

**CONSUMER PROTECTION & GOVERNMENT OPERATIONS COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Consumer Protection & Government Operations Committee was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **July 31, 2001**, at 10:00 a.m.

MEMBERS PRESENT:

Legislator Cameron Alden, Chairman
Legislator Michael D'Andre
Legislator William Lindsay

MEMBERS ABSENT:

Legislator Andrew Crecca
Legislator Fred Towle

MEMBERS PRESENT FOR EXECUTIVE SESSION:

Legislator Fred Towle

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Warren Greene, Aide to Legislator Cameron Alden
Charles Gardner, Director to the Department of Consumer Affairs
Bruce Dragonette, Assistant Director to the Department of Consumer Affairs
Bonnie Godzman, Intergovernmental Relations, County Executive's Office
Stuart Lieberman, Lieberman & Blecher Law Firm
Shari Blecher, Lieberman & Blecher Law Firm
Jack West, Bottled Water Association
Ken McCallion, McCallion & Associates LLP
Irving Like, Counsel to McCallion & Associates
Robert T. Burns, P.E., Dvirka and Bartilucci
Susan Hynes, McCallion & Associates
David Schachtman
Michael Rothfield, Newsday
J. Douglas Richards, Milberg Weiss Bershad Hynes & Lerach
Steve Crandall, Milberg Weiss Bershad Hynes & Lerach
Frank Janosek, Milberg Weiss Bershad Hynes & Lerach
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 10:00 a.m.)

CHAIRMAN ALDEN:

Good morning. I'm going to call the Consumer Protection Committee to order and we will start with the Pledge, as led by Legislator D'Andre.

SALUTATION

CHAIRMAN ALDEN:

Okay, we have a pretty big agenda today. But what we're going to do is we have one card, David Schachtman.

MR. SCHACHTMAN:

Yes.

CHAIRMAN ALDEN:

Okay, I'm going to have you come up and speak first. If you want to, you can use the podium. Whatever is more comfortable for you. If you want to use the chair.

MR. SCHACHTMAN:

I'll use the chair.

CHAIRMAN ALDEN:

Good and then now, just we'll make sure the microphone is on.

MR. SCHACHTMAN:

One, two.

CHAIRMAN ALDEN:

Good and sir, you have three minutes. Oh, yes and just give your name for the record?

MR. SCHACHTMAN:

My name is David Schachtman and I live in Mastic, New York. I want to say good morning to all. I'm here to represent the fact that my personal experience relating to new homebuilders over the last four years, in two separate incidences, seem to relate that the licensing that does not exist is a very, very essential factor. The Consumer Affairs people are not involved with these home builders and the essence of what happens is that the C.O. of issuance by the building department is apparently the protection that the County and all of the Towns within the County, feel the protection lies in the C.O. of issuance. However, what occurs and the reality is that after the closing takes place, the builder, instead of becoming ABC any longer, as a corporate structure disappears and therefore, all of the warranties and guarantees are no longer in place, leaving the buyer in a position where even if he goes to litigation, he cannot win. He is only a loser because he ends up paying for legal advice and representation and there's nothing to win. There has to be some type of situation set up where they're on the closing date that there's an issue, a bond issued, or some funds put in escrow to protect the new home buyer.

In addition, there are many subcontractors involved in these constructions. What happens is that if you go with a complaint to the Consumer Affairs people and I'm sure Mr. Gardner, if he's around, would understand that it was brought to his attention not too long ago, wherein the sub-contractors are not liable to the home owner, because they weren't hired by the homeowner. They were hired by the new homebuilders. So, therefore, whatever problems you may have with any of these sub-contractors performance, you have no recourse again, as a buyer. I think that the Legislature should come up with some way to protect new homebuyers.

CHAIRMAN ALDEN:

It's a good point that you're bringing up. But are you a lawyer sir?

MR. SCHACHTMAN:

Pardon me?

CHAIRMAN ALDEN:

Are you an attorney?

MR. SCHACHTMAN:

I can't hear you.

CHAIRMAN ALDEN:

Are you an attorney?

