

**CONSUMER PROTECTION COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Consumer Protection 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 Wednesday, December 13, 2006.

**MEMBERS PRESENT:**

Legislator Cameron Alden - Chairman  
Legislator Ricardo Montano  
Legislator Lynne Nowick  
Legislator Tom Barraga  
Legislator Kate Browning

**MEMBER NOT PRESENT:**

Legislator Jon Cooper - Vice-Chair

**ALSO PRESENT:**

George Nolan - Counsel to the Legislature  
Warren Greene - Aide to Legislator Alden  
Charles Gardner - Director of Consumer Affairs  
Richard Baker - Deputy Clerk of the Legislature  
Joe Muncey - Budget Review Office  
Kevin Rooney - Oil Heat Institute

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.\*)

**CHAIRMAN ALDEN:**

Good morning. Welcome to the Consumer Protection Committee Meeting. We will start with the Pledge led by Legislator Browning.

**SALUTATION**

**CHAIRMAN ALDEN:**

I'd ask that we just remain standing for a moment of silence, and that's to honor those that have given their lives for this country and those that are serving this country. Thank you.

**MOMENT OF SILENCE**

**CHAIRMAN ALDEN:**

Thank you. Charlie, you might as well come up, and we'll just take a little report. And that will give Renee time to get down here. Good morning, Renee.

**MS. ORTIZ:**

Good morning.

**DIRECTOR GARDNER:**

Mr. Chairman, the good news since the last meeting is that after going through approximately 55 names, we have are -- one clerk typist has been hired and is working. And the second one that we've been authorized will be starting January the 2nd. And the home improvement investigator list that was exhausted, we've got a -- we have an interview today for a young man about 26, 27 years old coming out of the Carpenters Union, who was recommended by one of our employees in the department. He'll be interviewed today, which means that if everything goes right, January the 2nd we'll be full -- all of our authorized positions will be filled.

**CHAIRMAN ALDEN:**

And everybody is Suffolk County residents?

**DIRECTOR GARDNER:**

Yes. Yes.

**CHAIRMAN ALDEN:**

That's great. Good news.

**DIRECTOR GARDNER:**

The fellow that we would have hired, but who was a Nassau County resident, just couldn't relocate. So that exhausted the list. He would have been a good hire, but, you know, he is not. So again, by January the 2nd, we should be at full authorized staff.

**CHAIRMAN ALDEN:**

Great news. So how about gasoline supplies -- actually fuel oil supplies are a little bit more important, because any day --

**DIRECTOR GARDNER:**

Everything's been -- well, the prices have been very stable for the -- actually the last week and a half, two weeks right now. It's been averaging -- gasoline is about 2.45, 2.46 for self-serve regular. Full serve home heating oil is around 2.65, COD runs around two dollars to -- as low as \$2 up to about 2.50. The full serve high is around 2.80. But again, it's very steady for the last week and a half or so.

**CHAIRMAN ALDEN:**

Anybody know what the Farmer's Almanac Says as far as this winter? Is it supposed to stay like this?

**DIRECTOR GARDNER:**

Well, at least through December 25th, which is Christmas Day, the weather is -- through next Thursday, is in low 50s. And then through the 26th is in the 40s.

**CHAIRMAN ALDEN:**

Low 50s is golf weather.

**DIRECTOR GARDNER:**

Oh, yes.

**CHAIRMAN ALDEN:**

That's not bad. I mean, the grass is looking actually pretty good. The greenest that I've seen it in a while. That's actually good news. How about lawsuit updates, or is it pretty much the same as --

**DIRECTOR GARDNER:**

No. No updates. Again, the big ones were settled. We did get -- last committee, we were expecting a check from that Poseidon Pools, we got it. So all the consumers have been satisfied, and the \$13,000 penalty has been paid.

**CHAIRMAN ALDEN:**

Good. Thank you.

**DIRECTOR GARDNER:**

I mean, from Island Rec, I'm sorry, not Poseidon, Island Rec.

**CHAIRMAN ALDEN:**

Legislator Nowick.

