

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 Thursday, September 6, 2007.

MEMBERS PRESENT:

Legislator Cameron Alden - Chairman
Legislator Jack Eddington - Vice-Chair
Legislator Wayne Horsley
Legislator John Kennedy
Legislator Elie Mystal

ALSO PRESENT:

George Nolan - Counsel to the Legislature
Maria Barbara - Aide to Legislator Alden
Charles Gardner - Director of Consumer Affairs
Renee Ortiz - Chief Deputy Clerk of the Legislature
Joe Muncey - Budget Review Office
Kevin Rooney - Oil Heat Institute
Debra Alloncius - AME
Albert Colao - Homestyle Remodeling
Anthony Colao

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(*THE MEETING WAS STARTED AT 1:09 P.M.*)

CHAIRMAN ALDEN:

Good afternoon. Welcome to the Consumer Protection Committee meeting. We're going to have the start of the meeting will be with the Pledge as usual and we'll have Legislature Horsley will led us in the Pledge.

SALUTATION

CHAIRMAN ALDEN:

I would also ask for a moment of silence and that's in recognition of those that have given their lives for the United States to keep us free and also for those to remember those and keep them in our thoughts and prayers, those that are in harms way.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. Okay. So for the public portion we have one card. Albert Colao.

PUBLIC PORTION

LEG. MYSTAL:

Albert, I haven't seen you in a couple of months.

MR COLAO:

Yes, how are you?

LEG. MYSTAL:

How are you?

CHAIRMAN ALDEN:

You have to make sure the mike's on though.

MR COLAO:

How is everybody today?

LEG. MYSTAL:

Enjoying the summer.

MR CALAO:

Obviously everybody knows why I'm here so I'm just going to read on from here.

CHAIRMAN ALDEN:

Well, you have three minutes.

MR COLAO:

Okay. Our family has been a resident of Suffolk County since 1964. I have always planned on returning to my high school to speak to students as well as other schools across Suffolk County. I would also like to do charity work coupled with programs for Suffolk County, I mean, in Suffolk County.

Suffolk County Consumer Affairs has made me out to be a criminal and completely in inhibiting me from carrying out my dream. I feel I have been victimized as I watched the Department of Consumer Affairs tear our company to the ground. That not only caused financial hardship to my

family but to my customers along the way. They prohibited me from completing their jobs and placed them in harms way of losing their most valuable investment, their home.

My issues with the Department should have not been to their consequence. I was aware of their issues and the challenges our company was facing and was taking every option toward improving our practices across the board. The Department of Consumer Affairs has circumvented all that when they shut us down. The Department of Consumer Affairs has not yet to avail themselves to me in any form and offer me any clear concise means in which I can rectify my licensing issues. I've learned there are few complaints of which the details have been kept from me. I was not even given a fair opportunity to address said issues and yet they continue to criminalize my very being, from sheriffs following me into the Consumer Protection Committee and out to my car, to more recently putting my face on the news, further destroying my reputation in Suffolk County.

Yet, I continue to stand before you today in this constant appeal of this situation. Am I a criminal for standing up for what I believe? I am an honest man trying to make an honest living and I thought I was doing something good by contributing to this town and County that I grew up in.

I therefore put on the record that I believe these extra ordinary events have taken place around me because I begin to speak in this forum. I am stating here that I suspect the Department of Consumer Affairs to be behind these occurrences or harassment as many have called it. I was proud of what we were doing and where we were headed as a company. My dreams and my aspirations I had for my company and the people who stand behind me is all clouded by the confusion and I am not clear to why the Department of Consumer Affairs is covering this up and looking to mold me into something I am not.

CHAIRMAN ALDEN:

Thirty seconds left.

MR COLAO:

Is this to take the light off of them? I wonder. It deeply disturbs me. I am concerned for all of the residents of Suffolk County as well as myself who put faith in these organizations such as the Department of Consumer Affairs when in fact their policy and procedures cause harm to individuals involved. I'm going to go right to the chase. Today I'd like to --

CHAIRMAN ALDEN:

Ten seconds.

MR COLAO:

-- I'm sorry.

CHAIRMAN ALDEN:

Ten seconds left.

MR COLAO:

Can I have an extension please of about maybe one minute please?

CHAIRMAN ALDEN:

Sure.

MR COLAO:

All right. I'd like to backtrack and could we start the clock when I find my place? Thank you.

CHAIRMAN ALDEN:

You tell me when and I'll start the minute.

MR COLAO:

Now. As a leader I have led my company down the road of disaster for standing up for what I believe. The fact that this was a growing company and had many obstacles to overcome some seem to -- from the beginning and some realized along the way. We were on our way, we were all on a mission to correct these things when the Department of Consumer Affairs at the hand of Mr. Frank VanDyke and Mr. William Baessler destroyed any opportunity we may have had. Today I'd like to learn what recourse I have, I need to move on. I live in fear of constant reprisal from the Department of Consumer Affairs. I need answers and direction. The Commission has not responded. The Consumer Protection Committee has not responded and I continue under the microscope of the Department of Consumer Affairs all for speaking what I believe to be the truth.

