

**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, 725 Veterans Memorial Highway, Smithtown, New York on June 7, 2007.

MEMBERS PRESENT:

Legislator Cameron Alden, Chairman
Legislator Jack Eddington, Vice Chairman
Legislator Wayne R. Horsley
Legislator John M. Kennedy, Jr.
Legislator Elie Mystal

ALSO PRESENT:

George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Verna Donnan, Budget Review Office
Linda Bay, Aide to Minority leader
Fran Siems, Legislative Aide
Debra Alloncius, Legislative representative for AME
Lynne Bizzarro, Assistant County Attorney
Paul Perillie, Aide to Majority Leader
Maria Barbara, Aide to Chairman Alden
Charles Gardner, Director of Consumer Affairs
Bob Sheron, Suffolk County FRES Planner
Angie Marketta, Home Improvement Board
Frank DiFazio, Electrical Board
William Macchione, Home Improvement Board
Albert Colao

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:12 PM)

CHAIRMAN ALDEN:

Good afternoon. Welcome to the Consumer Protection meeting and we'll start. And since my distinguished Legislator Horsley has been in the papers recently, I'm asking him to lead us in the Pledge. But Wayne's a great American anyway.

SALUTATION

I ask that you remain standing also because of a tradition in this Committee; we just celebrated Memorial Day not that long ago in which we recognized all those that actually gave their lives for the freedoms that we enjoy today. And I'd just like to take a moment, pause, recognize those people again; keep them in your thoughts and prays. Also the people that are in harm's way serving in the Armed Forces.

MOMENT OF SILENCE OBSERVED

Thank you. You might think I'm kidding, Wayne, but I always considered you like a very patriotic guy even back in grammar school. And I don't know if people realize this but Wayne was a very -- a very good athlete in the day.

LEG. HORSLEY:

Where are you going with this, Cameron?

CHAIRMAN ALDEN:

No, no, no.

MR. BRANDT:

Before he got old.

CHAIRMAN ALDEN:

You personalize things. It's very nice. And that's really what you should do.

LEG. KENNEDY:

What was the sport?

CHAIRMAN ALDEN:

I'll tell you one sport. He was tough. Football. Football. Wayne was tough. I'd be honored to try to tackle him a few times.

LEG. KENNEDY:

And who was on the receiving end of that?

LEG. MYSTAL:

He hit you in the head.

CHAIRMAN ALDEN:

He didn't hit me in the head. Right. Actually before we get to the introductory resolutions, we've got a couple of people here that are going to be considered for reappointment. And I'd like to call them up at this point in time. And now I apologize in advance -- Bill, come on up -- Macchione, right?

MR. MACCHIONE:

Yes.

CHAIRMAN ALDEN:

Okay. Yeah, just wherever you're comfortable sitting down is good. We'll make sure the mike's on for you. Good.

Now you're up for reappointment to Suffolk County Home Improvement Contractor's Licensing Board. Just give us a few views on what you've been doing and what you'd like do in the future on your reappointment.

MR. MACCHIONE:

Well, basically, the licensing board has really recently gotten more and more involved in the issuing of the licenses as far as checking out the people that are applying for the license. And under Charlie Garner's direction, we've been given the ones that would normally be kicked out of the system; that there was questions about them. And so we look into them. We actually bring them in, investigate them. And it's actually been pretty good. We've changed around the testing. And I see a lot of good things coming out of it in the future in the form of revamping testing even further. And also the possibility of breaking out some of the different categories within the home improvement area on the actual contract that they sign.

CHAIRMAN ALDEN:

I want to say thank you for your service in the past because you don't really -- you don't get paid for this. And I don't think you even get benefits or anything like that; right?

MR. MACCHIONE:

No.

CHAIRMAN ALDEN:

Because if you did we'd take them away from you.

MR. MACCHIONE:

Well. As per the articles that have been in the paper, no, we have never received any hospitalization or any benefits like that. But we do get paid \$100 per meeting.

CHAIRMAN ALDEN:

Wow, that's a lot.

