

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 January 27, 2009.

MEMBERS PRESENT:

Legislator John M. Kennedy, Jr. Chairman
Legislator Ricardo Montano, Vice Chair
Legislator Lou D'Amaro
Legislator Brian Beedenbender
Legislator Edward P. Romaine

ALSO PRESENT:

Presiding Officer William J. Lindsay
George Nolan, Counsel to the Legislature
Ben Zwirn, Deputy County Executive
Allen Kovesdy, Budget Office, County Executive
Brendan Chamberlain, County Executive Aide
Denis J. McElligott, appointee/Commissioner of Consumer Affairs
Barbara LoMoriello, Deputy Clerk
Lance Reinheimer, Assistant Director to Budget Office Review
Joe Muncey, Budget Review Office
Ali Nazir, Aide to Leg. Kennedy
Kaitlin Boyd, Aide to Leg. Beedenbender
Bob Martinez, Aide to Leg. Montano
Lynne Bizzarro, County Attorney's Office
Jack Caffey, Aide to Presiding Officer
Debra Alloncius, AME Legislative Director
Tim Bolger, Long Island Press
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

THE MEETING WAS CALLED OR ORDER AT 2:16 PM

CHAIRMAN KENNEDY:

Could you all please rise and we'll have Legislator Montano lead us in the Pledge of Allegiance, please.

SALUTATION

Okay. Welcome to the first Consumer Affairs Committee meeting for 2009. I'm pleased to be here with my colleagues and I look forward to a productive Committee throughout the year. I think that we have a number of issues that are pertinent to consumers. And I look forward to input from the Committee and robust discussion.

With that being said, I don't see any cards for discussion. Okay. Let's go right to the agenda then and let's look at the items that we have before us. The first item -- the first resolution is introductory resolution 1750.

INTRODUCTORY RESOLUTIONS

That would be, **1750, Adopting Local Law No. -2008, A Local Law to increase and improve gasoline price notification to consumers. (Losquadro)** I'll entertain a motion

LEG. D'AMARO:

Motion to table.

CHAIRMAN KENNEDY:

Okay.

LEG. ROMAINE:

Motion to approve.

LEG. ROMAINE:

Is this a public hearing?

LEG. D'AMARO:

Public hearing. Yeah.

LEG. ROMAINE:

I'll withdraw my motion to approve.

CHAIRMAN KENNEDY:

Okay. We have a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN KENNEDY:

Okay. Legislator Beedenbender for second. All those in favor? Opposed? Okay. **1750 is tabled. (VOTE: 5-0)**

The next resolution that we have before us **IR 2251, Confirming appointment of County**

Commission of Consumer Affairs Denis J. McElligott. (Co. Exec. Levy) I guess we should entertain a motion on the resolution.

LEG. MONTANO:

I'll make it.

CHAIRMAN KENNEDY:

Okay. A motion by Legislator Montano.

LEG. D'AMARO:

Second.

CHAIRMAN KENNEDY:

Second by Legislator D'Amaro. And we have -- okay, we have Mr. McElligott before us. I'm going to ask him to come to the table to entertain some discussion amongst the Committee. But first, we have an important item that Counsel needs to make the Committee aware of. If you would please, George.

MR. NOLAN:

Yeah. Just that the local law that created the new Department and the Commissioner's position will not take effect until the end of February. So the full Legislature will not be able to vote on this bill until its first meeting in March. However, it's up to the Committee; you can vote this resolution out of the committee. But, again, at the full meeting will not be able to vote on it.

LEG. KENNEDY:

Okay. Thank you. That being said, nevertheless, I am very glad that you're here, Denis, to address us. I'm sure that all of the members around the agenda (sic), we're joined by Presiding Officer Lindsay, would like the opportunity to go ahead and talk with you.

As a Chair, I'll just say that you and I have known each other for quite a period of time. I know that you've had a long career as an attorney both in private practice as well as with running our Attorney General's Regional Office here in Hauppauge and now coming to us with the Office of Consumer Affairs.

