

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 April 17, 2008.

MEMBERS PRESENT:

Legislator Lynne C. Nowick, Chairwoman
Legislator Elie Mystal, Vice Chair (Not present)
Legislator Thomas F. Barraga
Legislator Kate M. Browning
Legislator Jack Eddington

ALSO PRESENT:

Presiding Officer William Lindsay
Brian Beedender, Fourth District
George Nolan, Counsel to the Legislature
Barbara LoMoriello, Deputy Clerk
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Deputy County Executive
Robert Dow, Commissioner of Labor
Brenda Rosenberg, Director of Local Law Compliance, Department of Labor
Charles Gardner, Director of Consumer Affairs
Joe Muncey, Budget Review Office
Debra Alloncius, AME Legislative Director
April Ortiz, County Executive Aide
Greg Moran, Aide to Leg. Nowick
DuWayne Gregory, Aide to Leg. Mystal
Linda Bay, Aide to Minority Leader
Elaine Kahl
Paul J. Forthmuller
Jim Castellane
Mario Mattera
Robert Siachitano
Patricia Brodhagen
Nicholas Gambino

ALSO PRESENT: (Continued)

Pete Zarcone
John Guadagno
Alex Charles
Joe Montabano

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

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(THE MEETING COMMENCED at 1:15 PM)

CHAIRPERSON NOWICK:

The Consumer Protection Committee is about to begin. Will all Legislators please come to the horseshoe.

Can we all stand for the salute to the flag, please, led by Legislator Barraga.

SALUTATION

Welcome to the Consumer Protection Committee. We do have several cards but I would like to begin with bringing up Commissioner Dow because I know you have other things to do, Commissioner, so, with due respect to you. Hello, Commissioner. Hi, how are you?

MS. ROSENBERG:

Good.

COMMISSIONER DOW:

Good afternoon, Honorable Legislators and Chairperson Nowick. I also brought with me our Director of Local law Compliance, which is the Living wage and Lawful Hiring of Employees Law, Brenda Rosenberg, for any additional questions that you might have that I might not be able to answer.

CHAIRPERSON NOWICK:

Hi, Brenda. Commissioner, as you know, I had asked if you wouldn't mind coming here for a little while because I know Legislator Beedenbender did want to address some questions with you. And

with that I will give the floor to the Legislator.

LEG. BEEDENBENDER:

Thank you, Legislator Nowick. And I appreciate you giving me a few moments even though I'm not on the Committee.

Commissioner Dow and Brenda, could you just give me a brief overview and tell the Committee a little bit about the work that you do, what you've done so far with the laws that are in place and things of that nature?

COMMISSIONER DOW:

Well, at first, again, we -- Brenda has our Local Law Compliance. We have -- currently administering two laws. One is the lawful hiring of employees that went into effect in January of '07. And the Living Wage Law that went into -- back in, I think, 2000 went into effect.

MS. ROSENBERG:

2002.

COMMISSIONER DOW:

2002. If you'd like, I'll have Brenda go into more detail on the monitoring processes that we've been doing and that sort of thing.

MS. ROSENBERG:

Currently on the lawful hiring, what we are doing is monitoring all -- as many construction sites that we can and also not-for-profits. What we do is we have a -- several people who go out to the sites. They get the names of the construction workers. We have them sign in. Then we go back to the corporate offices to make sure all the proper paper work for their legal -- make sure they're legal -- if they are immigrants, make sure they're legal. And if they're not, make sure they have the proper paper work on -- in the offices.

And to date after monitoring approximately 67 sites, we've only found one person that has been illegal. And we feel that's due to the law, that it's deterring people from actually putting these people, illegal immigrants on the job sites.

LEG. BEEDENBENDER:

Okay. I just wanted to have that discussion, get that on the record so I don't have any more questions, Legislator Nowick.

CHAIRPERSON NOWICK:

So in reference to -- and I know you're here in reference to your particular bill there, there are no other questions of the Commissioner?

LEG. BEEDENBENDER:

Well, I guess --

CHAIRPERSON NOWICK:

Because I think you had to leave. So maybe if you want to ask now?

