

**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 at the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **February 7, 2002** at 11:30 a.m.

**MEMBERS PRESENT:**

Legislator Cameron Alden, Chairman  
Legislator Lynn Nowick, Vice Chair  
Legislator Allan Binder  
Legislator Martin Haley  
Legislator Bill Lindsay

**ALSO IN ATTENDANCE:**

Paul Sabatino, Legislative Counsel  
Warren Greene, Aide to Legislator Cameron Alden  
Joe Muncey, Budget Review Office  
Charles Gardner, Director of Consumer Affairs  
Bill Faulk, County Executive's Office  
Ed Hogan, Aide to Legislator Lynn Nowick  
Terry Pearsall, Aide to Legislator William Lindsay  
Meghan O'Reilly, Liaison to Presiding Officer Paul Tonna  
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 11:32 a.m.)

**CHAIRMAN ALDEN:**

It's about 11:32 and I think we're ready for the Consumer Protection Committee Meeting. So we're going to go out and start with the Pledge and we'll have it led by Legislator Nowick.

**SALUTATION**

**CHAIRMAN ALDEN:**

Okay. Good morning. We had one resolution on but the County Executive pulled it. So the revised agenda should have reflected that. We really didn't have a resolution on. But we do have a presentation by Charlie Gardner and I'd like to call you up at this point in time. And it's something that we brought up at the last committee meeting and that was fees and the schedule of renewals and all that kind of stuff and you supplied it. I think you sent it to everyone. Didn't you Charlie?

**MR. GARDNER:**

Yes Mr. Chairman, we sent it by FAX and by hard copy.

**CHAIRMAN ALDEN:**

Good. So everybody should have a copy of that. Now, I have another copy of -- Legislator Lindsay was so kind as to do a little bit more work than the rest of us did and let me just hand these out. Allan, you're on this committee, right?

**LEGISLATOR BINDER:**

Yes.

MR. GARDNER:  
Good morning.

CHAIRMAN ALDEN:  
All right. Charlie, just can you get further into the conversation we started last week about, you know, it was from -- your work product was a result of a question that we asked you and that was what about these fees and license fees and things like that? And correct me, if I'm wrong? You responded that on one or two categories there was five different fees.

MR. GARDNER:  
That's correct.

CHAIRMAN ALDEN:  
On renewals, there was like three or four different categories and fees and things of that nature. So what I've handed over to you is your list but with another column on it and that would be proposed fees. So what I'd like you to do is and I know I'm just hitting you with this at this -- you know, like last minute but within the next week or so or whatever length of time it takes? If you could review that and then give us your reaction to that proposed column. And I guess what we'll do today is just we'll get a little bit of a dialogue going with where we want to go and how we want to make this more uniform because --

MR. GARDNER:  
That's the key.

CHAIRMAN ALDEN:  
I think it would be fair, number one to the contractors, which makes it fair to the, you know, the constituents out in Suffolk County and then also to the administrative process, it makes it a little bit easier and --

MR. GARDNER:  
Less prone to error.

CHAIRMAN ALDEN:  
Exactly. So I think that if there's any way that -- can you comment on that proposed list or just --?

MR. GARDNER:  
Well --

CHAIRMAN ALDEN:  
Just even, you know what? Not even on that proposed list but how you would like to see it handled?

LEGISLATOR LINDSAY:  
Can I just interject something before? Well, just to explain what I tried to do there is not to come up with uniform fees for everything but to try and come up with some uniformity within categories, Charlie. And it raised some and it lowered some. But just to come up with a -- and I didn't even measure the financial impact, whether we're ahead or behind or -- I don't think there's too much difference either way but it -- just to create some uniformity.

MR. GARDNER:  
Yes. In response to the questions that were raised last week about the number of fees, I think some people were surprised that we do have so many different fees. But that's a reflection of the different types of licenses we have. But the key is that within each one of the occupational licenses, the processing, the administration, the categories are pretty much the same. Whether you are a painter or an electrician or a carpenter, there are certain administrative functions like change of business, transfer of a license, additional locations that apply pretty much across the board. Our concern was that within these different groups, for the same process or the same function, different fees were being charged, which made no sense to us. And it certainly

