

**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 November 10, 2009.

**MEMBERS PRESENT:**

Leg. John M. Kennedy, Jr., Chairman  
Leg. Ricardo Montano, Vice Chair (not present)  
Leg. Brian Beedenbender  
Leg. Lou D'Amaro (not present)  
Leg. Edward P. Romaine

**ALSO IN ATTENDANCE:**

William J. Lindsay, Presiding Officer  
George Nolan, Counsel to the Legislature  
Lance Reinheimer, Assistant Director of Budget Review Office  
Joe Muncey, Budget Review Office  
Barbara LoMoriello, Deputy Clerk  
Paul Perillie, Aide to Majority Leader  
Linda Bay, Aide to Minority Leader  
Denis McElligott, Commissioner of Consumer Affairs Department  
Ali Nazir, Aide to Leg. Kennedy  
Bob Martinez, Aide to Leg. Montano  
Kaitlin Kelly, Aide to Leg. Beedenbender  
Justin Littell, Aide to Leg. D'Amaro  
Debra Alloncius, Legislative Rep for AME  
Kevin B. MacLeod, Chairman of Long Island Solar Energy Industry Associations  
Patrick Skip Heaney, Commissioner of Economic Development and Workforce Housing  
Steve Tricaraco, County Executive Aide  
And all other interested parties

**VERBATIM MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**VERBATIM MINUTES TRANSCRIBED BY:**

Denise Weaver, Legislative Aide

## THE MEETING WAS CALLED TO ORDER AT 1:17 PM

### CHAIRMAN KENNEDY:

Okay. All right, ladies and gentlemen, can we please call the Committee together and we'll have the Pledge of Allegiance led by Legislator Beedenbender.

### SALUTATION

Okay. Good afternoon. I see we have one card for the public portion. Kevin, Kevin McLeod. If you would please come up, Kevin. As you know you have three minutes.

### MR. McLEOD:

Kevin McLeod, President of KPS Solar. I wanted to mention most of you know me as the Chairman of LISEIA, the solar contractors, but today I'm going kind of like just talk from the -- my company's concern rather than the organization itself.

Most of you have in front of you this article about the 4,999 solar system. For all practical purposes I'm not going to use names here, I'll just refer to this as the company so that we don't really do any implications here.

So obviously first impact on this article here is *wow*, you know, and we've talked about this pricing in the past here in the recent presentation I did, a solar system for 4,999. And honestly this price undercuts the industry by about \$20,000. And people are beginning to question *what am I getting for this and is this real, is this true?*

So I see you also have on the agenda here today for the licensing issue resolution, which this kind of like plays right into that. I mean obviously, if you look at this article and there's one there for 4,999 and one that's 9,999, way down on the bottom here **{ Indicating }** under very fine print where you see the *turn back your meter, electric meter*, under there there's the listing of two HI licenses.

Now I want to tell you this it's like, this is a solar system and they're advertising, *we do*, so this is electrical work. And I guess we've all agreed that this is electrical work here. And I don't see anywhere on here on this article that there's an ME's license at all. So that would be, you know, the first big concern here.

Some of the other things that, you know, we are concerned about here is that obviously, as you remember in my presentation, we talked about doing site surveys when -- before we sign contracts and pricing and things like that. But this company from what we know so far has taken about 450 applications in a period of about a week and a half with a deposit of as much as \$5000 each here. And people are questioning this as far as *what am I getting for this?* I mean, the company has not even told them what the quality or the brand name or the product is, who's going to be doing the installations, is he licensed, is she licensed? Are they, you know, are they going to do a site survey to determine if the fact that they can install the system on a house and it is -- it's supposed to be quoted as a 10k -- 10 kilowatt system. I mean shading surveys, you know, can they fit this type of system on the roof? They're taking a deposit, all -- all without even doing one initial site survey.

I think that means my three minutes is up, John, so obviously, you know, we have concerns about this. And I wanted to bring it to your attention. And Consumer Affairs already is aware of it so, you know, just for the record that, you know, that we're concerned about this. And this has the potential of upending the industry if something goes wrong with this.

### CHAIRMAN KENNEDY:

Okay. Well, thank you. Thank you very much, Kevin. I appreciate you bringing that to our

attention. I have no other cards. Is there anybody else here who seeks to address the Committee? Okay. Hearing none I'll turn to the agenda.

## **TABLED RESOLUTIONS**

First resolution under tabled resolutions is **IR 1633, Adopting Local Law No. -2009, A Local Law to standardize the dating and labeling of milk in Suffolk County. (Alden)**

**LEG. BEEDENBENDER:**

Motion to table.

