

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 5, 2008.

MEMBERS PRESENT:

Legislator Lynne C. Nowick, Chairwoman
Legislator Wayne R. Horsley
Legislator Thomas F. Barraga
Legislator Kate M. Browning
Legislator Jack Eddington

ALSO PRESENT:

George Nolan, Counsel to the Legislature
Ben Zwirn, Deputy County Executive
Charles Gardner, Director of Consumer Affairs
Renee Ortiz, Chief Deputy Clerk of the Legislature
Barbara LoMoriello, Deputy Clerk
Joe Muncey, Budget Review Office
Debra Alloncius, AME Legislative Director
Paul Perillie, Aide to Majority Leader
April Ortiz, County Executive Aide
William Shilling, Aide to Presiding Officer
Greg Moran, Aide to Leg. Nowick
John Hassan
Kevin Beyer, L.I. Gasoline Retailers
Jack Potere
Jack Morrell

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(THE MEETING COMMENCED AT 1:05 PM)

CHAIRPERSON NOWICK:

We're going to start with the salute to the flag led by Commissioner, Charles Gardner.

Salutation

Good afternoon and welcome to the Consumer Protection Committee. We have two cards that we're going to address right away, John Hassan. John, John Hassan. Hi, Mr. Hassan.

MR. HASSAN:

I came here to get a little more information about this committee. And it's my first appearance at a Legislative meeting, probably be my last. But, I'm interested in getting other people to be involved in public affairs. And one of the great issues in public affairs is the hundreds of billions of dollars that are spent in our county alone, in consumer transactions that are governed by this committee. And a very tiny fraction of those hundreds of billions of dollars may be improper, mistakes, and what have you. And I think that when mom and dad go into the supermarket or to the department store and come out, they don't check their cash receipts with the posted prices that they've seen on the shelves. And so this money is probably going to the storekeepers, the storeowners, the Wal-marts and the Targets.

And I want to write a letter that will try to get young people, high school students and college students to take an interest in some area of public affairs. This committee -- this type of -- Consumer Affairs should be one of the ones they should consider.

And I think that there is kind of a darkness about all the affairs of our government, not that you are pulling the shades over the peoples' eyes, but the information is just not getting out. Newspapers like Newsday are not reporting it. And the news media, the television stations are probably not here, I called several of them this morning, I don't know that there's anybody here. They don't find this interesting. And yet it is important and so I have to try to -- I just want to say to you that I think that if you could illuminate the affairs of your committee and of the Department of Consumer Affairs, that be beneficial. But I also think that it's going to be a responsibility of other people to get involved and to find out what's going on. And that's about all I have to say so I'd like to sit down and watch you perform your duties.

CHAIRPERSON NOWICK:

Well, I think it's wonderful that you are here.

MR. HASSAN:

Thank you.

CHAIRPERSON NOWICK:

And that you take an interest. And just so you know there is somebody here from Newsday, right?

LEG. HORSLEY:

Yes.

CHAIRPERSON NOWICK:

Yes, there is a member of the Newsday staff here.

MR. HASSAN:

Oh.

CHAIRPERSON NOWICK:

And so he's certainly interested here reporting. And you know what, you're right, consumer -- the Consumer Protection Committee affects everybody, young, old. And people should be more aware whether it is a supermarket receipt or even going into a restaurant and taking a look at your bill before you pay your bill, whatever it is, whether it's a -- gasoline stations or KMarts or Wal-marts, or any other place.

So we're very, very happy to have you here. And having young people involved would be a wonderful thing. And I think, Legislator Browning, would like to address you.

LEG. BROWNING:

Yes. I just want to say thank you for coming because I know you called my office and I guess I was here in Hauppauge when you called and spoke to some of my staff and, you know, they told me you were coming so I want to say thank you for coming because I know they said you were taking the bus to get here. Is this correct?

MR. HASSAN:

Yes.

LEG. BROWNING:

So, and I know that was a challenge coming from Center Moriches to here is quite a trek for you. So listen, I really appreciate that you did make the effort and come here.

CHAIRPERSON NOWICK:

Thank you.

LEG. BROWNING:

We should be talking some more. I'll call you.

CHAIRPERSON NOWICK:

Kevin Beyer.