Each and every one of us around this horseshoe deals with Consumer Affairs in a variety of different ways, both from the licensing aspects for our trades -- I know firsthand about the importance of the electrical licensing board, the plumbing licensing board, the home improvement contractors' licensing board. They do critical work. And they are an important investigatory arm for citizens who may not have received the service they bargained for.

You verify every scale that we have as far as weighing of food. You inspect every gasoline pump that we have for vending of fuel. It's a large Department; it's a complex Department, as far as responsibility. And having said all that, you're challenged, I'm sure, with the resources that you have. Nevertheless, I'm anxious to hear what you have or what you see as objectives and priorities and then let's open it up to questions.

MR. McELLI GOTT:

Thank you for inviting me here today. I appreciate the opportunity to speak with you and answer any questions that you might have. It has been an unusual and very difficult 20 days that I've been here doing the work. So I hope that I have the answers to all of your questions. I have a feeling, though, that I'm going to have to defer on some of them. But it's been challenging, but it's been very interesting and I find it to be -- I thought my time of -- spending time learning as if I was in law school was over. I found out that these last 20 days that that has not been true.

Legislator Kennedy or Chairman Kennedy, I look forward to working with you and every member of the Legislature in dealing with constituent complaints, shepherding them through our constituent

process and with dealing with individuals who are trying to obtain licenses. Right now in Suffolk County we have approximately 16,800 people or entities with home improvement, electrical or one of the other 17 types of licenses that we -- that we have jurisdiction over.

I understand -- I think that protection of the public while working with the business community is the balance that needs to be struck here. I also understand that the Department of Consumer Affairs is important in terms of revenue. I believe there are additional ways to raise revenue. And I look forward to working with the Legislature and with County Executive Steve Levy and his staff to do that.

CHAIRMAN KENNEDY:

Denis, I would imagine that there is a lot of reciprocity and carryover from your time with the AG's Office and the role here now. Are there any particular areas that you're aware of that you'd like to focus on? Is it too early? What would you, you know, look at as areas that we need to go forward in to either enhance or tighten up or create?

MR. McELLI GOTT:

I think there are two areas that the Department of Consumer Affairs are going to be interested in in the near future. The first is, the legislation -- implementation of the legislation that this body passed last year with regard to the waiver of item pricing for various supermarkets and other stores. I believe there are approximately 237 supermarkets in Suffolk County. And at least half of them have indicated that they will be interested in participating in the Waiver Program. The Waiver Program will bring in revenue upfront, but it also creates an obligation on the part of the Department of Consumer Affairs that we're looking forward to and we planned on implementing certain issues with regard to enforcement.

But in addition to that, we also plan on continuing to enforce the item pricing for those stores that haven't bought into the waiver process. Because it wouldn't be fair to the stores that have paid for the waiver and are complying with all the provisions that the Legislature has asked for, has invested in scanners as we've required in our rules and then for us to ignore the stores that haven't. So we will continue to do both. Our policy right now has been for every scanner inspection done for a store that has participated in the waiver process, somewhere in the neighborhood of that store, we will do a standard item pricing inspection as well in order to ensure that the enforcement is equitable.

CHAIRMAN KENNEDY:

Denis, before you go forward, if you can just -- how many -- how many stores have expressed a desire to participate at this point? Approximate?

MR. McELLI GOTT:

I can't give you an exact number. What I can tell you is this: The folks at King Kullen are on board with this. The folks at Walbaums are -- or it's really it's A&P, which is both Walbaums and Pathmark -- are on board with this. Stop & Shop has indicated a desire to do it, but Stop & Shop's going to take a little bit of time. They want to make sure that they've got every store ready before they write us quite a large check. But I can tell you that as of right now, there's been \$125,000 just this month has come in relative to this program.

CHAIRMAN KENNEDY:

And, again, the premise is that if a grocery chain chooses to participate, then they affirm to us that they have their own software, I guess, that's bringing up these items and, therefore, they're relieved from this external labeling requirement on each item?

