

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 26, 2010.

MEMBERS PRESENT:

Leg. Ricardo Montano, Chairman
Leg. Jay H. Schneiderman, Vice Chair
Leg. Thomas F. Barraga (excused absence)
Leg. DuWayne Gregory
Leg. Edward P. Romaine

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
Leg. Thomas Muratore, Fourth District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Steve Tricaraco, Aide to County Executive
Barbara LoMoriello, Deputy Clerk
Joe Muncey, Budget Review Office
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Denis McElligott, Commissioner of Consumer Affairs Department
Charles Gardner, former Commissioner of Consumer Affairs Department
Bob Martinez, Aide to Leg. Montano
Catherine Stark, Aide to Leg. Schneiderman
Maxvel Rose, Aide to Leg. Gregory
Dot Kerrigan, Legislative Representative for AME
Gail Lolis, County Attorney's Office
William Shilling, Aide to Presiding Officer
Daniel J. McCann
Wayne Miller
Barry Goodman
Alan Berkowitz
And all other interested parties

VERBARIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:11 PM

CHAIRMAN MONTANO:

Good afternoon everyone. I want to welcome you to the first meeting of the Consumer Protection Committee of 2010. I'm Legislator Rick Montano. And on the Committee this year we have Legislator Jay Schneiderman, who is the Vice Chairperson; Legislator Thomas Barraga. He has an excused absence today so he will not be joining us. Legislator DuWayne Gregory and Legislator Ed Romaine.

We also have with us today the Presiding Officer Legislator Bill Lindsay and our newest Legislator Tom Muratore. Our new Legislator, not newest.

Would you please stand for the Pledge of Allegiance lead by Legislator Schneiderman.

SALUTATION

Okay. We have the agenda. We don't have any correspondence today.

PRESENTATION

The next item on the agenda is a presentation by the Suffolk County Consumer Affairs Commissioner Denis McElligott, who will provide a brief department overview. Is Denis here yet?

MR. MARTINEZ:

Yes.

CHAIRMAN MONTANO:

Okay. Thank you. I just want to point out that we have with us also our former Commissioner Charles Gardner. Welcome. Welcome back.

MR. GARDNER:

Thank you.

CHAIRMAN MONTANO:

And there's some other people in the audience that we'll recognize in a while.

Denis, I -- in case anyone doesn't know, Denis was my boss when I was with the Attorney General's Office. We worked together four years. It's always been a pleasure. And we had spoken before the meeting and, you know, Commissioner, what we were looking to do today, as I indicated, was to get an overview of the Department, what your jurisdiction is, what the laws that you administer are and basically it's your show. Take it from there, Denis. Thank you.

COMMISSIONER McELLI GOTT:

Good afternoon and thank you very much, Rick, for the opportunity to address this new Committee, or newly constituted Committee.

For those of who I haven't met, again, my name is Denis McElligott, Commissioner of Suffolk County Department of Consumer Affairs.

I will try to be brief today in my description of the Department and generally give this body an idea of what I do, what we can do, what we can't do. And I would appreciate it if you have any

questions, please feel free to interrupt me. I would much prefer to give you the information that you need and you want rather than what I think is important for you.

To start off with some of the simple aspects of the office, we're located over at Building 340 here in North County Complex. We also have building 153 which is our testing facility, where plumbers, electricians and home appliance repair licensees are tested. We also have a facility out in Yaphank which is used by the Weights and Measures Bureau in order to do work and testing of oil trucks and the meters on home heating oil trucks.

The Department is basically divided into four different bureaus: Bureau of Administration, Weights and Measures, the Consumer Complaints and Investigation and Licensing.

Weights and Measures: Weights and Measures takes very seriously the mission as indicated on our website, which is to ensure equity in the marketplace, promote standards of integrity in the manufacturer, distribution and sale of consumer goods and services here in Suffolk County.

Everyday, every workday here in Suffolk County, I have seven inspectors traveling the County, making sure that any item or any product that is sold by volume or by weight is being sold appropriately and that a gallon is a gallon, a pound is a pound. And the way this is done is by inspections and -- inspections of what we call devices.

The devices are the scales, the meters or the gasoline pumps. Last year there were almost 16,000 inspections done by the Department of Consumer Affairs. Each one of those inspections resulted in a device used during the consumer transactions and each of those devices were deemed to be accurate.

So it is a -- each of those inspections also creates a revenue for the County; but more importantly at the end of each of those inspections, we are sure that every consumer that uses one of those devices is getting what he or she paid for.

Weights and Measures also deals with the precious metals license. The licenses at the Department of Consumer Affairs, we have approximately 16 different -- 16 different professions or businesses that we license. And when it comes to the electrical license and the plumbing license, there are sub-licenses or restricted licenses as well. So the total's a little -- the number 16's a little off.

In the course of your work as Legislators, you will probably come across most complaints or most information from your constituents with regard to our home improvement license. We find that -- those types of complaints will come to your district offices and you can then send them onto us and we will deal with them.

At the present time or last year there was -- 1,279 new licenses were issued by my Department. 6,622 renewals happened as well. The professions that we licensed range from electricians, plumbers, home improvement contractors to electrical inspectors, commercial sign hangers, polygraph examiners and even secondhand dealers, home appliance repair people.

The second bureau that I'll talk to you about is the Licensing Bureau. All of our licenses are outlined in the Suffolk County Code. Most of them are in section 345 of the Suffolk County Code. Plumbers and electricians are separate from them. They are in section 275 of the Code.

Plumbers, electricians and home appliance repair people, the license is obtained after a written exam and then a practical exam. We have individuals on our staff who are licensed electricians and plumbers who will meet with perspective licensees and give them a practical test to be sure that they are qualified both in terms of their written ability and knowledge of the law as well as some of the practical aspects.

The licensing is probably -- I mentioned a number of licenses. Last year the Department of

Consumer Affairs took in just over \$3 million in licensing fees. That is up approximately \$50,000 from 2008. And the Weights and Measures Bureau brought in just over \$1.3 million as well. We try to work very hard with each of the industries to make the licensing process as easy as possible, as practical as possible. And we really do work with the industries to try to -- to try to make sure that we're user friendly.

The sign on the door says Consumer Affairs. But we always have to remember that almost every one of our licensees and every one of our licensees' employees is a Suffolk County resident and a Suffolk County consumer at one point in time and there's no reason for us to be heavy-handed. And we really do try to work as much as possible.

In addition, we have the Bureau of Consumer Complaints and Investigation. Last year we received approximately 1,400 consumer complaints. Those consumer complaints are generally divided into two different kinds. First, would be a consumer complaint regarding a licensed business, a business that holds one of our licenses. There were approximately 630 of those complaints last year.

In addition, there were 180 approximately, 180 complaints regarding what I would call non-licensed businesses. These are not businesses that are required to have a license, but businesses interacting with Suffolk County consumers who have -- who are in an industry where no license is required as opposed to unlicensed, which is -- I use that phrase to mean a license is required and they have failed to get a license. So with the non-license complaints, those complaints are taken in, those complaints are referred to the business. And the Office acts as a mediator.

If there is a pattern or practice and repetition of certain complaints, we then would invoke section 249 of the Suffolk County Code for non-licensed businesses where we would be looking for unfair deceptive or unconscionable business practices. That's with the unlicensed. With our licensed -- with complaints regarding our licensed businesses, we are very, very successful in getting responses because simply the failure of a licensed business to respond to our office in an inquiry can be the basis for a revocation of the license.