MR. BEYER:

Hi, good afternoon. I'm here so to speak on 143b or 1438, I guess I'm getting old I can't read -- see as well, which is the price gouging bill. And I want to thank, first Legislator Horsley, he actually met with us on this -- on this topic, being Long Island Gasoline Retailers Association.

But I wanted to let you know what price gauging is and that we really don't have this situation going on here. Price gouging, in order for that to take effect in the County or in the state there would have to be a declared state of emergency and the County Executive would also have to declare a County emergency. So that's number one.

Number two, and also for price gouging to take place, what would have to happen is you're going to have to be trapped by let's say one station or not too many stations that you could go to and they're purposely raising the price just to take advantage of the situation. You don't have that situation. You haven't had that situation.

And the only time anybody's been really gone after was during Katrina. And that was during Eliot Spitzer's tenure as the attorney general, he went after a handful of stations, they were never -- it was never brought to trial because they basically kind of forced them to pay fines or threatened them with a large, you know, with a long trial and it was just -- wasn't cost efficient, but they still hit them for fines. And they're basically saying, well, you know, it could be a \$10,000 fine or you pay this \$3,000, which was unfair and unjust even for that. But they got pressured and they did do it.

So we're -- you know, the way I look at it is the gas station is the last link in the distribution chain, we're the last ones. But we're the ones that everybody always comes after or it's -- we're an easy target. We make less now as the price goes up than when the price is down. So as the price is

going up, our profits -- we get squeezed with the profits a lot more as the price goes up. And as this is happening the public gets aware of this, everybody gets nuts and they think it's us. It's not us and we try to inform everybody that it isn't us and I think we've done a good job with the consumers that way, explaining that it's not us. But we -- I constantly seem to have to get it out to the Legislators that it's not us. And the problem is that you can't legally go after the oil companies, where you need to go, and you can't legally do it. But us it's -- you can come after us, but we're not gouging. And like I said, those other instances would have to take place in order to be considered gouging.

So one of the things that we looked into and one of the board members, and I did bring this up to the Legislator, that if it's your constituents that you're worried about and you really care about this whole issue, the County themselves had the opportunity last year to opt in to when the state went to a cents per gallon type of tax instead of a percentage to gallon. They gave that -- the state went to that, they offered it to all the Counties and Suffolk County and Nassau County both opted not to do that and still wanted their percentage. So the County from October of 2007 to May of 2008, the County made an additional 40%, you've made 40% more on the same amount of gallons that were pumped in this County from 2007 to 2008 because you didn't opt into this -- the other way of doing business.

CHAIRPERSON NOWICK:

Mr. Beyer, your time is up.

MR. BEYER:

Thank you.

CHAIRPERSON NOWICK:

Next we have Jack Potere.

MR. POTERE:

Good afternoon. My name Jack Potere. I'm the Associate Executive Director of the Gasoline and Automotive Service Dealers Association, which was created in 1931. Our office is located at 372 Doughty Boulevard in Inwood. With me today as our membership representative, Wayne {Bomadeer}. Our Executive Director, Ralph {Bomadeer}, apologizes for not attending this hearing, as he had a previous commitment in western New York.

First of all, I'd just like to say I am a resident of this County even though our office is in western Nassau. We represent gas stations throughout Nassau, Suffolk, the five boroughs, all the way up to Westchester. We have over 1200 members.

First we'd like to applaud the Suffolk County Legislature for your efforts to protect the motorists of the County. However, this resolution will not offer any protection and will hurt the lowest segment of the motor fuel industry, namely the gasoline retailer. The retailer has no control over the price of gasoline and diesel fuel. The escalating price of these products happens well above us and even above the distributors. Retailers usually don't know the price they will be paying for their product until the morning of and at some point, sometime at the time of delivery. We cannot shop for the best price. We must accept the price of the product at the time of the delivery.

As to price gouging, it has no definition. Government has tried to define it, but has always fallen short. The last time this issue was raised an enforcement initiated by then attorney general, Spitzer, 15 gasoline retailers throughout New York State were issued summonses for alleged price gouging. These retailers had raised their prices because the wholesale price had increased. It seems the gouging statute is triggered by a crisis and the only crisis was public pressure on state Legislators that was then transferred to the office of the Attorney General. That action taken by the attorney general was disgraceful. Dealers were told that they didn't pay two to \$5,000 in some cases even higher, they would face fines up to \$40,000 if they chose to take this to litigation. This threat, in effect, took away the dealers right of due process.