MR. MACCHIONE:

Yeah. It pays for the coffee.

CHAIRMAN ALDEN:

But I think it's money well spent. Do you have the time to continue to serve on the board because I know it is time consuming.

MR. MACCHIONE:

Yes, I do. And I look forward to it at your pleasure, that going forward and trying to -- trying to work with everybody and making it, you know, tweaking every little bit that we can to make it a better and better office. And like I said under Charlie's direction it's been fantastic. It has been an excellent generator of income for the County. And we see that increasing.

CHAIRMAN ALDEN:

Good. At least one Legislator wants to ask a question. Legislator Kennedy.

LEG. KENNEDY:

Yeah. Thank you for your service. As a matter of fact I think you kind of hit the nail right on the head that it seems that there's more and more of a role for the board to go ahead and make certain that the folks that we do have out there that are licensed to do quality work and are kind of following through with the contracts that they enter into with residents out there who are looking for the full range of things. Unfortunately once in a while we do have somebody who has a problem and they go ahead and they file something called a mechanic's lien. And I know that there are licensing boards that are out eastern on the town level, too, when -- that gets into some complexities once in a while. My question is do you guys have any contact or inter relationship with any of the town licensing boards or does this body operate kind of at the county level only?

MR. MACCHIONE:

Basically the contacts would be made through Charlie.

LEG. KENNEDY:

Okay.

MR. MACCHIONE:

And his staff. And their recommendations or their input is brought to us in the form of files; that when this person is brought in, we have the recommendations and we have the information from other areas.

LEG. KENNEDY:

So you've got a comprehensive set of --

MR. MACCHIONE:

We've got a pretty good background, yeah.

LEG. KENNEDY:

Good. Okay. That's a plus, then. And again thank you very much for your service. And we'll benefit from the fact then you're deciding to go ahead and do it again. Thank you.

MR. MACCHIONE:

Yeah. And I appreciate it. And the big thing is, it's really the consumer that's out there that needs the protection and trying to stop the unscrupulous contractors and make sure that the ones we do have are on the up and up and legit.

CHAIRMAN ALDEN:

Thank you. We have two more that are also being considered. Angelina Marketta. Hi. Once again, I'll just start by thanking you for your service.

MS. MARKETTA:

Thank you.

CHAIRMAN ALDEN:

And if you want to just tell us a little bit about what you're doing and why you want to serve again.

MS. MARKETTA:

Well, I've been on the Home Improvement Board since the early eighty's actually when Mary {Fallon} was in the position as Consumer Affairs Director. We've really have come a long way. As Bill told you that we now are interviewing some of the licenses -- licensed people that have lost their licenses and want to come back. And we have the opportunity of now interviewing them and helping out overall on -- with Charlie, you know, if they should come back or not. I think we became a vital point and a vital program in the Consumer Affairs Department.

I would say when we start -- when I started I think there was only a couple of thousand licensed

home improvement members -- licensed home improvement contractors. But I don't know how many thousands -- there's plenty now. How many? 8,000 now so. I think what happened at the beginning which was great is that every -- there was home improvement contractors. And then we -- we were able in the committee years ago separating the electronic -- the electricians from the plumbers. And I think that protected the consumer more having each of them have a license.

CHAIRMAN ALDEN:

Do you have the time to serve?

MS. MARKETTA:

Yes, I do.

CHAIRMAN ALDEN:

Good. Any other questions from the Committee? Seeing none, okay, we're going to get to your resolution in just one minute.

MS. MARKETTA:

Okay.

CHAIRMAN ALDEN:

We have Frank Difazio also. Hi, Frank. Thanks for coming down. And again thank you for your service. And I'll ask the same question I did the other two.

