

**CONSUMER PROTECTION and GOVERNMENT OPERATIONS
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Consumer Protection and Government Operation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, **August 14, 2003.**

MEMBERS PRESENT:

Legislator Cameron Alden - Chairman
Legislator William Lindsay - Vice-Chair
Legislator Lynne Nowick
Legislator Angie Carpenter

ALSO PRESENT:

Paul Sabatino II - Counsel to the Legislature
Warren Greene - Aide to Legislator Alden
Meghan O'Reilly - Aide to Presiding Officer Postal
Charles Gardner - Director of Consumer Affairs
Alexandra Sullivan - Chief Deputy Clerk of the Legislature
Joe Muncey - BRO

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

1

(*THE MEETING WAS CALLED TO ORDER AT 9:36 P.M.*)

CHAIRMAN ALDEN:

Good morning. And we'll start the Consumer Protection Committee. We'll start with the Pledge and I see we have Joan Gilroy here, you can lead us to the Pledge this morning, if you would.

SALUTATION

CHAIRMAN ALDEN:

Okay. We're going to go in just a little bit of a different order. I

think we're going to actually take the resolutions -- we have a whole bunch of reappointments. So, Charlie, if you could come up and as we go through these, if there's an appropriate type of action. Now, the first four -- we'll go to tabled resolution first.

TABLED RESOLUTIONS

(P) 1242-2003. Adopting Local Law No. -2003, A Local Law to toughen and graduate fines for item pricing violations within Suffolk County. (ALDEN)

CHAIRMAN ALDEN:

That's 1242, that's my resolution. I'm going to make a motion to table, seconded by Legislator Carpenter. All those in favor? Opposed? That's TABLED. (VOTE: 4-0-0-0)

INTRODUCTORY RESOLUTIONS

(P) 1615-2003 Adopting Local Law No. -2003, a Local Law to amend Process Servers Licensing Law in Suffolk County. (POSTAL)

CHAIRMAN ALDEN:

Now we go to Introductory Resolution. 1615, I believe that the Commissioner has indicated that he didn't have a chance to contact this person to see if they want to serve again; is that correct? Oh, I'm sorry, that's a different one. Motion to table by Legislator Carpenter, second by myself. All those in favor? Opposed? That's tabled for a public hearing. TABLED (VOTE: 4-0-0-0)

LEG. LINDSAY:

Charlie, 1615, have you guys reviewed that legislation now?

DIRECTOR GARDNER:

Yes, we have.

LEG. LINDSAY:

And can you do what the legislation calls for with the available staff.

DIRECTOR GARDNER:

Yes. We believe that we will be able to administer and enforce the law with current staff given the most recent amendments.

LEG. LINDSAY:

Okay.

CHAIRMAN ALDEN:

So that's tabled for a public hearing.

(P) 1670-2003 Resolution No. -2003, Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

DIRECTOR GARDNER:

Actually, the first four, Mr. Chairman, 70, 71, 72, and 73, we have not yet gotten responses or answers back, whether it's summertime or whatever. But I haven't gotten information back from Bill Bessler, who's the Director of Licensing concerning those four. Basically, if they even want to continue to serve and be reappointed. So absent that affirmative response, I'm not ready yet for those.

LEG. LINDSAY:

Motion to table.

CHAIRMAN ALDEN:

First, I'm going to turn it over to Legislator Sabatino for 1670, he has a comment.

MR. SABATINO:

Just on 1670, Mr. Chairman, checking the records, we believe that the term should be expiring in 2006 not 2005. The others were fine in terms of the other times.

CHAIRMAN ALDEN:

You have plenty of time that make that change then, Charlie.

DIRECTOR GARDNER:

Fine. Thank you.

LEG. CARPENTER:

Are there stipends on these appointments? Do they get stipends for their --

DIRECTOR GARDNER:

Yes, Legislator Carpenter. Only if they attend a meeting. It's \$100 per meeting attended. There are four boards, Home Improvement, Home Appliance Repair, Electrical and Plumbing that receive the stipends.