LEG. BEEDENBENDER:

Yeah. Well, I guess -- you feel that the previous law that's already on the books has been a deterrent. And, I guess, Brenda, the question would be to you, I guess, through Bob, the law as I've proposed, if it were to pass, I believe, would fall under your jurisdiction and your unit. And do you feel that you could do the same thing with this law?

MS. ROSENBERG:

Well, it's a little bit different.

LEG. BEEDENBENDER:

Yes, yes.

MS. ROSENBERG:

Yeah. We would go out to as many sites as we could with the help we have. We're all strapped for people at the present. We do the best we can. If the Commissioner of Consumer Affairs gave us a complaint, we would investigate it to the best of our ability. And we do the same thing that we do now for Local Hiring.

LEG. BEEDENBENDER:

Well, that's the process you said at the end there is the one that I've envisioned through the legislation. And that's what I would expect. And I've also said, and I'll say it again with both of you here, that should staffing become an issue, should this bill pass and staffing become an issue, I've given my word that I will find the money necessary to give you the additional staff to enforce it. But considering that, you know, it's going to be a long period as all the licensees come on board and be -- are subject to this just as with the previous law that it's really only coming into effect now because of all the contracts that are in place, I don't want to do that now and then find out we don't. So as we go forward, if it gets too burdensome, I would appreciate being notified by your office. And I will do my best to get the staff in place to do it.

MS. ROSENBERG:

We'll tell you.

COMMISSIONER DOW:

We most certainly will do that.

LEG. BEEDENBENDER:

I believe you will tell me. Legislator Nowick, I don't have any more questions.

CHAIRPERSON NOWICK:

Are there any other questions of the Commissioner about any subject, this would be the time.

LEG. BROWNING:

No.

CHAIRPERSON NOWICK:

Okay, thank you, Commissioner.

COMMISSIONER DOW:

Thank you very much.

CHAIRPERSON NOWICK:

Okay. We're going to start with the public hearing. Elain Kahl.

MS. KAHL:

Good afternoon.

CHAIRPERSON NOWICK:

Hi, Elain.

MS. KAHL:

My name is Elain Kahl. And I'm here as the spokesperson for the Suffolk County Coalition for Legal Immigration, No Amnesty in behalf supporting Beedenbender's bill 1105. The reason for that is

because I truly believe that the onus should be on the business person that is hiring them. I do not feel that anyone that goes into business that is licensed should have to go through levels of government to prove that he is accomplishing the right thing.

This particular bill, again, puts the responsibility on the business person, which is where I would like to see it in the future. Right now everyone is making up their rules. They're picking them up off the street. I have witnessed many things.

I would like Beedenbender's bill to go through because I believe all of you truly represent the working class. If the working class is going to be under bidden by an underground workforce, we will have business as usual. No change, no code enforcement and no responsibility and accountability.

I believe that this bill with your concurrence -- and you have something that you really could do today to set the pace. I do not want to hear about going after people for all the wrong reasons. I would like everyone to play -- to quote Mr. Beedenbender -- to play by the rules. After all, every citizen is supposed to play by the rules.

I see that my time is up. I hope that you will carefully consider what has been spoken today, reconsider your vote because it will have implication in our area. Thank you so much.

CHAIRPERSON NOWICK:

Thank you. Paul J. Forthmuller.

MR. FORTHMULLER:

Good afternoon. My name is Paul Forthmuller. And I'm also representing the Suffolk County Coalition for Legal Immigration, No Amnesty. I am hoping that all the infighting between the two political parties has stopped. It is now time to pull out of committee Legislator Beedenbender's bill 1105 and put it up for a vote.

Suffolk County residents need this assistance as this economy worsens and your constituents are losing their jobs and their homes. So I would urge you people to get this out of committee so it will go up for a vote to help the constituents in this County. And I thank you very much.

CHAIRPERSON NOWICK:

Jim Castellane.

MR. CASTELLANE:

Castellane.

CHAIRPERSON NOWICK:

Castellane.

MR. CASTELLANE:

Good afternoon. My name is Jim Castellane. I represent the Nassau Suffolk Building and Construction Trades on Long Island approximately 62,000 members. I want to thank you for this opportunity to speak before you today about this. We've been here many times.

