. Similarly, transportation safety and rail safety inspectors follow appropriate federal and state laws and procedures in conducting inspections and safety audits. The federal on-site audit resulted in a 96.0 point score.

This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance results in reliable and safe utilities.

Key Workload Indicators: No specific workload indicator is thought to be relevant given the nature of the measure.

PUBLIC UTILITIES COMMISSION

5. Motor Carrier Permits.

Objective: All over-the-counter applications are timely processed to verify qualifications to operate.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Process 100% of completed applications within 5 business days of receipt.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy: Customer Care staff is trained in proper application processing procedures. Timeliness of application processing is tracked through the Operating Rights system. Application processing is contingent upon the filing of proper proof of insurance. This process is no longer reliant upon the mail, as all proof of insurance filings are now electronically filed with an accuracy rate of 99%.

Evaluation of Prior Year Performance: In FY 2010-11, performance under the new measure was good. Upon receipt of a completed application, 90% of over-the-counter applications were processed within 1 business day. 100% were processed within 5 business days. This measures how the Division’s timely performance ensures consumer protection through verification of motor carrier permits.

Key Workload Indicators: Relevant workload indicators to this measure include:

Public Utilities Commission	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 11-12
Transportation				
Authority Applications Processed – Intrastate Regulated Carriers	128	104	110	110
Permits, Registrations and Stamps Processed/Issued	12,099	17,639	18,000	18,000

Division of Real Estate

1. Enforcement.

Objective: Coloradans are protected by vigorous and consistent enforcement of applicable laws, thereby creating a level and equitable playing field for the consumer and regulated professions.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
60% of all complaints closed within 180 days. Any complaints not closed within 180 days are considered "backlog."	Benchmark	75% within 180 days	75% within 180 days	60% within 180 days	60% within 180 days
	Actual	75% Real Estate 97% Mortgage Brokers 93% Appraisers	70% within 180 days	Unknown	Unknown

Strategy: The Division of Real Estate acknowledges complaint receipt within three business days and consumers are notified of investigator assignment within five business days. 85% of cases are investigated within 180 days. Cases are presented to the respective board or commission within 30 days of completion of the investigation. Matrices are utilized by all boards and commissions to ensure that disciplinary recommendations and decisions are consistent. Cases are referred to the Expedited Settlement Program within one day of a disciplinary decision, and stipulated agreements are mailed to the respondents within three days of a board or commission decision. 83% of cases assigned to the Expedited Settlement Program are resolved within 180 days of complaint receipt. Due to the Office of Administrative Courts' workload, cases are set for hearing within 180 days instead of the proposed three months.

Evaluation of Prior Year Performance: During FY 2010-11, performance of investigations was good, and 70% of complaints were closed within 6 months. This measure is expected to have continued relevance because it illustrates how the Division's performance translates to consumer protection through enforcing compliance of applicable laws.

Key Workload Indicators: Closed cases will be the most important indicator for this measure and will be reported in future years. Presently collected workload indicators thought to be relevant to this measure include:

DIVISION OF REAL ESTATE	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 11-12
Complaints in Progress	609	490	575	575
Complaints Received (respondents)	1,571	1,465	1,525	1,525
Completed Investigations (respondents)	1,200	1,122	1,230	1,230

Division of Real Estate

2. Outreach.

Objective: Stakeholders are educated to ensure the public and regulated community know and can exercise their rights and responsibilities

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Increase number of web hits by consumers by 10%.	Benchmark		10%	10%	10%
	Actual	N/A	124%	New Measure	New Measure

Strategy:

The Division of Real Estate will sponsor outreach events, increase correspondence with consumers and consumer groups, enhance media relations, and the Division will include the DORA mission, its jurisdiction, and any applicable mandates.

Evaluation of Prior Year Performance:

During FY 2010-11, performance under the new measure was excellent, as the number of web hits by consumers increased by 124%. The Division of Real Estate published two newsletters that have been posted to its website. The Division strives to complete newsletter publication on a quarterly basis. The Division has been utilizing blast electronic mail communications to licensees and interested parties to notify consumers of policy and rule changes made by Boards and Commissions. The communications direct consumers to the Division's website for additional information regarding the specific topic. Enhancements have been made to the Division's website so that consumers can easily navigate through the information it contains.