CHAIRMAN ALDEN:

We have a motion by Legislator Lindsay, seconded by myself to table this. All those in favor? Opposed? Okay 1670 stands
TABLED. (VOTE: 4-0-0-0)

(P) 1671-2003 Resolution No. -2003, Approving the reappointment of Linda Perlow as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1671, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

3

(P) 1672-2003 Resolution No. -2003, Approving the reappointment of Gary Lobato as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1672, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1673-2003 Resolution No. -2003, Approving the reappointment of Angeline M. Marketta as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1673, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1674-2003 Resolution No. -2003, Approving the reappointment of Warren Stuart as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

He has attended the meetings, he's indicated he wants to serve again?

DIRECTOR GARDNER:

Yes. Upon your request, Mr. Chairman, I gave you copies of the attendance records for each of the boards. In addition, Mr. Bessler, again, the Director of Licensing has contacted each of the members to affirm that they do wish to continue. They have all been serving for -- some for a very long periods of time, and all been active and contributing members of the boards.

CHAIRMAN ALDEN:

I'm going to give my copy to Donna.

MS. CATALANO:

I have one already.

CHAIRMAN ALDEN:

You have you? Good. Legislator Carpenter.

LEG. CARPENTER:

Does the attendance list that you gave us, does it also include how long they've been members?

DIRECTOR GARDNER:

Not on the attendance list, no. This just shows the last year's worth

of attendance.

LEG. CARPENTER:

Because I really would be interested this seeing how long these people have been on these boards. And you know, if there is -- what is the opportunity for someone who might be interested in doing something like this? Is there --

DIRECTOR GARDNER:

I don't have that with me, their original start dates with me, but I can certainly get that to you.

4

LEG. CARPENTER:

I would like to see that.

LEG. NOWICK:

Just a quick question, Charlie. How many meetings do they attend a year? How many meetings are there a year?

DIRECTOR GARDNER:

For most of the boards, it probably averages nine to ten meetings per year. Some of them are every other month, but especially the electricians -- the Electrical Board and the Plumbing Board, they have to review an applicant's qualifications even as to whether or not that applicant can take the test first. So they meet every month, the electricians and the plumbers except for -- there was meeting generally in either July or August that they don't meet. But the electricians and the plumbers meet at least ten times a year, most of the time 11. The Home Appliance Repair also meets every month. Home Improvement is more like every other month. Liquid Waste is every other month. It really depends on their workload. Sometimes Home Improvement will meet every month, for instance, when we're redoing tests or coming up with new tests or something new, maybe the State Building Code -- there's been a significant change to State Building Code, then they will increase a number of the meetings.

CHAIRMAN ALDEN:

Legislator Carpenter.

LEG. CARPENTER:

What kind of experience do each of these boards require?

DIRECTOR GARDNER:

There is no set, you know, minimum qualifications or experience. Generally, they are recommended by trade associations, unions, for instance, the National Association of Home Remodelers or the Suffolk County Electrical Contractors Association. But they are all -- on our

boards, I'm going to say, you know -- shouldn't always say always -- I believe every one of them are have extensive experience in the field even prior to being appointed.

LEG. CARPENTER:

Are there resumes on all of these appointments?

DIRECTOR GARDNER:

At the time of the original appointment -- when there is an original appointment, that -- that appointee appears before the committee with their resume.

LEG. CARPENTER:

I understand that.

DIRECTOR GARDNER:

So we have those. I have those in the office. I don't have them with me, their original resumes.

LEG. CARPENTER:

Well, I would like to see them.

5

DIRECTOR GARDNER:

Sure.

CHAIRMAN ALDEN:

Okay. We have 1674.