This year has been -- there have been a few changes that have been made and a few things that are new to the Department or the Office that didn't exist last year; or just existed last year. The most important is the item pricing waiver that was passed by the Legislature back in 2008. Another pricing waiver has been very successful. The item pricing waiver resulted in revenue to the County of \$711,000 last year. And we see no reason why that will not continue or even grow next year. There are 173 stores which have signed up for the item pricing waiver last year.

At some point in time last year there was some discussion amongst this Committee or its predecessors regarding delay within the office in terms of responding to your constituents' complaints. I'm happy to advise the Committee today that that problem has been completely resolved. Since November 1st of '09, we have received 150 -- from November 1st of '09 to the end of the year, two months, we received 154 complaints. During that time 429 complaint files were opened and your constituents or the consumers in Suffolk County received a response from my office. Before coming here today I checked with my staff. They're in the process of opening files for complaints that were received Thursday, Friday and yesterday. So that has been completely resolved.

I will entertain any questions. If there's anything about my Department that I haven't touched on that you think is important, please feel free to ask me. I also want to stress that each of your offices is an important resource to me. You may have one constituent with one complaint who may not realize that when you forward it to me, I'll be putting it on a pile with three or four other -- of similar complaints from different sources. I urge all of you to be in touch with me and I'll work with each of you to make sure your constituents get the best service from my Department that we can render. Thank you.

CHAIRMAN MONTANO:

Thank you, Denis. I have a couple of questions. And I think we'll open it up if there are any further questions. Essentially you say that section 345 and section 275 of the Suffolk County Code are the -- is what gives your agency the jurisdiction and that spells out your duties and responsibilities; is that accurate?

COMMISSIONER McELLI GOTT:

Section 275 is the section that requires plumbers and electricians to have a license.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

To have one of my Department's licenses. Section 345 has most, not all, but most of my other licensed professions. Section 345 -- both 275 and 345 provide that doing any of the enumerated businesses without a license is a violation of the Code, a misdemeanor and punishable by up to a year in jail and/or \$5,000. That is contained in both sections.

Section 345 provides for the process by which my -- what process my office must go through when serving a licensed contractor or a licensed profession with the notice of violation. And the due process issues and the hearing issues are defined in section 345. I believe that at some point in time later in the year this Committee, and I hope the entire Legislature, will be dealing with their -- I understand there are two proposed resolutions with regard to amending 345. One introduced by the County Executive or prepared by the County Executive and his staff. And another one, I understand, Legislator Browning has introduced. I haven't seen Legislator Browning's resolution yet, but I'm very willing to take a look at it and sit down with any member of this Committee or the Legislature to talk about what I think the ramifications might be from my Department.

CHAIRMAN MONTANO:

Okay. Denis, how large is your Department in terms of -- what is your overall budget?

COMMISSIONER McELLI GOTT:

\$2,217,000.

CHAIRMAN MONTANO:

And I think you said earlier, I didn't write this down, it's probably on the other page, you said you received three million in licensing fees alone; is that correct?

COMMISSIONER McELLI GOTT:

3.1.

CHAIRMAN MONTANO:

In terms of income?

COMMISSIONER McELLI GOTT:

3.1.

CHAIRMAN MONTANO:

So your agency actually supports itself?

COMMISSIONER McELLI GOTT:

Total revenue for 2009 was \$4.5 million.

CHAIRMAN MONTANO:

And your operating budget was about 2.7 million?

COMMISSIONER McELLAGOTT:

2.2.

CHAIRMAN MONTANO:

2.2. And how many employees do you have? How many do you have allocated or budgeted and how many do you actually have on board?

COMMISSIONER McELLAGOTT:

41 and 33.

CHAIRMAN MONTANO:

41 and 33. So you're about a 65, 70 percent capacity; is that --

COMMISSIONER McELLAGOTT:

Correct.

CHAIRMAN MONTANO:

Okay. And how long has that existed?

COMMISSIONER McELLAGOTT:

It's been changing based on retirements, promotions, lateral transfers and recent hiring as well.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLAGOTT:

Since I last spoke with the Committee before you were the Chair, we have been -- we have hired two additional Weights and Measures Inspectors. We have just accomplished a lateral transfer of a senior clerk typist from DSS back to my office. We have been aided by the Civil Service Department with their Office Assistance Program. We have been promised that that assistance will continue after the first 90 days of our temporary clerk typist. And the conversations with the folks in the County Executive's Office are ongoing. And I anticipate that within the next two months, we will be provided with additional personnel. The conversations have been happening and it's in the works.

CHAIRMAN MONTANO:

So, essentially you have some SCIN forms out there that you're waiting for approval or you're going to be submitting some of these SCIN forms; is that what you're saying?

COMMISSIONER McELLAGOTT:

That's my understanding, yes.

CHAIRMAN MONTANO:

Okay. One thing I'd like ask you is, I do know from serving on the Committee last year that you have a number of boards that work with Consumer Affairs. How many such boards are there and can you identify which boards and what they do and, you know, whether or not -- I believe some of them receive remuneration and some of them are volunteer or maybe they all receive remuneration. Could you just speak generally about your board structure that works with you and what their roles are?

COMMISSIONER McELLAGOTT:

As of right now the Suffolk County Code provides for six different boards. They are the electrical, plumbing, home appliance repair, what we call liquid waste, which is the septic system, septic system licenses and home improvement boards.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

Pursuant to the Code, there are different numbers of members on each of the boards. On the electrical board right now, is supposed to have when fully constituted, it would have eight members. There are seven now. An interview's been done to fill the last position. And I anticipate that the Legislature will be provided with that candidate's name in the very near future.

CHAIRMAN MONTANO:

Are all the board members selected by or presented to the County Legislature by the County Executive or does the County Legislature have appointments to these various boards? First, the one you just mentioned which is, the electrical board.

COMMISSIONER McELLI GOTT:

All the boards are staffed the exact same way, which is, it is the County Executive's --

CHAIRMAN MONTANO:

Confirmation.

COMMISSIONER McELLI GOTT:

-- appointment; and this Legislature's approval.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

The Plumbing Board is a seven member board and is fully constituted. The Home Appliance Repair Board right now based on a recent resignation, we only have two members out of a total of five positions, but interviews have been done and candidates have been selected. And I anticipate within the next two months the Legislature will be made aware of those nominations as well.

With the Liquid Waste Board, it's supposed to have five members. It has four now. An interview has been done and I anticipate the Legislature will hear about that candidate in the near future. And the Home Improvement Board has a total of seven members and it is fully constituted at the present time.

CHAIRMAN MONTANO:

And they all serve various terms based on Section 345; is that --

COMMISSIONER McELLI GOTT:

Yes. If you look at 345 -- when 345 was created and each of the boards was created, the individuals are on for three year term except right at the beginning when some had one year term and some had two year terms and some had three year terms. But generally it's a three year term now that we're -- now that we're well underway.

CHAIRMAN MONTANO:

All right. I'm going to direct this to Barbara from the Clerk's Office. Barbara, the Clerk's Office generally keeps or you have the names of all the serving board members available; is that an accurate statement? It's a question. Do you have the names of all the board members at your disposal or is that something that's, you know, contained within the Department itself?

MS. LOMORIELLO:

We should have a list of them, yes.