didn't reflect a cost to the office or even in the cases where it did reflect the cost. Well, is it ten dollars? Is it twenty dollars? Or is it fifty dollars? Because that's the range of some of the fees that we had. We also like, for instance, an obvious disparity, an additional location. If a furniture store, for instance, with the same corporation, so it's the same principals involved and they have an additional location, what the County has said is well, we don't necessarily need a complete renewed license but we'll charge you a fee to maintain this, operate this additional location. A furniture store would pay now forty bucks for the additional location. A jeweler, someone who is a precious metals dealer licensed by our office because they buy and sell off the street, of course then if you look at the additional location, same type of theory behind, you know, why we do it? It cost them two hundred dollars. So the furniture store would be forty bucks, the precious metals place would be two hundred bucks. We're more inclined to say everybody should be a hundred dollars rather than have twenty or forty. That was where I was coming from last meeting. That we would like to see within the categories, within the types of process that regardless of the type of license that you have, you have everybody pretty much pay the same.

CHAIRMAN ALDEN:

Charlie, one question? Like on historical data that you can provide us? How did we come to arrive at some of these numbers? Was it just happenstance? Or there hasn't been an overall or an overview looked at?

MR. GARDNER:

Well, you want an honest answer?

CHAIRMAN ALDEN:

Go ahead.

MR. GARDNER:

I mean from the beginning, some of the laws were created a long time ago. So they're a little bit more standard. Other laws have been added through the years without input from the office. They were just written up and the fees were -- people talked to industry maybe about the fees and they just got one added upon the other, upon the other.

The most recent legislation that was passed, Process Servers. These fees aren't even in there. If you look through this, you'll see in the different categories where it gets to Process Servers; it doesn't even mention them. There are no fees. So that's kind of how -- it just over the years, we started working on this last August and it took us a couple of months to go through the code, paragraph by paragraph and section by section, identify every single fee. And we were in the process of presenting a proposal and the fees were then doubled. So by the doubling of the fees, that only -- the inequities that we were concerned about simply got doubled. That's all. It didn't address any of the -- and I think that's where Mr. Lindsay was coming from. He had asked at the last meeting about the doubling of the fees, how that had effected us. So all we're looking to do is, however, it got there. It got there.

CHAIRMAN ALDEN:

So there was never a review though of how the fees related to each other? There was just -- we have these fees, let's double them?

MR. GARDNER:

That's correct.

CHAIRMAN ALDEN:

Okay. Let's just kind of let them --

MR. GARDNER:

Some of the fees were -- we were, you know, a salesman, a home improvement salesman. Someone who was a salesman for a licensed home improvement contractor. They need to get a card, an I.D. card. Well, if they wanted to get an additional card, the current statute was five bucks. We said five dollars; it costs us more than five dollars just to print the thing. Because we have the computer now and it prints. So we were looking to bring it up

to twenty-five, you know, twenty-five dollars. Well, the latest law was passed in December. It doubled it. So now it's ten bucks. Well, it's still ridiculous, you know, ten dollars. So that's --

If you go back twenty years, not all of these laws were passed at the same time. Over the years, we have what we have. I mean, we're just looking to get it straightened out now. So that within categories, if I'm looking to transfer a license or change information, or get an additional certification, or application fees, the fees would be the same.

CHAIRMAN ALDEN:

Thanks. I think from this point what we're going to do is you've gotten a copy of basically, Legislator Lindsay's work product that would have some suggested fees on it. What I'm going to do is I'm going to ask Paul Sabatino to draft a resolution that would incorporate these. And I'm going to also ask Budget Review to do an analysis of, you know, what the end product is going to be here.

MR. GARDNER:

Um-um.

CHAIRMAN ALDEN:

And that will give us a product that we can change in the next -- in the course of the next couple of meetings that we have. Because I don't think it's going to get done real quickly. And I would like to get some industry input and things like that but at least they would give us a work product that, you know, people can comment on and then we can make changes too. And if that's okay with Legislator Lindsay?

MR. GARDNER:

We look at -- let me look at just one. Okay, you know what? I mean, I don't know what the final numbers are going to be but I can tell you that even if -- the main source of our revenue is the licensing fee and there are very few -- there are very few changes needed there. All of the others, the revenue is miniscule compared to what we take in the fee for the license. All these others, ten, twenty, forty dollar fees, we're still going to be fine with revenue. I could tell you -- I don't know what the exact number would be but I can tell you that we would still be in very good shape.

