

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 24, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Legislator Steven H. Stern, Sixteenth District
George Nolan Counsel to the Legislature
Patrick Skip Heaney, Commissioner of Economic Development and Workforce Housing
Joe Muncey, Budget Review Office
Renee Ortiz, Chief Deputy Clerk
Alicia Howard, Legislative Aide
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Denis McElligott, Commissioner of Consumer Affairs Department
Steve Tricaraco, County Executive Aide
Ali Nazir, Aide to Leg. Kennedy
Kaitlin Kelly, Aide to Leg. Beedenbender
Dot Kerrigan, Legislative Rep for AME
Lynne Bizzarro, County Attorney's Office
David I. Rosenberg, Esq.
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:25 PM

CHAIRMAN KENNEDY:

Good afternoon everybody. All members of the Consumer Protection Committee, if you could please join us at the horseshoe? And we will say the Pledge of Allegiance led by Legislator Romaine, please.

SALUTATION

All right. Thank you everybody for being here this afternoon. I see that we have one card for the public portion, David Rosenberg. Mr. Rosenberg, are you here?

PUBLIC PORTION

MR. ROSENBERG:

Yes.

CHAIRMAN KENNEDY:

Okay, you have three minutes, sir.

MR. ROSENBERG:

Mr. Chairman, members of the Committee, my name is David Rosenberg. I'm appearing today in support of 1918. I represent TVI, is their corporate name. Their tradename is Savers, Inc. I did have a chance to speak during the public hearing before the full Legislature two weeks ago.

This would create an exception to the Secondhand Article Act which presently governs the sale of secondhand articles in Suffolk County, which is a very thorough scheme and is very effective and it does fulfill its purpose of making sure the stolen property is not past off in a pawn shop. It has a very complex reporting requirement where, for example, a pawn shop would then have to report within 24 hours of receipt any articles it receives. And then any articles it sells within 24 hours hopefully to prevent any more theft of personal property and also to reunite possibly stolen property with their rightful owner.

However, in the situation of my client, and we do have the same type of statutes all over the country, we have a 125 stores. And many of these jurisdictions have already given us this relief. We get all of our inventory from charities that receive their clothes, primarily clothes, and a few household items as gifts. And because they are gifts, they are usually not donated by people who have stolen them so we don't have to really worry that this would in any way frustrate the existing statute.

But because we accept these -- we purchase these from the charities, we then give the charities the resources so that they can fulfill their charitable mission; and in return we have the inventory which then we sell in stores throughout the country. Anything donated in Suffolk would be sold through our Suffolk store.

We're planning to open up a store on Patchogue-Yaphank Road. Obviously we can't open the store unless we have this relief so we have contingency in our lease that if we don't get this approval, we'll be able to cancel the lease; but hopefully we can open sometime in January or February in which case we'll be employing about 30 to 40 people full-time and a few more part-timers. And, again, we take these donations that are given to charities and we pay the charities for them. So they then get the resources.

I know last time there were some questions about good will and Society of St. Vincent's Paul. They have their own retail outlets. So although we don't buy the stuff from them, they then have the expense of renting a store, hiring employees, paying for the electric, paying for the insurance, paying everything else. We take that burden off of the charities that do take donations. I know -- I think it was Legislator Fischer who had asked me a question about, for example, donating clothes to Lupus. They don't have my means to sort the clothes, to sell the clothes or anything. So we buy the clothes from them, we sort them, we grade them, what's salable we sell in our stores. And what's not salable we then -- we ship to whatever -- usually they go overseas. So we pay for these things from the charities; that allows the charities to do their charitable purpose and get some funds to do it.

So I would recommend this. It doesn't in anyway frustrate the present scheme of the statute. It only allows our clients such as myself, who, again, only gets their inventory by way of purchasing from an organization that receives it by donations.

CHAIRMAN KENNEDY:

Sir, you have to wrap up because you've had your three minutes; however, if one of us asks you a question, then you can still respond.

MR. ROSENBERG:

Right.

CHAIRMAN KENNEDY:

My question to you is who do you actually represent?

MR. ROSENBERG:

It is a company called TVI, Inc. They have about 123 stores. They are out of Bellevue, Washington -- Washington state. They have one store in Nassau County now. They have stores all over the eastern seaboard. And, again, there are many other jurisdictions that have similar statutes by they've all given us exemptions.