CHAIRMAN MONTANO:

Right, I know that we have a book in our office that gives us --

MS. LOMORIELLO:

-- all boards and commissions.

CHAIRMAN MONTANO:

-- all of the agencies. But generally we sometimes find that that's not up to date. So the question I'm asking is do you have an up-to-date list of all the board members that serve in various capacities for Consumer Affairs?

MS. LOMORIELLO:

I can't tell you if it's up-to-date but I know we do have a Boards and Commissions list.

CHAIRMAN MONTANO:

All right. Well, then, what I'm going to ask, Denis, if you would, I would like to get a copy of the Boards, you know, the members who serve on the Boards. And I think that there are certain inception dates, when their terms are up, etcetera, etcetera. And I think we had discussed this privately. And I'd like to see, you know, who composes those various Boards. If you can get that over us to at your convenience, I'd appreciate it.

COMMISSIONER McELLI GOTT:

That information will be provided.

CHAIRMAN MONTANO:

And share that with all the Committee members.

COMMISSIONER McELLI GOTT:

Absolutely.

CHAIRMAN MONTANO:

Okay. Are there any questions from any other -- Legislator Romaine, I'll recognize him first. Legislator Schneiderman.

LEG. ROMAINE:

Yes. Let's start with the staffing because staffing was an issue. I believe I served on this Committee last year, if I'm not mistaken. Staffing was an issue throughout the year. We were concerned that for the level of volume of inquiries that you weren't properly staffed.

You have 33 positions and you are authorized to have 41. I assume -- I assume that we're collecting taxes from people to pay for the vacant positions that we currently have. That makes me worry. I hate to tax people without providing the service. Because that money -- I believe the money for all these positions were included in the budget. Was this money included in your budget? When you stated your \$2.2 million budget approximately, did you include the funding for these positions in that quote?

COMMISSIONER McELLI GOTT:

The budget -- my budget from my Department was crafted with input from my Office as well as the County Executive's Office. And my understanding is that, yes, there were funds available for certain of those positions; although, what we've done is we have earmarked one of the grade 14 positions down to a grade 12 in order to fill it and still maintain some savings.

LEG. ROMAINE:

Without putting you on the spot between now and the next Committee meeting, you can correspond with my office, this is what I'd like to know. One, you gave us a quote of what your budget is. You said it's 2 million, 200 -- what was it exactly?

COMMISSIONER McELLI GOTT:

\$2,217,274.

LEG. ROMAINE:

Were the eight positions that are vacant included in that number?

COMMISSIONER McELLI GOTT:

I don't believe all of them were, no.

LEG. ROMAINE:

Could you tell which ones were in correspondence? I don't expect you to have that information now, but if you could correspond with my office and share with the Committee members between now and the next Committee meeting, I think that would be helpful so we know, because I voted on that budget. And I want to know how much of that budget is included that we're taxing people for for services that we're not getting. So I would want to know that.

The next issue I want to raise with you is that for many, many years your Department ran an East End Office. For someone to file a complaint, or go to Consumer Affairs Department from, let's say, Orient, in fact one of your people were from Orient if I'm not mistaken, a former supervisor of Southold, Scott Harris, who now works for Consumer Affairs. If they wanted to go, they'd have to commute to Hauppauge.

COMMISSIONER McELLI GOTT:

Mr. Harris lives at the third house from the end.

LEG. ROMAINE:

Right, I know the -- Scott's a friend. But I'm going to take that as an example. What happened to the East End Office? Was it the fact that you didn't get a lot of inquiries, was it underutilized? What was the determination in closing that office? If you don't know that now, I don't want to -- I don't want to harass you. But if you could give me an explanation between now and the next Committee meeting, I would appreciate it because I would like to know why the East End Consumer Affairs Office was canceled. As you stated yourself, your office is one of the more busier offices for consumers; not that they understand exactly your authority, which by the way in my view is extremely limited to do anything, extremely limited, to take on some of the complaints that you get. But that's not your fault, state law, county law, etcetera. But nevertheless people have made inquiries, *I don't want to go to Hauppauge, I don't want to call Hauppauge, you know. How come we don't have something out here at the County Center in Riverhead?* Didn't we used to have something?

When I was County Clerk in the County Center I used to -- lots of people in the beginning, coming in and asking where the East End Consumer Affairs Office was. And I think you staffed it once. It was staffed with someone there all the time; and then it was staffed a couple days a week and now it's not staffed at all. So I'd like to know about that because obviously I come from the eastern end of the County. And my constituents would like to know what happened to that Office.

So those are the two things that I would appreciate. I realize you may not have those answers now so let me let you have time to reflect and correspond with me by either e-mail or letter between now and the next Committee meeting. And if you do it by e-mail, I'll share it with the Committee members. Thank you very much.

COMMISSIONER McELLI GOTT:

If I might have an opportunity to respond just briefly.

CHAIRMAN MONTANO:

Sure, go ahead.

COMMISSIONER McELLI GOTT:

The East End Office was closed well before I began --

LEG. ROMAINE:

I know that.

COMMISSIONER McELLI GOTT:

-- my tenure here. I will look into it and I will provide you with the information. I'm sure that there was -- that there's a reason why the matter was closed.

Going back to my staffing, I'd just like to take issue with one thing you said in terms of taxing people and not providing the services. We are doing more with less. The services are being provided. And as I said, as of right now we deal with a tremendous number of complaints and we do it on a timely basis. And in terms of communication, my folks are available by telephone and spend a tremendous amount of time on the telephone talking with consumers and providing information as well as on a regular basis. I probably receive 7 to 10 e-mail inquiries a day and we respond to all of them.

LEG. ROMAINE:

Thank you. Let me just clarify my remarks. My remarks were in no way a reflection of the Department, which I think is doing a good job. But if your position is that you don't need these eight positions that are now vacant, I'll immediately introduce a budget amendment to eliminate them and save the taxpayers, if that's your position. So be careful.

Because when you said that for the record, and we have a verbatim record, what you've opened yourself up to is for this Legislature to consider eliminating those eight positions. If you're saying you can run this Department without those eight positions, that's something that we can eliminate right away. So I'll give you an opportunity to rethink that and I'll ask that question again at the next Committee meeting. Thank you very much.

CHAIRMAN MONTANO:

Two very quick things. One is that I will ask the stenographer when the minutes are done -- I guess you post them right away?

MS. FLESHER:

Yes.

CHAIRMAN MONTANO:

All right. If we don't catch that, if you can just let us know, we'll get a verbatim copy of the minutes.

And, Denis, under the Suffolk County Code, section 149-2, there's a requirement that when a Legislator makes a request for information, that it be complied with within five days. And if you can't comply within the five days, then just ask for an extension.

So, since the request came through the Committee process, I'm going to ask you to send it to myself as Chair and all the members of the Committee. All right? And like I said, if you can't do it in five days, which I understand, then just, you know, let us know. But that is one of the sections in the code.

COMMISSIONER McELLI GOTT:

I'm well aware of it.

CHAIRMAN MONTANO:

You are? Good. Okay.

And with that I'm going to turn this over to Legislator Jay Schneiderman for questioning.

LEG. SCHNEIDERMAN:

Thank you.

Commissioner, first I want to go back to the revenue side. I think you said there was something like three million that was coming in from license fees. And then on the Weights and Measures side, there was what, another -- about a million or --

COMMISSIONER McELLAGOTT:

1.3

LEG. SCHNEIDERMAN:

1.3 million. Can I ask you, that money, is that -- starting with the licenses, is that \$3 million, is just the fees that they're paying or does that include penalties that are being assessed or being charged to unlicensed people?

COMMISSIONER McELLAGOTT:

It does not -- for 2009, it does not include any penalties being levied against unlicensed contractors.

LEG. SCHNEIDERMAN:

Okay, so what kind of revenues are we seeing coming in from -- being collected from unlicensed contractors?

COMMISSIONER McELLAGOTT:

You're not.

LEG. SCHNEIDERMAN:

How come?

COMMISSIONER McELLAGOTT:

Take a look at Section 345 and the two resolutions that you have before you, which are resolutions to solidify our -- my Department's jurisdiction relative to unlicensed contractors.

LEG. SCHNEIDERMAN:

So we basically charge people \$3 million to obtain a license. And those people who didn't obtain a license have not had to pay a penny? Is that what you're saying? There are no fees charged to anybody?

COMMISSIONER McELLAGOTT:

There have been no penalties charged to unlicensed contractors.

LEG. SCHNEIDERMAN:

Why would somebody bother getting a license when there's no penalty for not getting one?

COMMISSIONER McELLAGOTT:

Because it's a crime not to have one.

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER McELLAGOTT:

And you're --

LEG. SCHNEIDERMAN:

So how many people -- how many contractors have been charged with that crime?

COMMISSIONER McELLI GOTT:

I don't have those numbers right now but those --

LEG. SCHNEIDERMAN:

Those fees are ending up in the courts and they're not coming back to your Department?

COMMISSIONER McELLI GOTT:

That's correct. Because of the wording of Section 345 which was passed by this Legislature.

LEG. SCHNEIDERMAN:

Okay. So it's not that it's not being enforced, it's just that the income's not coming to you.

COMMISSIONER McELLI GOTT:

The income's not coming to me because Section 345 as drafted by this Legislature does not provide my Office with concrete jurisdiction with regard to the enforcement of the licensing requirement.

LEG. SCHNEIDERMAN:

Because I would like to see how much fees have been assessed to unlicensed contractors. I would like that -- I'd like that information even though it's not going to you. I'd like to know also, you know, to the degree of the enforcement on the East End versus the West End, too, because if it's all being done through Suffolk County Police Department in western Suffolk, you know, I would need your Department or the local municipalities to get involved in enforcing it on the East End.

Because I hear a lot of people, you know, when you go to, let's say, get a building permit, you need to get a -- you need your license -- show your license with the Town. But I don't even know if they're asking for your County license. So I want to find out. I want to close that loophole if it actually exists.

And on the Weights side where you have 1.3 for Weights and Measure, 1.3 million, again, do you pay a per scale fee? Is that what that is?

COMMISSIONER McELLI GOTT:

You have to divide it into three types of the devices that we're talking about: Scales, meters and gasoline pumps. Okay.

On the scales issue, it is a cost per scale as outlined by New York Code and Rules and Regulations Chapter 16. And it's a per scale fee up to -- for a certain number of scales; and then a lesser fee thereafter. Meaning if you go to -- like one of my guys goes to a Stop and Shop and inspects 15 scales, it's \$20 for the first five, \$10 thereafter.

LEG. SCHNEIDERMAN:

And then are there -- if somebody's found out of compliance, they've built some tare weight into the scale or whatever, the scale's just not working, what happens to them? Is there a fee, a penalty?

COMMISSIONER McELLI GOTT:

Yes.

LEG. SCHNEIDERMAN:

Does that through your Department or does it go somewhere else?

COMMISSIONER McELLI GOTT:

Correct. No, that goes through my Department. My Weights and Measures inspectors in 2009 wrote 443 Weights and Measures violations; meaning finding a scale that was inaccurate, a scale that was being used without approval, a gas pump that was under -- underproducing, a gallon wasn't a gallon. So there were 443 of those violations served by my office last year. And that resulted in -- that is part of the 1.3 -- that resulted in part of the \$1.3 million that the Weights and Measures took

in.

LEG. SCHNEIDERMAN:

Now do you distinguish between a faulty scale and a maliciously, you know, altered scale, let's say somebody is shortchanging you on gasoline, they programmed it to do that versus just a mechanical type of error; and, you know, in other words one is a crime -- they might both be crimes but one certainly is a crime -- you're stealing from people. And can you just explain that process?

COMMISSIONER McELLI GOTT:

Those types of decisions are made within my office by -- with input from both the inspector, the Assistant Director of Weights and Measures and myself. My inspectors are, except for the two brand new ones, are very experienced. And the -- each business has a track record. We look at the entirety of it. And that is -- that type of decision is made -- or that type of information goes into the decision about whether the amount of the fine we ask for and whether or not it rises to the level that there needs to be a revocation or the condemning of --

LEG. SCHNEIDERMAN:

Okay. So you might refer something to the District Attorney if you thought something was intentionally rigged?

COMMISSIONER McELLI GOTT:

Yeah, we work very closely with the District Attorney's Office. We have a liaison who is in my office at least once a week talking with my inspectors.

LEG. SCHNEIDERMAN:

Let me move onto another line of questioning. This body is known for frequently passing restrictions, bans on various things. And we often task your Department, which to me sounds understaffed, with enforcing these things. Just to give some examples, and correct me if some of these were not sent to your Department, but salvia delorium was a product we banned the sale of. There was a cough syrup regulations. There was something in cough syrup that we said you have to be over a certain age to purchase. We passed a do-not-sell list on certain plants. We said that specials at restaurants, you had to say the price.

There's a bunch of fertilizer laws including things that have to be posted certain times of year where fertilizers can or can't be used, setbacks to wetlands and fertilizers. We passed a ban on baby bottles with BPA in them, Bisphenol A. The drop side cribs was the most recent. Probably all of these went through your Department as the enforcement agency.

Can you give us an update in terms of how you're planning to enforce these things, if anybody's gotten violations on any of these things at this point through your Department?

COMMISSIONER McELLI GOTT:

Well, a few of the items that you mentioned are referred to the Department of Health. Most of them, yes, this Legislature has decided in its wisdom to hand it to me including the do-not-sell list for invasive plant species. Although it was passed a couple of years ago and given to the County Exec's Environmental Department sometime last year, this Legislature decided that it was a consumer transaction.

The do-not-sell list presents a bit of a problem for us because the basis -- the basic element in all of the information that comes to our office is almost always an unhappy consumer. So we have a source of information from unhappy consumers. The invasive plant species, the do-not-sell list, we won't have that. So we don't have a regular source of information. What we have done is, we have prepared the list, we've got a form letter that should be going out to everyone, all the horticulturists, all the businesses that sell plants over the next two months advising them of the law. And we are in touch with the Nature Conservancy and we are going to wait to receive -- to see if we receive any complaints.

As of right now I understand that this Legislature may believe that this is important and may believe that the drop side crib is important, may believe that the pool alarm signs are important. We haven't received any complaints about any of those issues from any consumer. So we are -- we understand what our obligation is. And we're going to try to do what we can to spread the information out and working with the Nature Conservancy with regard to the invasive plant species, but it hasn't been -- we haven't received any information or any complaint or any correspondence from any member of the public.