MR. SCHACHTMAN:

No, I'm not.

CHAIRMAN ALDEN:

Okay, because there's certain things you can do like when you have a new home built for

you, or if you have renovations done on your house, there's a contractual relationship and if you wanted to, you could insist in that contract that a bond be issued for the two years or be placed, some money in escrow, things like that. So you're free to do things on a contractual basis. Also there's a -- and I can't give you legal advice but there's a third party beneficiary type of argument that can be made for anybody that's done work that's not in direct contact with you. But the crux of what you're really getting at is a very interesting point and then it's probably something that we should be looking at and that's some type of license or some type of protection on the overall scheme. When a builder and I have seen it done also over the past 20 or 30 years, a builder will build a whole development even and then folds up that corporation.

MR. SCHACHTMAN:

Absolutely.

CHAIRMAN ALDEN:

And it really leaves everybody with virtually nothing. Or leave it as a shell corporation and it leaves the people with just about nothing to be able to go after. I'm not sure about the jurisdiction but Paul Sabatino is here and we're going to -- we can't just hit him with things out of the blue but, you know, given a little bit of a timeframe, Paul can do some research on it and I believe that Legislator Lindsay had some questions too.

LEGISLATOR LINDSAY:

Builders are absolutely governed by the Towns through the Building Department and we don't license builders. We do license home improvement contractors. If you were in the house and you hired a contractor to renovate your house, then they would be covered by County Statute. The sub-contractor issue though, I'm not too sure about, maybe Charlie can clear it up. We do license electricians and plumbers and we take consumer complaints on electrical contractors and plumbing contractors all the time. Charlie, does that only apply to a renovation where they're working directly for the homeowner or would it apply to a builder as well?

MR. GARDNER:

The electrical work, you know, we cover all the electrical work.

LEGISLATOR LINDSAY:

So if the electrician was working for general contractor building a house and the homeowner had a complaint about the electrician, we would take the complaint?

MR. GARDNER:

Yes, we would.

LEGISLATOR LINDSAY:

Okay. Just a little nuance there. We don't cover the general contractor but we cover some of the sub-contractors through the existing County Laws. And the points that you're making are very, very valid and I agree with Cameron, it's something that, I think, we should look into.

MR. SCHACHTMAN:

You know, I think that we miss the bigger picture here, in that, you know the County's focus should be to enhance the Townships to potential homebuyers. You know we have to attract people to our communities. How do we do that? If we don't show them that we want to protect them when they come in to make their biggest investment in their lives by buying homes in our communities? What are we doing? We're sending them away to Nassau County, you know or other --

CHAIRMAN ALDEN:

Well, Nassau County does --

LEGISLATOR LINDSAY:

Nassau County is worse, believe me. You know it's the evolution of government on Long

Island that the Towns traditionally always had the jurisdiction over building permits and regulating this type of activity. But Nassau County is actually worse, to tell you the truth.

MR. SCHACHTMAN:

The point I'm trying to make sir is that there are other underlying situations here. You know you understand more people in the community, the better it is for the community. We're all going to, you know, have move positive things occur when we bring new and viable people into our communities.

LEGISLATOR LINDSAY:

I don't think anybody disagrees with you.

MR. SCHACHTMAN:

I understand that.

LEGISLATOR D'ANDRE:

Mr. Chairman?

CHAIRMAN ALDEN:

Legislator D'Andre.

LEGISLATOR D'ANDRE:

You are aware that we have a restitution fund in Suffolk County? Up to five thousand dollars. Perhaps we should look at that becoming ten thousand dollars and that's at no cost to the taxpayer. It's the sub-contractors or contractors put up fifty dollars one time only for that protection. But it's very hard in a democracy to legalize everything. You know if you hire a landscape contractor and the gardener fouls up the garden, you can't take the gardener to court. It's the contractor that's doing the job. So we're the land of freedom and it's got some downsides to it and that's one of the downsides. However, there was a time when people did excellent work and you can rely on them. Today, it almost has to rely on it by reputation and there isn't too many good reputable people out there. Charlie may run into a lot of them. Let Charlie, come up here and address this. Charlie? Mr. Chairman is it all right if Charlie comes up and addresses this? Give us the with or withal of this Charlie.