LEG. LINDSAY:

Just to give some insight to the rest of the committee, and the only reason I can say that is I served on the Electrical Board for many many years. They meet officially once a month, but at different times, board members are involved, a couple a times a month, you know, they don't get paid for it or anything like that, especially when there's a new test coming up work a lot of times they'll work on their to help develop the test even to the point where, you know, I've seen different board members donate the material to make up the boards to perform the test much because it's much easier than, Charlie, looking for petty cash to go out and buy electrical material to make up these things. So some of these folks really do a wonderful job for the County.

DIRECTOR GARDNER:

There are quite a few members who are in the office seven, eight, nine, ten times a month for an hour, for a couple of hours, downstairs in the testing area, over in the plumbing shop. Legislator Lindsay is absolutely correct, they will work with our employees just, you know,

in the course of, as he said, either developing a new test or getting new material or finding out what we need. So, yes, there's one official meeting, they get paid for that, but most of the members are in the office several times every month.

CHAIRMAN ALDEN:

Paul, when do these expire or when do we have to act on these?

MR. SABATINO:

Well, there's -- these are all hold-overs, because they would be reappointments. But for example on 73, it expires 12/31 of 2004; on 74, it expires May 13th of 2005; 1675 expires 12/31 of '04; 1676 expires May 13th of '06; the next one is May 13th of 2005; the next one is May 13th of 2006; then on 1679 you come back to 2004.

DIRECTOR GARDNER:

Just to clarify, that's if they get reappointed.

MR. SABATINO:

I thought he was asking the status. I mean, the reappointments are hold-overs. The new terms -- I was trying to give the big picture, but you are right, their terms have expired that's why they are hold-overs.

DIRECTOR GARDNER:

Yes. Correct. All of these people, their terms have expired. As Counsel correctly pointed out, they are in a hold-over status.

LEG. CARPENTER:

When did they expire?

6

DIRECTOR GARDNER:

Some of them have been expired for more than a year.

MR. SABATINO:

Some have been two years.

DIRECTOR GARDNER:

That's correct.

CHAIRMAN ALDEN:

Anybody charlie, in that period of time, has anybody else come forward to you and indicated that they wanted to serve on these boards?

DIRECTOR GARDNER:

For these we have -- I believe we have two pending for the Liquid Waste Board; electricians, no; plumbers, no; home improvement, no;

Home Appliance Repair, we just put a new fellow on within the last year. And so, no, other than the Liquid Waste, the answer is no.

CHAIRMAN ALDEN:

Okay.

DIRECTOR GARDNER:

When I have a full board as in the case of -- for instance, the Electricians Board and the Plumbing Board, they are all serving and contributing. We don't actively solicit, you know, new people to put in resumes. We do that when an opening occurs.

CHAIRMAN ALDEN:

Okay.

DIRECTOR GARDNER:

Some of them -- I think Legislator Lindsay would be aware, some of the positions are -- again, it's not codified, but they are certain -- whether it be union or trade group, there will be certain people that are customarily or traditionally in that spot, in that seat. It's not by statute.

LEG. LINDSAY:

There's a balance. The electrical board I served on, there was always someone from the Union Electrical Contractors Association, someone from the Non Union Electrical Contractors Association, the business manager of the union always served, and there was a mixture of different groups to get the best balance across the County, which worked well.

LEG. CARPENTER:

And I think that's important in why we need to see the resumes so that we have an idea of what the background is. And I know even though they are reappointments, generally with any of the other boards and commissions we do usually have the resumes attached as backup even though it's a reappointments. We don't require they come down -- or depending on the Committee Mr. Chairman, some do. But I would feel more comfortable having those resumes before I vote on any of these.

7

DIRECTOR GARDNER:

Fine. I will request from each of the board members an updated resume and give it to you.

CHAIRMAN ALDEN:

Good. All right. 1674 we have a motion by Legislator Carpenter to table, seconded by Legislator Nowick. All those in favor? Opposed? 1674 is TABLED (VOTE: 4-0-0-0)

(P) 1675-2003. Resolution No. -2003, approving the appointment of Edward Nielsen III as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1675, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1676-2003. Resolution No. -2003, approving the appointment of Vito Ferlitto as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1676, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1677-2003. Resolution No. -2003, approving the appointment of Douglas Callahan as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1677, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1678-2003. Resolution No. -2003, approving the appointment of Leonard Borger as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1678, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1679-2003. Resolution No. -2003, approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1679, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1680-2003. Resolution No. -2003, approving the reappointment of Lynn Blasso as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1680, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1681-2003. Resolution No. -2003, approving the reappointment of Michael S. Towers as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1681, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1682-2003. Resolution No. -2003, approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1682, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1683-2003. Resolution No. -2003, approving the reappointment of Anthony T. Warrenski as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1683, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1684-2003. Resolution No. -2003, approving the reappointment of Donald W. Scott as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1684, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1685-2003. Resolution No. -2003, approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1685, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1686-2003. Resolution No. -2003, approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1686, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1687-2003. Resolution No. -2003, approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1687, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1688-2003. Resolution No. -2003, approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1688, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

9

(P) 1689-2003, Resolution No. -2003, approving the reappointment of Joseph H. Baier as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1689, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1690-2003, Resolution No. -2003, approving the reappointment of Edward Andriola as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1690, same motion, same second, same vote. TABLED (VOTE: 4-0-0-0)

(P) 1723-2003 Adopting Local Law No. -2003, a Local Law to establish item pricing inspection waiver schedule within Suffolk County based on price accuracy. (ALDEN)

CHAIRMAN ALDEN:

Now we get to 1723. I have to take a motion to table that for a public hearing, seconded by Legislator Lindsay. All those in favor? Opposed? That's tabled for a public hearing. TABLED (VOTE: 4-0-0-0)

We have nothing else to vote on on the agenda so. Charlie, if you can stick around just for a couple of minutes. I have one card, Phil Goldstein. Come on up, Phil.

MR. GOLDSTEIN:

Good morning. The bill I'd like to speak to about is 1615, having to do with process servers in Suffolk County. I understand the bill was tabled for a public hearing, but my concern is that the bill in its present form is inadequate for a number of reasons. In fact, I cannot understand, the bill has not even been implemented, the original bill as far as I understand. I don't know if they ever appointed the board members to serve with regard to licensing the process servers. But I cannot understand why the bill is being amended already, and it is diminishing the impact of the original bill. And that's seem to me to be strange. Plus the fact that the board as described in the bill to my mind is unsatisfactory, because there is no provision to incorporate members of the public at large who would be concerned. As for example, organization such as NYPERG, the civic organizations like ABCO, senior citizens groups.

Because if members of this committee recall, I have been pursuing this matter for a couple of years now. There are serious problems within the legal system regarding improper service, and people are victimized, and this is very wide spread. There have been prosecutions in Nassau County, there have been prosecutions in New York City with regard to fraudulent affidavits of service that have been used to create liens on property of unsuspecting individuals. As you know in the legal system, anybody can sue anybody for any reason, and the only way that a person knows that they are being charged with some failure to fulfil a legal or financial obligation is when they are served and notified that they have to appear in court to defend

10

themselves against the action.

And what has happens is in many cases, people are unaware that they have this case being brought against them because of the improprieties associated with serving process. As a result of which their failure to appear in defense results in a summary judgment by the Court, which then gives the person, the claimant, the right to create a lien against the person's property. And then that lien can be submitted to the County Clerk's Office, and a sense a mind field is created, where by those liens sit awaiting some legal action. So that for example, if I own a piece of property and I have a lien against me and I have no awareness of that lien, upon an attempt to sell my property suddenly that lien explodes in my face and I then find myself having to defend myself. And time may have passed. And this is very costly, because my understanding is 12% is the interest charge that is affixed to the payment of these liens. The end result is that this can become very costly.