MR. McELLI GOTT:

Correct. They are relieved of the external labeling provided that they have notified us that they request the waiver; the waiver is a yearly fee. They then also agree that they will, depending on the size of the store, they will place a certain number of scanners that are available to the public simply to check the prices. I think you probably seen them, Macy's, Fortunoff's has them, I think.

CHAIRMAN KENNEDY:

Sure.

MR. McELLI GOTT:

Depending on the size of the store, we've promulgated rules in terms of the number they need. This need to have particular signs. They need to be spread throughout the store in convenient locations.

Once the application comes in, we give them a temporary waiver of the item pricing. We are working towards the first inspection being 15 days. Within 15 days, we'll have one of my inspectors there. They will check 100 items. Of the 100 items, they need a 98% pass rate. Three items that don't scan according to the -- according to the price exhibited on the shelf, and they fail. If they fail, they have the opportunity within five days to ask us for a do-over, another inspection.

CHAIRMAN KENNEDY:

Okay.

MR. McELLI GOTT:

If they ask for that inspection, we will give them that inspection. If they pass, they get the item pricing waiver; it lasts for a year. During that year they understand that there is the possibility and really the probability of additional inspections. If they fail on the second time, their \$5,000 deposit is ours and they have to reapply.

CHAIRMAN KENNEDY:

Well, I know that the Presiding Officer was the sponsor on that. Sounds like a good piece of law. You mentioned two areas, item pricing and -- was there another area you wanted speak about before we turn it over?

MR. McELLI GOTT:

Yes. It is -- it is my hope that in the near future we will be able to bring -- I will be speaking with the County Executive, but I'd like to talk about the idea of cementing our jurisdiction over unlicensed contractors --

CHAIRMAN KENNEDY:

Okay.

MR. McELLI GOTT:

-- clarifying the law. The matter has been through the County Attorney's Office. And I hope that that is something that we can do sometime soon to bring added protection to the consumers here in Suffolk County.

CHAIRMAN KENNEDY:

Actually, you know what, we should probably talk about this another time, but the east end towns also license their contractors independently. And the mechanics lien enforcement, they must have that license if it's a town based license in addition to ours. And sometimes that's an encouragement or an enhancement for a contractor to go forward.

I don't want to monopolize it. I know Legislator Montano has some questions. I don't know if anybody else, I'll be happy to -- okay.

LEG. MONTANO:

Good afternoon, Denis. Actually I don't have any questions but I do want to put on the record that I served in the Attorney General's Office from November of 1999 until I got elected to the Suffolk County Legislature. And during that time I had the pleasure of working with Commissioner designee McElligott who was the Assistant Attorney General in charge. And for two of those years, I think, before I went over to state counsel, I actually headed the Consumer Fraud's Unit and we worked on

some cases together. The most notable, I think, is the Robert Toussie case that was begun in our office.

And I just want to say, you know, from my perspective having worked with you, the people in your Department, I think, are very lucky to have someone come in at your caliber, with your qualifications, with your experience and with your legal skills and your personal skills. So I'm very, very glad to, number one, move the nomination. And I just want to congratulate you on your appointment and I think it's great for -- I think you're an excellent, excellent appointment. Having said that, I know we can't approve you at the next meeting, but look forward to approving you thereafter.

MR. McELLI GOTT:

Thank you for your kind words and I think that --

LEG. MONTANO:

I mean them, Denis, you know that.

MR. McELLI GOTT:

No, Rick, thank you for your kind words and I think that I'd like -- just like to say I think I'm lucky to have some of the people I have over there. I've got some very, very dedicated -- very dedicated and just good people, so.

LEG. MONTANO:

Yeah. And from my experience, I think you'll bring out the best in the employees. I know that I enjoyed my time working with you.

CHAIRMAN KENNEDY:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Good afternoon, Denis.

MR. McELLI GOTT:

Good afternoon.