CHAIRMAN ALDEN:

I think a resolution like this has to have an impact statement.

MR. GARDNER:

Absolutely.

CHAIRMAN ALDEN:

You know if you'll do the analysis for us?

MR. GARDNER:

If anything, it will probably be -- even with changes, it would probably still be plus.

CHAIRMAN ALDEN:

Good. Legislator Haley?

LEGISLATOR HALEY:

I think when we have the discussion; obviously, you're going to set up a spreadsheet on Excel or something. So that when you change something from twenty-five to thirty, it's something you can see what the bottom line is. Because at the end of the day, you still want to maintain the revenue, I would imagine.

MR. GARDNER:

Yes, definitely.

LEGISLATOR HALEY:

Although, I'm not concerned about the revenue because I have problems with all this licensing stuff that goes on and I see the increases. My inclination would be to support no increases for your basic licensing but to provide increases for those other things that are necessary for late fees, lost cards and stuff like that.

MR. GARDNER:

Yes.

LEGISLATOR HALEY:

Try to make up the difference. That if they're acting responsibly, their fees would be reasonable but if they're going to, you know, screw up so to speak, then let them pay for it at that. But then you have to figure that in, you know, because you typically have --

MR. GARDNER:

Yes.

LEGISLATOR HALEY:

The problem you have is let's say, you don't want to increase a licensing fee and you want to increase the late fee to make up the revenue. But the problem is once you increase the late fee, you may reduce the actual numbers of lateness because people will say well, I don't mind it being late at twenty-five bucks but I don't want to be late at fifty bucks.

MR. GARDNER:

Right.

LEGISLATOR HALEY:

So you have to kind of figure that in too.

MR. GARDNER:

Yes. But I would ask -- I know the office, the staff feels there's one category that we would ask on the reduction part and again, we can get the numbers. It would not have a significant impact and that is in -- if you looked in the category of application fees, they were also doubled with the latest legislation. And one thing about the application fee is they are non-refundable. So once, we collect the application fee, sometimes the contractor doesn't have all of the papers necessary. The contractor might not have W-2's to establish five years, prior work experience. The contractor might not have the sworn statement from his past employer that he, in fact, worked for this guy, for a whole different -- By the way; the contractor might fail the test, okay! They can come back in a month or two. Well, guess what? They have to reapply. That's another application fee, non-refundable. Those fees would double to fifty dollars and honestly, we cannot justify a fifty-dollar cost in the first place. So we would be very happy if the application fees just were made uniform and kept right where they were at twenty-five bucks. That's a more reasonable fee than fifty bucks for everybody.

CHAIRMAN ALDEN:

Good.

MR. GARDNER:

And the rest, you know, but that's one that really doesn't sit well with us.

CHAIRMAN ALDEN:

Okay.

LEGISLATOR HALEY:

So he's going to go through all of those and make recommendations. We're going to give him the opportunity to try to clean it up, so to speak?

CHAIRMAN ALDEN:

This is a dialogue that should have happened prior to the doubling of the fees, you know, in the budget. Unfortunately, the dialogue didn't happen and we didn't even give the

contractors a chance or the public a chance to come in and express, you know, any of their sentiments on this. So what we're going to do here is we're going clean it up. Plus as Charlie, has pointed out in a couple of meetings, this is an administrative nightmare. I mean, the fees are all over the place. So you have more of a propensity for a clerk or somebody else to -- by accident make a mistake. So that's not fair to the people that are coming in and applying. That's not fair to the County and it's not fair to the workforce over there. If we can uniformly, you know, go through this and make it so that we cut down on their workload, I think that we owe them that too.

LEGISLATOR HALEY:

Yes, I don't have a problem with that at all. The only thing I'm concerned with is that when Charlie comes through with those recommendations, there's got to be some willingness to kind of go along with those recommendations, as opposed to eighteen different Legislators saying, you know, well I don't -- you know, because they happen to have a constituent that bugs them all the time about. And there's a home furnishing guy or a plumber or something saying, you know, I don't think that's appropriate.

CHAIRMAN ALDEN:

If you look at Legislator's Lindsay's work product, there's not a lot of crazy changes here. It's just more or less, it's brought everything into categories and those categories are uniform. Like for instance, the proposed application fee is twenty-five dollars across the board and that was what Mr. Gardner was just speaking to.