**LEG. NOWICK:**

I just wanted to ask you as an aside, because I don't know who else to ask this question. Now this might be perfectly legitimate, but I wanted to run it by you. I am talking about towing companies. These are the companies that are hired by private condominium associations and they come and tow away cars that are parked illegally.

**DIRECTOR GARDNER:**

Correct.

**LEG. NOWICK:**

Now, just a quick scenario. Enter a condominium complex. As you enter, I am assuming there was a sign that said absolutely no parking on the street.

**CHAIRMAN ALDEN:**

Is this a personal experience?

**LEG. NOWICK:**

No. I didn't get towed away.

**CHAIRMAN ALDEN:**

Okay.

**LEG. NOWICK:**

And this is a story --

**CHAIRMAN ALDEN:**

Legislator Browning and I were going to bet on this.

**LEG. NOWICK:**

No. This is not a personal -- almost not. Okay. The sign is there at the beginning, but it doesn't go into the complex. Be that as it may, if you miss the sign, oh, well.

**DIRECTOR GARDNER:**

It needs to be at the entrances and the exit.

**LEG. NOWICK:**

Okay. I think that's one in the same place. So you go into the condominium complex, you park your car in the wrong spot, you're a guest, whatever, you walk outside, your car has been towed away. I understand that. This is my question. The towing company takes the car, the person walks out and says where is it, tries to find out through the condominium complex administration.

**DIRECTOR GARDNER:**

Correct.

**LEG. NOWICK:**

The towing company says it's, in this case, \$260 cash to get the car out, but there's nobody at the site. So either you, you know, come with us in the truck, we'll drive you to the site, you have the 260 in cash. I don't know. Something sounds snaky to me about someone that allows you to come into the truck. I'm not really happy.

**DIRECTOR GARDNER:**

Well, the first place that the towing company has to go is the nearest precinct when they take the car.

**LEG. NOWICK:**

And bring the car to the precinct?

**DIRECTOR GARDNER:**

They have to let the Police Department -- the nearest precinct know that this car has been towed because it has parked illegally.

**LEG. NOWICK:**

Okay.

**DIRECTOR GARDNER:**

And then where it's going to be, etcetera.

**LEG. NOWICK:**

Okay. I just wanted to know the rules and regulations of this. So if they did go to a precinct, and then towed the car to lot, they are under no obligation then in the middle of the night to release the car? I mean, how does one get to the car then if there's no one at the lot? Where do you go, do you go to the precinct?

**DIRECTOR GARDNER:**

Well, if everybody has done what they are supposed to do, the precinct will know where -- which cars may have towed and where they are.

**LEG. NOWICK:**

So then would the precinct -- the people are left without a car, obviously.

**DIRECTOR GARDNER:**

That's right.

**LEG. NOWICK:**

So would the precinct -- how -- what would you do then? What's the -- is that the norm, to be leaving somebody without a car? How do you get to an ATM Machine to get them 260 in cash is you're stuck without a car? Does it sound like this is the norm?

**DIRECTOR GARDNER:**

If the car has been parked illegally and towed legally, yeah, you don't have your car.

**LEG. NOWICK:**

Okay.

**DIRECTOR GARDNER:**

And the reason that -- one of the reasons that it has to be reported to the precinct is so that people -- I mean, the first thing you think of is the car has been stolen. So you go to the cops and report the car stolen, and they say -- if everyone has done what they're supposed to, they say, well, no, ma'am, your car wasn't stolen, it was parked illegally, it's been towed by ABC Towing, and they're located at blah, blah, blah.

**LEG. NOWICK:**

So first thing you do is you call the local precinct.

**DIRECTOR GARDNER:**

Correct.

**LEG. NOWICK:**

Okay. Now, does it sound normal --

**DIRECTOR GARDNER:**

And on the sign, by the way, remember, it has to have the information as to the towing company, etcetera, where the car can be reached.

**LEG. NOWICK:**

Oh, okay. And would you say -- just another question. Does the towing company usually ask somebody, if you have any old cars, we'll come and get them with or without a title? Is that like an aside business?

**DIRECTOR GARDNER:**

That I don't know the answer to.

**CHAIRMAN ALDEN:**

There was a presentation --

**DIRECTOR GARDNER:**

You're kind of getting over into the scrap metal proposal now a little bit.