LEG. BEEDENBENDER:

One thing that, I guess this is more of a comment in terms of an idea I'd like to see from Consumer Affairs, more than a question is, in terms of, I know we have all these licensed contractors. And lot of times when people want to get work done at their house, they want somebody to call, they want to get some background checkup. And I know that Consumer Affairs does provide that. But whether it's a website utility or some sort of ease of use of that, I just think that a lot of people -- and if they're going to have a home built but somebody, they want to check to make sure that there's no record in at least the Consumer Affairs Department that this builder may have had some problems with prior clients or an electrician, you know, that he didn't do work and then a house burned down. So it's not just they don't want to lose their money, but they want to make sure that there's a quality of work.

So one thing that, you know, I would personally like, you know, as you move forward and you begin to learn the Department and iron it out and put your own stamp on it, is I would like to suggest that we find a way to kind of ease the use of those sorts of things where residents could simply -- it'd be an easier process where maybe they could use it on a website or just make a simplification for that process. Because right now, you have to get the right person on the phone. And it's not always the easiest thing to do. And I just think it would be easier for our residents if we could implement some sort of program or procedure that would allow that to be, you know, more user friendly.

MR. McELLI GOTT:

Our current website has three different areas or three different pages that deal with the issue that you just raised. The first is, the Watch List. And the Watch List is the worst of the worst licensed contractors. We are developing more stringent criteria for putting people on the Watch List right now. We have two individuals. So that is on our website.

LEG. BEEDENBENDER:

Okay.

MR. McELLI GOTT:

We also have a list of unlicensed contractors to look out for. Right now there are about 15 on that list. We also have a contractor or licensee lookup service.

LEG. BEEDENBENDER:

Okay.

MR. McELLI GOTT:

Where you can look up -- you can find out if they are, in fact, licensed, when they were licensed, how long they've been licensed, whether it's ever been revoked and whether there are any complaints.

LEG. BEEDENBENDER:

Oh, well then I stand corrected.

MR. McELLI GOTT:

Well we don't -- what we don't have is we don't provide a lot of information with regard to the type of complaints or the resolution. And we're walking a fine line between what type of information -- because there is almost no -- there's no way to prove that a complaint is valid in anyway.

LEG. BEEDENBENDER:

Right.

MR. McELLI GOTT:

So we do -- we do have that information. Before coming here today, I tried to inquire of my IT people whether or not I would be able to provide the Committee as to the number of individuals who have used the contractor or licensing lookup provision. And I was told that during the month of December there was -- one person used it. Now I know that's incorrect because I used it more than once.

So we're in the process of ramping up or changing the system so that we can find out -- I'd like to keep track of that because I'd like to make sure this Committee and the entire Legislature understands. I think it is a valuable tool. I know we've got, you know, scores of people both contractors and consumers calling our office and visiting every year. The calls we keep track of; the visits we keep track of. I'd like to keep track of the web hits so that I could explain to you how often your constituents actually use our services.

LEG. BEEDENBENDER:

Well, I think you bring up an interesting point that if, in fact, that that service is not being utilized or isn't that well known, then, perhaps it's contingent upon us to do some sort of marketing campaign or something. Because I think it's something that -- a lot of people when you go into building a house or doing a reconstruction or something like that, it's a significant financial investment and there's a lot of uneasiness. And I think that the reason that your Department exists in the first place and the reason that we license is to give people some confidence in the individuals or businesses that they're utilizing. And I think it'd just be a shame if nobody actually followed up on the second part because I think the root of that is for them to know.

MR. McELLI GOTT:

I think the most important part you as Legislators can do for your constituents is not just making sure they know we exist, but please tell them to check the website before they sign the contract.

LEG. BEEDENBENDER:

Thank you. I don't have any other questions, Mr. Chairman.

CHAIRMAN KENNEDY:

Let's see. We have Legislator Romaine. And then -- do we have anybody else? Bill, you want to make a comment? Okay.

LEG. ROMAINE:

I'll defer to the Presiding Officer.

P.O. LINDSAY:

Denis, I just wanted to note, we have a complaint form that the citizens can fill out. Is that available online?

MR. McELLI GOTT:

I believe it is.

P.O. LINDSAY:

Okay.

MR. McELLI GOTT:

But if it's not, I will work to make sure that it should be.

P.O. LINDSAY:

Yeah, that -- yeah, it should be.