I would just like to say that it's about a level playing field. It's about doing what's right. It's about our contractors being able to compete with people that are competing with them at a legitimate price. Not something that they just can't even come near and put our people to work. I would appreciate it if you supported it 100 percent. Let's get it passed. If there are any questions while I'm up here, I'll be glad to answer them. And I want to thank you. That's it. Okay.

CHAIRPERSON NOWICK:

During the public portion we don't ask questions but thank you.

MR. CASTELLANE:

No, but it's okay. I'm like that.

CHAIRPERSON NOWICK:

Okay. Well, if anybody has a question -- okay. Mario Mattera.

MR. MATTERA:

Wow, two times in one day. Good afternoon, Chairman and the board of the Committee. My name is Mario Mattera. I'm the business agent with Plumbers Local Union 200. I just want to thank you very much for the opportunity to speak here today. I represent approximately 1200 union members with 80 contractors. Very proud of our organization.

Resolution 1105 everybody here realizes how much it means to labor, what it means to construction workers. This law is -- Brian's law is very dear to me because my membership pays taxes. I pay taxes. I wish we all didn't have to pay taxes but this is reality.

I'm going to say it again everybody, you know, I don't want to be a broken record but unemployment insurances aren't being paid. Workman Comp insurances aren't being paid. Social Security is being paid to certain different people. You know, the local economy is hurting by this, that the monies are not coming back to Suffolk County. We need to enforce this law. Already?

CHAIRPERSON NOWICK:

No.

MR. MATTERA:

Oh, okay. I'm sorry, I was going to say -- this law -- this law is very, very important not just to me but to my union members.

Guys, do me a favor. I have a couple of my unemployed, which I hate to say they're unemployed, I'm trying my hardest to get them work. Guys, stand up. These are a couple of my guys that are unemployed right now. I'm very, you know, upset. And I say to them when they give me a call -- I have some guys that are out five months. And it just -- you know, it upsets me very dearly because they go on job sites and they see what happens. And we're losing our jobs because of this. And I'm very passionate about this. And I've tried my hardest.

The last conversation I had with my contractors is can you use any men? Can you use a good apprentice? Even if it's for a couple weeks to help these guys out, just to make a living on Long Island to survive here. And I'm going to tell you, these guys don't own houses. They don't rent. Most of them live home with their parents.

I'm going to say it again. I have a target fund. My membership has to put money back, and a lot of you guys heard this already, they have to put money back in so I can go against these contractors that are exploiting workers that aren't paying -- that are paying cash so I'm using my target fund money to help this cause. My membership is paying this back.

Please, I know this committee could do this. We need to get moving on this. This is very important. I really, really appreciate you guys pass this 1105 today. Yes?

CHAIRPERSON NOWICK:

Mario?

MR. MATTERA:

Yes.

CHAIRPERSON NOWICK:

Please, can you -- I want you to put on the record if you believe that some of the reasons that these young men are out of work is because the competition is unfair.

MR. MATTERA:

Yeah, a hundred percent.

CHAIRPERSON NOWICK:

Can you just --

MR. MATTERA:

Guys? Do you know -- we have one member, one of the apprentices would like to get up and he's going to be speaking actually. And he's going to actually make a little statement.

Guys, when you're on the job sites, do you feel that -- in other words, you know, that you're losing your job is because cash is being paid?

THE AUDIENCE:

Absolutely.

MR. MATTERA:

And I'm not telling these guys this. I don't get paid for organizing people. I get a salary through my union.

CHAIRPERSON NOWICK:

Just so you know, that didn't go on the record because --

MR. MATTERA:

Okay. Can you -- one, two three.

AUDIENCE MEMBERS:

Yes.

CHAIRPERSON NOWICK:

Well, that probably won't either but you're going to bring somebody up?

MR. MATTERA:

Yes, yes, okay. But on -- I brought a couple of them here. I could have brought a lot more. I was bringing the whole apprenticeship class in because they wanted to be here, not because I begged them to be here, they want to be here because they want to live -- eighty percent of my membership lives in Suffolk. Not that Nassau has anything to do with it, but I'm just going to tell you these guys want to have a family, they want to own a house when they become mechanics and they want to stay here. They're losing their jobs. They see what's happening on the job sites, especially the job sites that we target. The only reason I'm targeted is because -- and you know who's making the money? The contractor. The only presidential candidate -- not that I want to get into this -- that actually mentioned that -- in other words, it's the contractor, is Senator Obama. He said the contractor is the one that needs to be held responsible for this problem.