LEG. SCHNEIDERMAN:

All right. To have only that as the enforcement mechanism, or only complaint driven and have nothing proactive, you know, these laws, although they make great headlines when they go into place, don't really have much effect. You know, enforcement -- without that enforcement piece, what's it worth? People soon learn that they don't have to abide by the law because nobody's enforcing it. And I think we really need to -- it'd be great to have an inventory of all the things your department has been tasked for, enforcing, and what you actually are proactively enforcing versus those things that you're waiting for complaints on. And then we can see as a body if we feel that we need to move beyond just a complaint driven enforcement regime and actually proactively take care of some of these things. Just because nobody's complaining doesn't mean that these things aren't being violated. They might very well be. And I think when the Legislature passes these things, we believe they're important to protect the consumer. So if you can provide me with that list, if you have such a list of what you're supposed to be enforcing and to what degree you are enforcing those things, that would be helpful me.

CHAIRMAN MONTANO:

Okay. I have some further questions, but Legislator DuWayne Gregory had some questions before that and then Legislator Romaine would like to ask some follow-up also.

LEG. GREGORY:

Thank you, Mr. Chair. And thank you, Commissioner, for being here today. Legislator Schneiderman had actually asked some of the questions or concerns that I had regarding enforcement. But another aspect that I was concerned about is, you said you had 1400 complaints last area. Do you have an idea as to how long a particular complaint is -- from opening to beginning -- how long does it take to close out a specific complaint? Is it one week, two weeks or three, or whatever the case may be?

COMMISSIONER McELLI GOTT:

It varies widely. Let me give you an example. Last year those 1400 complaints, 567 of them were referrals to other governmental agencies. With our office as well as the Attorney General's Office and other governmental agencies such as the Town of Huntington and the Town of Islip with regard to certain license professions, we know which governmental agency is best able and has the best jurisdiction to resolve the problem for the consumer.

Frequently we'll receive a letter which somebody has CC'd to the Attorney General's Office, to the Better Business Bureau, to the Federal Trade Commission. And my Director of Consumer Complaints and Investigation and my staff know which governmental agency is best. So those get opened and then they're closed upon the referral. So giving you an exact time frame is little bit difficult. Some of them go on for -- may take 8 months to resolve. If it's a licensed business, there may be a need for a field investigation by one of my inspectors. That field investigation may result in a notice of violation. There's a certain amount of time which is built into the statute that the licensee must receive notice certain number of days beforehand. Then there are hearings scheduled. The hearings are at times adjourned. And then we have to wait for a report from the hearing officer. And that report and recommendation comes to me and then I make the decision. It's impossible -- it's very difficult for me to give you an exact time frame since the types of complaints we get are so varied and so broad.

LEG. GREGORY:

Fair enough. Now the concern that Legislator Romaine referred to earlier with the closing of the -- was it Riverhead or East End location --

LEG. ROMAINE:

Riverhead County Center.

LEG. GREGORY:

Do you have the ability, and I don't recall off the top of my head, do you have -- do consumers have the ability to make a complaint on line? I know the Attorney General's Office does. Do we have that same capability?

COMMISSIONER McELLI GOTT:

The complaint form is available on line. But for us to open a file, we ask for the consumer to send us a completed complaint form with an original signature. Part of the reason for that is right above the signature line, they affirm that the foregoing is true, meaning their complaint, say, against the contractor. I don't think it's asking too much for a consumer to fill out an original complaint when that complaint will end up doing two things: Number one, causing the government to exercise its resources or use its resources on their behalf. And number two, result in a permanent government record complaining about a particular contractor. And that will last forever no matter how frivolous the complaint is. And in order to be fair to the contractor, I think it's -- I don't think it's much to ask for a signed original complaint from the consumer.

LEG. GREGORY:

Okay. And I recall in the past where your department would have, you know, these raids -- not raids but stings on home improvement contractors. I haven't heard anything as of late, but do you still practice those types of things?

COMMISSIONER McELLI GOTT:

The use of the sting house has not been done since the re-evaluation of Section 345. And that re-evaluation resulted in the two resolutions that this body has before them amending and changing 345. If 345 is changed in accordance with the resolution submitted by the County Executive, I can assure you we will be back in business with the sting house and working with the District Attorney. But for right now we're awaiting a change in 345.

LEG. GREGORY:

Okay. All right. Thank you, Mr. Chair.

CHAIRMAN MONTANO:

Denis, Legislator Schneiderman touched on a point with respect to the overlap of licensing with the towns or possibly duplication. Could you just address that issue? I mean what you said earlier that in order to be one of the licensed professions, you need to pass the test with your department. Are there -- what happens with the Towns? I mean is there another test that the applicant has to take? Is there another fee that the applicant has to pay? And how does that interact with your office?

COMMISSIONER McELLI GOTT:

Yes, there's another fee. Yes, there's another test. And just this past year the Town of Huntington decided that they were not going to grant reciprocity to somebody who had passed our test here for an electrician or a plumber, I believe, it is. They insisted upon their own test. The Town of Islip is the same way.

I believe what's happening is in the past there was much more of a desire or ability for the Towns and, for example, the Village of Lindenhurst has their own landscaping license. In the past there has been an idea that there would be reciprocity. If you had one license, the Town or the Village would recognize it. That has fallen by the wayside. Each jurisdiction has their own license and their own

test. And I think it's more of a fiscal decision than a question about the quality of our test or our licensing procedure.

CHAIRMAN MONTANO:

Doesn't that seem somewhat cumbersome or -- excuse me, Bill?

P.O. LINDSAY:

Very much.

CHAIRMAN MONTANO:

Yeah, I know. I mean it's -- Denis and I are attorneys, work together. We have one license for the State. And if I have to go to Rochester to try a case, I go up there. If I go to another state, I get reciprocity or I waive in. It seems somewhat, you know, odd that in Suffolk County -- what would be the point of having a Suffolk County license if I have to go to the Town of Islip and get a license? Why do I need a Suffolk County license?

COMMISSIONER McELLAGOTT:

If you wanted to do work anywhere other than Islip?

CHAIRMAN MONTANO:

Well, if all the jurisdictions -- let me ask you this. What percentage of jurisdictions require a separate license? Is it Huntington and Islip only or is it the Villages, is it everybody? I see Charlie shaking his head there. But you have to come up to the podium if you want to address this, Charlie.

COMMISSIONER McELLAGOTT:

He probably knows better than that I do.

CHAIRMAN MONTANO:

I'm sure he does because he was doing it longer.

COMMISSIONER McELLAGOTT:

What I do know is this: The Town of Huntington has one license and a plumbing board. They insist on their own plumbing license. Islip has an electrical license.

CHAIRMAN MONTANO:

Do you need to be a resident of the Town of Islip to get a license in Islip?

COMMISSIONER McELLAGOTT:

No.

CHAIRMAN MONTANO:

Let's say that I live in Huntington and I get a County license. And then I want -- I need to get a -- I have a job in Islip. Do I need to be a resident of Islip to get a license?

COMMISSIONER McELLAGOTT:

No.

CHAIRMAN MONTANO:

Do I need to be a resident of Suffolk County to get a license from the Suffolk County Consumer Affairs Board?

COMMISSIONER McELLAGOTT:

No. You need a New York State address, though.

CHAIRMAN MONTANO:

Okay. So it's not based on residency, then. And you said it's based more on finances?

COMMISSIONER McELLAGOTT:

No. I think that the decisions of what we've seen --

CHAIRMAN MONTANO:

From the localities. In other words, they need revenue so they figure that they'll tax you. It's a tax on a profession. And I don't want to put words in your mouth but that's what it sounds like.