Key Workload Indicators: During FY 2010-11 the total number of web hits by consumers to the Division website was 18,019,986.

DIVISION OF REAL ESTATE

3. Proactive Regulation.

Objective: Proactive and interactive outreach with stakeholders leads to necessary regulation.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Staff for the Board of Mortgage Loan Originators and the Board of Real Estate Appraisers will each conduct two annual training sessions for the industry and consumers to address the regulatory changes created by the enactment of the Dodd-Frank Act.	Benchmark	N/A	2	2	2
	Actual	N/A	16	Unknown	Unknown

Strategy: Staff for the Board of Mortgage Loan Originators and the Board of Real Estate Appraisers will each conduct two annual training sessions for the industry and consumers to address the regulatory changes created by the enactment of the Dodd-Frank Act. It is expected that this measure will provide a better and more meaningful illustration of Division efforts to involve and conduct outreach that helps inform regulation.

Evaluation of Prior Year Performance: Staff participated in 16 speaking engagements to real estate appraisers, mortgage loan originators and real estate brokers that included discussions on the regulatory changes created by the passage of the Dodd-Frank Act.

Key Workload Indicators: The number of training sessions was 16 for FY 2010-11.

DIVISION OF REAL ESTATE

4. Timely Access.

Objective: All license applications and renewals are efficiently processed.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Applicable license applications are processed within 3 business days of receipt of completed application.	Benchmark	75% within 3 days	75% within 3 days	75% within 3 days	75% within 3 days
	Actual	100% within 5 days	95% within 3 days	Unknown	Unknown

Strategy: To meet this measure the Division of Real Estate first intends to ensure smooth implementation of the new mortgage broker regulatory program. The division also is focusing on resolving fingerprint problems and ensuring applicants are educated on obtaining E&O coverage. The licensing applications will be redesigned for better efficiency, an on-line application will be designed for the mortgage broker program, credit card processing will be implemented for renewal applications and a cash management process will be created and implemented.

Evaluation of Prior Year Performance: The Division surpassed the benchmark during FY 2010-11 at 95%. The Division processes complete applications for licensure within three business days of receipt, excluding applications for initial subdivision registration. By law, the Division is provided 60 days to process subdivision applications and due to the complex nature of the documents submitted, it takes 60 days to process these applications. Although there were delays with the National Mortgage Licensing System, the Division was still able to process completed mortgage loan originator applications within three days of receipt. The application process for mortgage loan originators is electronic and credit card processing has been implemented where possible.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF REAL ESTATE	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
New Broker Licenses Issued	1,988	1,634	1,650	1,750
New Corporations/Partnerships	376	404	400	500
Broker License Renewals	10,662	10,660	10,700	11,000

DIVISION OF REAL ESTATE	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
New Subdivisions	7	8	10	10
Subdivision Renewals	121	117	120	120
New Appraisers—Certified General	60	54	50	50
New Appraisers—Certified Residential	215	63	60	60
New Appraisers—Licensed	30	15	15	15
New Appraisers—Registered	58	66	60	60
Appraisal Renewals	1,172	1,031	1,000	1,000

DIVISION OF REAL ESTATE

5. Complaint Processing.

Objective: Consumer complaints are resolved in a manner ensuring consumer confidence in the process while preserving market integrity.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Complaints are investigated and referred to the Real Estate Board, Commission or Division Director for action or dismissal within 180 days of receipt of the complaint. Any complaints not completed within 180 days are considered "backlog."	Benchmark	100%	100%	100%	100%
	Actual	100%	85%	Unknown	Unknown

Strategy:

The Division of Real Estate intends to meet this performance measure through streamlining the complaint process across all programs. At the intake phase acknowledgement of the complaint will be made within five business days. The project manager will then review and assign the complaint to an investigator within five business days and the complainant will be notified. Investigations will be completed within six months of intake. After the investigation is complete the program manager will review the investigation and determine how to handle it and what recommendations will be made to the commission, board or director within five business days. Fining matrices will be created and published for all three programs housed within the division to ensure recommendations and final results are consistent and properly tracked. Cases will be presented to the commission, board or director at a maximum of 30 days after the investigation is complete. The resolution of cases will be complete within five days and may include referral to the Office of the Attorney General or sending out a settlement agreement to the respondent. Final disposition of

cases may take up to three months after the investigation is complete if a case goes to hearing or is referred to another regulatory agency. Payment policies for efficient compliance will be established for the final disposition stage and respondents will be notified of non-compliance within five business days.

Evaluation of Prior Year Performance:

The Division of Real Estate investigated 85% of complaints within 180 days, which is short of the target of 100%. There has been significant improvement in reduction of the agency's investigative backlog. 3% of the cases assigned to the staff of the Real Estate Commission are considered backlogged and 5% of the complaints assigned to the staff of the Board of Mortgage Loan Originators are considered backlogged. The Board of Real Estate Appraisers has a 49% backlog, but the Division plans to eliminate the backlog by devoting additional resources to this program.

This measure is expected to have continued relevance because it illustrates how the Division’s performance translates to timeliness of processed applications, efficiently keeping the regulation process moving to protect consumers.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF REAL ESTATE	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 11-12
Complaints in Progress	609	490	575	575
Complaints Received (respondents)	1,571	1,465	1,525	1,525
Completed Investigations (respondents)	1,200	1,122	1,230	1,230

DIVISION OF REGISTRATIONS

1. Complaint Resolution.

Objective: Consumer complaints are resolved in a timely and accountable manner.

Performance Measure #1	Outcome	FY 08-09 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
In the Office of Investigations, 95% of High Priority cases will be investigated within 90 days and 90% of Standard cases will be investigated within 180 days.	Benchmark	95% / 90%	95% / 90%	95% / 90%	95% / 90%
	Actual	100% / 95%	100% / 93%	Unknown	Unknown

Strategy:

The Division will continue to monitor cases assigned to staff in the Office and will reassign cases when necessary in order to meet the measure. The Division will also evaluate the measure to determine if the target of 180 days is appropriate.

Evaluation of Prior Year Performance:

In FY11 the Office of Investigations received 44 more cases than in FY10 and met the targets, completing 100% of priority cases within 90 days and 93% of routine cases within 180 days. This measure is expected to have continued relevance because it illustrates how the Division's performance translates to timely resolution of consumer complaints in an effort toward consumer protection.

Key Workload Indicators:

Two relevant workload indicators to this measure include:

DIVISION OF REGISTRATIONS

2. Consumer Education.

Objective: Consumers are educated about their rights and ways in which to access the Division and its services.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
100% of Boards and Programs will conduct outreach to consumer groups on DORA's mission, filing a complaint and ALISON.	Benchmark	100%	100%	100%	100%
	Actual	100%	100%	Unknown	Unknown

Strategy:

The Division will continue to dedicate staffing and fiscal resources for education and outreach, rely upon technology to gather consumer feedback and work internally with the Department to develop consumer feedback models.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under this measure was very good. The measure aligns with the Division’s communication efforts and focuses on key messages to educate consumers. Key messages include DORA’s mission, information on how to file a complaint and how to verify information about regulated professions using the Division’s website resources. Outreach was accomplished through both Division-wide and individual Board and Program presentations to consumer groups, participation in various media events and representation at community events. The Division also developed a Smart Consumer Guide which has been received well by consumers. The measure continues to have relevance into the future as it demonstrates how the Division’s performance translates to consumer awareness and the usage of services provided by the Division..

Key Workload Indicators: No presently collected workload indicator is thought to relate to this measure specifically.

DIVISION OF REGISTRATIONS

3. Fair Standards.

Objective: Public health, safety and welfare are enhanced through fair and consistent oversight and enforcement of regulatory standards.