And I'm going to tell you, you know, it's been going on and on even with the election time, that's like the main cause. I don't want to see these guys have to move to North Carolina or anywhere else. I want them here. They're all excellent workers, that their family's here. They just want to work. They're very -- you know, they're very happy that they have an education through the apprenticeship program. And all I like say to them, pleading with you guys, this is -- we need to do something now. What are we going to do when it's too late? Like my mother would say to me, I told you so, Mario, when I was younger. I don't want to have to sit here and so to you, board, I told you so.

CHAIRPERSON NOWICK:

So you are going to bring up some of the members.

MR. MATTERA:

Actually they would love to all speak but a lot of them are a little bit shy.

CHAIRPERSON NOWICK:

Okay.

MR. MATTERA:

But you know what? I know one of our --

CHAIRPERSON NOWICK:

And, Mario, I'm just going to put on the record, I'm going to ask you when these young men go to work --

MR. MATTERA:

Yes?

CHAIRPERSON NOWICK:

They have social security? They pay social security?

MR. MATTERA:

Oh, absolutely.

CHAIRPERSON NOWICK:

They pay taxes.

MR. MATTERA:

It's one thing that we have -- hundred percent. As soon as the first day a member goes to work, the employee -- the employer has to have right away -- Workman's Comp goes into effect. Right away all his -- all his -- as soon as -- the first minute he's on the job, the assessments, his insurances, his medical, his -- everything gets paid.

CHAIRPERSON NOWICK:

All right. Thank you.

MR. MATTERA:

Thank you very, very much. Anybody else would like --

CHAIRPERSON NOWICK:

Anybody else?

MR. MATTERA:

Kate?

MR. MATTERA:

Oh, sorry. Thank you.

CHAIRPERSON NOWICK:

Okay. Robert Siachitano. And I'm sorry if I have pronounced your name incorrectly.

MR. SIACHITANO:

It happens all the time. It's okay. My name is Bob Siachitano. I'm a fourth year apprentice in local 200. Right now I'm laid off. Been laid off since February 1st. A lot of it has to do with, you know,

guys getting paid cash and contractors not doing the right thing, as to why I'm not working today.

When I am working, though, I pay all my taxes. The contractors have me listed on all their insurances, everything that is required by, you know, a legitimate contractor to do work in New York. And the tax -- by the way, I also pay taxes on unemployment, too. So even when I'm not working, I'm still paying taxes.

The -- I feel that the apprenticeship program is an opportunity for me and my brothers to become the best in our field. And I think, you know, our work reflects it. And it's a fair opportunity for us to, you know, keep our jobs and do the work that we do do. And I'm very concerned about the future and staying on Long Island. I'd like to stay here and continue my career. And I hope that the bill gets past through. Thank you very much.

CHAIRPERSON NOWICK:

You went back to your seat. I was going to ask you a question.

MR. SIACHITANO:

I'll come back up.

CHAIRPERSON NOWICK:

It'll be quick and painless. I just wanted to know when you're not working since February, can you collect unemployment?

MR. SIACHITANO:

Yes, I do.

CHAIRPERSON NOWICK:

Okay. And who pays for the unemployment?

MR. SIACHITANO:

The contractor.

CHAIRPERSON NOWICK:

Okay. Thank you.

Patricia Brodhagen.

MS. BRODHAGEN:

Good afternoon. Legislator Nowick, if I could just -- if there are other people on the same topic since I'm on a different topic, would you rather finish that subject? No.

CHAIRPERSON NOWICK:

I don't have any other cards. My Committee says to let her go ahead.

MS. BRODHAGEN:

Go ahead. Let her go. Okay, I'll be brief.

Pat Brodhagen, Vice President of Public Affairs for the Food Industry Alliance representing the grocers, the retail grocery industry here in Suffolk County. And I just wanted to make a couple of brief comments on intro 1272, having to do with storage of chemical products at retail.

