Chief of the Month: Brett T. DeLange, Idaho

Each month, the Center for Consumer Protection will provide an article about an Attorney General’s Office Consumer Protection Chief.

Recently, I turned 60, and, in looking back on my 27 years as a deputy attorney general in the Consumer Protection Division of the Idaho Attorney General’s Office, I can recall many challenges and rewards. I came to the Boise-based office in August 1990 after earning my law degree from the University of Washington School of Law in 1984, clerking for two years with the Idaho Supreme Court, and working (i.e., billing) four years in private practice.

My first “big” case as a new deputy attorney general involved a company and seven individuals who, as part of an investment pyramid scheme, sold Silver Eagle coins to Idaho consumers. This was my introduction to consumer law practice and the value of an active consumer protection division. The office shut down the company, obtained $110,000 in civil penalties, and recovered over $130,000 for consumers in the form of thousands of Silver Eagle coins, which we later auctioned off.

Other cases followed. There was Ramjet, a company that sold a bogus “carburetion booster” that it claimed converted a car’s “engine waste into clean power” and “increased the car’s MPG up to 10%.” It did no such thing. Idaho also has seen its share of healthcare quacks, including a doctor who sold “electronic resonators.” For example, he claimed his Spacecrafter, a post-card sized, battery-operated resonator, could automatically “clear a room” of any “toxic smog”—sort of like an exorcism in a box. And there was the biotech company that advertised it could diagnose a person’s vitamin deficiencies by testing saliva. This seemed legitimate except for the fact that the company obtained consumers’ saliva samples via fax. The jig was really up when an investigator faxed a soy sauce sample to the company and it sent back a lab report detailing health related concerns and providing healthcare recommendations.

But no case I’ve handled matches the scope or significance of the 1998 Tobacco Master Settlement Agreement (MSA) between state attorneys general and the nation’s largest tobacco companies. For much of the past two decades, I have dedicated my time to enforcing (or defending) the MSA and its related legislation. Each year my office reports the total payments the State of Idaho has received through the MSA. As of July 2017, that total was $454.7 million. In 2006, NAAG graciously recognized my work in the area of tobacco with the Laurie Loveland Award.
My caseload also includes antitrust matters, and, while I’ve handled a number of interesting matters during my tenure, the one case I found most challenging involved a billion dollar healthcare system’s anticompetitive acquisition of Idaho’s largest and oldest independent physicians group. The Attorney General’s Office and the Federal Trade Commission filed a federal lawsuit against the healthcare system to undo the acquisition. A one-month trial was held in September 2013. We prevailed at trial and on appeal before the Ninth Circuit. The case concluded in May 2017 when the healthcare system completed its divestiture of the physicians group.

As a deputy attorney general and then division chief of the Consumer Protection Division, I’ve had the privilege of working with Idaho’s first Native American attorney general, Larry J. Echo Hawk, and Idaho’s longest serving and current attorney general, Lawrence G. Wasden. I am fortunate to have an administration that counsels and supports me and consistently enforces Idaho’s laws.

In my 27 years here, the Consumer Protection Division has undergone a name change, an office fire, a legislative defunding (and refunding), two office moves, and division consolidations (and deconsolidations). Every day a novel legal issue presents itself, a new scam surfaces, or a unique office or personnel complication arises. That will not change no matter how many more years I work here. But I also have a wife, five children, and four grandchildren, and if I’ve learned nothing else in my 60 years on earth, time is precious and life is too short not to do what you love. Believe me, I have.