CHAIRMAN KENNEDY:

How do you value the merchandise that you acquire from the charities?

MR. ROSENBERG:

They are usually done in bulk because the charities themselves don't have the means or the employees to actually take the stuff out of the bins and sort them and grade them so it's --

CHAIRMAN KENNEDY:

So do you purchase by the pound?

MR. ROSENBERG:

Generally, yes.

CHAIRMAN KENNEDY:

Okay. What is your average? What are you paying for pound of garments?

MR. ROSENBERG:

Mr. Chairman, I really don't know that. I don't know what their formula is for it, but I know it's whatever the -- what they agree with the charities and --

CHAIRMAN KENNEDY:

Well, let me go to the other side of the equation, then. In your stores, or your clients' stores, what do they sell this donated merchandise for? Do they sell it by the pound or do they sell it by the garment?

MR. ROSENBERG:

No, that's sold individually by the garment. In other words, we will take this stuff, we will sort through it. And the things that are saleable, we will tag, we will sell, they'll be on racks. The existing store we have now in Nassau is in West Hempstead. And you go in there, it looks like a regular department store, granted not a Macy's or a Bloomingdale's, it's much more modest and they're usually in areas where there are a lot more modest demographics. So we sell it, you know, a suit like I'm wearing might end up graded and being sold for \$29, something like that.

CHAIRMAN KENNEDY:

But by the pound, I would imagine, that suit would go for five cents.

MR. ROSENBERG:

When we buy it in bulk, I don't know what the -- what the formula is but when we buy it in bulk, we usually buy -- give the charity -- for example last year we gave Nassau County Big Brothers and Big Sisters over \$2 million for the stuff we purchased from them.

CHAIRMAN KENNEDY:

Okay. And so you're appearing here because you support the fact that your client would be exempted from some of the restrictions in this bill?

MR. ROSENBERG:

Right. The only way my client would be able to operate here in Suffolk was if they get the exemption because they couldn't possibly comply with the reporting requirement. But, again, it wouldn't frustrate the statute because they don't take stolen property, they don't pay anything for property other than from charitable organizations. Either they receive it as a direct donation or they purchase goods from charities that have received them as donations. So no thief would steal something and then donate it. Obviously if they're stealing it, they're doing it to fence it and make some money.

CHAIRMAN KENNEDY:

Okay. All right. Thank you, sir.

LEG. MONTANO:

Question.

CHAIRMAN KENNEDY:

Legislator Montano has a question, sir.

LEG. MONTANO:

Good afternoon. TVI, Inc., is it a not-for-profit or for-profit venture?

MR. ROSENBERG:

It is a for-profit venture.

LEG. MONTANO:

All right. And these charities, these donations that you get from charities, are there charities that pay for items that you know of? In other words, everything that the charity receives, is that generally a donation or is there a mechanism or are there charities that actually will buy items individually? If you know? I know that --

MR. ROSENBERG:

All the charities that we deal with receive these articles as donations or gifts. So, again, it could be a church is having a rum sale. It could be charities that have the bins around like Big Brothers/Big Sister. But as far as we know, we only deal with charities that receive these by way of gift or donation, which is why the amendment, the proposed amendment was drafted specifically to provide that they receive them by gift or donation only, not by purchase.

LEG. MONTANO:

All right. But you're a for-profit venture, not like the Salvation Army, the other ones that are not-for-profit; am I correct?

MR. ROSENBERG:

Correct.

LEG. MONTANO:

Okay. Thanks.

CHAIRMAN KENNEDY:

Okay. Thank you, sir.

MR. ROSENBERG:

Thank you, Mr. Chairman.

CHAIRMAN KENNEDY:

Okay, is there anybody else who would care to address the Committee? Seeing none, we'll move to the agenda then.

TABLED RESOLUTIONS

Under tabled resolutions, **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.

LEG. D'AMARO:

Second.

CHAIRMAN KENNEDY:

Motion to table by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Resolution's tabled. **(VOTE: 5-0)**

IR 1797, adopting Local Law No. -2009, A Local Law to enforce the New York State Returnable Deposit Container Law. (Kennedy) I am going to make a motion to table. This continues to be difficult to ascertain as to who can retain the fees. Second by Legislator Beedenbender. All those in favor? Opposed? Resolution's tabled. **(VOTE: 5-0)**

1894, adopting Local Law No. -2009, A Local Law to ensure the integrity of prescription labels in Suffolk County (Cooper)

LEG. BEEDENBENDER:

Motion.

CHAIRMAN KENNEDY:

What do we have on this?

LEG. BEEDENBENDER:

Motion.

CHAIRMAN KENNEDY:

Motion to approve, seconded by Legislator D'Amaro. Again, Counsel, what does this do?

MR. NOLAN:

It would require pharmacies to cover their prescription labels with a transparent water-resistant material to protect the labels and maintain their legibility.

LEG. D'AMARO:

Just on the motion, Legislator Kennedy.

CHAIRMAN KENNEDY:

Yeah?

LEG. D'AMARO:

The way it was explained to me that most companies that draft or issue a label on a prescription bottle do laminate or have some kind of protective coating on there so that the prescription is legible, it doesn't fade overtime. But there are some that do not do that and this would cover that.

CHAIRMAN KENNEDY:

Thank you. I appreciate the explanation, but having just had the opportunity to procure five prescriptions for my wife after she got out of the hospital, I know all five of them from CVS were paper-based. It makes some sense to me; nevertheless, I think I would like an opportunity to at least talk to the sponsor and at least check with some of the larger pharmacy chains to see what the effect of it would be. I think I'm going to offer a resolution to table.

LEG. MONTANO:

Second.

CHAIRMAN KENNEDY:

Seconded by Legislator Montano. Okay. And my intention here is just for one cycle. I'd like the opportunity to speak to Legislator Cooper and also to speak to some of the pharmacy chains to see what the merits are on it. Motion to table takes precedence. All those in favor? Opposed? Okay. So that will stand tabled for one cycle. **(VOTE: 5-0)**

1918, adopting Local Law No. -2009, A Local Law exempting certain entities from regulations related to dealers in secondhand articles. (Stern) I believe that we have our Chair from Consumer Protection here with us today. Is Mr. McElligott here in the -- Denis, hi. Could you speak to us for a moment. Does the Department have any position on this legislation or anything that you can share with us? Would you be the enforcers of this?

COMMISSIONER McELLI GOTT:

As of right now, my Department does license secondhand dealers.

CHAIRMAN KENNEDY:

Okay.

COMMISSIONER McELLI GOTT:

This would have certain effects that I think you need to know about. First of all, I've been involved in this discussion with the folks from TVI for the last couple of months. They're here supporting it because I told them I would not give them the exemption that they were requesting to open the store; because their definition of their business model fits squarely within a business that was required to be licensed by the Department of Consumer Affairs.

Here are a couple of different issues that were raised. First of all, I was not promised that all of their products would come from charities. At no point in time would the individual I dealt with -- and I

don't have the letter here right now, but would that individual tell me that they would not be purchasing from individuals walking in off the street.

In addition, the reporting requirements to the Suffolk County Police are not as onerous as they may have been depicted here today. We have a lot of secondhand dealers. Reporting to the police is a very useful tool for them to recover stolen merchandise. The issue is yours to decide. I would just make it clear those two issues to you.

LEG. D'AMARO:

Through the Chair, if I might.

Just very quickly, Commissioner, if the -- we heard a representation today from the attorney for the businesses that would be affected by the exemption or seeking the exemption that all of the items coming into this company would be donated goods. If that is the case, do you support this exemption for this company?

COMMISSIONER McELLI GOTT:

I don't. I'm not opposed to it. But if you look at the legislation, the resolution, it doesn't say that. It says primarily.

LEG. D'AMARO:

Okay. So it doesn't say exclusively --

COMMISSIONER McELLI GOTT:

Corrected.

LEG. D'AMARO:

-- donated materials.

COMMISSIONER McELLI GOTT:

Correct.

LEG. D'AMARO:

But you're not taking a -- what you're saying is that the current law right now does not give you the authority to give an exemption?

COMMISSIONER McELLI GOTT:

That's correct.

LEG. D'AMARO:

Right? Was that your point that you initially made?

COMMISSIONER McELLI GOTT:

Yes. As of right now the business model that's been described to me and been described here today --

LEG. D'AMARO:

Right.

COMMISSIONER McELLI GOTT:

-- fits squarely within the resolutions and the Suffolk County code requiring licensing and requiring reporting to the police.

LEG. D'AMARO:

Right. And I think we all agree with that and that's why this resolution is coming forward now.

Because in an instance where a for-profit company is receiving donated items that were exclusively donated to the original not-for-profit, let's say, believes that there should be an exemption to those reporting requirements, you don't have any opinion on that?

COMMISSIONER McELLI GOTT:

No. I simply point out that the representations being made today to this body that only donated items would make up the store stock is different than what I was told.

LEG. D'AMARO:

Let me meet ask the question just a slightly different way. And if you don't have a position, that's fine. I just want to make sure we're clear. If a company, a for-profit company is receiving only donated items, and we exempt that company or companies from the reporting and record keeping requirements, is Consumer somehow left vulnerable?

COMMISSIONER McELLI GOTT:

I don't think so because our concern is always the purchase made by the company for resale. And it is that purchase what motivates the bad guys who would be passing stolen merchandise.

LEG. D'AMARO:

But you would prefer to see that the resolution make it clear that company's receiving an exemption would only -- must represent and in order to get the exemption must do business by only taking donated items.

COMMISSIONER McELLI GOTT:

I think that would be a great idea.

LEG. D'AMARO:

Not primarily donated items but exclusively donated.

COMMISSIONER McELLI GOTT:

Correct.

LEG. D'AMARO:

Okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN KENNEDY:

Thank you, Legislator D'Amaro. And I think that this is something that ultimately may prove to be beneficial, but if there's ambiguity in the language, I think, maybe, yes -- certainly, I'm sorry, Legislator Beedenbender has a question.

LEG. BEEDENBENDER:

Just to clarify, Denis, you had said -- I don't have the bill directly in front of me. I'm just trying to go off of memory but the bill creates an exemption for the business model; right?

COMMISSIONER McELLI GOTT:

Correct.

LEG. BEEDENBENDER:

Wouldn't a better approach be to exempt them from the reporting requirements on all donated goods? And then if they do get some that they buy, well, then that would be -- that would fall under all the existing statutes. So, I mean it seems to me that we could allow this company to do what they're trying to do by exempting them from any and all reporting requirements associated with donated goods.

COMMISSIONER McELLI GOTT:

Absolutely, that would work.

LEG. BEEDENBENDER:

Sir, Mr. Rosenberg, could you respond to that, too, because -- go ahead.

MR. ROSENBERG:

If I may. The only exception, and that's why I think it would be easier if we do it by percentage, but the only exception we do have of selling non-donated goods is, as in the letter to Commissioner McElligott stated, is like Halloween and Christmas time, we may sell decorations, costumes, things like that but then they're all new so they're not secondhand. So --

LEG. BEEDENBENDER:

In your store you'll put up the Christmas lights which you buy from some company?

MR. ROSENBERG:

And then they are paid for with firsthand merchandise, original packaging. So I can't say that we sell nothing but donated goods which is why I said -- as far as the secondhand items we sell, they're either purchased from a charity which receives them by gift or donation or sometimes we get people who donate them directly to us.

LEG. BEEDENBENDER:

Right. But what you could say and it seems pretty clear is you do not sell secondhand items that you have purchased from people?

MR. ROSENBERG:

That is correct.

LEG. BEEDENBENDER:

Okay. Well, it seems like we can make language that fits that and allows your business to run because I think, you know, your business is -- I would like you to open in Suffolk County and we can -- seems like we can make language that makes that work.

MR. ROSENBERG:

I will tell you that the language that we were going over and drafting in the amendment was language that is similar to what has been done in Toronto and California and in Massachusetts and Connecticut. In fact, the Commissioner is correct when he said it's not that -- as it is now we can't do it, which is what he said. We asked if he can give us a waiver with some jurisdictions have a provisional in their ordinance where the Commissioner gives a waiver to us. And he said, no, we can't give a waiver because there's no basis as Legislator D'Amaro said, there was no basis for it. That's why we came here. And it certainly wasn't in any way to think that we were -- we don't want to be adversaries with the Commissioner. We're very much in favor of the scheme the way it exists now.

LEG. BEEDENBENDER:

Not at all, I don't think this is adversarial. I think we're just trying to figure out exactly how we can get on the books what we need for your company to open up because I agree with you, you know, charities sell to organizations like yours, whether your business is in Suffolk County or not. I think as a committee and as a Legislature during that public hearing at the general meeting I think, you know, many of us didn't know that, that exists whether we give you this exemption or not, that charity sell these clothes to somebody to get the money for their operating.

MR. ROSENBERG:

Right.

LEG. BEEDENBENDER:

And what I think your business -- if it comes to Suffolk County, what happens is those charities will continue to sell but they'll sell it to a business that's then selling them to people in Suffolk County.

MR. ROSENBERG:

They will allow -- this'll benefit the Suffolk charities just like we do in Nassau where we get from Nassau Big Brothers/Big Sisters, we do the same thing here in Suffolk. Otherwise they're usually sold for much, much less than they're shipped over to Africa.

LEG. BEEDENBENDER:

But that's my point, that, you know, the charity -- Big Brothers and Big Sister's going to sell that to somebody whether or not your business exists. But if your business exists, those clothes end up with somebody in Suffolk County rather than wherever else they may end up.

MR. ROSENBERG:

Correct. And they get much more for them this way because nobody's shipping them off the Island or shipping them somewhere else.

LEG. BEEDENBENDER:

Okay. My only suggestion would be that we -- I'll reach out to -- one of us will reach out to the sponsor, either myself, Legislator D'Amaro or the Chair just to -- I think we can get this done in a relatively quick manner. I think it's probably going to be a little different than what we have here but we can probably get this done before the end of the year anyway.

MR. ROSENBERG:

If you wanted to say something like 98 percent or 99 percent, I mean I don't want to find out that one article slipped through and then all of a sudden we're in violation of the law. That's all.

LEG. BEEDENBENDER:

I understand.

CHAIRMAN KENNEDY:

We -- all of us, actually, to be candid with you, sir, do want to see you be able to have the ability to come out and certainly we are in favor of supporting business. And amongst us we're all trying to craft some language and a methodology. I'm even contemplating offering discharge without recommendation. And provided that we don't have a language change that's so substantive, we can still hit our general meeting. But Legislator D'Amaro has some comments to offer as well.

LEG. D'AMARO:

Just very quickly, Mr. Chairman, thank you. I would suggest or throw out there for consideration that maybe the exemption should apply to the articles and not to the entity. Because 98 percent means that if two percent's coming in through direct donations, we do want recordkeeping on that 2 percent.

MR. ROSENBERG:

Legislator D'Amaro, I think the issue, then, is I think you're frustrating the basic scheme which we're all in favor of; because if it only goes by the article, some other entities, you have a much bigger enforcement situation because some other entities could then say that they can start doing this. And because Consumer Affairs and the police don't necessarily have the resources to go through everything, you're put in a situation where you're almost inviting other people who are not as reputable to frustrate the statute; whereas by exempting the entity, nobody else can do this unless they receive their goods by way of gift or donation.

LEG. D'AMARO:

All right. But if that's the case -- I'm not sure I agree with that. But if it runs to the entity, then, with respect to the two percent or the five percent of items that don't fall within the donated mechanisms, do you agree there should be recordkeeping on those items?

MR. ROSENBERG:

I would agree if you want to just make it solely donated -- in other words, we can still sell new merchandise but to the extent that we're selling secondhand merchandise or solely by way of donation, I think my client would have no problem with that.

CHAIRMAN KENNEDY:

Thank you, Mr. Rosenberg. What I'm going to suggest -- is that it for questions? Do we have any --

LEG. MONTANO:

I had one question. I'm not sure if you addressed it. You said -- do you sell some of your items overseas? Does the company sell some of its items overseas?

MR. ROSENBERG:

A lot of times we might get merchandise which is not in saleable condition. Grant it, we're not looking for pristine products but sometimes a rummage sale you get things that are torn, that are stained and then you can't sell them. So then we try to re-sell them somewhere else in the market.

LEG. MONTANO:

Right. But some of the places where you sell items are overseas; am I correct? Your company, not you.

MR. ROSENBERG:

Yes, yes. We try to sell wherever we can which is where most charitable --

LEG. MONTANO:

And some of the places where you sell items would be South America; am I correct?

MR. ROSENBERG:

I wouldn't know that but I would assume it would be South America, Africa, some of the third world countries, yes.

LEG. MONTANO:

Okay. Just so you know, there was a news story on that -- I don't know if it 60 Minutes or -- is there a motion to table this? Or are you looking to discharge it without recommendation, Mr. Chairman?

CHAIRMAN KENNEDY:

My indication at this point is to go with a discharge without recommendation. However, what I'm going to suggest is, is that I will offer that. I'll offer the motion to discharge without recommendation, seconded by Legislator Beedenbender.

LEG. BEEDENBENDER:

I'll withdraw my approval.

CHAIRMAN KENNEDY:

Right. And he withdraws his approval motion. But understand at this point amongst us you can see we're struggling with some of the intricacies here. I will reach out to Legislator Stern, talk about some of what we discussed here. I have to have a follow up conversation with Commissioner McElligott. I want to be able to get to a framework that your client can operate in, but I'm also going to suggest to you at least some of what we talked around the horseshoe here is going to have to be at least brought forward. You know, if -- and I think part of this is because as you said, you're unique to us here. You've not operated in Suffolk County before. And you've said that your business model is different than the Salvation Army or Big Brothers or folks like that. You are proprietary; you make a profit.

MR. ROSENBERG:

Right. But we're different from Good Will which maintains their own stores and pays all those

expenses. Most charities can't afford to do that. So that's why we're different. Big Brother/Big Sisters is actually one of our biggest advocates of this because they raise a substantial amount of their money by the donations they sell to us.

CHAIRMAN KENNEDY:

Look, I don't want to insert myself into the relationship between charities and yourself. I'm not suggesting that there's not a place for you; and as a matter of fact I think you perform a viable function. However, if we're going to regulate it, we need to understand it. And in understanding it, we need to know the extent of the business model. I mean if a portion of your product ultimately is winding up in a rag trade someplace in the Congo, we need to know that. So I offered the motion.

LEG. MONTANO:

Before you -- you have a second on that?

CHAIRMAN KENNEDY:

Yes, I do.

LEG. MONTANO:

Okay. I just want to procedurally point out I think, and I think you alluded to it earlier, we have one more meeting this month.

CHAIRMAN KENNEDY:

Yes.

LEG. MONTANO:

We have Tuesday, then another meeting. If we discharge it without recommendation and then substantial changes are made, are we going to have time to vote on it this year? Or should we table it to get it clarified within two weeks and then we can pass it out in its final form and pass it before the end of the year? What are the procedural ramifications, Counsel?

MR. NOLAN:

If there are substantial changes made to the law, now we're not going to be able to approve it this year because then we'd have to reopen the public hearing and it would have to go into next year and really restart the process all over. It sounds to me like the changes we're talking about would not be so substantial that you'd have to do that. But I just can't say for sure at this point. If there are amendments, you'd have to direct that to Legislator Stern, who happens to be here.

LEG. MONTANO:

So even if we table it and made substantial amendments, then we would not be able to pass it this year; is that what you're saying?

MR. NOLAN:

Correct.

LEG. MONTANO:

So either way our time frame is precluded. It would have to be reintroduced. Okay.

CHAIRMAN KENNEDY:

I think as an accommodation to moving some of the initiative forward, I'll offer the discharge without recommendation. Nevertheless, as I just said to Mr. Rosenberg, from this don't take it that this resolution is being embraced in its current form. We're saying that we need to get better distinguishment on the language.

MR. ROSENBERG:

Thank you, Mr. Chairman. Again, I would say on behalf of my client, if you wanted to change the

primarily or substantially to solely, we would be able to live with that.

CHAIRMAN KENNEDY:

Again, we have Legislator Stern here. In the interest of time, sir, I'm going to suggest that we move forward and then Legislator D'Amaro has one more question.

LEG. D'AMARO:

Thank you, Mr. Chairman. That was exactly my question, if we made that one change, if your client can still operate with that change and you represented yes.

MR. ROSENBERG:

Yes.