You have not had the public hearing yet. I will be back for the official public hearing as I'm sure other people will. But since it's on your agenda I wanted to take the opportunity to tell you that I'm beginning to research this and finding that there are enormous practical issues with this. Basically any product that's labeled either poison, danger/poison or danger would have to either be stored behind lock and key in some kind of a locked cabinet or at least five feet off the ground.

And there are hundreds of products that will meet that designation. It is not just pesticides, things that we don't sell but it's things like bleach and household cleaners that contain bleach and lots of other products used in the home have that word danger on them. And so it would affect them as well. And one of the difficulties is there's no coherent list anywhere that says, okay, here's everything that's labeled this way. The labeling requirements are federal. And it tells you which kind of chemicals require that, but it doesn't give it, you know, by product name so there's a lot of figuring out to do.

And then it would require either a locked case which is completely impractical really in the retail setting or five feet off the ground which is in some ways actually dangerous if you picture a heavy box or heavy bottle of bleach. You know, we don't put those on the top shelves because there's much more danger of somebody taking it down, a shopper taking it down and actually dropping it. And it is much safer to take it off the bottom shelf. And should a package like that develop a leak or something, which is very, very rare but you don't want it on top, you want it on the bottom. And market inspectors would agree with that and everything else.

So there are huge practical issues just figuring it out and also storage wise. But the other thing is that the real point of the warnings that those kind of products carry, keep out of the reach of children and danger is for all of us who buy them and bring them home. The warnings have to do with household use. Once the package is opened and used, we're all being advised how to handle it. And as it turns out, and I'm still looking for the definitive answer on this, virtually -- I feel comfortable saying today, I'm not sure all, but virtually all of those same products that require that danger warning also require child resistant packaging. So that that safety precaution is in place as well.

So I wanted to sort of let you know that we're looking at this carefully. We've got real, real problems with it. That's why we think the safety precautions are in place. And that it would be a very impractical, difficult, if not impossible bill to implement.

CHAIRPERSON NOWICK:

Thank you, Pat.

MS. BRODHAGEN:

Thank you.

CHAIRPERSON NOWICK:

Before we go to the agenda, is there anybody else that wishes to speak today? Okay. State your name.

MR. GAMBINO:

How are you doing? I'm Nicholas Gambino. I'm a first year apprentice. And I've been laid off since March. When I got accepted to this apprenticeship program, I thought this was a way of me owning a house. I thought this was a great career. And how I'm going to make a living and support a family. And I would -- passing this bill would be -- I see the way that it'd be fair and everything that we all have a fair shot to be on these jobs that we should all be in instead of these contractors taking jobs away from us. Because this is -- like when I got accepted to this career, I thought it was just going to be my chance to stay in New York. My parents want to move to Florida because they just see how it's tough to live in New York. And this a tough place to live. And I just feel like I still want to make it here. And I thought was a career that getting into apprenticeship program, this was going to be it. And I'm not sure, you know, what more to say. But I'd just like to you pass this law. And I don't have anything further to say. I'm really a little nervous.

CHAIRPERSON NOWICK:

Doing a great job. Thank you. You did a great job.

MR. GAMBINO:

Do you have anything to say? No. That's it.

CHAIRPERSON NOWICK:

Pete Zarcone.

MR. ZARCONI:

Good afternoon. I'd like to thank you for the opportunity to speak in front of you. Again, my name is Pete Zarcone. I have a prepared statement I'd like to read to you. It makes it easy for me.

I would like to say a few words on resolution 1105. I see that it comes with a lot of controversy. And the way that I see what Legislator Brian Beedenbender is trying to do is getting portrayed the wrong way. I see the bill as a way to collect more tax dollars for Suffolk County, tax dollars that we are losing. That's where we need to be focussing on.

There are contractors who work in Suffolk County that cheat everyday by not paying their fair share of taxes on the people they hire by either paying cash to avoid these taxes or by classifying their employees as independent contractors.