MR. McELLI GOTT:

I can't understand why it wouldn't be.

P.O. LINDSAY:

I know we have them in the district office. I didn't know whether it was available online or not.

MR. McELLI GOTT:

It might not be, but I do recall -- because the last time I looked at the website there was a web page, but it looked to have forms only for businesses to use, applications and such. But, Mr. Presiding Officer, I will make that that is done. That makes complete sense.

P.O. LINDSAY:

Thank you. That's all.

CHAIRMAN KENNEDY:

Okay. Legislator Romaine.

LEG. ROMAINE:

Thank you. Good afternoon.

MR. McELLI GOTT:

Good afternoon.

LEG. ROMAINE:

You're currently working for the County of Suffolk for the last 20 days.

MR. McELLI GOTT:

That is correct.

LEG. ROMAINE:

Could you tell me the title that you're working in?

MR. McELLI GOTT:

Administrator IV.

LEG. ROMAINE:

Administrator IV. And that title was added to the Consumer Affairs budget because the last time I looked it wasn't in the Consumer Affairs budget.

MR. McELLI GOTT:

No. But there are at least two or three other vacancies, Mr. -- the -- excuse me.

LEG. ROMAINE:

Was this an earmark?

MR. McELLI GOTT:

I don't know.

LEG. ROMAINE:

Maybe I should ask that from the Budget Office. Was this position earmarked?

MR. KOVESDY:

Yes.

LEG. ROMAINE:

Thank you. That's a yes, the position was earmarked. I guess several positions were earmarked to Administrator IV.

Let me ask the Budget Office then because you probably have more knowledge of this, if and when, Mr. McElligott is confirmed, what will happen to the title of Administrator IV?

MR. KOVESDY:

Hi. My name is Allen Kovesdy.

LEG. ROMAINE:

Hi.

MR. KOVESDY:

It's my understanding that that position will be left vacant; will not be filled.

LEG. ROMAINE:

Not abolished?

MR. KOVESDY:

Excuse me?

LEG. ROMAINE:

Not abolished?

MR. KOVESDY:

The budget abolishes the positions. You created this -- the Commissioner title. When the budget is done, it will be brought up for abolishment. So you'd see it in the Adopted -- in the Recommended Budget for 2010.

LEG. ROMAINE:

Okay. So in the 2010 budget there is an intention to eliminate that position?

MR. KOVESDY:

To the best of my knowledge.

LEG. ROMAINE:

Thank you. Let me go back, I don't know if this is for Budget or for you, when you create a Department of Consumer Affairs, usually there's a Deputy, an Assistant to the Commissioner and a Secretary to the Commissioner, positions that don't exist now. Will those positions be created in the new budget?

MR. KOVESDY:

The Commissioner will make a request to the County Executive to run his Department. Once he does that, we'll evaluate it.

LEG. ROMAINE:

Okay. Would that require a budget amendment or will you start earmarking -- my concern is that you'll be earmarking Indian positions for chiefs.

MR. KOVESDY:

No. The --

LEG. ROMAINE:

My concern at Consumer Affairs is that we, you know -- I don't want to wind up with too many chiefs because right now I know we don't have enough Indians.

MR. KOVESDY:

The intent is to put staff in Consumer Affairs to maximize revenue and to run the Department efficiently. And we'll get that information from the Commissioner.

LEG. ROMAINE:

Okay. Obviously as a member of this Committee, I'm going to follow that very carefully.

Let me ask you some other questions. You've been there 20 days and I realize that certainly isn't enough time to formulate anything. What do you see is the biggest deficiency in Consumer Affairs currently?

MR. McELLI GOTT:

The physical plant?

LEG. ROMAINE:

Just the working conditions of the building.

MR. McELLI GOTT:

Yes.

LEG. ROMAINE:

Is there anything in the structure of law and the enforcement of law that troubles you that would work to the detriment of consumers?