MR. GARDNER:

This is an issue that has come before the Legislature in the past. Certainly, anything is doable, however, as the gentlemen pointed out the Consumer Affairs Licensing Statutes do not cover new homebuilders and there are a whole variety of reasons why the County has not gotten into that part of the building trades. First of all that's what closing is all about and title companies and attorneys and bank representatives, etc., as was pointed out by the Chair, there is a contract involved. When you start talking about making and developing a statute, for instance, that would cover a bond or an escrow account. Okay, who is going to manage it? How long is it going to be? We get complaints from people who three, four, five, six years down the road, the ceiling starts to crack or the floors are not what they were supposed to be. Are you going to bond somebody? For instance, two years was mentioned. Well, a lot of the complaints that people get, they don't show up until after that. You're going to lengthen that? Where's that money going to be?

As far as the restitution fund, remember that's only for licensed home improvement people doing home improvement work. That doesn't apply to a new homebuilder. So if you created that category, you would first of all have to license them and then you would -- maybe not be in conflict with but you certainly then have to be working with the Towns and all the different Building Departments and the C.O.'s and the permits, etc., Those lengthy discussions, which have taken place in the past have really yielded no legislation to date for new homebuilders. While the builder is working on it, he or she owns that property. They are not doing it for somebody else yet. It's not until the point of transfer, you know, at closing and then it's strictly as again, as the Chair pointed out, it's a contract basis. Well, you're supposed to have certain kind of windows. You are supposed to have certain kinds of floors. You are supposed to have a certain type of tile. Certain type of whatever. That's all

supposed to be in the contract. That's what you pay your attorneys for.

CHAIRMAN ALDEN:

Just to take that one step further. I think that it probably would be very fruitful to contact the Suffolk County Bar, because they have a real estate committee on that and you know, we can go at this problem two different ways. We'll have our Legislative Counsel do some research on it from the point of view of what we can do of regulatory and also, we'll have the Suffolk County Bar in. Maybe there should be some type of -- it's not a requirement when they put it together but they can put together a suggested type of contract and a suggested type of timeframes and things like that, where bonds get released or bonds are created. So there's two different ways of doing it and we'll take that up. I'll invite some representatives from the Suffolk County Bar and we'll have a -- you know, we have to give our Legislative Counsel some time to actually do the research and you know, we'll take it up. We have your address and your phone number.

MR. SCHACHTMAN:

Yes.

CHAIRMAN ALDEN:

And if we're going to do a hearing on it, I'll definitely give you a call.

MR. SCHACHTMAN:

Great. I really appreciate that. Then, I think, you have the right focus here Mr. Alden.

CHAIRMAN ALDEN:

Okay, thank you.

MR. SCHACHTMAN:

Thanks very much sir.

CHAIRMAN ALDEN:

Thanks a lot. What I want to do is I want to go quickly through the agenda because of all we have on. We have two things on the agenda that are both my proposed legislation. The first is 1358 a Local Law to ban discriminatory zone pricing. I'm just about done with the redraft of that. So I'm going to make a motion to table that, seconded by Legislator Lindsay. All those in favor? Opposed? That stands tabled.

TABLED RESOLUTIONS:

I.R. NO. 1358-01 (P) Adopting Local Law No. 2001, A Local Law to ban discriminatory zone pricing of gasoline in Suffolk County. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS (Legislator Cameron Alden)

VOTE: 3-0-0-2 TABLED

CHAIRMAN ALDEN:

Also, my Local Law to establish health bottled water-labeling law. I'm redrafting that and I've got some comments and I think there's some people here today that want to make some more comments. So I'm going to make a motion to table that, seconded by Legislator D'Andre. All those in favor? Abstained? Okay, that stands tabled also.

I.R. NO. 1490-01 (P) A Local Law to establish healthy bottled water labeling law. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS AND HEALTH (Legislator Cameron Alden)

VOTE: 3-0-0-2 TABLED

CHAIRMAN ALDEN:

With that said, we did have some representatives from the bottled water industry. Did you want to come up and speak on this?