Because of this the honest contractor has a hard time competing. The part that bothers me is every time we look to improve on Suffolk County, we are looked at as anti-immigration. This is just not true. I represent at the Labor Local 66 on Long Island. We are by far one of the most diverse unions on Long Island. And if I add my brothers and sisters from the Nassau Suffolk Building Trades, we have hundreds if not thousands of minorities collectively. And I'm proud of that. We are all about workers' rights. We need to get past all immigration issues and focus on Suffolk County, focus on what's right. And this bill in my opinion is right.

Also think about the ones who oppose this bill. They're probably representing the ones who aren't paying their fair share of taxes. This puts a burden on all of Suffolk County residents. When making your decision on passing this bill, please think of all the people that work in Suffolk and who can't be here to have their voices heard. I'm not only a union leader but I also am a resident of Suffolk County. Again, please vote in favor of this bill.

And I looked at one more thing. I was reading this piece of paper here. This is all about Consumer Protection. And I just think this is another way that we can protect our consumers if we put laws like this into place. Thank you.

CHAIRPERSON NOWICK:

Thank you, Pete. John Quadagno.

MR. QUADAGNO:

Good afternoon. My name is John Quadagno. I represent Local 25 IBEW. We're about 2500 members in Nassau Suffolk County in the electrical field. I'd also like to support Brian's 1105. It's very important for us as electricians. We have unemployment and it makes a very fair playing field. When our members and our contractors have to provide proof of residence and everything that is required, everyone else should be doing the same. It's unfair that we have to provide all -- everything that's legal and contractors can hire people off the street without any documentation. It's just -- it makes our price go up and theirs lower. And it's an unfair advantage to them. So I'd appreciate taking consideration of this bill. Thank you very much.

CHAIRPERSON NOWICK:

Thank you. I have a card once again from Paul Forthmuller. But it is -- when we have our public hearings, you only get the opportunity to speak once. It's just not part of our committee. We can't do that, no.

Alex Charles.

MR. CHARLES:

Good afternoon. My name is Alex Charles. And I represent local 200. And basically I'm here to reiterate what my colleagues have spoken in reference to jobs being taken away from us.

For me myself I am a taxpayer and a homeowner. And I've been unemployed since November of '07. And right now I'm collecting unemployment which is about to run out in about another month for myself. And I'm going to have to find something to do if I don't get work in order to pay my mortgage and, you know, handle my responsibilities. So, that's about it. Thank you very much.

CHAIRPERSON NOWICK:

Thank you. Is there anybody else that wishes to speak today?

MR. MONTABANO:

Hi, Legislators. Thank you for having me speak today. I would just like to speak on Brian Beedenbender's thing we got going on over here. I think it's --

CHAIRPERSON NOWICK:

We need your name.

MR. MONTABANO:

Joe Montabano. I live in the County of Suffolk my whole life. It's a great county, it's a great place to live. I wouldn't want to live anywhere else. A lot of my family these days, times are tough, they can't afford to live here. They're moving off the Island. It's a horrible thing. And the ones that are staying here, the younger kids, they're staying in the basements of my family because they don't have the money or, you know, a good job opportunity.

You know, these contractors that hire these undocumented workers and stuff like that, they're saving a lot of money under reporting on their social security, Workman's Compensation, stuff like that. It's thousands of dollars that the state and the County are losing. It's just -- it's just something that shouldn't be. Even for the mom and pop guy, second, third generation carpenter that are doing work, you know, out of their vans, they can't compete with these other contractors that are paying these guys cash. These are -- little mom and pop guys are folding, let alone the larger construction unions and the larger cooperations that are there out trying to compete. So I'm for Brian Beedenbender's bill. Thank you.

CHAIRPERSON NOWICK:

Thank you. Is there anybody else that would like to address the Committee?

Well in that case we will go to the agenda.

P.O. LINDSAY:

Does Charlie have anything?

LEG. BROWNING:

Charlie Gardner.

CHAIRPERSON NOWICK:

Charlie, did you want to talk to us about any issues?

COMMISSIONER GARDNER:

Not unless there are any questions.

CHAIRPERSON NOWICK:

Well, Presiding Officer Lindsay wants to make sure that you don't want to talk to us. You don't want to put yourself in harm's way. Okay.

COMMISSIONER GARDNER:

Do you have any questions at all?

CHAIRPERSON NOWICK:

Does anybody have anything for Commissioner Gardner?