Legislation which tries to control the price of motor fuel is like chasing a helium balloon after it's out of reach. Even experts don't understand how motor fuel prices are fixed. The price at the rack increases daily and many times that increase is in double digits. What happened in that 24-hour period to force such an increase? Most of the time no one knows or the explanation borders on the ridiculous.

This legislation increases penalties up to \$25,000 for a violation. We submit that neither the County nor the state has the ability to determine where the price increase occurred. Can anyone explain what the price of a barrel of crude oil equates to the cost of gasoline -- to the cost of a gallon of gasoline? What are the factors that raise and lower motor fuel prices on the spot market? Why are Platt's prices so volatile and who and what set the margin between the spot market and the rack?

Here's another question I hope you can answer. Why are there times when the rack price is higher than the dealer wholesale or dealer tank reg and price? Before there is enforcement of any price gouging law, don't you think the enforcement agency should know the answers to these questions? I have been in this business for 40 years and I still can't answer them.

Let's look at another possible price gouging scenario. When motor fuel was \$1 a gallon, the credit card fee, which is usually three percent of the selling price was three cents.

CHAIRPERSON NOWICK:

Mr. Potere, your time is up.

MR. POTERE:

Thank you.

CHAIRPERSON NOWICK:

You're welcome. We don't have any other cards for the public hearing. I wonder, let's see, is there anybody else that wants to be heard? If not, would the Commissioner like to come up?

DIRECTOR GARDNER:

Is that a yes or no answer or should I just come up?

CHAIRPERSON NOWICK:

Commissioner, would you like to address any of the resolutions? Would you like to tell us anything interesting about consumer protection? Would you like to tell us how low crude went today?

DIRECTOR GARDNER:

Well, the gasoline -- I distributed copies of the latest gasoline price and home heating oil prices to all the members. The news is not anything that anybody's not already aware of. Unfortunately, we're still at the highest levels we've ever seen. Home heating oil at least whatever happened in the last three weeks, home heating oil took a tremendous jump way ahead of gasoline. Last week it was -- the average was for home heating oil was in the stratosphere and we had some company selling home heating oil at well over \$5 a gallon.

Today the average -- it dropped by 20 cents just since the last survey, but it's still -- the average is at \$4.33 with a -- the high as of this morning was \$4.95 a gallon. So it's just through the roof, through the roof. Gasoline average as of this morning in Suffolk County for self serve regular is approximately \$4.20 per gallon. So still at the highest levels ever.

The -- as far as the gentleman who spoke before, we're certainly open to if he wants to come to the office, I'll speak with him after also, but remember we do have a very, very good website, loaded with information, loaded with -- there are dozens and dozens of links to other consumer agencies both federal and state as well as other local, even trade associations with all kinds of consumer information, consumer tips, etcetera.

CHAIRPERSON NOWICK:

I'm hoping Mr. Hassan can hear you.

MR. HASSAN:

I hear him.

CHAIRPERSON NOWICK:

Okay.

DIRECTOR GARDNER:

Okay, good. That IR 1438, I think it was Mr. Beyers who said the lowest on the chain is the retailer. He's almost right, because I will taking issue with that statement. We are -- the consumers are really the lowest in that chain. But he is absolutely correct in that the prices are set from way up here down the chain to the -- the terminals, the wholesalers, the distributors, the sellers, etcetera, down to the retailer. There is no argument there.

As far as the legal definition in this County of price gouging, remember that according to Suffolk County Code there has to be -- a couple of things have to be in place. The first is the occurrence of a natural disaster, an expressed written statement of that occurrence by either the County Executive or the Suffolk County Legislature. With that written statement then there is the authorization to the Office of Consumer Affairs to investigate allegations of price gouging.

Other than that, it does as Mr. Beyers and Mr. Potere alluded to it, I mean, it does remain a free marketplace. There are about 580 gasoline stations in the County. The range right now for regular, you know, you have self serve regular selling for four and a half dollars a gallon.