MR. WEST:

Thank you Mr. Chairman. My name is Jack West and I'm the Chairman of the Government Relations Committee of the International Bottled Water Association. And for most of the last 23 years, my name was the name that was on the New York State Certificate for three of the bottled water plants in the Metropolitan area. We've had a chance to get some feedback on the proposed draft legislation and we're heartened by the confluence of interest. The Bottled Water Association, on a national basis, has mandated for its members that it provide starting -- most of them do anyway but there are a handful of small regional bottler's who do not provide the telephone number on their label. So our members will be required to provide proof of that for their annual surprise inspections, which are conducted by the National Sanitation Foundation. That started this year and the Year 2001, for our members.

We account for about 80 percent of the bottled water bottled in the country and most of the bottled water distributed in Suffolk County. Similarly, a bottled water quality report, which closely tracks the features of the federal public water, consumer right to know report is mandated for IBWA of bottled water members starting for the Year 2002. That's unique for a food product. We think that the information that's required for municipal supplies very closely tracks that that the consumers ought to have on their bottled water. Because not all bottled water is drunk as a replacement for carbonated soft drinks. Some bottled water is drunk for replacement of tap water. Sometimes even under public emergency. So we're mandating that for our members.

We'll be petitioning the FDA to have that in the regs. They don't move very quickly and we would encourage the County and the committee to join us in that petition when we do so. And it's not very often that I'm in agreement with the legislative committee of the Long Island Water Council representing municipal water suppliers but Paul Granger and I think alike on this issue. The consumer has a right to know what he's drinking and we're looking forward to working with staff.

CHAIRMAN ALDEN:

Okay. Thank you very much. Any questions?

LEGISLATOR D'ANDRE:

To all waters, domestic or foreign or just --

MR. WEST:

The FDA regulations apply to all waters produced and distributed in the United States regardless of origin.

LEGISLATOR LINDSAY:

Sir, before you leave. Ho --

MR. WEST:

Sorry.

LEGISLATOR LINDSAY:

So you're in favor of this particular local legislation?

MR. WEST:

Yes, I can tell you that the only wrinkles that I'd like to discuss with staff are the small exception where a supermarket chain may have it's own private label water and they may insist on their own telephone number rather than the bottle's telephone number on there. We'd want to make sure that the consumer doesn't get a run around on that. That's something, I think that we can work out with staff.

CHAIRMAN ALDEN:

Thanks.

MR. WEST:

Thank you Legislator.

CHAIRMAN ALDEN:

The second discussion that we have on scheduled for today is on our MTBE proposed, MTBE litigation and as you know, we're interviewing law firms for that. We have a number of law firms present today and what we're going to do is about a three minute -- we're going to allow each one of you about three minutes to introduce yourselves to us and then, if you can stay around, we're going to go into Executive Session where you know -- and there we'll would be on an individual basis. We have another conference room in the back and there we can ask you some of the particulars and other types of strategies that we really, at this time, would not want to make public. So I'm going to call you up. We have Hill, Betts and Nash. Gregg O'Neill, I believe, is here from that firm.

MR. O'NEILL:

I don't know if I'll need the whole three minutes.

CHAIRMAN ALDEN:

That's fine. Because then there's a couple questions I have to ask you on the record. You have to use the microphone.

MR. O'NEILL:

My name is Gregory O'Neill. I'm from Hill, Betts and Nash. My firm first appeared before you about fifteen years ago. I remember Mr. D'Andre. You entrusted us with two cases.

LEGISLATOR D'ANDRE:

You're aging me.

MR. O'NEILL:

Yes sir and we're all aging a little bit.

CHAIRMAN ALDEN:

Well, that's when you first graduated from high school, right Mike?

MR. O'NEILL:

The Ricco Case against LILCO and also the contract case. We worked for the Suffolk County Water Authority doing pollution work. In the last two weeks and doing our research preparing for today more thoroughly, it appears we may have a conflict, a potential conflict. Not real but potential and we think that this would not be the case for us and we would serve you best by withdrawing. I think your Counsel should be above, even the appearance of conflict. So we very sorry. We thank you for your time.

CHAIRMAN ALDEN:

Okay. Thank you.

LEGISLATOR D'ANDRE:

Only honest people do that.

CHAIRMAN ALDEN:

Okay, we have McCallion and Associates.

MR. MCCALLION:

Good morning. Thank you very much. I'm sorry to see Gregg O'Neill leave. As you know, we worked together on the LILCO Shoreham litigation. Ken McCallion of McCallion and Associates and I'm am joined here today, it's really a joint presentation by my firm McCallion and Associates, which specializes in environmental litigation around New York State, as well as around the country and Irving Like of the Reilly, Like Firm. I'm also joined by Bob Burns. I want to make sure I pronounce the name right. It's Dvirka and Bartilucci, which is an M. & M. Engineering Firm, which we are working with regard to Suffolk County MTBE issues. They've been -- they work on New York State DEC matters relating to a number of contaminants and superfund sites. And perhaps in a private session, we could talk to you a

little bit about the work which Bob Burns and his firm, as well as other experts that we are working with in what's called the MDL litigation for MTBE. Those are a lot of initials but multi-district litigation, as you know, there's a matter pending in the federal court in the southern district of New York, before Judge Sheerer Shinlin and you may have, at the last session relating to this, spoken with one of my co-counsel in that case, Mitchell Brect from Weitz & Luxenberg Firm.

We can get into more particulars in the private session but we have been working over the last several years, not only generally in the environmental area but more specifically relating to MTBE. And the firms and experts that we've been working with have been swept up, as it were, in this multi-district litigation in the southern district of New York. The primary focus of my knowledge and what I have been working on as distinct from Irving Like, who has other ideas of where litigation and legal investigation could go in Suffolk County and perhaps, I'll seed the 30 seconds to him, if I may?

But our focus, as you know, in the southern district is to go out for the major oil companies for their misrepresentations to the EPA and to the public with regard to the risks of MTBE. We have been focusing upon that in other MTBE cases. We're going after specific, what we call point source locations, gas stations and others. And we have gathered a good bit of knowledge representing home owners and contaminated well owners in the Hudson Valley, Hyde Park area, which is probably other than Suffolk County, one of the most seriously damaged area. We thank you for the opportunity to make a presentation. In addition to the materials that we presented, we had for today's session, prepared some handouts perhaps to guide some of our discussion. But perhaps, I should reserve that for the private session at this point.

CHAIRMAN ALDEN:

Good, thank you. I'm just going to run down a list of questions that my Legal Counsel tells me we have to get on the record. Do you have any pending litigation involving the County and if so, in what capacity, plaintiff or defendant?

MR. MCCALLION:

No pending litigation, certainly against Suffolk County. One of our co-counsel in the multi-district litigation, actually one of the plaintiffs is a plaintiff in the multi-district litigation against the major oil companies is a Suffolk County resident. He's not our client but in the interest of full disclosure, we are quite familiar with the MTBE situation in Suffolk County.

CHAIRMAN ALDEN:

Okay. Is your firm or any family member of your firm or partner of your firm under contract with Suffolk County in any capacity?

MR. MCCALLION:

No.

CHAIRMAN ALDEN:

Okay. Do you have any personal relationships with any officer or official or employee of the County of Suffolk, which would create a potential conflict of interest?

MR. MCCALLION:

No.

CHAIRMAN ALDEN:

Okay. The other question is would you contemplate performing this work on a contingency fee basis?

MR. MCCALLION:

Yes. Perhaps, I could just ask Irving Like. He might have -- if he has any slightly different answers other than, which I have. Because I know Irving has done a lot of work with Suffolk County and the Suffolk County Legislature before.

MR. LIKE:

I have a pending litigation against the County involving a bar claim for certain real property and the Town of Southampton, which was filed very recently. I don't see that that has any relevance to this because the issues -- they have to do with title to a certain property, however, if it is a problem, I will certainly withdraw. I also am a member of the Suffolk County Electrical Agency and in that capacity deal with energy matters. I don't see that that is a hindrance in any way in this matter.