**LEG. NOWICK:**

You're kidding? I didn't realize that.

**DIRECTOR GARDNER:**

That part of it. You know, we only regulate the towing of cars that are parked illegally in public-access privately-owned parking lots.

**LEG. NOWICK:**

Okay. So it has to go to the precinct first, the cash business is okay, and also it has to say the towing company on the sign?

**DIRECTOR GARDNER:**

That's correct.

**LEG. NOWICK:**

Okay. Thank you.

**CHAIRMAN ALDEN:**

And you might want to recommend to that person go right back into the people that they were visiting and get a ride to -- if not a loan -- to go get their car.

**LEG. NOWICK:**

I think there was a car there, yes.

**CHAIRMAN ALDEN:**

No. That leads to an interesting thing, though. We need to make sure that 1099s are issued on all that money, that cash money that gets going, because otherwise we're subsidizing come corporations that deal in strictly cash.

**LEG. NOWICK:**

Absolutely.

**CHAIRMAN ALDEN:**

I wonder if -- I wonder if the Comptroller is aware of that practice. It's just like walking around some of these -- these little whatever you want to call them, shopping centers that aren't really shopping centers, and you go into them and everybody's got like a little cigar box that they're making change out of.

**LEG. NOWICK:**

Well, it is interesting that it's a cash-only. And I'm sure, though, that when they take the old cars they're reporting the cash at the same time. Don't you think?

**CHAIRMAN ALDEN:**

That's something to look into. Anybody else? Legislator Browning.

**LEG. BROWNING:**

Yeah. Just day before yesterday, Monday, I had a constituent come in. What's going on with this lotto scam? Because what I did was this lady came in --

**DIRECTOR GARDNER:**

Lotto scam?

**LEG. BROWNING:**

Yeah. You know that Canadian Lotto scam?

**DIRECTOR GARDNER:**

With all the various --

**LEG. BROWNING:**

She came in with a letter, and there was a check for \$3500. And again, the letter is asking her to send 1800, and at the end, she's going to get 54,000. I looked at the check. It was a check -- I know that some of them have come from Washington Mutual checks. This one came from a bank in Maryland. Out of curiosity, I called the bank in Maryland. And there was a name of a company, a masonry company on the check.

So I called -- you know, I called the bank, they give me their source to call. And he checked, and he said, "Well, actually, we do have somebody by that, we have a name company by that name." So it was a concern to him, because they're issuing checks from this guy's company, the routing number, the account number, everything was correct. So he was going to act on it. However, people are still getting these letters, they're still getting these checks. And I'm not so sure that people are really aware. I know that Suffolk Life did something on it, but I still don't see that people are really aware of it. And I'm glad the lady came in. And my concern is we have a lot of senior citizens. How they got her name was through Reader's Digest.

**DIRECTOR GARDNER:**

When I paused a little bit when you asked about the lotto scam, the basics are kind of the same, but there are thousands of different -- there isn't just one lottery scam. I mean, there are so many. You can't believe the letters I get, because I kind of -- when I get the stuff, I don't delete it, I -- you know, I want to foster continue getting stuff. I mean it's just unbelievable. They all are out to get your money and/or your personal ID. But the way they go about it, there are as many ways to go about it as there are scam artists. So there's not a "the lotto" or a "the lottery scam." There are hundreds and hundreds of them out there. And again, it's the FTC, the Postal Inspection Service, and at times, the New York State Attorney General's Office.

**LEG. BROWNING:**

Okay. We'll have to work on trying to advertise it more in our communities.

**CHAIRMAN ALDEN:**

Well, what my office did, and I'm referring to Warren Greene, he worked with Suffolk Life, and Suffolk Life did almost like a public service announcement. And they ran a story about these people over in my district that they attempted to scam. And they had a lot of calls from people -- I think the FBI looked into it and the Postal Service. So there was some publicity that way. And then we also included the same story in our newsletter when we sent it out there.

**LEG. BROWNING:**

No. I'm just concerned. You know, Christmas is coming, and this lady was like, oh, my God, you know? And because she seen Reader's Digest -- and you know, so they're looking, oh, Christmas is coming, this is great.