MR. DiFAZIO:

Thank you. Yes, I would like to continue to serve. And I've been serving for over 20 years on the board -- Electrical Board that is. And we're in the process of looking at -- presently we have a five year experience rating. And what we want to do now is up that to seven -- seven years mainly because of new technology that's come into the area, into the field -- electrical field, that is. And we feel that -- to be a licensed contractor today, you have to know a heck of a lot more than you did yesterday. With wireless, with solar energy and what's happening -- what's coming about today in electronics and so forth. It's important that these individuals really have a good background of what they're doing. You don't want to send someone into someone's home who really doesn't know what they're doing. And that's what we're looking forward to doing. That's -- you might be seeing that come before you in the next few months. Other than that, we do just about what you've heard before, before me. And there's not -- not much more I can say other than that.

CHAIRMAN ALDEN:

You still have the time to devote to it?

MR. DiFAZIO:

Yes, I do.

CHAIRMAN ALDEN:

Good. Any questions? Legislator Kennedy.

LEG. KENNEDY:

Not so much a question, Mr. Chair, but I guess what I'm going to do is ask for the prerogative of the Chair to go ahead and when the time comes for the resolution to make the motion to reaffirm Mr. DiFazio. I know him personally. He was a close and dear friend of my father's. And I know that he has, oh, 40 years in the electrical contracting business and has done some of the largest projects that there are; not only in Suffolk County but all across Long Island. So we are certainly benefited by the fact that a gentleman of his caliber and stature chooses to serve us. And it'll be my privilege and pleasure.

INTRODUCTORY RESOLUTIONS

CHAIRMAN ALDEN:

All right. We don't have any cards so why don't you just stay right there and I'll go backwards in the agenda, then. **1464, approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board. (County Executive)**

LEG. KENNEDY:

I'll make the motion.

CHAIRMAN ALDEN:

Motion by Legislator Kennedy second by everybody up here. All those in favor? Opposed? **(Vote: 5-0)** You're approved through this Committee. And traditionally you don't really have to go to the -- because it'll be a formal approval and a formal vote by all 18 Legislators next Tuesday, but you really don't have to show up there.

MR. DiFAZIO:

Great. Thank you so much.

CHAIRMAN ALDEN:

Congratulations. And thank you very much for service.

MR. DiFAZIO:

Thank you. I appreciate it that. Thank you.

CHAIRMAN ALDEN:

Then we'll do **1463, approving the reappointment of Angelina Marketta as a member of the Suffolk County Home Improvement Contractors Licensing Board. (County Executive)**

LEG. MYSTAL:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Mystal, second by Legislator Eddington. All those in favor? Opposed? Unanimously approved. **(Vote: 5-0)** Congratulations.

And **1462, approving the reappointment of William C. Macchione as a member of the Suffolk County Home Improvement Contractors Licensing Board. (County Executive)**

Motion by myself, second by Legislator Kennedy. All those in favor? Opposed? Unanimously approved. **(Vote: 5-0)** Thanks again, Bill. And again thank you for -- and we said it a couple of times, but thanks for your service. Because without you folks government doesn't work as well as it should. And thank you very much again.

All right. Now, we'll go to the regular agenda. And like I said before we don't have any cards so nobody's really put forward and shown an interest in addressing us on anything.

TABLED RESOLUTIONS

So we got **1056. This is a tabled resolution adopting local law, blank, a local law to enact a Suffolk County Homeowners Protection Act. (Alden)** And that's -- the hearing is recessed so I'm going to make a motion to table it, second by Legislator Eddington. All those in favor? Opposed? **1056 is tabled. (Vote: 5-0)**

We don't really have anything else on the agenda so --

LEG. EDDINGTON:

Motion to adjourn.

CHAIRMAN ALDEN:

Motion by Legislator Eddington, second by myself to adjourn. All those in favor? Opposed? We stand adjourned. Thank you very much.

MR. COLAO:

I handed in a card.

CHAIRMAN ALDEN:

I apologize. Where did you hand it in?

MR. COLAO:

I handed it in the front like I normally do.

CHAIRMAN ALDEN:

All right. We'll take a motion by Legislator Eddington to reopen, second by myself. All those in favor? Opposed? The Consumer Protection Committee is reopened. If somebody could go out and just get the card.

MS. ORTIZ:

I'll check it.