CHAIRMAN ALDEN:

Okay. Thank you. Also, we have Stuart Lieberman from the firm of Lieberman & Blecher today.

MR. LIEBERMAN:

Thank you very much. It's a pleasure to be here this morning. My name is Stuart Lieberman and my partner Shari Blecker is with us as well. Our firm is Lieberman and Blecker. We're from Princeton, New Jersey. We are currently involved in three lawsuits on behalf of about four hundred to four hundred fifty parties concerning MTBE problems. Two are in New Jersey. One is in Bayville, New Jersey. We're representing about a hundred and eighty people against Cumberland Farms and Chevron, in an instance where all of the groundwater, the drinking water wells in the area became contaminated from MTBE contamination.

Another in New Jersey is in North Haldon, New Jersey where we have one particular source of contamination that affected an entire community. We also have a case in Liberty, New York in Sullivan County where we have a case against Mobil, Exxon. But actually one is a Mobile station. One was a Mobile station. One was an Exxon station and now they're both Mobil, Exxon and we represent upwards of three hundred people there concerning the contamination of the Village's drinking water. There was one drinking water well that was contaminated and resulted in -- now there's a need for an alternate water supply.

Our firm was the first to file an MTBE case in New Jersey. We have tremendous experience in MTBE litigation. Our cases are at all different levels. We've been involved in extensive discovery. We work with -- and our proposal would be here to work with the firm of {Mazzary and Vidido} as co-counsel. That's the firm that's referred to is the Erin Bockovitch Firm. That's her firm. They have extensive toxic tort litigation. My personal background and my partner's background is environmental law. I was an environmental lawyer. I have been one since 1986. I represented the State of New Jersey as a Deputy Attorney General and then was in private practice since then.

Also, I've had substantial experience representing various governmental entities throughout New Jersey, including Atlantic City, {Bergenteen Vymland, Middlesex Borough, Pleasantville and Ridgefield Park, as special Counsel to these municipalities in environmental matters of all different types. So I'm experienced and familiar with working with government bodies, when it comes to litigation and you know, assessing their needs and working with them. And in closed session, I'd be glad to answer any other questions. Certainly, I would be happy to answer those questions that you ask me for.

CHAIRMAN ALDEN:

Good. I'll just run down the list then quickly. Do you have pending litigation involving the County?

MR. LIEBERMAN:

No.

CHAIRMAN ALDEN:

Is your firm or any family member or you, or a partner in your firm under contract with Suffolk County?

MR. LIEBERMAN:

No.

CHAIRMAN ALDEN:

Do you have any personal relationships with any officer, official or employer of the County of Suffolk?

MR. LIEBERMAN:

No.

CHAIRMAN ALDEN:

Would you contemplate performing this work on a contingency fee basis?

MR. LIEBERMAN:

On a modified contingency basis, yes.

CHAIRMAN ALDEN:

Good. Okay, we can take that up in Executive Session.

MR. LIEBERMAN:

Yes.

CHAIRMAN ALDEN:

Thank you.

MR. LIEBERMAN:

Thank you.

CHAIRMAN ALDEN:

At this point, I'd also like to recognize the Chairman of the Environmental Committee; David Bishop has joined us today. Legislator's Crecca and Legislator Towle has an excused absence, both of them.

LEGISLATOR D'ANDRE:

I might add a happy Bishop.

CHAIRMAN ALDEN:

Well he seems happy. Is that right?

LEGISLATOR D'ANDRE:

He should be.

CHAIRMAN ALDEN:

All right, next we have Dennis Stewart from Milberg Weiss. Is he here? No? Okay. That's all I had on my list. Is there anybody else here that wanted to address the committee? Is there anybody else that has any business to come before the committee? Because what I plan on doing then is I'm going to let the stenographer go, because we'll just adjourn the committee and then go into Executive Session.