**DIRECTOR GARDNER:**

It's the old story, if it sounds too good to be true.

**LEG. BROWNING:**

Exactly.

**DIRECTOR GARDNER:**

And also, you don't get nothing for nothing.

**LEG. BROWNING:**

That's right.

**DIRECTOR GARDNER:**

And the people that get these things in the mail unsolicited that say, well, all you have to do it this, whatever it may be; cash this check, get back to us, and you'll get \$1800 or \$3500 or \$10,000. Sounds good, but you just have to like say, no, you know what, this is not true.

**CHAIRMAN ALDEN:**

There are so many Christmas scams out there. It's like the people that find a pocketbook in the parking lot. They open it up and there's a Rolex Watch and maybe some cash, and then they ask the other person who's standing there, hey, we'll split this, you go to an ATM and take out, like, a couple of thousand of dollars and give to me, and then we'll hold it, you know, like, or ten days or give it to the police, and then we'll split the \$25,000 Rolex Watch or whatever.

And more importantly, you know, people should be aware of the fact, and I'm surprised they didn't do it in Public Safety, when people are walking through, especially women, walking through parking lots, holding on to packages at Christmas time, and their purse is on an outside arm, there's people that will pull up in a car and take that purse, even if they drag the person to death. They take that purse and they grab on to it. Or they'll come up and hit somebody over the head with something to take their purse and some of the gifts.

So Christmastime is, unfortunately, a time for a lot of con artists and scam artists that are out there and some physically abusive people that, you know, they use more physical force to take money and gifts and things because they know people are shopping, they know people have a lot of money with them. Legislator Nowick.

**LEG. NOWICK:**

No. That's all very interesting, and as I'm sitting here thinking, you know, maybe when Charlie says if it's too good to be true, you know it's not true, but we all know that. You know, we're experienced in life. You know if you get the call on your machine at home, you just hang up, but there are -- I'm thinking of the younger generation that always thinks it's for real. And those are the people -- maybe in our newsletter should in the future do a beware kind of a thing.

**CHAIRMAN ALDEN:**

I think it would nice to you know -- whoever is on this committee next year really should coordinate with Charlie, because there are a couple of recurring type of things. And maybe everybody, all 18 Legislators, try to coordinate certain warnings that we give out to the public. And I know that Channel 12 and a couple of the other media sources, they will cooperate with public services announcement-type -- you know, as long as not it's not -- you know, like, next year is an Election Year, and we're not going to identify ourselves, but we could get a spokesman or something like that or let Charlie go on, because he is not running for anything that we know of right now, right?

**DIRECTOR GARDNER:**

Right. Yes, sir.

**CHAIRMAN ALDEN:**

Okay. Good.

**LEG. BARRAGA:**

Charlie, maybe one of the things you can do is if we wanted to put a press release out some of these scams, you know, as you pointed out, a lot of this has to do with Federal agencies.

**DIRECTOR GARDNER:**

Correct.

**LEG. BARRAGA:**

So if you put a release out making people aware of something or a series of events that are blatantly illegal, it would be nice if you could put together a number of phone calls that people could make to

various agencies when something like this does happen. So if someone gets a letter and they know it's a scam, at least if they have the press release they could pick up the phone and call the Post Office, the Federal agency, the FBI. Can you put something like that together? Because most of these are Federal numbers.

**DIRECTOR GARDNER:**

We actually have done that in the past, press release through the County's Office of, I guess it's Public Affairs. And we have some information on our website.

**LEG. BARRAGA:**

Can you fax it over or e-mail it to me?

**DIRECTOR GARDNER:**

Yes.

**LEG. BARRAGA:**

Then I'll put a press release out.

**DIRECTOR GARDNER:**

Sure.

**LEG. BARRAGA:**

Because it's that type of year where all these things are going. And, you know, it's not just the mail, it's also the internet too.

**DIRECTOR GARDNER:**

That's correct. And the internet, again, it's the same thing. The base warning to everyone is things that you receive, whether it's on the telephone, in the mail or on the internet that are solicited, if you haven't made the first contact with this company or person or outfit, and they -- and you get this, you know, send us whatever, don't do it. Don't do it.