I have seen numerous individual cases, one not to long ago where an elderly woman who was living alone independently was no longer able to maintain that independent existence. As a result of which, her daughter who was living down south came up to sell the family property, the home where the woman had been living, and used those funds to place that woman in a residential facility. Well, suddenly they discovered they have a 40 some odd thousand dollars lien against them. And the women who is lucid but just frail and so on swears that they had never been approached and served the summons to appear to defend against this claim. And according to the affidavit of service that was submitted by the process server, he claims that at ten o'clock at night he had come to the home and served the notice. Well, what elderly woman would open her door to a stranger at ten o'clock at night.

I mean, the point very simply was that they had no recourse other than

to settle the claim. There is something called a Traverse Hearing, but it then becomes he said, she said. Because the process server has filed an affidavit, and he will get up and say, I filed my affidavit of service and I affirm that I served. And she said you never served. And the end result is the likelihood would be that in addition to the cost and the interest there would be the additional legal costs associated. The end result was the woman was forced to settle that claim, and this is not unique. There are countless examples. And the point very simply is that people are then forced to resort to legal defense as an individual. Whereas, this is a wide spread problem throughout the County, all right? And not just in the County, in all of the court systems throughout New York State, this has been a problem.

CHAIRMAN ALDEN:
Phil.

MR. GOLDSTEIN:
The Attorney General Abrahams had prosecuted, the former mayor when he was a US attorney had prosecuted the wide spread abuse of process. So this bill that was brought before the County and even the current Presiding Officer had been a victim of a similar such situation. I

11

cannot understand why the bill is being amended now, and the teeth are being drawn out of the bill.

CHAIRMAN ALDEN:
Phil.

MR. GOLDSTEIN:
Yes.

CHAIRMAN ALDEN:
I'm just going to make a couple of quick comments, then Legislator Lindsay, I think, had a question for you. Number one, there is a representative from Maxine Postal's Office here, and she is going to take your comments back. I'll make sure that, you know, also that I speak with her, but she will get you comments. She is the sponsor of the bill. Just I want to point out something else that a Traverse Hearing is usually conducted by a judge, so that's part of the American system and part of your judicial system. Right now as we speak, the Suffolk County Bar Association in participation -- and I'm a members of the Suffolk County Bar -- but in cooperation and also participating with other bar associations throughout the state is seeking reform of the judicial system. That's one of things that is on their list to have reformed. And that's the whole issue of process serving, the Traverse Hearings and everything else that goes along

with it. As you pointed out, it's a mind field, ticking bomb, whatever you want to call it, of these judgment that are sitting out there. So that is something that is being looked at very seriously by the Chief Administrative Judge of our New York State Court System and also the system out here.

This is on for a public hearing, which would be before all the Legislators at Riverhead on the 26th at 2:30 in the afternoon. I don't know which it will be on that list, but that's when we start those public hearings. And my suggestion would be if you want everybody to get it, to, you know, make your presentation there. I think you get five minutes to speak out there on those public hearings. And with that, Legislator Lindsay had a question I believe.

LEG. LINDSAY:

No. Just to have a dialog with you about this. I don't think there's anybody at the horseshoe that disagrees that the industry needs to be regulated because there are abuses there. The original legislation that was passed, the implementation date was delayed by legislation, because there was a feeling by -- primarily by the department that we didn't have enough personnel to enforce the legislation the way it was initial worded. Because initially, the legislation called for licensing the individual server, which is totally different than any of our licensing laws. All our other licensing laws we license the company and the company is responsible for their employees. So that was the big change in the legislation, to license the company rather than the individual servers. Just so that we could proceed with it. If we had went forward with the initial legislation, we didn't have enough people to issue all these licenses and to enforce the legislation. And I think you will agree, the worst thing we can do is pass legislation that's not enforceable.

12

MR. GOLDSTEIN:

Yes. But I believe that within the law -- and I'm not a lawyer and I don't clearly understand -- there are exclusions. For example, law firms and lawyers are excluded under the bill and so on. And I have heard it alleged, and I don't know because I'm not knowledgeable enough with the intimate details of the problem, but the point is that sometimes law firms employ employees who act to notarize and also perhaps to serve. And it was a question of whether or not these individuals would be covered by the bill or if this would create a loophole kind of situation where people could circumvent, and thus continue some of these improper practices. So --

LEG. LINDSAY:

That's a fair comment and something that maybe the sponsor could take a look at. I was just telling why the original legislation wasn't

implemented as written and approved. If there's some loopholes here that need to be closed, I think we're all ears.

MR. GOLDSTEIN:

I've heard a couple of other things. One is that for example, one of the five members of the proposed board is a member of the Process Servers Association. And I have heard it alleged, although I don't know for a fact, that a person who had been prosecuted and who had pled guilty to improprieties in Nassau County is now a member of this association and could very well wind up representing the association on this board.

LEG. LINDSAY:

The board in this bill is different than any other boards, and we just tabled a whole bunch of people. Any of our other boards is composed of people from that industry, like electrical board, contractors, plumbing board, you know --

MR. GOLDSTEIN:

That's what I'm saying.

LEG. LINDSAY:

-- that are familiar with that industry. This is the only board that I have seen that only has one representative from the industry and the other four are all connected to the legal profession, right?

MR. GOLDSTEIN:

Yes.

LEG. LINDSAY:

Bar Association, the County Attorney's Office, Sheriff's Office.

MR. GOLDSTEIN:

However, this is a situation where the foxes may be put in charge of the chicken coop. With all due respect, we sometimes find that agencies of the Executive Branch have unfortunately failed to fulfil their public obligation in protecting the interests of the public at large and who wind up serving the interests of vested interest groups whom they oversee. If you put lawyers as part of this decision making body, it is lawyers who employ the services of these process servers who engage in this improper conduct and so on. So that's the reason

why I suggested that having -- I'm not condemning the entire profession, but I'm just saying that these things wouldn't happen if --

CHAIRMAN ALDEN:

I hope you're not, because a process server, and I can tell you this from personal experience, if a process server is not out there serving properly, I don't want him and I can't think of any other attorney that wants the use of that service, because it's an illegal operation then.

MR. GOLDSTEIN:

All right. There was an article in the newspaper just, I think yesterday, about Mr. Cannuscio who had formally been the Supervisor in Southampton and attempting to get back on the ballot in a primary election, and he was served by a process server who was quoted in the newspaper as saying that when he tried to serve, he through the papers on the ground because the people were unwilling to allow him to enter the premises and so on. And he wasn't serving the individual who had been named, and this was stated. And that's improper service, because my understanding is it has to be affixed to the door. And yet here this is a process server, a Mr. {Zallany}, all right, who has also been involved in other questionable services of process. And he's being used by lawyers, not granted, it may not be you and it may not be anybody else here or anybody that you know, but there are unfortunately unscrupulous process servers and lawyers who employ them. Otherwise, we wouldn't have this situation. I think --

CHAIRMAN ALDEN:

Any other questions, Bill?

MR. GOLDSTEIN:

I think by having representatives who are representative of the broader public at large -- older people are often subjected to legal abuses because they can't cope with the situation, that's the reason why I said perhaps a senior citizens group or a public interest group like NYPERG who is concerned with matters of this kind. There is a legal organizations I believe called HALT that operates within the State of New York concerned about judicial process and so on. So that's it's possible to find people who I think would add to the effectiveness of this board.

CHAIRMAN ALDEN:

Okay. Phil, we're going to take your comments back. But on the 26th, a public hearing and hopefully Maxine will be there also, Legislator Postal. All right.

MR. GOLDSTEIN:

Thank you for the opportunity. I was just concerned that the bill in its current form might be approved at the public hearing.

CHAIRMAN ALDEN:

You can't approve it at a public hearing.

LEG. CARPENTER:

You know better than that.

14

CHAIRMAN ALDEN:

Any other business to come before this Legislative body? All right. Joan, did you have anything? Just here to say hello, good. All right. We stand adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 10:10 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY

15