PUBLIC PORTION

CHAIRMAN ALDEN:

All right. Come on forward then while we're looking for your card. And just put your name on the record.

MR. COLAO:

My name is Albert.

CHAIRMAN ALDEN:

That might not be on.

MR. COLAO:

My name is Albert formerly with Home Style Remodeling. I'm pretty much known here. I've been here numerous times.

LEG. MYSTAL:

Give your last name.

MR. COLAO:

Colao. C-o-l-a-o. I've been here numerous times trying to resolve an issue that affected my company. I've come forward in many ways with past clients, transferring jobs under a license that wasn't even my own, which is something I stand very proud of, that I didn't run and hide and not take on my responsibilities as a contracting company. I've asked numerous requests for people to take a look at my company that to some degree still exists; and to look at the customers Mr. {Tarver}, {Belas}, {Maraldo} and all the other clients that got hurt at the hands of Mr. Baessler and Mr. Frank Van Dyke. I went to the Department of Consumer Affairs, did everything I was asked to do. I've went to Steve Levy's Office, did everybody I was asked to do. Been shut down on more than one occasion.

And what I'm requesting again today is an investigation into Mr. Frank Van Dyke and Mr. William Baessler for the effects that they had on all my clients, which I am still dealing with and my company is still dealing with, the repercussions of what happened. I came here because I looked at

this as an impartial body of government and had found that nobody is responding at all to doing anything. They just have me chasing my tail. And, you know, let's ignore it and make believe that none of this happened.

I can't have a license in Suffolk County which is unfair to me. I do feel that our company had to own up to some concern things that did happen along the way. But to put me out of a living is not fair. For the clients that got hurt, it's not fair. And for the two men that just sit there and think that this is okay, that we can do this. And the best that I can say this is, I'm a little disappointed in Mr. Gardner that he has not come to the plate and stood up and held his two people accountable for what they did. No investigation, no nothing. Albert, you should just come in here every month, waste your time because we're not going to do anything.

I'm requesting again an investigation, please, into Mr. Van Dyke and Mr. Baessler for the destruction of Home Style Remodeling and for all the clients that got hurt under their hand. Thank you.

CHAIRMAN ALDEN:

Thanks for your comments. Okay. Anybody else want to address the Committee?

MR. COLAO:

Is anybody going to respond or --

CHAIRMAN ALDEN:

Well, excuse me. Your time's up. So --

MR. COLAO:

Thank you so much.

CHAIRMAN ALDEN:

And I thanked you for your comments. We let you speak. Legislator Mystal.

MR. COLAO:

Everybody have a wonderful day.

CHAIRMAN ALDEN:

Thanks.

LEG. MYSTAL:

Commissioner, can I ask you a question?

CHAIRMAN ALDEN:

Okay. Is it in regard to this?

LEG. MYSTAL:

Yes.

CHAIRMAN ALDEN:

Okay. I'm going to make a motion to go into executive session. And we'll bring the Commissioner and any legislative aides that want to go in there because you really should hear it --

LEG. MYSTAL:

I just wanted to know where we are.

CHAIRMAN ALDEN:

Right now we're going to go into executive session very quickly. It'll only take like two or three minutes. And then we'll be right back out.

MR. NOLAN:

Get a second.

LEG. EDDINGTON:

Second.

CHAIRMAN ALDEN:

Second by Legislator Eddington. All those in favor? Opposed? Unanimously. We're in executive session. We'll leave the auditorium. We'll go into the conference room over here.

We can have the County Attorney, any appropriate legislative aides, representatives from the Consumer Affairs and our attorney if he wants to come.

(Executive session was held from 1:29 PM to 1:37 PM)

CHAIRMAN ALDEN:

We're back from executive session where we discussed the allegations that were just made on the record. And now that we're back in session --

LEG. MYSTAL:

Motion to adjourn.

CHAIRMAN ALDEN:

Motion to adjourn by Legislator Mystal, second by Legislator Eddington. All those in favor? Opposed? We stand adjourned. Thank you.

(THE MEETING CONCLUDED AT 1:37 PM)

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