MR. GARDNER:

Yes.

CHAIRMAN ALDEN:

So it lowers some and then it makes some stay just at the twenty-five dollars. But his office, if somebody comes in and applies for something, they just -- boom, it's twenty-five dollars. They don't have to really, you know, go through manuals and try to dig stuff up. So it's just uniformly right across. And I think that every category that I've looked at, that's what this work product does. But we'll throw it out there. We'll get some comments from Charlie and his staff. We'll get some comments from the public and then, we'll see if we can get a resolution that we really should put forward to the rest of the Legislature.

MR. GARDNER:

Yes, I'd like to make a point about the categories also that Legislator Haley, made and I agree with and I know the staff does. There are several of these categories. The fee changes, whether they're up, down or indifferent, wouldn't affect across the board the majority of the contractors. For instance a replacement I.D. Well, guess what? Whether it's zero or a hundred dollars, if you don't ever lose your I.D., you know, you don't have to worry about that. And not a lot of people do come in for replacement I.D. But the point is right now, in a replacement I.D., the cost is zero, ten or twenty. So now my staff says okay it's replacement I.D., okay which category is that in? Oh, that's a ten-dollar charge. Oh no, that's a twenty dollar charge. Twenty-five dollars across the board.

CHAIRMAN ALDEN:

That's what we need.

MR. GARDNER:

You need your I.D.? You need it, boom it's twenty five bucks. They don't have to think about it now and say -- and start applying the incorrect fee, because it was a different license.

CHAIRMAN ALDEN:

That's just one of the areas we need your input. Because if you tell us that it cost more than twenty five dollars, then we have to look at that. If you say the twenty-five dollars is going to cover, you know, the time and the printing, then fine.

MR. GARDNER:

Right. The application fee, for instance, some contractors because maybe they've had a license before or they worked for somebody that has had a license. Or they have a good lawyer or a good business accountant. They come into us and they have called us ahead of time. They have inquired as to what they need. They put the package together. They come in. Everything is there. It takes ten minutes maybe to look at it. And if everything is fine, boom they schedule for a test. That's the application fee. Other people come in. They got an application. They downloaded it. They called up. Had a packet mailed to them. They didn't read it. They come in and they apply. And they -- I'm just going to use a number. Let's say they need fifteen things. Well, they've got about eight of them. So now somebody on the staff has to sit there with them, it's oh, I've got to get this. You got to get, you know - - and honestly, we don't take their money. You know, we don't take the twenty -- we say look, go back, go get all the stuff and come back. So the point is twenty-five dollars. Sometimes it will cost us less. Sometimes it will cost us more but it's in the aggregate and on the average, that's a fine fee. I'm not going to say that it costs twenty-five dollars to do every single application. Some people are done literally in ten minutes. Others, we spend a lot of time with them.

LEGISLATOR HALEY:  
Could we? Go ahead.

MR. GARDNER:  
Hold their hand and walk them through the process.

CHAIRMAN ALDEN:  
Legislator Nowick?

LEGISLATOR NOWICK:  
Yes, I was just curious Charlie. How does it work with these application fees? Do people walk into your office and a clerk sits there? Or you fill out a form? Or does the clerk have the computer and they type it on the computer? How does it work when you fill out an application, fees in your office?

MR. GARDNER:  
The contract, generally it's mailed to them. Because they need to come up with worker's comp papers, insurance papers, financial statements.

LEGISLATOR NOWICK:  
You mail them all the paperwork?

MR. GARDNER:  
That's correct.

LEGISLATOR NOWICK:  
And then they come in with it.

MR. GARDNER:  
Right and then they'll come in, usually if they're doing it right, they'll come in with 90 to 100 percent of it, everything they need with them.

LEGISLATOR NOWICK:  
So then you take all the paperwork?

MR. GARDNER:  
That's correct and it's entered into the computer.

LEGISLATOR NOWICK:  
It's entered into the computer.

MR. GARDNER:

Right and then they'll get a -- these are the new I.D., cards we have now. So the photograph and the signatures is now captured. You know we have --

LEGISLATOR NOWICK:

What happens when they come in with this written paperwork? Then a clerk takes all the information, puts it into a computer or is it just left at the office and then you take the stuff and then mail it back to them or it's done right then?

MR. GARDNER:

Home improvement people, home improvement contractors, every day, nine thirty and ten thirty in the morning. In fact, I just left. There were probably thirty contractors in the lobby.

LEGISLATOR NOWICK:

They get on line and then --

MR. GARDNER:

Yes, they come in and they can take a test. If they have all of their paperwork together, everything and they come in and they have their monies, they pay for it, the application, they can if -- not if there's twenty people already taking the test. But they can take the test today or tomorrow and then it usually will be graded that day or maybe within a couple of days and they'll know whether or not they have a license.

LEGISLATOR NOWICK:

They each have their license right away.

MR. GARDNER:

Right, electricians, plumbers, home appliance repair, the process is a little different because all of those applications go before the board. So timing is of the essence there. In other words, if the electricians, in fact they did. They just met yesterday. So the occupational licensing, electrician's board met yesterday. They went over a stack of applications probably this high because we have communications, computer and cabling people now getting licenses.

The point is those people are now being reviewed by the board. All that information went before the board and they'll rule on whether they are qualified to take the test. So now, in the next couple of weeks, those people will be scheduled to take the test. Some of those people might have just applied three, four days ago. If you applied today as an electrician? Nothing is going to happen for at least a month because you've got to wait for the next electrician's board. It goes before the board, so it might even stretch like two months before you get -- so timing, it depends on the boards on the other ones. But again, the critical stuff is the financial information, the insurance, the worker's comp and in those areas, prior trade. Remember, you can't just walk in and you could be the greatest electrician in the world. You're not even going to be able to take the test unless you can show that you have some prior trade.

LEGISLATOR NOWICK:

Thank you.

CHAIRMAN ALDEN:

When he has this resolution drafted, is there anybody that does not want their name on it? Because I was going to do it as a committee but -- Legislator Nowick, okay. Yes, no we're going to do spreadsheets and then propose and then any suggestions that Charlie has, we're going to try to incorporate that into also.

All right. Charlie, anything else you want to add? And basically, you know what we're going to do? We're going to get a financial impact statement and then we're going to have a resolution drafted that will be, you know, something just so it's a draft, so that we can work on it. And then again, we're going to need a lot of input from you.

MR. GARDNER:

Okay. That's what we're looking for is a, the financial impact, b, what makes sense. In other words, I can't talk to some contractors and justify how come there's five different fees for the same thing. So we're looking for something that makes sense. A fair rate, you know, something that is not going to cost us money. And the uniformity among the categories, just to help the staff out.

CHAIRMAN ALDEN:

When you're going back and you're talking to your staff? If you would use the proposed fee column as a starting place?

MR. GARDNER:

Um-um.

CHAIRMAN ALDEN:

And you could tell us whether that makes sense or not, you know, so use that. Because that's the way I'm going to have it drafted with that.

MR. GARDNER:

Fine.

CHAIRMAN ALDEN:

And then you could tell us which way to go from there.

MR. GARDNER:

Fine.

CHAIRMAN ALDEN:

Good. All right Allan, I had asked the other members of the committee, anybody that doesn't want their name on this and you had indicated you don't right? Okay, good. You want your name on it or no?

LEGISLATOR BINDER:

Yes.

CHAIRMAN ALDEN:

Okay, good. Then Marty is the only one that won't be. Okay, anybody else have anything that they want to bring? So basically, what we're going to do is we're starting off small here with this Consumer Affairs Department and we can go right through government. Because we can reinvent government here and maybe even give the constituents of Suffolk County a fair shake.

LEGISLATOR HALEY:

Why can't we just say reduce instead of reinvent?

CHAIRMAN ALDEN:

Well, that's what I thought. I thought we reinvented in a smaller scale with maybe a few less fees and things like that. So this is a start towards that end goal.

LEGISLATOR HALEY:

I just have a point to make. I want to know what Legislator Lindsay did to get stuck on two committees, where he is severely outnumbered.

CHAIRMAN ALDEN:

Did you actually, Marty? He's not on --

LEGISLATOR HALEY:

He's mad at you?

CHAIRMAN ALDEN:

His friends are many.

LEGISLATOR HALEY:

Oh, okay.

CHAIRMAN ALDEN:

All right. Okay, so if we don't have anything else, then we'll stand adjourned. Thank you.

(The meeting was adjourned at 11:55 a.m.)