COMMISSIONER McELLAGOTT:

I believe that the tendency of each of the local governments, the Villages or the Towns to not honor the Suffolk County license and to require their own license is motivated in part by financial reasons, yes.

CHAIRMAN MONTANO:

I'd like to ask maybe not today, but I'd like to ask Counsel as to the legalities of how that works, what laws are we talking about.

Mr. Presiding Officer, you're a licensed electrician, are you not?

P.O. LINDSAY:

No.

CHAIRMAN MONTANO:

Oh, you were?

P.O. LINDSAY:

No.

CHAIRMAN MONTANO:

All right. But you know enough about it so go ahead. Thank you.

P.O. LINDSAY:

Thank you. Only employers are licensed. The field workers that work as electricians or plumbers don't carry a license, they work for a licensed employer.

CHAIRMAN MONTANO:

Okay.

P.O. LINDSAY:

But it's very upsetting to me to hear that some of the Towns are requiring licenses now. Because for a longtime Suffolk County had a county-wide license that everybody recognized. And it's a very difficult path they're starting to go down because in Nassau it was never like that. In order to be an electrical contractor in Nassau County, if you held licenses for all the multiple jurisdictions, the last time I counted there was 21 licenses needed, which is an absolute nightmare for a small businessman to operate under.

CHAIRMAN MONTANO:

Right.

P.O. LINDSAY:

And it's so counterproductive. I would like a list of the jurisdictions now that are insisting on their own license because I would like to write them a letter to see if they can stop this foolishness. Otherwise, you know, if we get like Nassau County, it's going to be impossible. Can you imagine carrying 21 different licenses to work in one county? It's a horror. And if they're going to start adopting that, you know, we got to work something out.

I mean if it's a revenue issue and they want a fee for somebody to work in their Town, you know, maybe something can be worked out there. But for them to insist on their own separate exam and all the paper work that accompanies it is just insane. It's just absolutely insane. And I think that we should do everything we can to try and prevent that from spreading any further and maybe a little retrenchment to see if we can pull it all back into the county-wide license. And I know, Charlie, you work for the electrical industry now. I'm sure your members would not be very happy with us going towards a Nassau model.

MR. GARDNER:

Absolutely.

CHAIRMAN MONTANO:

I would endorse that. Denis, would you send a copy of that information to the Committee members as well? And I'm going to ask the County Attorney but not to answer today, what I'd like to know is could you look into the legality of somehow, you know, maybe mandating -- or do we have jurisdiction to mandate reciprocity? If someone has a Suffolk County license, it seems to me that that license should be reciprocal within the County of Suffolk. And I don't know on what basis the individual Towns -- I'm not going to ask you -- we had a long meeting; it's been very interesting, Denis, I'd like this to go on but we're running short on time and we have some public speakers. But I think that's something that we should definitely look at. And I agree with the Presiding Officer to have small businesses, especially today, go out and get four, you know, five licenses at a cost -- what is your fee for the, let's say, the electrician's license; \$700 or something?

COMMISSIONER McELLI GOTT:

The first time fee it's a \$200 application fee.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

\$100 -- for an electrician, \$200 application fee plus \$400 once the license is approved.

CHAIRMAN MONTANO:

And how long is that license for?

COMMISSIONER McELLI GOTT:

Two years.

CHAIRMAN MONTANO:

All right. We as attorneys pay 300 every two years; am I correct?

COMMISSIONER McELLI GOTT:

I believe that's what it is.

CHAIRMAN MONTANO:

You got it.

COMMISSIONER McELLI GOTT:

My wife doesn't let me see the checkbook so I don't know.

LAUGHTER

CHAIRMAN MONTANO:

I know that. I feel for you.

We have a guest, Legislator Muratore, and I'm going to give him the floor or the podium or the mike, whatever you want to call it.

LEG. MURATORE:

Thank you, Mr. Chairman. Just one quick question, Commissioner. You said you increased income by \$50,000 in licensing. Was that because there were more licenses issued or the fees have increased? Of the 3.1 million income for licensing fees you said you increased it by \$50,000.

COMMISSIONER McELLIOTT:

Increase in the fee.

LEG. MURATORE:

In the fee.

COMMISSIONER McELLIOTT:

Yes.

LEG. MURATORE:

So no new licenses -- I mean have licenses, the number, gone up?

COMMISSIONER McELLIOTT:

It depends on which of my licenses you're talking about. What I can tell you is this: With the economy, the way it is right now, we have seen a spike in precious metals dealers' licenses and secondhand dealers' licenses; many more people are getting into the business as the value of gold goes up and as the economy goes down, a lot of people see an opportunity to buy secondhand gold. And they're seeking out a license for that.

Generally, the number of home improvement contractors' licenses, electricians and plumbers, it varies but it stays within a fairly standard number over the last three or four years. What we have found is more folks writing to us asking for a renewal of their -- renewal of their license but citing economic hardship. And there's a provision in the statute allowing for a reduced fee for renewal of licenses. We have seen an increase in that.

We also have seen a slight increase in what we call shelving of licenses, individuals who have paid for two years worth of licensure but are no longer in the business; and then will tell us *I'm not going to be practicing as an electrician or home improvement contractor*. They pay a one time fee to us. The licensing is then shelved is in essence put on ice. And the individual can then later on come back to us and say *I want to go back into the business* and the license -- the term of the license then continues.

LEG. MURATORE:

Thank you.

CHAIRMAN MONTANO:

Commissioner, I want to thank you very much. It's been a very interesting presentation. And we'll hear more. Because of the time factor, I'm going to move right into the public portion. We have four speakers and then we have one resolution that has to be tabled for public hearing. Thank you very much, Denis.

COMMISSIONER McELLIOTT:

Thank you very much for your time and I look forward to working with each of you and your staff.

CHAIRMAN MONTANO:

Likewise.

PUBLIC PORTION

Okay. Moving into the public portion, we're going to do this quickly. Each speaker has three minutes. The first one is Daniel J. McCann from Halsted Communications. The topic is satellite television licensing.

Dan, come on up, Dan. You can either sit there or at the podium. Your pleasure.

MR. McCANN:

Thank you very much. My name is Daniel McCann. I do have a power point presentation if you want to see this for each individual Legislator. I have a -- just a piece of paper here. I can hand it out if you want me to.

CHAIRMAN MONTANO:

We can't do the power point now. And we'd have to do it within the three minutes.

MR. McCANN:

Sure. Okay I'm sorry about that. I'm little bit not familiar with procedures. I'm from the State of Connecticut so it's a little bit different for us. But primarily why I'm here is, very interesting conversation with the Commissioner about licensing. One of the, not a complaint, but one of the issues that we've had as an industry and for satellite TV is that we've had a struggle with proper licensing for what we actually do. We obviously know there is one particular license held for our business. But when we are trying to get other people licensed as a so called backup, we walk into a situation where a satellite technician has to know about telephone installation, compressors and refrigerators, all types of things that are part of the requirements; and also a deep knowledge of electricity which is really not our scope of work.

So what I have done in the past and what my job title requires me to do up in Connecticut and Rhode Island and other locations in our geographic area, is I've worked with local governments to try to get our scope of work to fit the actual requirements needed for our jobs. And in the State of Connecticut I actually worked with the State Legislature up there to get a satellite restricted license for the entire state. And each technician in Connecticut has a particular license they carry. And they take a test through our SBCA, which is Satellite Broadcasting Communications Association. It's our trade. And our trade allows for training, for our local offices and all of our technicians across the United States.

So Connecticut, for example, has taken this SBCA program and training requirements and instituted into their testing facilities in Connecticut. And I work with PSI examinations. And we do a phenomenal job. I think we started off with obviously just one technician with a V-4 license. And we're somewhere up around 1294 technicians statewide.

We also ran into a similar problem with Rhode Island where our technicians were required to know all types of things that were not required for the job. And after, you know, intense negotiation with the Consumer Protection Department in the State of Rhode Island, I was able to present the SBCA model to them and what we did in Connecticut. And they, too, have adopted that license requirement. And so it's been working out just tremendously. It's been a great experience for our company at Halsted. Halsted is a HSP for Direct TV. I'm not a representative of Direct TV. I work directly for Mr. Halsted. He's our President of our company.

And we were looking to see if we can come down to Suffolk County knowing that you do have a license requirement. We do respect that. We actually encourage licensing. And we're looking to see if we can help out maybe to, you know, introduce some new ideas on how to license our technicians the correct way.

And I'll entertain any questions you may have. I've presented to you a little document of information of our industry and where we are. And, again, if you have any questions, I'll be glad to answer them for you.

CHAIRMAN MONTANO:

Very quickly, is there any pending state legislation on this issue that you're working towards?

MR. McCANN:

As a matter of fact, I was working with representative Kennedy and Ali Nazir and obviously --

CHAIRMAN MONTANO:

He's in the Legislature; the County Legislature.

MR. McCANN:

Right. I was working with those individuals and I just recently received a phone call, I believe, from your office to come on down and to introduce this idea to this Commission.

CHAIRMAN MONTANO:

Well, what I'd like to do is, we don't have time today, but I'd be more than happy to sit down and meet with you in my office and then present that to the Committee. But I'd also be willing to look at it from a state level and maybe that might be the avenue that you want to pursue, you know, with respect to reciprocity but we can follow up on that. Okay, Daniel?

MR. McCANN:

Thank you very much.

CHAIRMAN MONTANO:

Thank you very much for coming.

Next speaker is Wayne Miller, Ambulette Transport, Suffolk County. Wayne, I want to point out is also a constituent -- the owner of a constituent business in my district.

MR. MILLER:

Yes, I am and thank you for recognizing me.

CHAIRMAN MONTANO:

Thank you for coming.

MR. MILLER:

And thank you everybody for seeing me. All right. As I just said, my name is Wayne Miller. I'm President and co-owner of Choice Medical Transport. We employ approximately 54 employees and have 31 ambulettes which is licensed in Suffolk and Nassau County. 90 percent of my business, 95 percent of my business is here in Suffolk County. There are other ambulette companies out there that we do meet and we have a coalition with.

One of the problems that has happened since last March is we have to go through physicals for our drivers to be hired. We have to go through drug testing. We have to be -- Department of Motor Vehicle, the Bus Division, has to also allow us to hire these people because after we hire them, they have ten days to tell us whether we can keep them or not.

Since last March Nassau County has come out with their on TLC, Taxi and Limousine Commission. And what has happened with that is they're telling us what we have by the State of New York is unacceptable. We have to be accepted by them and them only. Our drug test is no good. Our background checks are no good. Our fingerprints in Suffolk County are no good. They want to do their own and charge us for it. It's another way for those folks in that town to make money off of us.

The problem with this is, if I decide not to do it and I'm transporting one of our people to New York City Hospital, and we have a breakdown, Nassau County will confiscate our vehicle. They'll leave me and they'll leave my patient on the ground. All right? That's something that's been going on. And

it's happened to 11 -- so far since they're in place 11 vehicles have been confiscated.

Also, they're allowed in our County to go -- there are special doctors out here. We don't stop them. We go into their county and they're taking our vehicles. It's a problem. I know it's a revenue issue. It actually costs an extra \$242.50 to register my vehicles and driver in Nassau County. That hurts. You multiply that by the amount of employees out here, it's not right. Either we as a County need to do our own TLC that is recognized by the State of New York and by all the the other agencies that do -- or Counties that do have a TLC, all right, that this will stop.

New York City, when they first came out with their TLC did the same program. They were confiscating the vehicles. That has stopped. We're allowed as long as we pick up our residents in Suffolk County and bring them to New York, we're allowed to do that into the City. But if we break down on the way in, our vehicles are taken. All right?

I would like the County, if possible, the Legislators to look at this and help us out if possible. Thank you.

CHAIRMAN MONTANO:

Wayne, just for the record, we have discussed this last year. Now that I'm Chairman of this Committee, we're going to follow up closely and, you know, work with the Presiding Officer to bring this issue to light. You provided us with the files. I think this is a very important issue that we as a Committee should be taking up this year.

Legislator Romaine.

LEG. ROMAINE:

Yes, I dealt with this issue with many other people who are limousine operators that I've met with as Legislator Lindsay knows because I brought this issue -- and he had worked on it prior to me and then I had worked on it. And you're absolutely right. Those who operate in Suffolk are disadvantaged. The minute we cross the Suffolk boarder and go into Nassau or Westchester or the City, we get fined if they catch us. We get -- we can have our vehicles seized. These limousines can be seized. And huge fines are imposed because we're operating in their jurisdiction without a license.

Now, usually there's reciprocity but we don't have a Taxi and Limousine Commission. As a result, limousine trips that emanate from Suffolk County to pick up someone in the airport, they're subjecting themselves at any moment in time to a fine or seizure of their vehicle as a result of this. It puts all limousine operators at a competitive disadvantage from Suffolk County; where they can come out here with their license and not have a problem. And it forces our people to go to Nassau County to try to get a license so that they have some degree of reciprocity to serve other surrounding jurisdictions.

This is absolutely ridiculous. It is a problem. It's been going on for years. The State Legislature is the solution. We alone can't create a Limousine and Taxi Commission. We have to ask the State Legislature to do that for Suffolk County and then set that up. But until we do that, everyone that owns and operates a limousine company in Suffolk is going to be a disadvantage.

CHAIRMAN MONTANO:

We're aware. And we're going to be working on that. You know, we're either a region or we're not a region or we're a region for certain issues and not others. I think this is one that's going to be very important this year. We'll be working on that.

MR. MILLER:

Thank you, thank you.

CHAIRMAN MONTANO:

Thank you.

MR. MILLER:

Also, I want you to know we're ambulettes. We're not limousines. We're taking your sick --

CHAIRMAN MONTANO:

Your sick, exactly.

MR. MILLER:

-- your weak, all right, wheelchair bound patients. And that's something else that should be brought up. If we're going to change things, we should change to have our own license plates for ambulettes. Busses have their own license.

CHAIRMAN MONTANO:

Right.

MR. MILLER:

Ambulances have their own licenses. Taxis have their own license plates. We should have ours also.

CHAIRMAN MONTANO:

Right. And I might add I visited the location and I'm well aware, I've seen the trucks and the personnel. We will be moving on this this year.

MR. MILLER:

Thank you.

CHAIRMAN MONTANO:

Thank you.

Barry? Barry Goldman also from Choice Medical Transportation. Barry, good to see you again.

MR. GOODMAN:

Thank you.

CHAIRMAN MONTANO:

You got to hold it. It's the new technology.