LEG. D'AMARO:

Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN KENNEDY:

Okay. So we have a motion to discharge without recommendation. We have a second from Legislator Beedenbender. All those in favor? Opposed? Okay, the resolution is discharged. **(VOTE: 5-0)**

Okay, in the interest of time I'm going to ask Mr. McElligott -- Commissioner McElligott to come to the podium again. Denis, we have six appointments, all for reappointments of individuals in term. I take it that the Department is comfortable with these appointees and has good working relationship with them?

COMMISSIONER McELLI GOTT:

Very comfortable, very confident in them and recommends that they be reappointed, yes.

CHAIRMAN KENNEDY:

Outstanding, excellent.

LEG. MONTANO:

I have one question.

CHAIRMAN KENNEDY:

Yes, Legislator Montano.

LEG. MONTANO:

Yeah. What I'm going to ask on each one is just -- Denis, do you know how long -- do you have the information in terms of how long each of these individuals has been on the board? Do you have that with you?

COMMISSIONER McELLI GOTT:

I do not, Legislator Montano, but I can provide that for you if you'd like.

LEG. MONTANO:

If you had it with you, I'd like to know for my records but that's fine.

COMMISSIONER McELLI GOTT:

None are recent appointments

LEG. MONTANO:

Because they're all reappointments. What I'm trying to get at is how long have they served on this particular board, each member?

COMMISSIONER McELLAGOTT:

I will find that information out and get back to you with that.

CHAIRMAN KENNEDY:

Legislator Montano, I can offer just for some purpose of conversation, I had occasion to speak with the former Commissioner this morning, as a matter of fact he stopped by my new office, Mr. Gardner. And all of these gentlemen are known to him as well. And as a matter of fact he indicated that they had all served in very prudent and good capacity.

LEG. MONTANO:

Right, no, I don't question that. What I'm questioning is the length of time that each one has served. I mean are these people that have been on the board three years, six years, 20 years, 30 years? That's all I want to know. So if you can just give me later a start date for each of these appointments, I'd appreciate that.

COMMISSIONER McELLAGOTT:

I will do that.

CHAIRMAN KENNEDY:

Okay. Thank you. With that dialogue let's move forward.

IR 1974, Approving the reappointment of Michael Towers as a member of the Suffolk County Electrical Licensing Board. (Co. Exec.) CONSUMER PROTECTION. I'll entertain a motion.

LEG. BEEDENBENDER:

Motion.

CHAIRMAN KENNEDY:

Motion to approve by Legislator Beedenbender.

LEG. MONTANO:

Same motion, same second, same vote?

CHAIRMAN KENNEDY:

Right. Second by Legislator Montano. All those in favor? Opposed? Resolution stands approved.
(VOTE: 5-0)

IR 1975, approving the reappointment of Michael Daly as a member of the Suffolk County Electrical Licensing Board. (Co. Exec.) CONSUMER PROTECTION. Same motion, same second, same vote. Resolution's approved. **(VOTE: 5-0)**

IR 1976, approving the reappointment of Richard Leo as a member of the Suffolk County Plumbing Licensing Board. (Co. Exec.) CONSUMER PROTECTION. Same motion, same second, same vote. Resolution's approved. **(VOTE: 5-0)**

IR 1977, approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board. (Co. Exec.) CONSUMER PROTECTION. Same motion, same second, same vote. Resolution's approved. **(VOTE: 5-0)**

IR 1978, approving the reappointment of Anthony Warrenski as a member of the Suffolk County Plumbing Licensing Board. (Co. Exec.) CONSUMER PROTECTION. Same motion, same second, same vote. Resolution's approved. **(VOTE: 5-0)**

IR 1979, approving the reappointment of Salvatore Escaldi as a member of the Suffolk

County Plumbing Licensing Board. (Co. Exec.) CONSUMER PROTECTION. Same motion, same second, same vote. Resolution is approved. **(VOTE: 5-0)**

There being no other business coming before the Committee, I'll entertain a motion to adjourn.

LEG. BEEDENBENDER:

Motion.

CHAIRMAN KENNEDY:

Motion to adjourn by Legislator Beedenbender. I'll second the same. All those in favor? Opposed? We stand adjourned. Have a great Thanksgiving everybody. Thank you.

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