CHAIRMAN ALDEN:

Fifteen seconds.

MR COLAO:

Can somebody please respond to this?

CHAIRMAN ALDEN:

You're done with your statement?

MR COLAO:

Yes, I am.

CHAIRMAN ALDEN:

Actually I'm going to cut off debate and there's not going to be a response. I believe that you're referencing the fact that you were arrested in a sting operation, that's a criminal case. My suggestion would be get an attorney.

MR COLAO:

I'm not referring to that at all. I'm referring to the Department of Consumer Affairs not owning up to their responsibility and covering up for the men in the Department of Consumer Affairs that have led this company to this disaster. I am not referring to being arrested. I am not guilty of anything and that'll be proven in a court of law if I have to take it all the way that I could possibly even take it.

So that's not the issue here today. The issue is here today that Mr. Gardner has not held his people accountable for what they have done and is trying to turn me into an criminal in the County that I've been in since 1964 and was proud of being in until right now. And that's what this is about and nothing more and nothing less.

CHAIRMAN ALDEN:

Right now you're only forum really, it's not going to be here because you are involved in a criminal case, that's where your forum is. There's going to be no more discussion. Thank you for your statement.

MR COLAO:

Okay.

CHAIRMAN ALDEN:

And that's it.

CHAIRMAN ALDEN:

Just one more thing, nice touch with the chess set on the table Mr. Gardner, like that.

CHAIRMAN ALDEN:

All right. That's all the cards we have. Is there anybody else who wanted to address us in the

public portion?

MR. COLAO:

Ah yes, I would like to sir.

CHAIRMAN ALDEN:

You're going to have to fill out a card and then come on up.

MR. COLAO:

I did fill out a card. I don't know where it is.

CHAIRMAN ALDEN:

You filled out a yellow card like this?

MR. COLAO:

Yes.

CHAIRMAN ALDEN:

Come on up and speak and then we'll have you fill out the card after you're done. Just identify yourself on the record.

MR. COLAO:

My name is Anthony Calao. Albert has spoken before this committee on numerous occasions, obviously everybody's aware of that. And I asked for an opportunity to speak to possibly crystalize some of the more pressing facts about the case.

CHAIRMAN ALDEN:

This is first time here so you have three minutes, I'll just --

MR. COLAO:

All right.

CHAIRMAN ALDEN:

-- thanks.

MR. COLAO:

About the case in obtaining a home improvement contractors license. Albert's been denied a home improvement contractors license and cited in a letter October 24th, 2006 by Mr. Gardner. It was specifically citing two cases; the Johnson case and the Tishler case.

With the Johnson complaint there were nine issues that needed to be resolved, that was the nexus of what had to be done to complete the complaint. At a meeting on -- or hearing on November 9th, 2006, representation by Albert showed up at the hearing and by which the customer wasn't there as well, showed up with a signed and sealed document from the architect on the scene that indicated all the work was completed and 1) anybody reasonable would expect that this would be the end of that complaint and all work is completed to satisfaction. But in fact this was not the case.

This would be -- this wouldn't be the only obstruction that took place. As well, in another instance the Commissioner of Licensing, William Baessler, indicated to Albert that -- Albert's attorney actually, that I know {Albie} wants to be at the hearing tomorrow and I know that he's going to be upset that he's not going to be at the hearing tomorrow. And this was particularly about, you know, a licensing issue where he wanted to defend himself. He's never had the opportunity to speak. He's been prohibited from any of the hearings regarding these complaints and he stands before you and on multiple occasions seeking to get that voice.

Any issues regarding the Department of Consumer Affairs responding to this have never been on the

record, they haven't responded to any of the requests for guidance and direction in the aftermath of showing that they completed the required work for the problem with the Johnson case.

The second case that was discussed was discussed with Mr. William {Tischler}, I believe the name was and Mr. {Tischler} had a contract with his architect to get the variances and whatever other permits were necessary for his home project and he was complaining about the timeliness of getting those permits. It was shown to Department of Consumer Affairs that in fact, there was a contract and it specifically stated with the architect to complete that work and yet this complaint was allowed to stand.

I understand -- I'm a customer of a contractor that where I've had problems as well. The last thing I want is to go to the Department of Consumer Affairs but in the absence of doing that I need a contractor that's willing to engage me in a solution. The Department of Consumer Affairs prohibited or advised the Johnsons in their case to not discuss anything with Albert, to prohibit him from the premises and as well, told them not to pay for work that was actually from the November 9th letter that was okay that was completed in satisfaction.

CHAIRMAN ALDEN:

You have 30 seconds left.

MR. COLAO:

In conclusion what I do want to say is that the {Tischler} case has no standing because there is a contract that they had with someone else for the complaint that they made. The Johnson case, well if Albert's prohibited from being on the premises at the advisement of the Department of Consumer Affairs, how could he possibly resolve the complaint? It's nonsense.

So the two complaints that were cited as reasons for denying him a license, which was brought to their home improvement licensing board, I mean, what kind of information were they working with? It was from the Department of Consumer Affairs so it was subject and it was biased. So we're asking for a review of that and that those -- that information be considered not considering the aftermath and the other activities that the Department of Consumer Affairs took against Albert after that. Thank you.

CHAIRMAN ALDEN:

Thank you for your statement. Is there anyone else that wanted to address this committee during the public portion? Seeing none, I'm going to ask the Commissioner to come up and just a little overview on gasoline and oil, heating oil.

DIRECTOR GARDNER:

Mr. Chairman, the latest survey done by the office was given to the committee from last week and the information from this week is about the same, it's fairly steady. Very slight decrease in gasoline. Home heating oil is about the same. If you read the latest news from American Petroleum Institute and the various trade letters the refineries are getting ready for the maintenance portion of their calendar and also are preparing for a hurricane that may or may not hit. But it's been fairly stable for the last two weeks. Declining. The rate of decrease has slowed down a little bit but it's still we're as low now as we've been in last almost six months.

CHAIRMAN ALDEN:

That's on gasoline.

DIRECTOR GARDNER:

Gasoline.

CHAIRMAN ALDEN:

And heating oil?

DIRECTOR GARDNER:

Heating oil.

CHAIRMAN ALDEN:

I know it's a little early though, right?

DIRECTOR GARDNER:

Yes. We're just starting to get into the season now. We're just starting our round of inspections of the 800 or so heating oil delivery trucks that operate in the County. So we're just getting into that. Price, again because in the later part of July through August it's generally the most calm season for the home heating oil dealers as far as price goes. And it has been -- it's been within a nickel for the like, four to five months. Probably that will start to increase as, you know, the old supply and demand rule kicks in.

CHAIRMAN ALDEN:

I don't think our next committee meeting is until the end of September maybe early October. That's a little bit on the beginning of the season but if you would just stay on top of that to give us reports as we go along for the heating oil season.

DIRECTOR GARDNER:

Yes, we will.

CHAIRMAN ALDEN:

I would appreciate that. Thank you.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN ALDEN:

Mr. Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Just a comment and I want to commend the Commissioner and committee here. My office had occasional work with your office regarding constituent with complaints associated with a boiler and warrantee work. And as a direct result of your involvement and some folks from the Oil Heat Institute, I'm happy to say that constituent is getting full replacement to the tune of probably \$1500 worth of boiler equipment associated with the fact that the installer apparently did not install to code and acknowledge that there were issues in the first instance.

So once again your office provides, you know, critical information and real time help for folks who need it out there in the community.

DIRECTOR GARDNER:

Appreciate the good words. Thank you.

LEG. KENNEDY:

So through the Chair, I thank you Mr. Commissioner.

CHAIRMAN ALDEN:

Thanks, Mr. Kennedy. All right. Any other comments?

INTRODUCTORY RESOLUTIONS

We'll go the to tabled resolutions, we have none but we have introductory resolution, **1699, A Local Law to enact consumer protection in connection with musical concerts and performances**

a Truth in Music Bill (Alden)

I'd like to make a motion to approve that. And if you guys would stay with me for a little bit on that. I'm going to have our Counsel do a comparison to what New York State enacted and see what the differences are and if we can provide a little bit better coverage because I know that they're going to go through the Attorney General's Office and the Attorney General testified here at the beginning of the year that they have a lot of trouble with even the manpower issues for when your identity's stolen so ours might be a little bit more stringent in that we are going to provide some kind of protection for these folks.

So if you'd that, you know, for me I would appreciate it and then if we find out that our bills are identical I'll withdraw it at the general session. So I'm making a motion to approve, second by Legislator Horsley.

LEG. HORSLEY:

Second.

CHAIRMAN ALDEN:

All in those in favor? Opposed? Okay.

LEG. MYSTAL:

You got it.

CHAIRMAN ALDEN:

Thank you. Thanks. That's passed. Thank you very much. **Approved. (VOTE: 5-0)**

1868, A Local Law to establish an At-Store Recycling Program for plastic bags. (Horsley)

LEG. HORSLEY:

Yeah, motion to table it needs a public hearing.

CHAIRMAN ALDEN:

I'll second that, or seconded by Legislator Eddington. All those in favor? Opposed? It's tabled for a public hearing. **(VOTE: 5-0)** And that public hearing was set for September 20th, right?

LEG. HORSLEY:

I think so.

CHAIRMAN ALDEN:

At 2:30 PM in the afternoon.

MEMORIALIZING RESOLUTIONS

MR 56, Memorializing Resolution in support of the plastic bag reuse and recycling act. (Horsley) What's your pleasure?

LEG. HORSLEY:

Motion to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN ALDEN:

Motion to approve by Legislature Horsley, second by Legislator Eddington. All those in favor? Opposed? That's approved. MR 56 was a memorializing resolution, is approved. **(VOTE: 5-0)**

Basically that ends our agenda. So unless anybody else has anything that they wanted to actually bring before this committee. Seeing none, we stand adjourned. Thank you.

(THE MEETING CONCLUDED AT 1:27 PM)
{ } DENOTES SPELLED PHONETICALLY