

Testimony of William M. Rubenstein
Executive & Legislative Nominations Committee

February 17, 2011

Sen. Looney, Rep. Janowski, Sen. Fasano, Rep. Piscopo and Honorable members of the Executive & Legislative Nominations Committee, I am William M. Rubenstein of West Hartford. It is a great honor to be here before you today as Governor Malloy's nominee to serve the citizens of Connecticut as the state's Commissioner of Consumer Protection.

Let me start with a bit about my background. I am a lawyer by trade and training. I have spent half of my professional career in public service, first as an attorney at the Federal Trade Commission in Washington, D.C. and, later, as an Assistant Attorney General here in Connecticut. My 11 years in Connecticut's Attorney General's Office was spent in the Attorney General's Antitrust and Consumer Protection Department. In that capacity I served as counsel for the Department of Consumer Protection and litigated a variety of consumer protection and antitrust cases on behalf of the State of Connecticut. For the past 13 ½ years I have been in private practice focusing on antitrust, consumer protection and related trade regulation law. During that time I also served as the firm's ethics officer and spent 11 years as managing partner, overseeing the firm's growth from six lawyers to nearly 60 lawyers in three offices - Hartford, New York and Washington, D.C.

I have also taught in the field of consumer protection. I was an adjunct in UCONN's MBA program for 7 years, teaching a variety of law-related courses, including courses specifically in consumer protection and competition law. Additionally, for three out of the past four years I have taught the Antitrust and Trade Regulation course at the UCONN Law School.

My entire professional career -- as a federal enforcer, as a state enforcer, in the private sector and as an academic -- has been directed at understanding how to ensure

that markets operate fairly and effectively. In basic terms, that means understanding how to ensure that consumers get the products and services that they want – and not the products and services that they don't want. And it means assuring consumers that those products and services are safe, of the highest possible quality and at the lowest possible price.

The Department of Consumer Protection has been given wide-ranging responsibilities spanning from liquor control -- to occupational licensing – to food, drug and product safety – to fighting unfair and deceptive practices and unfair methods of competition, to name a few. All of these responsibilities, however, have a core set of common principles. That is, the Department's mission is to assure safe and fair marketplaces for consumers.

Given the current economic climate, the Department of Consumer Protection will confront many challenges from those compromising our safety by cutting corners to save a few dollars and, significantly, from those that would take advantage of people in times of economic hardship. I expect the Department to meet those challenges and be vigilant and vigorous in rooting out bad actors. Those who perpetrate fraud against Connecticut consumers deserve no quarter and will get no quarter on my watch.

As for the many, many legitimate businesses that are such important engines of the state's economy -- while I expect to be vigorous and tough in protecting consumers, the Department must do so without unduly interfering with an efficient marketplace that allows firms to grow and prosper by competing on the merits for consumers. My experience, both inside government and outside it, is that business does not fear strong consumer protection enforcement. What businesses want – and what I am committed to providing – are clear rules of conduct and transparent, predictable and fair enforcement policy. Both consumers and legitimate businesses will benefit from competition when it is conducted on a lawful basis.

Finally, the Department's understanding of marketplaces must adapt to 21st century realities, where e-commerce is prominent as is the use and misuse of personal consumer data. I would expect to be a participant in a dialogue with the General Assembly, as well as with counterparts in other states and the federal government, about developing best practices in these areas. The challenge will be in making sure that we do

not diminish the robustness of the good that the web has to offer while at the same time assuring that consumers are protected in the cyberworld in the same way that they are when they walk into a brick-and-mortar establishment in their Connecticut neighborhoods.

I come back to where I began, with my experience. My years at the FTC, at the Attorney General's Office and in private practice has steeped me in the substantive law and policy that forms the Consumer Protection Department's responsibilities. My time spent managing and growing my law firm provided me with administrative skills that will allow me to work effectively with the Department's personnel and to bring an entrepreneurial mind to creating and maintaining efficient protocols for the delivery of the Department's mission. Finally, an important role of the Department is consumer education. My experience in teaching provides a sensitivity to the need to teach in a way that people will learn. I expect to draw on that experience in enhancing the Department's outreach and consumer education tools. The old adage is certainly true – an ounce of prevention is worth a pound of cure.

Fortunately, the Commissioner of Consumer Protection has been given a rich toolbox upon which to draw to achieve the Department's broad and important goals and the Department has a corps of dedicated and talented personnel who are up to the task. I look forward to working shoulder-to-shoulder with them to protect Connecticut consumers.

I close by expressing my deep gratitude to Gov. Malloy for honoring me with this nomination. I pledge to work diligently to earn the confidence he has shown in me. I thank the members of this committee—many of whom have already been generous with their time in getting to know me. It is my goal to earn your support and confidence as well in the position I will be honored to hold with your approval. Thank you again for your time.