I would point out that one of the clauses refers to people who deliver and transport gasoline. And it says there that -- and it talks about a price increase, you know, more than one price increase in a calendar day. We have to remember that most all of the companies that deliver or transport -- and the reason we're talking about those companies is this is part of the original bill that registered these people in our County. We're still, I think the only County in the state that does that.

But people who deliver or transport in most every instance have no idea what the price per gallon is. So to put words in there that, you know, no one shall deliver or transport if there has been more than one price increase in a day, we'd have to work on that language because, I mean, I even -- I have bills of lading that I could show you, but they don't -- they have no idea, their business is with a broker or a distributor or somebody who calls up and says, I want you to deliver 8000 gallons of 87 octane to Kevin Beyer's station of Jack Potere's station, blah, blah, blah.

What the price per gallon is going to be is of no -- really of no cause of concern to the people who deliver or transport. And they wouldn't know if there was a price increase or not so -- but the language is kind of fuzzy there and it says that you shall not deliver or transport the gasoline if there's a subsequent price increase in that calendar day.

So -- and going back to the initial discussions we had a few years ago when this was passed, I would just bring up cause for concern in that if -- and by the way we did conduct probably 20 or so investigations in the very early days a few years ago when it first came on the books. And first of all, in all cases we found that there were subsequent price increases that the dealers could show us that it went up. A lot of times they'll open up in the morning and they'll -- whether they have their computer or however they figure it out they'll find out that 6:00 a.m. there's been a price increase. In times of distress and like the last few weeks where you have rapidly rising or sometimes decreasing prices, noontime or 3:00 p.m. they'll get another price increase. It's not uncommon at all that that happens. So they would kind of be, quote, unquote, "exempt" from not raising their prices a second time.

I also have to point out that there are many times that a retailer will get a price increase of four or five cents a gallon, let's say today. And they might raise their price two cents instead of the four or five. And then tomorrow they get another increase of two or three cents, they might let that go. And then the next day they get another -- maybe it's only a penny or two cent increase, now they might raise it four cents so their -- the last price increase might have only been two cents but they're going to go up four because they held back on a prior two. And I don't want to sound like I am preaching on the side of the retailers, I'm just explaining these are the realities, this is what we find out when we go around the marketplace.

So I can certainly document it, so I'm certain that the Association could document many times when there have been price increases of a penny or two or three and the price has not been increased at the pump. There are also times when there's been a price increase of a penny and a price increase might go up two or three cents at the pump because of what they didn't do the day before or two days before that.

So it's kind of, you know, chasing that helium balloon, as the gentleman said before. It's a tough thing to get -- to start regulating who should sell what commodity at what price. And also if somebody were to adhere strictly to the law with this legislation passed, and for whatever reason they decide -- they either got a second price increase or they just decided, you know what, I raised it a penny, I got to raise it again, I got to raise it two cents, they would have an option of either continuing to sell at a loss in their mind for that day and just raise it tomorrow four cents or five cents. Or they could just simply stop selling gasoline for that day. So those are some -- yeah, they're kind of like unpleasant options, but as a business person that's what they'd have to take into account.

But we did conduct about 20 -- going to some of our major suppliers and wholesalers and looking at retailers -- and by the way it's also very difficult for us to prove in a sense that did we see it or do we have -- would have to go get paperwork to prove that somebody did in fact raise their price twice in that same day. We're not by every station 24 hours a day so we wouldn't -- unless somebody knows it or brings it to our attention, in most instances we wouldn't have the knowledge to say that well, at 7 o'clock this morning it was \$4.10 a gallon and then it went to 4.13, that's okay, but then at 4 in the afternoon it went to 4.18. So, but these are things that if we did go to a hearing, naturally before a hearing we have to be able to prove it. We wouldn't just -- hearsay or take a consumer's word for it. We would have to have paperwork, etcetera to do that kind of background work.

LEG. HORSLEY:

Yes, on that note.

CHAIRPERSON NOWICK:

Yes.

LEG. HORSLEY:

Charlie, thank you very much for your comments. If you feel that there is a fault with the bill, I mean, I'd be glad to work with you on amending that sentence or two that you were concerned about.

But when you did go to those gas stations -- first of all, let me first state that there was never an accusation that there was price gouging out there. It was literally to -- because the price of gas was raising at such a quick -- a quick and spiraling way --

DIRECTOR GARDNER:

Yes.

LEG. HORSLEY:

-- that there was so much monies were flooding into the market, that it was just impossible to figure

out what is price gouging, what is not price gouging. Is it at the wholesale level, is it at the distributor level and all in between.

DIRECTOR GARDNER:

Correct.

LEG. HORSLEY:

So the -- what this bill does is basically raise the fines if there was that one unscrupulous person out there --

DIRECTOR GARDNER:

Correct.

LEG. HORSLEY:

-- that was taking advantage of the system. And when you did go to check those retailers that you mentioned, they said -- and you couldn't prove that there was any price gouging going on, which I fully believe, but what you did find, my understanding is, that many of those gas stations were not registered with our Consumers Affairs and that they may have been black market type gasoline. Is that a possibility? And that's what you did discover.

DIRECTOR GARDNER:

Well, not the gas stations, some of the distributors.

LEG. HORSLEY:

The distributors.

DIRECTOR GARDNER:

Right. And by the way, I wouldn't -- if I were to say price gouging is going on, I mean, my own personal opinion, yes, it is, but it's way up there. It's not at our retail level.

LEG. HORSLEY:

Right.

DIRECTOR GARDNER:

It's not even at our distributors' level.

LEG. HORSLEY:

And this bill was -- did say wholesalers and distributors. Is that correct?

DIRECTOR GARDNER:

Yes. The problem is it's within the context of our bill that requires those who deliver, transport, wholesale, gasoline within the confines of Suffolk County, they need to be registered with us. And again, many of those people have nothing to do with the price of gasoline.

LEG. HORSLEY:

Right. Yeah, I mean, to the point where some retailers have told me, said listen, if you sit at the borderline going into New York State, that is where you're going to find where your gouging is occurring.

DIRECTOR GARDNER:

Because of taxes, that's correct.

LEG. HORSLEY:

Right, because of taxes.

DIRECTOR GARDNER:

Absolutely.

LEG. HORSLEY:

So this bill was not a punitive bill towards our retailers because you're obviously -- that is a very difficult thing to prove and we do have on the books what price gouging is.

DIRECTOR GARDNER:

That's correct.

LEG. HORSLEY:

So that's -- that was not a factual -- that there is no laws on the books.

DIRECTOR GARDNER:

There is a legal definition.

LEG. HORSLEY:

There is legal definitions --

DIRECTOR GARDNER:

Correct.

LEG. HORSLEY:

-- of what price gouging is. So that being the case, we're raising the fines to match what I think is a serious crime. Is that something that this bill would do?

DIRECTOR GARDNER:

Yes.

LEG. HORSLEY:

Would it not also match or mirror the fines that were -- that are in the state and not in Suffolk County?

DIRECTOR GARDNER:

Yes.

LEG. HORSLEY:

So what this is, is bringing us in compliance with state -- with state fines.

DIRECTOR GARDNER:

That's correct.

LEG. HORSLEY:

And is it basically that's what we're doing here?

DIRECTOR GARDNER:

Yes, yes.

LEG. HORSLEY:

Okay. I just wanted to --

DIRECTOR GARDNER:

I would just like to, again, clean the language up for our own deliverers and transporters so that, again, that language, you know, as we reread it and we said, you know, it says here -- for instance, I'll use one of the biggest, Island Transport. It says that Island Transport will not be able to deliver gasoline if it's a second -- they don't know what the price is, they have no idea, let alone whether it's a second or third.

LEG. HORSLEY:

I'm very amenable, you know, to cleaning up the language. Charlie, I wish you said something earlier, but that's, you know, in the future, when I do something like that, you know --

DIRECTOR GARDNER:

Yeah, it was as we were going over it and then we got an amendment like May 13th. And we were looking at again and we -- see because again, the -- this bill was designed originally for the registration of those people, so that's even why we talked about the penalty of not less than and the \$250.

LEG. HORSLEY:

Right, right.

DIRECTOR GARDNER:

And I'm glad to see that the amendment is broken out now.

LEG. HORSLEY:

Right.

DIRECTOR GARDNER:

So that --

LEG. HORSLEY:

It was because we were working with you --

DIRECTOR GARDNER:

Correct.

LEG. HORSLEY:

-- to make sure this made sense.

DIRECTOR GARDNER:

That's correct.

LEG. HORSLEY:

And, again, my apologies to LIGRA and the Gasoline Retailers, this was not a punitive measure or an accusation that our retailers are out there price gouging. We have no idea, there's no proof of that, there's no evidence of it. But when we did go to certain gas stations what we did find is that they could not trace back where the gas came from, which means that they're not registered with our Consumer Affairs so there is a level of concern.

DIRECTOR GARDNER:

Yes. And that was the original purpose of this bill back -- yes, correct.

LEG. HORSLEY:

Thank you, Charlie.

CHAIRPERSON NOWICK:

Charlie, just -- and I don't know if you can answer this, what would we expect as consumers, this week the price of crude came down maybe 12,13 cents, something like that. Does that reflect -- will that reflect at all in the gas station? No, huh? It's got nothing to do with that, gas station?

DIRECTOR GARDNER:

Well, actually the -- just in the last three days the price of gasoline has dropped in Suffolk County.

From survey to survey.

CHAIRPERSON NOWICK:

And what -- does that affect if you see crude coming down from 134 or 5 last week to 122 this week --

DIRECTOR GARDNER:

I think it was 22, yeah.

CHAIRPERSON NOWICK:

-- does that affect prices, home heating oil or anything?

DIRECTOR GARDNER:

All of that, yeah.

CHAIRPERSON NOWICK:

And when do we see that?

DIRECTOR GARDNER:

A 42 gallon barrel, approximately half of that goes to gasoline.

CHAIRPERSON NOWICK:

So would the consumer see that possibly next week or --

DIRECTOR GARDNER:

Well, I mean, as I said home heating oil already dropped. Home heating oil dropped significantly from -- when it topped out last week.

CHAIRPERSON NOWICK:

What was it last week, 4.95?

DIRECTOR GARDNER:

We went -- in home heating oil we went from an average of -- the last week of May, the average was \$4.55 a gallon. Today the average is \$4.33 a gallon. That's a 22 cents drop.

CHAIRPERSON NOWICK:

Yeah, right.

DIRECTOR GARDNER:

I mean, it's still a horrendous price, don't get me wrong. But did it drop? Yes, it dropped. Gasoline, because our survey -- there was a spike in the last two weeks. So last week in May there we did -- the average was \$4.13 a gallon. The average today is \$4.20. But in between that last week it had -- the average was about 4.25. So gasoline also dropped three to five cents a gallon on average just in the past few days.

CHAIRPERSON NOWICK:

Okay. Thank you, Charlie. Anybody else?

LEG. BROWNING:

Quick question.

CHAIRPERSON NOWICK:

Yes, Legislator Browning.

LEG. BROWNING:

I'm getting away from the fuel. I did speak with you a little bit earlier about contractors. Again, another phone call, contractor took the money, left, didn't finish the job. The particular issue was that the constituent said she signed a proposal, but not the contract. The contractor said, well, I don't have time right now to give you the contract, but she signed a proposal she said. And she never did sign a contract. Can -- does the --

DIRECTOR GARDNER:

Well, the first question is has she filed a complaint with our office and if she hasn't she should do so immediately.

LEG. BROWNING:

Yes, she is.

DIRECTOR GARDNER:

And then the second and most important thing we would be looking at is whether that contractor is licensed or not. And then we would take it from there.

LEG. BROWNING:

He is. We checked on that and, you know, she called us to see what we could do. She pretty much knows what she needs to do, but we're going to talk more about this because, you know, I've come to you before about this stuff.

DIRECTOR GARDNER:

Remember if the contractor is unlicensed, the other stuff is peripheral whether they --

LEG. BROWNING:

Yeah.

DIRECTOR GARDNER:

-- have a contract, they don't have a contract. If he's unlicensed that's a misdemeanor already.

LEG. BROWNING:

Okay.

DIRECTOR GARDNER:

So forget whether he did good work, did bad work, didn't take any money, made a promise, if he's unlicensed that's a misdemeanor.

LEG. BROWNING:

Oh, so she may have recourse with this guy if he's licensed?

DIRECTOR GARDNER:

And if he's licensed and he --

LEG. BROWNING:

I believe he is.

DIRECTOR GARDNER:

Then he'd -- we will definitely open the investigation and whatever the -- call it what you will, contract or a proposal, if he's licensed we'll make sure that the --

LEG. BROWNING:

Good.

DIRECTOR GARDNER:

-- consumer is going to get what she's supposed to get.

LEG. BROWNING:

Oh, I know he is. Great, okay.

DIRECTOR GARDNER:

Pardon.

LEG. BROWNING:

Yeah, you can.

DIRECTOR GARDNER:

Yeah, it's on the website. You can find out, yes.

LEG. BROWNING:

Yeah, okay. I'm going to talk to you more about this.

DIRECTOR GARDNER:

Sure.

LEG. BROWNING:

Thank you.

CHAIRPERSON NOWICK:

Thank you, Commissioner. You can sit there for a while if you want, but, you know, we had one card, somebody came in late and I would like to bring Jack Morrell up.

MR. MORRELL:

Hello, my name is Jack Morrell. I'm from Suffolk County Electrical Contractors Association. We're one of the largest occupational trade in Suffolk County. I'm going to make it quick. I'm just here to say we strongly favor bill 1476, which proposes the five-year, the seven-years requirement, and that's all I'd like to say. Thank you.

CHAIRPERSON NOWICK:

Thank you. Thank you for your letting your thoughts be known. Yes, Charlie.

DIRECTOR GARDNER:

That bill would -- it's a very minor change as far as wording goes. We're simply changing -- recommending that the five-year prior trade experience be increased to seven. All of the neighboring jurisdictions that I am aware of, meaning a couple of the towns that have plumbing licenses, most of Nassau's villages and towns, Westchester, New York City already have that seven year prior trade experience in effect.

CHAIRPERSON NOWICK:

Okay. Thank you. So we'll go to the agenda.

Tabled Resolutions

1272, Adopting Local Law No. -2008, A Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores.

(Schneiderman) I'll make a motion to table, second by Legislator Browning. All in favor? Opposed? **1272 is tabled. (VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

1364, Adopting Local Law No. -2008, A Local Law to promote fair business practices. (Cooper) I guess the public hearing was closed? Do I have a motion?

LEG. EDDINGTON:

Motion to table.

CHAIRPERSON NOWICK:

Motion by Legislator Eddington. It's 1364, a local law to promote fair business practices. A motion by Legislator Eddington. Do I have a second?

LEG. BROWNING:

Second.

CHAIRPERSON NOWICK:

By Legislator Browning. All in favor? Opposed? **1364 is tabled. (VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

1438, Adopting Local Law No. -2008, A Local Law to strengthen motorist protections from unwarranted price increases by unscrupulous wholesale motor fuel distributors and service station operators. (Horsley) I think Legislator Horsley wanted to table that, if I'm not mistaken. So I'll make a motion to table.

LEG. BARRAGA:

Second.

CHAIRPERSON NOWICK:

No, I think the public hearing is closed. Isn't it?

MR. NOLAN:

It was closed.

CHAIRPERSON NOWICK:

Okay. So I'll make a motion to table, second by Legislator Browning. All in favor? Opposed? **1438 is tabled. (VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

Introductory Resolutions

And last on the agenda, introductory resolution **1476, Adopting Local Law No. -2008, A Local Law to amend the qualifications for electricians and plumbers. (Pres. Off. Lindsay)** It has to be tabled for a public hearing. I'll make that motion, second by Legislator Barraga. All in favor? Opposed? **1476 is tabled. (VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

LEG. BROWNING:

Motion to adjourn?

CHAIRPERSON NOWICK:

I'll take a motion to adjourn.

CHAIRPERSON NOWICK:

We tabled your motion.

LEG. HORSLEY:

Okay.

CHAIRPERSON NOWICK:

Your legislation.

LEG. HORSLEY:

Yeah, we'll work it out.

CHAIRPERSON NOWICK:

And Greg -- and just for anybody's information here today -- for anybody's information today starting next -- the next meeting in two weeks, the Consumer Protection Committee will meet at 12 o'clock on Thursdays rather than at one o'clock. Motion to adjourn by Legislator Browning, second by myself. All in favor? Opposed? We're adjourned.

**(THE MEETING CONCLUDED AT 1:39 PM)
{ } DENOTES SPELLED PHONETICALLY**