MR. McELLI GOTT:

I would suggest that the -- our questionable jurisdiction over unlicensed home improvement contractors, I think that our goal -- right now we're dealing with -- when it comes to an unlicensed home improvement contractor, we're collecting the information and we're sending it over to the

District Attorney's Office. In that regard we're losing control over the resolution of whatever criminal charges are brought. I think the consumers of Suffolk County would be better served by us seeking to take the unlicensed home improvement contractors and bringing them into licensed status; thereby agreeing to our jurisdiction, having them take the test so they'll understand the appropriate actions and the appropriate contractual language.

LEG. ROMAINE:

As opposed to prosecuting.

MR. McELLI GOTT:

Yes. Both can be done. But what we've got, what we end up with is a situation in many cases where there's one unlicensed action. The District Attorney takes the case. By the time the District Attorney has spent time in court over numerous months, it comes up before a judge, the matter is adjourned in contemplation of dismissal because he's willing to pay a fine, he's willing to do the work or he got a license from us. I think a gigantic savings of all sorts of resources, all sorts of governmental resources, can happen with bringing the unlicensed contractors under our jurisdiction or clarifying the fact that they are under our jurisdiction.

LEG. ROMAINE:

Can that be accomplished legally at the County level or does that require state enabling legislation?

MR. McELLI GOTT:

The County level.

LEG. ROMAINE:

So you'll be putting forward something like that for every member of this Committee so that the Committee can do a committee resolution to make those changes?

MR. McELLI GOTT:

That's my plan.

LEG. ROMAINE:

What other deficiencies do you see in the Department other than that?

MR. McELLI GOTT:

I don't see any deficiencies. I mean, we've got -- we've got vacancies.

LEG. ROMAINE:

Do you have -- how many vacancies do you currently have in the Department?

MR. McELLI GOTT:

Well, I don't have a Deputy and I don't have a Director of Licensing.

LEG. ROMAINE:

Okay. And those are the two crucial vacancies that you see.

MR. McELLI GOTT:

I believe so.

LEG. ROMAINE:

Do you have sufficient inspectors to do the work?

MR. McELLI GOTT:

I've been in touch with the County Executive and his people with regard to additional inspectors, but, yes, we've just hired someone.

LEG. ROMAINE:

Is there a backlog in any of the divisions in terms of workload at the Office of Consumer Affairs?

MR. McELLI GOTT:

I think there's a backlog in every County office.

LEG. ROMAINE:

Well, I would agree with you. I'm obviously one that is concerned about that. But can you tell me what types of backlog? For example, in the Health Department in Waste Water Management, if you have a commercial application to build buildings or do whatever, create jobs in the private sector, before anyone would even look at your application let alone approve it, there's a 26 week backlog. Okay. That is a problem in that division.

But, I mean, can you specify with some degree of specificity what the backlogs are in the various divisions of Consumer Affairs so we could better know what the problems are? Because you talk about enhancing revenue, which every member of this committee, I'm sure, is very interested in. But besides revenue, government has another function besides collecting revenue or imposing fines or fees or whatever and that is usually to provide a service. And many consumers depend on Consumer Affairs to protect them. And if we don't have the adequate resources, you know -- and I don't know that to be the case. You're telling me you have a lot vacancies, but I don't know what the backlogs are. So when could we get that information as a committee?

MR. McELLI GOTT:

Legislator Romaine, I'm troubled by your -- the suggestion in your question that my goal here is solely to raise revenue. The mission of the Department of Consumer Affairs is to protect consumers and to make sure that the marketplace is fair and honest. So to suggest that just simply because I've mentioned the possibility of increasing revenues, means that I'm ignoring that other mission is absolutely incorrect.

LEG. ROMAINE:

I'm glad to hear that.

MR. McELLI GOTT:

I understand and -- let me finish. And I understand where you're going with your questions. But let me put it to you this way. There is not one individual who's the head of any department who wouldn't come here and say they want more people, they want more resources. But it's a balancing act. We do a very good job protecting the consumer. I've got men out there doing 21,000 measurements of various devices, be they gas pumps, deli scales or other scales. Every one of those -- every one of those inspections protects the consumer. Every single one of those brings in only \$20. Okay. So to suggest that I'm putting aside the protection of consumers simply to create revenue is absolutely wrong and I'm offended by it.

LEG. ROMAINE:

Well, you shouldn't be offended because that wasn't my suggestion. My suggestion --

MR. McELLI GOTT:

That's where you were going.

LEG. ROMAINE:

I'm glad you know we're I'm going before I get there. My question to you was asking about the performance of the Department. I know many of the people that serve there; they do an excellent job. I'm concerned if there's backlogs. I mentioned an example of a backlog in Waste Water Management, which I think is going to affect the private sector and the creation of private sector jobs. I was concerned about any backlogs in your Department because you raised the fact that you have vacancies in your Department. And I wanted to know, you know, what type of impact that had

on the performance of the Department. The people that work in that Department do an excellent job.

My concern is, is the workload such that there is a backlog in any of your divisions so if I called, if I had a particular issue that it would take time to get to that issue. That was my concern. And that's where I was going. I wasn't trying to suggest anything else.

We only have dealt one other time, and that was with Greenwood Village. And that was a very disappointing thing. And I thought that was the result of the Attorney General's Office. I was totally enlightened by a change in Attorney Generals. When Mr. Cuomo became Attorney General, the attitude of that office changed 1000% for the positive. And he stepped forward and led where I felt that when we dealt with that issue, that you tended to be less than consumer friendly.

I have never voted against any of the appointees in the four years that I've been here of our County Executive. He was elected by the people and I feel to the maximum extent possible that he should have the cooperation of anyone that he so appoints and as long as they're qualified.

You're probably the first appointee that if a vote comes, I will abstain on. If you were up for any other appointment other than Consumer Affairs, I'd be voting for you. I think you're a qualified, capable individual. But that one experience over several months was a disappointing experience. And it wasn't the Attorney General's Office because when leadership changed in that office, there was a complete change to the Greenwood Village issue.

So I just want to mention that. I'm going to be looking forward, despite my abstention to working with you and trying to give you the tools that you need, the support that you need legislatively to ensure that the mission gets done. And I wish you every success. Thank you.

CHAIRMAN KENNEDY:

Thank you, Legislator Romaine. And I know that for anybody stepping into any type of an environment, 20 days really is like a finger snap. So we expect that as time goes on, you're going to have a better opportunity to look at how the resources are deployed. And we're all cognizant of some news we got this morning, Denis. Nevertheless, we'll be receptive to, I think, the things you bring to us.

Legislator D'Amaro, you like to --

LEG. D'AMARO:

Yes. Thank you, Mr. Chairman. And I look forward to working with the Chair as well throughout this year being a new member of this committee.

Denis, welcome and good afternoon. And I know you already appeared, what was it, at our organizational meeting where a -- or was it in December?

MR. McELLI GOTT:

December 22nd.

LEG. D'AMARO:

In December. And I spoke my piece at that time as did some of my fellow Legislators. Again, I just want to reiterate that I'm very pleased and happy that you're here before us today. I look forward in anticipating you going on the job and being approved by the Legislature and working with you.

I do have some specific issues that I need addressed, especially with Consumer Affairs and the complaint process and some constituent work. But in the interest of time, I'm going to hold that to another date, another time, another meeting when we can dig into the details there. But welcome and I appreciate you being here.

MR. McELLI GOTT:

Thank you, Legislator D'Amaro. I am aware of your concern. I've got a very thick file on the issue. I understand what your concern and the constituent's concern is and I look forward to talking to you about it.

LEG. D'AMARO:

I appreciate that. Thank you, Mr. Chairman.

CHAIRMAN KENNEDY:

Okay. Mr. Presiding Officer, you wanted to --

P.O. LINDSAY:

Yeah, I just wanted to jump back in where Legislator Romaine left off. A lot of the problems that the departments that we deal with, Denis, are, we don't have -- we have a shortage of Indians in the department and the chiefs seem to be in place. In Consumer Affairs I think the situation is reversed. Mr. Zwirn, I think, will verify that I've been upset for several months towards the end of last year because I saw all of our upper leadership in Consumer Affairs retiring. And the Director of Licensing, which was, in my opinion, a great civil servant, Mr. Bessler, did a great job. He retired, I think, the year before last. Our Director, Charlie Gardner, retired in June. And Bruce Dragonette, who was the Deputy Director, retired the end of the year. And they were the three leadership positions in that Department. And I had been urging the County Executive to, you know, please find someone that would be the Director.

And then he decided to change it to a Commissioner's position, which I didn't object to, I just wanted -- I wanted leadership there because it's an important Department to all of us. It's an important Department to our citizens because you do very valuable work in protecting our consumers. And I think the value of that work is especially needed at this troubling economic times because people are short for money, they're looking to save a buck and we want to make sure that there isn't some firms out there that are not totally above board in their business practices. And that's where you come in and your Department comes in.

So I appreciate the Executive nominating you. And I hope that he does move forward to fill some of the other leadership positions, even in these troubled times. Because we -- this body very often, you know, changes laws that affect Consumer Affairs and adds an additional workload on you. And I would urge my colleagues to visit the Consumer Affairs headquarters, especially if you are thinking about putting in legislation to expand some of our Consumer Affairs laws.

If we had a blank check to hire a whole bunch of employees, he couldn't put them in the physical plant that we gave him. The plant is probably one of the worst in county inventory. And I believe the plan, and we'll probably be dealing with it in the Capital Budget, is when the Fourth Precinct opens up to renovate the old Fourth Precinct building, to move Consumer Affairs in, which is desperately needed.

So I'm just going on now. I appreciate you being here. I appreciate the appointment. I hope that you do get the additional help that you need and we'll pledge to try to work with you on it.

MR. McELLI GOTT:

Mr. Presiding Officer, thank you very much. I was well aware of your concern dating back to last year regarding the staffing at the Department of Consumer Affairs, especially with both Mr. Dragonette and now -- and previously Mr. Gardner retiring. I would be remiss if I did not mention that both Bruce Dragonette and Charlie Gardner have made themselves available. Both have spent time with me at the office. Both have attempted to give me just a little bit of the institutional knowledge that they had over their many years. And they really are to be commended for it because, you know, they're off the clock and they're spending time and they really have shown that they're very dedicated to the Department. And it's been a great help to me.

CHAIRMAN KENNEDY:

Okay. We're just about concluded, but Legislator Beedenbender has one more quick question.

LEG. BEEDENBENDER:

I was just going to ask Counsel properly this question, I know we have to -- we're going to approve this to the floor it appears today and then it'll have to wait. Is it statutory required that we put Commissioners' addresses in these resolutions? And I only say so because, you know, I can imagine the Commissioner of Consumer Affairs is involved with taking a license away or, you know, submitting penalties upon a business owner. And I just think it's kind of inappropriate to put their address right in a public document.

MR. NOLAN:

You probably could get away with putting in a town.

LEG. BEEDENBENDER:

All right. Well, I would just make the suggestion then that before we approve this on the floor, we just take his street address out. Just -- I don't think anybody needs to know the home address of our Commissioners.

CHAIRMAN KENNEDY:

If we can -- can we make that amendment, George?

MR. NOLAN:

It's a County Executive bill so they could.

CHAIRMAN KENNEDY:

Ben?

MR. ZWIRN:

We got time.

CHAIRMAN KENNEDY:

Okay, good. All right that being said, we have a motion to approve. All those in favor? Opposed? Motion passes.

LEG. ROMAINE:

Abstention.

CHAIRMAN KENNEDY:

One abstention. We have four approve, one abstention. **Approved.**
(VOTE: 4-0-1-0 Abstention - Legislator Romaine).

Okay, Denis, that's it for now. As George had explained, that will go onto the agenda and it will probably be, I guess, in our March -- yeah, our first March meeting.

That's it as far as the agenda goes. Does anybody else have any business before the Committee? Fine. I'll entertain a motion to dismiss. Okay. Motion approved. That's it. Thank you, folks.

MR. McELLI GOTT:

Thank you.

THE MEETING CONCLUDED AT 2:56 PM
{ } DENOTES SPELLED PHONETICALLY