Performance Measure #3	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
20% increase in the number of programs that will evaluate complaints and develop targeted outreach to licensees and consumers.	Benchmark	+20%	+20%	+20%	+20%
	Actual	33% increase	12.5% increase	Unknown	Unknown

Strategy: The Division will continue with the current strategy. The eight Boards that met the measure in FY10 will continue providing targeted outreach. Additional Boards and Programs will evaluate complaints and determine and provide the best type of outreach for their respective professional organizations and licensees.

Evaluation of Prior Year Performance:

In FY11 this goal was not met due to staff vacancies in two program areas. This measure achieved only 12.5% of the targeted 20% increase. The Pharmacy Board provides an example of what was achieved under this effort. Pharmacy Board staff conducted a review of complaints and found dispensing errors and security violations where of particular note. The board tailored its outreach to target these issues in a effort to create awareness and compliance with the standards of practice.

Key Workload Indicators: Given the qualitative nature of this measure, no presently collected workload indicator is thought to relate to this measure specifically.

DIVISION OF REGISTRATIONS

4. Timely Access.

Objective: The public is protected by licensing qualified applicants in a timely and efficient manner.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
90% of qualified applicants are licensed or approved for exam within 14 days of receipt of an application that includes all required documentation.	Benchmark	90%	90%	90%	90%
	Actual	92%*	90%	Unknown	Unknown

*Based on reporting limitations of the current licensing system, 92% is based on a small statistical sample using available information as noted below

Strategy:

The Division will use online applications and credit card payments as well as the electronic transmission of application and examination data to help speed up the process. The Division will work with the Office of the Attorney General, Boards and Committees to achieve the Strategic Result. The Division will continue to (1) facilitate acquisition and implementation of a new licensing system that will allow applicants to submit online applications and credit card payments, (2) investigate electronic transmission of application, examination and other data to help speed up the process, (3) provide outreach and education to applicants regarding the licensing process and (4) work towards generating more reliable reporting of data.

Evaluation of Prior Year Performance:

Although the measure was met in FY 2010-11, the 90% is based on a sampling of 5,000 applications due to the reporting limitations of the current licensing system. We are continuing in our efforts to implement the new licensing system. The Division also met this measure by (1) cross training so that there is no lag in application processing due to illness or vacation, (2) application enhancements to make the forms easier to follow and complete and to allow the processing to be expedited, and (3) staff performed professional outreach.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF REGISTRATIONS

5. Efficient Government.

Objective: Efficiency and security are improved through the use of technology.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
New Measure: 90% of Boards and Programs use electronic means for distribution of agenda packets.	Benchmark	N/A	90%	90%	90%
	Actual	N/A	57.5%	Unknown	Unknown

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Old Measure: 50% increase in the number of Boards-Programs that use electronic means for distribution of agenda packets.	Benchmark	+50%	+50%	N/A	N/A
	Actual	200%	+37.5%	Unknown	Unknown

Strategy: When the Strategic Plan was initiated, this measure to increase the boards or programs by 50% made sense since there were very few that used electronic means to distribute their meeting agendas. However, the Division is at the point now where it makes more sense to achieve an overall 90% conversion rate. This would also give the reader a better idea of where the Department is with regard to attaining the result targeted by the original measure.

Evaluation of Prior Year Performance: With respect to the new measure, by the end of FY 2010-11, 19 of 33 boards (57.5%) were using paperless agenda packets for these meetings. The target is to be at 90%. With respect to the old measure, 3 additional boards implemented in FY 2010-11. Compared to 8 additional boards the prior year, this is a 37.5% increase year-over-year in newly implemented boards.

Key Workload Indicators: At the end of FY 2010-11, 19 of 33 boards (57.5%) were using paperless agenda packets for these meetings.

DIVISION OF SECURITIES

1. Licensing.

Objective: Colorado Consumers are protected from investment fraud through fair and just enforcement of licensure standards for stockbrokers and investment advisors.

Performance Measure #1	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Contact for additional information all broker-dealers who have special review applications pending for stockbrokers within one week of receipt of the application by the Division.	Benchmark	125	125	125	125
	Actual	600	546	Unknown	Unknown

Strategy: A monitoring system will identify special review applications and monitor those in need of additional information. Once established, additional information will be requested.

Evaluation of Prior Year Performance:

In FY 2010-11, performance under the new measure was excellent. The monitoring system tracked 546 special review applications for securities licenses. Of the 546 applications, 292 applications, or 53%, resulted in no license being granted. Of the 546 special review applications, 11 licenses were issued to individuals who are subject to special conditions for their activities in Colorado.

This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance protects consumers through enforcement of regulation and licensing standards.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF SECURITIES	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Broker-Dealer and Investment Adviser Licensing				
(SEC = Securities and Exchange Commission)				
SEC Broker-Dealer Applications	158	147	175	175
Investment Adviser Applications	247	258	300	300
SEC Broker-Dealer Renewals	2,240	2,205	2,300	2,300
Investment Adviser Renewals	2,087	2,136	2,000	2,000
Non-SEC Broker-Dealer Applications	1	4	5	5
Non-SEC Broker-Dealer Renewals	7	10	10	10
Sales Representative and Investment Adviser Representative Licensing				
(FINRA = Financial Industry Regulatory Authority)				
FINRA Sales Representative Applications	35,065	41,072	36,500	36,500
FINRA Sales Representative Renewals	145,504	153,576	144,000	146,000
FINRA Disciplinary Withdrawals	341	292	300	300
Non- FINRA Sales Representative Applications	1	15	5	5
Non- FINRA Sales Representative Renewals	7	10	10	10
Investment Adviser Representative Applications	2,058	2,449	2,100	2,100
Investment Adviser Representative Renewals	9,231	9,522	9,000	9,000

DIVISION OF SECURITIES

2. Examinations.

Objective: Investors are protected from dishonest and unethical sales practices through examinations, which ensure that brokerage and investment advisory firms comply with the law.

Performance Measure #2	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Annually examine 145 licensed Investment Advisor Representatives and brokerage firms in Colorado.	Benchmark	125	125	145	145
	Actual	66	65	Unknown	Unknown

Strategy: The Division received two additional examiners beginning in FY 09-10, which will significantly increase improvements during FY 2009-10 in order to accomplish this measure.

Evaluation of Prior Year Performance: In FY 2010-11, the Division performed 65 examinations, or 52% of its goal for the year. Given the current vacancy on the exam staff, the Division will achieve 70-75% of its measure of 145 examinations for next fiscal year. In addition, the Division has submitted a decision item for additional examiners related to an increase of 100 in the number of investment advisory firms due to the Dodd-Frank Act, and has therefore increased the benchmark by 20 to signify a 5-year examination cycle. The request for examiners has been approved and, when hired, the Division will be on track to meet its goal.

This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division’s performance protects consumers through enforcement of regulation and licensing standards.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF SECURITIES	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Field Examinations	66	65	145	145

DIVISION OF SECURITIES

3. Enforcement.

Objective: Colorado Consumers are protected by deterring investment fraud activity through timely and thorough investigations and enforcement actions.

Performance Measure #4	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Upon receipt of a complaint, within 15 days make a determination as to whether justification exists to open an active investigative case.	Benchmark	100%	100%	100%	100%
	Actual	94%	95%	Unknown	Unknown

Strategy: Once the complaint form is received, a review will be performed to determine if there is a violation of the Colorado Securities Act. If so, an investigation will be opened. If not, the staff will attempt to refer the complaint to the appropriate regulatory or law enforcement agency.

Evaluation of Prior Year Performance: In FY 2010-11, performance under the new measure was good, and the Division achieved 95% of the complaints received, just shy of the 100%.

Key Workload Indicators: Relevant workload indicators to this measure include:

DIVISION OF SECURITIES	Actual FY 09-10	Actual FY 10-11	Estimate FY 11-12	Estimate FY 12-13
Enforcement Statistics and Projections				
Total Caseload	294	240	348	348
New Cases	129	114	156	156
Files Closed	93	129	132	132
Total Legal Actions	160	171	180	180

DIVISION OF SECURITIES**4. Investor Education.**

Objective: Public awareness is heightened about basic financial principles, investor protection issues and regulatory safeguards to help make sound investment decisions.

Performance Measure #5	Outcome	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Approp.	FY 12-13 Request
Increase website use and use of the Division's interactive web games which improve investor awareness skills by 10%	Benchmark	+10%	+10%	+10%	+10%
	Actual	61%	(7)%	Unknown	Unknown

Strategy:

Using DORA's website analysis, a baseline can be established for current statistics of usage. We expect to utilize partners, such as the Jumpstart Coalition, the National Financial Literacy Network, and Newspapers in Education, to publicize the availability of the web games in order to generate web traffic.

Evaluation of Prior Year Performance:

This measure was established as a new measure for the FY 2009-10 Strategic Plan and was not in existence during FY 2007-08. In FY 09-10, performance under the measure was 1,284,971 hits for an average of 107,080 per month. In FY 10-11, the Division's website had a total number of hits of 1,187,030 for an average of 98,919 per month. This number was a decrease of 7% over FY 09-10. Given the large increase of 61% in FY09-10, a slight downturn was not unexpected, but the Department expects the trend to grow as education efforts continue. This measure was adopted in FY 2009-10 and has continued relevance into the future because it shows how the Division's performance ensures investor protection through education.

Key Workload Indicators: Recent actual data includes a website increase of 61% between FY 08-09 and FY 09-10 (1,284,971 hits), but a decrease of 7% in FY 10-11 (1,187,030 hits).

3.11 EVALUATION OF SUCCESS IN MEETING BENCHMARKS

In general, the Department fared well in meeting both existing and new measures. First, at the Department level, outreach is a very important element central to consumer protection, and web hits to the Department's site increased by 23 million, continuing to meet Department's 10% increase target at 12.8% and reflecting an 8% increase in page views. Similarly, Divisions uniformly report meeting outreach targets. Public awareness and education about DORA and its programs helps DORA protect consumers.

Additionally, the amount of savings and return on investment achieved through regulation, settlements, and rate reviews continues to be strong at well over the Department's 100% target. DORA's appropriation and its ultimate cost to fee-payers and tax-payers is easily reported, and similarly, the amount of savings being achieved by DORA divisions is also tracked. Comparing DORA's cost to estimated savings as a performance measure is intended to assess the extent to which DORA is meeting its objective to play an active part in improving Colorado's economic environment.

Last year the Department reported an overall savings figure of \$183.9 million for FY 2009-10 based on estimated savings rates for rate cases, rate approvals, miscellaneous enforcement, and penalties, which reflected a 164.7% return on investment compared to a baseline appropriation of \$69.5 million. For FY 2010-11, the savings figure is \$142.7 million, which compares to a baseline appropriation of \$66.9 million and translates to a 113.1% return on investment. Baseline appropriations include costs to operate the Department and its programs, without including pass-through and federal funding that does not represent a DORA or State cost. Savings are estimated and fluctuate by year based on the timing and significance of matters before DORA entities. It is important to observe that the Department's benchmark conservatively targets that savings exceed costs each year for several reasons. First, annualized savings figures involving rates that remain in place since the date of the original action can recur until further rate action, and accumulated savings has a positive influence on estimated annual savings. This occurs in both PUC and the Division of Insurance. Further, savings can only be estimate based on requested rates. These factors restrict the level of precision available to the Department in characterizing savings. The Department's ability to report on this indicates that it continues to play an active part in improving Colorado's economic environment, and it signifies that regulated entities and consumers are receiving excellent value for the investment in DORA, without seeking to overstate the Department's value.

In summary, the Department is pleased to report successful performance in many important areas, and intends to focus on those other areas where benchmarks were not met. All told, the Department's planning efforts are meeting their purpose in serving to realistically define the Department's targets for success and performance in achieving it.