LEGISLATOR LINDSAY:

Before we adjourn, I'd like I'd like to get something on the record.

CHAIRMAN ALDEN:

Sure. Legislator Lindsay.

LEGISLATOR LINDSAY:

Yes, I'd just like to take a point of personal privilege. I guess it was the last meeting of Consumer Affairs. We had a young woman by the name of Brooke McMullen appear before us about a credit card problem that, I think, we all felt kind of bordered on fraud. And we recommended we sent over to her a complaint form to fill out with Charlie Gardner in Consumer Affairs and I'm sorry Charlie isn't here. Ms. McMullen called our office yesterday morning and told us she was notified by the credit card company that there was an error

and she owes them nothing. And I think that's a great example of this committee, Consumer Affairs in Suffolk County doing a good job. And I wanted that on the record.

CHAIRMAN ALDEN:

Good news. Thanks a lot for putting that on the record. Is it Mr. Stewart? Okay. You just slipped under the wire. So if you want to come forward, what we've done is we're doing about a three-minute presentation and that's just an introduction of your law firm to the members of the committee. And then we're going to go by individual law firms into Executive Session and we'll do some questions and answers that way. And we can discuss legal strategies and things of that nature that would best be done in Executive Session off the record. So if somebody wants to come up and do a presentation?

MR. RICHARDS:

Good morning. My name is Doug Richards. I'm with the New York Office of Milberg Weiss and I have Steve Crandell and Frank Janosek from our San Diego Office here with me. We are very interested in representing the County, as set forth in the materials that we've submitted. We've done a lot of environmental litigation in the past. We are the largest plaintiffs class action firm in the country. In the New York Office, we have twenty-eight partners and eighty-three attorneys in total. We have a presence nationwide in a number of different cities and in many respects, in addition to the environmental litigation that we've done before, which is set forth in the materials that we presented.

We also have a variety of experiences in other areas of the law that are analogous to types of issues that can come up here. We were very, very involved in the tobacco litigation, which -- and there are some issues that may come up here that are in some respects, somewhat analogous to the tobacco case, in that, in order to overcome the defense that the government required this chemical in gasoline. I think something that may be useful to show is a knowledge on the part of the producers that the chemical was more dangerous than the government knew it was or then they were representing to the government, which is very analogous to the types of issues that came up in the tobacco case. And really, the general background of the firm and so on has been set forth in the materials that have been provided and if there are any questions, we're here to address them.

CHAIRMAN ALDEN:

There's just a series of questions we have to put on the record and it's -- I have been advised by my Legislative Counsel that we have to go through these. Do you have any pending litigation involving the County of Suffolk?

MR. RICHARDS:

No, we do not.

CHAIRMAN ALDEN:

Is your firm or any family member or are you or a partner of your firm under contract with Suffolk County?

MR. RICHARDS:

No, we are not.

CHAIRMAN ALDEN:

Do you have any personal relationships with any officer, official or employer of the County of Suffolk, which would create a potential conflict?

MR. RICHARDS:

No.

CHAIRMAN ALDEN:

And would you contemplate performing this work on a contingent fee basis?

MR. RICHARD:

Yes, we would and the basis that we proposed is set forth in the papers that we've offered.

CHAIRMAN ALDEN:

Good. Okay and unless anybody has any other questions or things they want to put on the record? We're going to do is we're going to go into Executive Session. We're going to allow - I'm going to make a motion to go into Executive Session for the purposes of the discussion of the MTBE litigation and the following law firms will come in there, Milberg Weiss, McCallion and Associates, Lieberman and Blecher and Hill Betts and Nash and any of their associates or associated law firms that they want to bring in or experts. And then approve the presence of General Counsel. That's all we need. And a second by Legislator D'Andre. All those in favor? Opposed? Okay that's so carried. Also, I'm going to make a motion to adjourn and we're not going to come back on to the record after the Executive Session. So that motion is seconded by Legislator D'Andre. All those in favor? Opposed? That's approved. So you're all set and thank you very much.

(The meeting was adjourned to go into Executive Session at 10:35 a.m.)

{ } Denotes spelled phonetically