MR. GOODMAN:

The name is Goodman, but that's okay.

CHAIRMAN MONTANO:

What did I say? Goldman?

MR. GOODMAN:

No, I used Goldman for many years when I went into school because I didn't want the teachers to know whom I am.

LAUGHTER

I'm a retired educator and former principal of the school -- two schools. I joined Wayne when I retired because that was the right thing to do when I lost my parents to help other people. I spent a lot of time in your County, my County as well.

You mentioned something about reciprocal licenses. For teaching Red Cross First Aid CPR Life Guarding for over 40 years, I can teach any place in the United States. And I also teach

international when I go overseas. Except when I go into Nassau County, I can't teach Life Guarding unless I take their Life Guarding course. I've been an instructor trainer for 40 years in life guarding and swimming. But it's the same exact test that I have to retake, pay an additional fee. But every other state in the United States and any place in the world, I can walk in and teach a course. I have an issue with that. And I haven't stopped yet. I need your help and support.

Choice, the ambulette company, is a company that not only talks the talk but we actually walk the walk. You heard from Wayne. And they say good cop/bad cop. It's not good cop/bad cop here. Wayne's the good cop. And now I'm the better cop in the sense that what is Choice, who is Choice. I'm not going to ask for anything from this County now. I'm going to tell you who Choice is and what we can do for you.

Remembering our roots before my dad died, he says *no matter what you do in life, son, remember where you came from*. Where Wayne comes from and what we bring back to this community is Wayne does Friends by Choice. It's a walkathon for MS. We do the patient emergency fund for dialysis. He runs a magic show to give back a hundred percent of the money, not a portion of it, to dialysis patients.

Volunteer ambulette transportation, special events, there are people that are sitting on that board now that know when they've asked for some kind of emergency transportation, there wasn't a fee involved, Wayne stepped to the plate and said *you can use our drivers and our ambulettes. Just give us some time to set it up*.

Assisting in getting medical support and equipment, that's what we do behind the scenes so nobody in our county or any county, not just Nassau, any county, if they need medical equipment, and we can find a way to get it for free, we will and we have and we will continue to do that. Assist the County in food clothing drives, volunteer speaking appearances for seniors.

Since last January, Wayne and I have gone throughout this County, Nassau, Suffolk County and New York and have run and conducted over 800 individuals in CPR and AED at no charge. Volunteer CPR training.

And then my last thing is, is the path to success that we did it together. As a county, we need to come together as a team of one and our company, not for money, is willing to step to the plate, come into your communities and help you out as speakers, as volunteer drivers when the need arises.

Thank you for being our County, in our County and hopes to support all the endeavors that everybody has suggested today. Thank you.

CHAIRMAN MONTANO:

Thank you very much, Barry. And I'm just going to direct this again to the County Attorney. You know, reciprocity is going to be the buzz word this year on this issue and the other issues that we spoke about. So, my office will be calling you and we'd like to take a look at what our options are with respect to these issues.

Last card I have is from Alan Berkowitz who is with the New York State Attorney General's Office. And I just want to say that Alan and I work together when I was in the Attorney General's Office. I preceded him in the Consumer Frauds Unit. He took over when I left that unit and today he's the Assistant Attorney General in charge. I guess he took over when Denis left. And Alan and I are old friends. Welcome, Alan, and go ahead, your show.

MR. BERKOWITZ:

Okay, thank you, Legislator. I appreciate the opportunity to speak here today.

CHAIRMAN MONTANO:

You never called me Legislator. What is this?

LAUGHTER

MR. BERKOWITZ:

All right, Rick. Yeah, as Legislator Montano mentioned, that I did replace him in doing public advocacy. I've been working at the Attorney General's Office for the last 18 years. Also, great to know that Commissioner McElligott, Denis, I replaced him as being in charge of the office in Suffolk County. And we now have a great relationship that I think we could do a lot of good for the people of the County.

I look at the Legislators sitting here. And many of you have been kind enough to host the Attorney General, myself on behalf of the Attorney General, at some of our presentations. Mr. Gregory, I thank you. And Mr. Montano.

And I'd just like to give you a brief presentation of what we can do in terms of the presentations we have to present to your constituents. The first thing that is a very popular presentation that we put out there is our Internet Safety Presentation. We give it to PTA's. We give it to local groups. And it's absolutely horrifying to know when people look at the presentations that we put out there from this National Center for Missing and Exploited children and the Attorney General's Office, the dangers of the internet. And unfortunately the kids have the advantage over the adults on the internet. They grew up with it. I didn't know what the internet was growing up because it didn't exist frankly. And now it's something that's part of everyday socialization of children. They play, they work. They do all of their things on line. And it's something that we need to monitor. And it's an excellent presentation.

Identity theft, which is a very popular presentation, we've given to every senior center from Shelter Island to Babylon to Huntington. We traveled the County. And we've had the support of the Legislature and other local elected officials in bringing that out to senior centers and different people about the largest growing crime in the world.

One time I was giving the presentation in Shelter Island and I just opened up the newspaper randomly and sitting there on page 3 was an article in Newsday about a rip-off that took place at Dave and Busters in Islandia where somebody hacked into a computer system and stole all the credit card information and then spent up millions and millions of dollars at a time with the government was bailing out the banks and the banks were stuck with most of that. And an elderly lady in the back raised her hand and said *why can't the Attorney General do something about it?* And I said, *ma'am, this set of criminals were in the Ukraine, the former Soviet Republic.* And that's how widespread and dangerous it is.

Project Sunlight, I know Brian Herrington in my Office presented to the Legislature. The Project Sunlight which is a website which culls all sorts of information from different sources that allows people to see the work of government. The line items, different things in budgets, what local electives are doing and what policies they're supporting in our budget and other works for public funds.

We have a charities presentation, a presentation on contractors. And we'd like to introduce our Health Care Bureau to people. We find the Health Care Bureau has been very, very helpful in the people we meet at presentations, to assist them with things such as medical bills; and when they're in the hospital and they're asked the day after their gall bladder surgery that they are to leave the hospital, how to protest it, how to protect their rights.

We look forward to working with each and everyone one of your offices as we have. It's heartening to know when a Legislator calls or a staff and asks me about a particular car dealership or a particular charity that is doing bad, that it's nice to be able to say I'm aware of that, we've actually just served a lawsuit on that and that's been the last couple of occasions. But I look forward to your

ideas in terms of enforcing the laws and working with your Commissioner and your Consumer Affairs.

CHAIRMAN MONTANO:

Thank you very much, Alan.

MR. BERKOWITZ:

Thank you.

CHAIRMAN MONTANO:

We appreciate your presence.

And I want to apologize for running late on our first meeting, but it was important. It won't happen again.

We have one resolution.

Is there anyone that wants to address the Committee before I move onto the resolutions? All right.

INTRODUCTORY RESOLUTION

IR 1048-2010, Resolution No. -2010, A Charter Law to Strengthen The Enforcement of Clothing Bin Identification Requirements. (Presiding Officer, On Request of the County Executive) Has to be tabled for public hearing. I'll make a motion. I need a second.

LEG. GREGORY:

Second.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstention? Motion carries. **(VOTE: 4-0-0-1. Leg. Barraga not present)**

With that I'll take a motion to adjourn. All right, meeting is adjourned. I thank all of you very much for coming.

**THE MEETING CONCLUDED AT 2:27 PM
{ } DENOTES SPELLED PHONETICALLY**