**CHAIRMAN KENNEDY:**

Motion to table by Legislator Beedenbender. I'll second. All those in favor? Opposed?

**Resolution's tabled. (VOTE: 3-0-0-2. Legislators D'Amato and Montano not present)**

The next resolution, **IR 1797, Adopting Local Law No. -2009, A Local Law to enforce the New York State Returnable Deposit Container Law. (Kennedy)** I know that we have just had implementation for the collection of the deposits, however, we're still working on getting some clarification about the enforcement. So I'll make a motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN KENNEDY:**

Second by Legislator Beedenbender. All those in favor? Opposed? **Resolution stands tabled.**

**(VOTE: 3-0-0-2. Legislators D'Amato and Montano not present)**

Next we have **IR 1801, Adopting Local Law No. -2009, A Local Law to prohibit false advertising by unlicensed electricians and plumbers. (Lindsay)** We had a public hearing on this. Okay. Do I have a motion?

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN KENNEDY:**

Motion by Legislator Beedenbender. I'll second.

**P.O. LINDSAY:**

Let me just give a brief explanation. It's really a very simple bill. What it clarifies in the law is a practice that Consumer Affairs has practiced for years, but of late has not. So the legislation kind of codifies it. And that is if you are unlicensed, you can't advertise. Advertising that you're a contractor is -- without a license, is tantamount to breaking the law. So that's the only thing that this does is to clarify that position about advertising.

**CHAIRMAN KENNEDY:**

Mr. Chair, I know I've had discussions, too, with Director or Commissioner McElligott and some others. And I know it's an important function that Consumer Affairs has performed in the past and hopefully continues to go forward with. Is that who is to going to do enforcement here? Will it be the Consumer Affairs Department when we come upon --

**P.O. LINDSAY:**

Yes.

**CHAIRMAN KENNEDY:**

-- so something like we just had brought before us? Okay. Denis, do you have any comments about the resolution or anything you'd like to share with us?

**COMMISSIONER McELLIOTT:**

Good afternoon. Denis McElligott, Commissioner of Suffolk County Department of Consumer Affairs. I think it is a -- I agree with Legislator Lindsay. It is a very simple bill. It is needed. It's a good idea. My only concern is the wording ought to be clear, that the language that prohibits the advertising doesn't exclude the practice as an electrician; meaning it's a great idea to include advertising as part of the violation. Let's be clear to make sure that the language of the resolution does not exclude the actual practice and doing electrical work. That would be my only concern. But as an addition to the legislation that's already been passed as an addition to the Suffolk County Code, it's a great idea.

**CHAIRMAN KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Just to clarify something, our law says that you have to have a license if your for hire, either electrical work or plumbing. I mean, correct me if I'm wrong, but you could do electrical work pro bono and your -- the licensing doesn't affect you. You could do electrical work on your own house. You might have trouble with the inspection agencies on it, but by our law it's just for hire is what our law talks about.

**CHAIRMAN KENNEDY:**

Okay.

**P.O. LINDSAY:**

And, again, in the past if you advertise *I'm a plumbing contractor* in the paper and you didn't have a license, that was a violation. And that's what this does. It codifies that.

**CHAIRMAN KENNEDY:**

Okay. All right. Thank you. So we have a motion and a second. All those in favor? Opposed? Resolution passes. **Approved (VOTE: 3-0-0-2 Legislators D'Amaro and Montano not present)**

**INTRODUCTORY RESOLUTIONS**

Turning to new resolutions, **IR 1894, Adopting Local Law No. -2009, A Local Law to ensure the integrity of prescription labels in Suffolk County. (Cooper)** It has to be tabled for a public hearing. I'll make a motion -- Legislator Beedenbender makes a motion. I second. All those in favor? Opposed? **Resolution stands tabled. (VOTE: 3-0-0-2. Legislators D'Amaro and Montano not present)**

Next we have **IR 1918, Adopting Local Law No. -2009, A Local Law exempting certain entities from regulations related to dealers in secondhand articles. (Stern)**

**LEG. BEEDENBENDER:**

Motion to table for public hearing.

**CHAIRMAN KENNEDY:**

Motion to table for public hearing. I'll second. All in favor? Opposed? **Resolution stands tabled. (VOTE: 3-0-0-2. Legislators D'Amaro and Montano not present)**

Is there any other business to come before the Committee?

**LEG. ROMAINE:**

Motion to adjourn.

**CHAIRMAN KENNEDY:**

Motion to adjourn. I'll second. All those in favor? We stand adjourned.

**THE MEETING CONCLUDED AT 1:27 PM**

**{ } DENOTES SPELLED PHONETICALLY**