MR. MATTERA:

Can I make one statement? Or I can't?

CHAIRPERSON NOWICK:

No.

MR. MATTERA:

It was to the Commissioner, actually.

TABLED RESOLUTIONS

CHAIRPERSON NOWICK:

Okay, we're going to go to tabled resolution **1105, adopting a local law to promote fair business practices by strengthening requirements for occupational licenses. (Beedenbender)**

LEG. EDDINGTON:

Motion to approve.

CHAIRPERSON NOWICK:

There's a motion to approve by -- oh, God. I'm sorry, I saw somebody say it.

LEG. BROWNING:

Jack.

CHAIRPERSON NOWICK:

By Legislator Eddington. I'll second the motion. All in favor?

LEG. BROWNING:

On the motion.

CHAIRPERSON NOWICK:

On the motion, Legislator Browning.

LEG. BROWNING:

Okay. I have to say I can't support this bill as it stands. I know that there are federal laws in place already to enforce this law. And that, you know, I have worked with some of our unions. I've called Local Seven when I've seen jobs going on where I believe that there could be people working off the books; I've called them. I know that that can be done. The DA's Office gets involved. I know they've done arrests. I feel that this bill isn't doing everything. I told Brian, you know what, put the bill in. Go to everybody. Go to the delis, go to the restaurants, do it across the board and I'll support it. So until he does that, I'm not going to support the bill as it stands.

P.O. LINDSAY:

Lynne, could I?

CHAIRPERSON NOWICK:

Yes. Presiding Officer Lindsay.

P.O. LINDSAY:

In all due respect, Kate, I've heard that argument about it should be across the board.

LEG. BROWNING:

It should be.

P.O. LINDSAY:

But the only thing that we have the ability to do is to license certain occupations. We don't license restaurants. We license electrical contractors, plumbing contractors, home improvement contractors and a then a potpourri of other -- furniture stores and precious metal dealers. And it's usually driven by where we have complaints of consumer fraud. So we don't license deli's. We don't license restaurants. You know, they're inspected by health departments -- by our Health Department. But Consumer Affairs, you know, only licenses certain occupations. And that's what the bill's addressed at.

CHAIRPERSON NOWICK:

You want to respond?

LEG. BROWNING:

Sure.

CHAIRPERSON NOWICK:

Legislator Browning.

LEG. BROWNING:

And I understand. And I tell you it's very hard because these are my brothers in labor. And it's always hard that sometimes families don't always agree. However, Health Department, we can do something, I believe, with the Health Department; that, you know, they can't operate if they are not up to par. So, again, shouldn't we be looking at that and making sure that with the Health Department that they don't get their permits to operate if their workers are not compliant with the laws.

CHAIRPERSON NOWICK:

Does anybody else wish to speak on this issue? Okay. We have a motion and a second. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. BROWNING:

Abstain.

CHAIRPERSON NOWICK:

We have Legislator Barraga is opposed and Legislator Browning is abstaining. **1105 has been approved. (Vote: 3-1-1-1. Legislators Eddington, Nowick and Lindsay in favor. Legislator Barraga opposed. Legislator Browning abstained. Legislator Mystal not present)**

(APPLAUD)

INTRODUCTORY RESOLUTIONS

Okay. **Introductory resolution 1250, adopting a local law requiring placement of consumer deposits in escrow. (Barraga)** I believe we have to table for a public hearing. I'll make a motion to table, second by Legislator Browning. All in favor? Opposed? **1250 is tabled for public hearing. (Vote: 4-0-0-1. Leg. Mystal not present)**

1272, adopting a local law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores. (Schneiderman) Same motion, same second. All in favor? Opposed? **1272 is tabled. (Vote: 4-0-0-1. Leg. Mystal not present)**

I'll take a motion to -- unless there's anybody else that wishes to address the Committee, I'll take a motion to adjourn.

LEG. EDDINGTON:

Motion to adjourn.

CHAIRPERSON NOWICK:

Motion to adjourn Legislator Eddington, second by Legislator Browning. All in favor? Opposed? We're adjourned.

**(THE MEETING CONCLUDED AT 1:45 PM)
{ } DENOTES SPELLED PHONETICALLY**