I mean, there is a big internet deal going on right now with that PayPal. And people -- somebody has hacked into PayPal, and there are e-mails that looks like it coming from PayPal. And the subject is, you know, there's a problem with your account or we need to reverify your account or whatever, something like that. People open it up and then they send the information. And PayPal is aware of it. You know, they know what's going on. They're trying to get to these people. But the point is that whether it's Citibank or PayPal or anybody, they don't unsolicited contact you via internet and just say, you know, we need this information. It doesn't happen. They don't do that.

**LEG. BARRAGA:**

Right.

**CHAIRMAN ALDEN:**

You know what might be a good new program? And you've kind of suggested it now, we have money in a reserve account in the Legislature for any type of lawsuit that might pop that we would have to up initiate. We might want to start a Public Service Announcement Program with -- using some of that money, because it's a definitely a benefit to the people of Suffolk County.

**LEG. BARRAGA:**

Well, one of the things you can do, which is very effective, is actually put out a press release on this. You know, it's usually picked up by all the local papers. Just to make people aware. You know, if you actually are spending dollars through, you know, radio or TV or newspaper, County dollars, you know, then again, I don't know how effective that is.

If I send out a press release, I know it's going to get into five or six local papers. And if you have enough members doing that, if people are reading the papers, you know, it should make the aware. But you're always going to have someone whose naive. You know, a senior citizen or someone, not necessarily -- but they're most -- they're usually the age group that's most susceptible to these kinds of deals, especially -- not so much on the internet and not so much in the mail, but on the phone. You know, I mean, some people are very passive, very timid on the phone as seniors. They get confused, they go along, they give out all sorts of information; Social Security numbers and everything else, and they get burnt very badly, you know?

**DIRECTOR GARDNER:**

Yes. And a lot of times when we talk to them they say, oh, well, he was so nice. That's their con. We ran a couple of joint seminars with the District Attorney's Office and the Office of the Aging, and part of our message was that; yes, they sound nice. If they didn't sound nice, you would be -- you would have hung up on them. They purposely sound very nice, like your grandson or your granddaughter, that's their con. And they're so nice, and then because of their age, they are very nice back to them. They don't want to hang up. They don't even know this person, but they don't want to, you know, tick them off by hanging up or just saying, see you. But that's what they have to do.

**CHAIRMAN ALDEN:**

Anybody else want to weigh in on that? Okay. So we've got -- thanks, Charlie. We have a couple of Tabled Resolutions.

**1791, Adopting a Local Law to require gasoline service stations to install emergency generators for fuel pumps.**

This has to be table for a public hearing. It was recessed on 12/19. Motion by Legislator Montano, seconded by Legislator Browning. All in favor? Opposed? **TABLED (VOTE:5-0-0-1 - Not Present; Legis. Cooper).**

**2336, Adopting a Local Law to require posting of video game ratings at retail establishments.**

It's similar. The public hearing was recessed on 12/19. Same motion, same second, same vote. That's **TABLED (VOTE:5-0-0-1 - Not Present; Legis. Cooper).**

**M-062. Memorializing Resolution requesting the New York State Public Service Commission to review the proposed LIPA/KeySpan agreement.**

I know if Legislator Cooper was here, but he's missed another meeting, he would want to see this tabled, because he doesn't feel that this meets the criteria. So motion by Legislator Montano, seconded by Legislator Barraga. All in favor? Opposed? That stands **TABLED (VOTE:5-0-0-1 - Not Present; Legis. Cooper).**

Any other business to come before the Consumer Protection Committee? Legislator Barraga.

**LEG. BARRAGA:**

Just one side note. Cameron didn't have ask you about the Farmer's Almanac as to whether or not it's going to be a cold winter. You should have asked me. I just bought a very expensive snow blower that could do Montauk Highway. I assure you, it's going to be one of the warmest winters in the last 50 years.

**CHAIRMAN ALDEN:**

One can only hope. Thank you. We stand adjourned. Thank you.

(\*THE MEETING WAS ADJOURNED AT 9:56 A.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY