

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 February 23, 2010.

MEMBERS PRESENT:

Leg. Ricardo Montano, Chairman
Leg. Jay H. Schneiderman, Vice Chair
Leg. Thomas F. Barraga (not present)
Leg. DuWayne Gregory
Leg. Edward P. Romaine

ALSO IN ATTENDANCE:

Sarah Simpson, Assistant Counsel to the Legislature
Ben Zwirn, County Executive's Office
Steve Tricaraco, Aide to County Executive
Barbara LoMoriello, Deputy Clerk
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
Catherine Stark, Aide to Leg. Schneiderman
Maxvel Rose, Aide to Leg. Gregory
Dot Kerrigan, Legislative Representative for AME
William Shilling, Aide to Presiding Officer
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:20 PM

CHAIRMAN MONTANO:

Good afternoon everyone. I'm going to call the meeting of the Consumer Protection Committee to order. We're going to start with the Pledge of Allegiance led by Legislator Romaine.

SALUTATION

Thank you. You may be seating.

I don't believe we have any correspondence. Right. And we do not have any presentations but we do have a request on the public portion from Mario Mattera. Mario, you want to talk on resolution 1080. Would you step up to the podium?

PUBLIC PORTION

MR. MATTERA:

Throwing me right into the fire right away.

CHAIRMAN MONTANO:

Well, you're the only one today so you generally have three minutes but say what you got to say.

MR. MATTERA:

I appreciate it. My name is Mario Mattera. I'm a business agent with Plumbers Local Union 200. I represent approximately 1200 members, 80 contractors in Long Island, all of Long Island. And I just want to say I appreciate it very much for letting me speak today on this very important bill, which is bill -- am I saying it right -- 1080?

CHAIRMAN MONTANO:

1080.

MR. MATTERA:

This is about actually the licensing problem that we're having right now that we cannot right now with the law go after non-licensed plumbers, electricians. I'm going to speak about plumbers today; meaning that, in other words, if you're a non-licensed plumber and there was a violation or a call into Consumers Affairs right now, the officers cannot go out and actually give these non-licensed plumbers a violation.

Like everybody's looking me saying *that can't be possible*. This is possible. We need this law. This is going to strengthen the bill that that -- this bill will strengthen the problem that we're having so these inspectors can finally go out and go after these non-licensed plumbers, contractors.

We had a situation over at Bellport Village. This would spark this. Bellport Village, we had the contractors come up from Virginia. They came up, the workers. They were non-licensed with the Consumers Affairs Department. Right now, you know, we have -- this isn't about union, non-union. This is about the contractors -- department of -- contractors right now that pay an annual fee. Okay? I mean, how is this fair to them? They went and they actually got tested, went through the whole process, a lot of time. And then we have contractors that are coming in and doing work. And next thing you know we cannot give violations.

Bellport Village, perfect example. Our inspectors went there. Basically we told them they have to turn around and leave. And they couldn't do anything. It was embarrassing. We need this bill. It strengthens everything. There's a fine that's attached to it. It's a great bill. Please pass this bill. I just want to say thank you very much.

CHAIRMAN MONTANO:

Okay, hold on. There might be some questions.

MR. MATTERA:

Okay.

CHAIRMAN MONTANO:

First of all, we're not going to pass it out of Committee today. I believe we have to table this for a public hearing.

MR. MATTERA:

Okay.

CHAIRMAN MONTANO:

So you might want to come back before the full Legislature on Tuesday and make your presentation there. And then it'll come back to Committee.

But at the first Consumer Protection Committee meeting, there was a presentation by Commissioner McElligott. And one of the issues that really I wasn't fully aware of and I don't think my colleagues were, was the issue of licensing and reciprocity. Can you tell me how many jurisdictions there are that individually license plumbers? And in this case are we talking about plumbers?

MR. MATTERA:

Just so everybody understands something --

CHAIRMAN MONTANO:

Hold on. Let me turn this off.

MR. MATTERA:

It's amazing how many licenses -- you need like 64 licenses --

CHAIRMAN MONTANO:

Is that throughout Nassau and Suffolk or just Suffolk?

MR. MATTERA:

-- to be a plumber. Yes, it is. Yes, it is.

CHAIRMAN MONTANO:

Isn't that ridiculous?

MR. MATTERA:

It's crazy. We tried to do something with the State to get this passed with certain things at one time. It was costing a lot of money. No one wanted to hear it.

CHAIRMAN MONTANO:

Let me ask you this.

MR. MATTERA:

Just so -- everybody knows in Suffolk County, you have a plumbing license in Huntington, you have a plumbing license in Islip, plumbing license in Babylon. Suffolk County Consumers Affairs handles

Smithtown, Brookhaven, Riverhead and all the East End. That's what Suffolk County Consumers Affairs Department handles right now.

CHAIRMAN MONTANO:

So they don't handle the whole County either?

MR. MATTERA:

No, they do not.

CHAIRMAN MONTANO:

Well, let me ask you this: If you're a plumber and you want to work throughout Suffolk and Nassau County, you're telling me that there's 64 jurisdictions?

MR. MATTERA:

Yes, there is.

CHAIRMAN MONTANO:

How much do you have to pay --

MR. MATTERA:

A lot.

CHAIRMAN MONTANO:

-- in licensing?

MR. MATTERA:

I just wanted to let you know, every two years it's \$400 in Suffolk County Consumers Affairs.

CHAIRMAN MONTANO:

Well, that's one of 64 jurisdictions?

MR. MATTERA:

Yes, it is.

CHAIRMAN MONTANO:

Has anyone done a study to indicate how much it would cost for a Long Island resident plumber to be able to --

MR. MATTERA:

-- conduct work.

CHAIRMAN MONTANO:

-- practice his or her trade within Suffolk County on a yearly basis?

MR. MATTERA:

You know what? I can get that for you. And it would be very easy.

CHAIRMAN MONTANO:

Would you?

MR. MATTERA:

Yes, I will. And it's an amazing amount what they have to --

CHAIRMAN MONTANO:

It's got to be amazing. It's got to be crazy.

MR. MATTERA:

The insurances? It is crazy. But all I can --

CHAIRMAN MONTANO:

What can be done about that? You know, as far as you know?

MR. MATTERA:

I don't know if this --

CHAIRMAN MONTANO:

And you're really educating us.

MR. MATTERA:

What could be done, and I think it would have to be done at a state level, and we tried to do something with a state level and it just -- it fell apart. This happened a couple of years ago. And I will get you all that information also.

CHAIRMAN MONTANO:

Okay.

MR. MATTERA:

So you can read on that; okay? But the biggest thing right now is this problem, that we can finally do something like -- like Bellport Village. I'm not going to say that -- in other words, that the consumers -- I'm going to say one thing. I want to commend Denis for doing a great job right away, being on the job. And I hounded him and I feel bad, Denis, and I'm going to apologize. But one thing he did, he went right on it right away, and I appreciate that very much; because I was -- I was appalled because we're out there trying to protect the best interest of our local people workers. And, like I said to you, even Bellport Village that time, we have people that are out of work here, Suffolk County residents out of work. Suffolk County irrigation companies that are out of work. We need to keep the money here local. And you know what? I understand it has nothing to do with it, but it does.

CHAIRMAN MONTANO:

It does. You're absolutely right.

MR. MATTERA:

Because if that licensing -- if that was pursued properly and -- Suffolk County with Christine Malafi's office with our Suffolk County did a great job right away to go and fight Bellport Village, a little village, and to have -- you know, I know I'm probably going to get myself crazy with this, but to sit there and lose -- pretty much -- not lose the battle, even though we won because of the prevailing wage problem, that there were -- the workers were working for 60 hours and getting 40 hours pay, and we told them this was going to happen. And the DA's Office did a great job because they got nailed. This could have been prevented right away with this licensing. And going just like this, *where is your plumbing license?* And that was asked right away in the beginning.

CHAIRMAN MONTANO:

Right. Well, here's the angle that I'm looking at. I happen to be an attorney by profession. We pay as attorneys a biannual \$300 fee.

MR. MATTERA:

New York State fee.

CHAIRMAN MONTANO:

New York State fee. That's to the Office of Court Administration. It's 300 still, right, Denis?

COMMISSIONER McELIGOTT:

Same response, which is my wife doesn't let me see the checkbook so I don't know.

LAUGHTER

CHAIRMAN MONTANO:

Yeah, I think it's a biannual; every two years we pay \$300. And we're licensed to go practice in Rochester if we need to. I just got a call from an attorney there. You know, Brooklyn, etcetera, etcetera.

Now if you have 64 jurisdictions and you want to practice in Suffolk County, I would imagine that if a consumer wants to use you as the plumber, and you have to go out and get 64 approvals from 64 jurisdictions, that fee must be astronomical. So ultimately who's getting hurt is the consumer because the plumber has to factor in all of his or her costs in terms of how much it costs to do business here.

So, you know, the problem that you have is if you have that many jurisdictions, I guess that's why they say I should have been a plumber instead of an lawyer, there are a couple of jokes like that, I won't repeat them but you know what I'm talking about. Isn't that a major problem that, you know, that faces people on Long Island?

MR. MATTERA:

It's a huge, huge problem. But you know what the other problem is? That person that's not licensed, what about his insurances that he's not paying, because -- Consumers Affairs, as soon as you get that license, you have to show your Workman's Comp, you have to show your insurance papers. And you have to be up -- do you understand what I'm saying? So now --

CHAIRMAN MONTANO:

Right. But do you have to get insurance in 64 jurisdictions?

MR. MATTERA:

No, your insurance is your insurance. You're probably -- you know, it's gone but you still have to pay those fees for those villages. You know those little villages?

CHAIRMAN MONTANO:

Yeah, how much do they cost by the way?

MR. MATTERA:

You know what? Every village is -- every township is different. All I know is like Consumers Affairs, every two years is \$400. Okay?

CHAIRMAN MONTANO:

Right, I got you. Which is reasonable.

MR. MATTERA:

Which is reasonable but --

CHAIRMAN MONTANO:

I mean that's very reasonable.

MR. MATTERA:

But -- but like you said, another 64. But to be honest with you, Mr. Chairman, this bill really -- I understand, that's great.

CHAIRMAN MONTANO:

I understand what you're saying, yes.

MR. MATTERA:

I wish something like that could get tagged onto because you're absolutely right. But in this case with this bill, we have -- the consumer right now is not being protected. And you know who's not being protected? The contractor that is doing the right thing, paying his bills, his insurances. It's not a little level playing field. And now when the consumer makes the phone call for the complaint to Consumers Affairs, we cannot do anything. And that's not protecting the consumer.

CHAIRMAN MONTANO:

Right.

MR. MATTERA:

And you know what? This is a no-brainer.

CHAIRMAN MONTANO:

Got you. Thank you very much. Anyone on the Committee has any questions? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Mario, maybe tell me why -- in the Bellport case or in other cases, you say the current system doesn't give them the power to enforce this law? How are you -- I'm trying to read the bill now, but how are you changing it? How is this bill changing it that's going to suddenly make it enforceable?

MR. MATTERA:

Now we we can have the investigators finally go to that plumbing contractor that does not have a license and he gets fined. And then if he gets fined again, then I think -- I don't know, the second offense if I'm saying it right, we can actually -- imprisonment, right?

CHAIRMAN MONTANO:

We need something on the record.

MR. MATTERA:

Oh, I'm sorry. I'm sorry. But I know that, in other words, that there's a \$5,000 fine --

CHAIRMAN MONTANO:

Right, I saw that.

MR. MATTERA:

-- the first offense. And then, you know -- I like what we have with the appliances. You ever see -- you ever see what we have with the law right now? That, in other words, the appliance repair men, right now you can go with the law that states, I like this, you can go and actually take his -- he could be arrested plus his tools and trucks could be confiscated, you know what I'm saying?

CHAIRMAN MONTANO:

Right.

MR. MATTERA:

So that, you know, that I like, to be honest with you. Because you're going into people's homes, listen to me, I'm a master plumber, gas piping, water piping, waste piping, you know, boilers, you know you're talking about the heart of a home, commercial buildings and people's lives. And I'm being honest with you. Natural gas, you see the explosions, you seen houses just go -- they get ripped right off the foundation. This is serious. This is a serious crime. And if you're not a licensed plumber and you didn't go for your testing and do it proper and you're paying all the fees, you should not be conducting any work.

CHAIRMAN MONTANO:

As I said, we have to table this for public hearing. But we will talk about it further.

MR. MATTERA:

Right.

CHAIRMAN MONTANO:

I'm sorry, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Couple questions. One, when you get a license --

MR. MATTERA:

Yes.

LEG. SCHNEIDERMAN:

-- does it cover the people who work for you or each individual has to have a --

MR. MATTERA:

No, it doesn't. Actually -- no. And that's what we want. We would love to see -- and actually I was speaking with the Chairman that we would love to see journeymen licensing throughout the County, meaning that every worker, we would love to have this passed. Like when you go get a haircut, that worker has to have a license. Every worker I would -- right now that's not the way the law is. We would love to see journeymen licensed because we have the best training program in the country with our apprentices.

LEG. SCHNEIDERMAN:

So do you have a lot of plumbers right now who are working under somebody else's license?

MR. MATTERA:

Yeah, that's the way it is right now. You can one license and you one have a hundred plumbers working under that license. That's the way the law is right now, Jay. I'm sorry, Mr. Schneiderman.

LEG. SCHNEIDERMAN:

Right. But if we gets too complicated you'll see more and more of that because people say, ah, you know, I can't be bothered. I'll just work under somebody else because it's gotten too expensive to go through licensing.

MR. MATTERA:

Well, we could go after that, too. There's a law about that, in other words, covering somebody else's license. So we can go after that also.

LEG. SCHNEIDERMAN:

Can we go back now to this issue of the various jurisdictions. Because if I'm a plumber, now I want to -- somebody's building a house.

MR. MATTERA:

Yes.

LEG. SCHNEIDERMAN:

They're going to hire a plumber.

MR. MATTERA:

Yes.

LEG. SCHNEIDERMAN:

Now typically it's going to go through the building inspector, right? And the building inspector, that

would be really your first contact, the building inspector is going to issue the permit to do the work because most people are going to get permits to do the work in their house.

MR. MATTERA:

Well, you have to. You have to go out and get a plumbing permit.

LEG. SCHNEIDERMAN:

Right. All right.

MR. MATTERA:

Part of the building.

LEG. SCHNEIDERMAN:

So that building inspector's going to say *who's the plumber on this job? Who's the general contractor? And will that building inspector say, okay, do you have your county license? Do you have your state license?*

MR. MATTERA:

No, no. What happens is -- this is what happens. Like the Town of Smithtown, you build a house in the Town of Smithtown, they want to see the Consumers Affairs license. You building a house in Babylon or a commercial -- you need to have a Babylon license.

LEG. SCHNEIDERMAN:

Not a County; just Babylon?

MR. MATTERA:

Not a -- Babylon does not reciprocate. Huntington and Consumers Affairs reciprocates back. And Islip -- Islip does not.

LEG. SCHNEIDERMAN:

And the same is true with the electricians as well?

MR. MATTERA:

The electricians has a fire underwriters. They're different than licensing. So you've heard of a fire underwriters before, you know, they go to a fire underwriters and they do the inspections. So it's different.

LEG. SCHNEIDERMAN:

All right. Because I know, let's say, out in East Hampton --

MR. MATTERA:

Yes.

LEG. SCHNEIDERMAN:

You know, where they their own licensing review, I know they're going to ask for the -- you're going to have to be town licensed.

MR. MATTERA:

No, because Consumers --

LEG. SCHNEIDERMAN:

I don't know if they're going to ask you if you have your County license.

MR. MATTERA:

Yes, it is. Because it is County licensed.

LEG. SCHNEIDERMAN:

I know it is but I don't know that they're asking that.

MR. MATTERA:

You know what, there would have to be a case obviously, you know, with -- in other words, someone be brought to someone's attention. I know we just did something with Bridgehampton right now. Bridgehampton -- and it was with the Consumers Affairs. And actually the plumber that was on the site, his license expired. So right away we went to Bridgehampton. Actually Art Gibson went to Bridgehampton, went down to the Town and they actually stopped the job because the license was expired because it was Consumers Affairs. We called up Consumers Affairs and they actually told us, yes, he does have the license but it expired December 31st.

LEG. SCHNEIDERMAN:

Right. Because you know I'm thinking this through and what you're saying makes a lot of sense. But I'm also thinking, okay, let's say I'm a plumber and I go, you know, to the building inspector and say, *look, I want -- I want to do work here in this Town.* And the building inspector tells me what I need to do it. And it doesn't include that County thing. And then I get hit with a \$5,000 fine believing I was doing everything according to what -- that's why, as Legislator Montano was pointing to a unified system, it makes so much sense to have just one permit throughout the County share revenues because I know the towns, some of them make money off of these permits. So the Towns have landscaping permits, painters, everybody's, you know, masons, everybody's going through this permitting process. It would be so -- if it was just county-wide and some of those revenues were shared with these areas --

MR. MATTERA:

But that'll be great.

LEG. SCHNEIDERMAN:

If we can get to that point.

MR. MATTERA:

To get to that point -- listen to me, I'm all for it. We need to get something finally put into place, though, in other words, going to protect this like what we just had with Bellport Village. I'm not saying you're going to have it all day long, but, you know what? We cannot have -- you know what's happening with out of state workers coming here right now, it's crazy.

LEG. SCHNEIDERMAN:

It's just not out of state. There's lots of contractors out there --

MR. MATTERA:

But you got out of state --

LEG. SCHNEIDERMAN:

-- who are from the state but they're not licensed.

MR. MATTERA:

That's the whole thing. That's why we need protection with a law just like this, that we can finally go after these non-licensed plumbers. You know, this is a skill trade.

LEG. SCHNEIDERMAN:

In my comment I'm talking more than just plumbers. I'm talking about other trades that are licensed by the County that people -- lots of people out there, landscapers, etcetera don't have their licenses.

MR. MATTERA:

Right, they don't. You're right. You're right about that. But in the case of this, we -- it's an

embarrassment that we cannot go and fine these non-licensed contractors. And obviously if they can't go and take the test and do it properly, then, why do all of these other contractors have to do this?

LEG. SCHNEIDERMAN:

Well, putting the penalties in place is only one piece of it. I think that's good disincentive but you really need the enforcement power, which means Consumer Affairs needs the human resources, they need the manpower.

MR. MATTERA:

You know, I'm not saying that this is going to be an everyday phone call. You now what, this is going to be something that at least -- like in my case, I'm out -- we're out on the road all day long. I'm not going to say it's going to be an everyday thing that I'm going to be calling Consumers Affairs with. But like I said -- you know, we were talking about a plumber contractor right now that's going around doesn't have a plumbing license. It's not a level playing field. Okay? You have -- eighty of my contractors have 64 licensing -- licenses. Okay? Why do they have to -- basically you're saying they don't have to do this then.

LEG. SCHNEIDERMAN:

No.

MR. MATTERA:

And that's a disaster if this came out.

LEG. SCHNEIDERMAN:

Well, also for you or for anyone to be able to identify whether somebody's unlicensed, it ought to be a simple process. To me if you're getting a license from the County, there ought to be something that goes on your vehicles that clearly identify that license so that if somebody had a concern, they could call it in and say, look, this vehicle, this company, I'm not seeing a decal.

MR. MATTERA:

Right.

LEG. SCHNEIDERMAN:

You know, could you check to see if they're licensed.

MR. MATTERA:

Exactly. But then when you go and find out that that person doesn't have a license, what recourse do you have?

LEG. SCHNEIDERMAN:

Right.

MR. MATTERA:

That's my concern. Why do my 80 contractors --

LEG. SCHNEIDERMAN:

That's a man power issue as well, though. Penalties help as a disincentive, but you also have to have the people.

MR. MATTERA:

Please, confiscate his truck. I'm all for that. Just like the appliance guy. Right now the law, like I said with the appliance repair man, right now he has a license. And they can go and confiscate his truck and tools.

LEG. SCHNEIDERMAN:

All right, I have no further questions. Thank you.

CHAIRMAN MONTANO:

Does anyone else have any questions? Okay. Mario, we do understand the distinction between 1080 and this broader issue that we're talking about in terms of the various jurisdictions and the reciprocity or the lack of reciprocity. That's something that was brought up at -- the reciprocity issue was something that was brought up at the first meeting. And we would like to look into that. I don't know if it requires state legislation. You now, I don't know enough about that area of the law. I do know that other states have one licensing jurisdiction for the trades.

Now my perception is that if each little jurisdiction is going to require separate licensing, what they're essentially doing is locking out the competition, locking out other people. And that, I think, hurts the industry across the board. Because now your pool of licensed plumbers, electricians is much narrower. And, you know, so there are a lot of issues here that I don't have the -- I don't profess to have any of the answers, but these are the kinds of things that we would like to talk about during the year.

But as far as 1080, as you know, we are obligated to table that. We will. I would like to have an opportunity to discuss that with you further; because once we let it out of committee, if we want to make substantive changes, then we've got to send it back to committee. So before we release this in its final form, we want to make sure that, you know, it's the bill that we want to vote on.

MR. MATTERA:

Mr. Chairman, yeah, I appreciate that very much. Like I said, this is about 1080. It's not about all the --

CHAIRMAN MONTANO:

Exactly.

MR. MATTERA:

-- about the other items. We need to fix this problem. It's a serious problem. We need to fix this now.

CHAIRMAN MONTANO:

Thank you very much.

MR. MATTERA:

Thank you very much. Thank you.

TABLED RESOLUTIONS

CHAIRMAN MONTANO:

Would anyone in the audience like to address the Committee on this or any other issue that relates to jurisdiction? Having no takers, I'm going to go first to the tabled resolution **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)** And I believe that the public hearing was closed on February 2nd of this year. Do I have a motion on this?

LEG. GREGORY:

Motion to approve.

CHAIRMAN MONTANO:

Motion. Do we have a second?

LEG. SCHNEIDERMAN:

I'll second.

CHAIRMAN MONTANO:

We have a second. Is there any debate or any discussion on this?

LEG. SCHNEIDERMAN:

Can we just get clarification as to what the --

CHAIRMAN MONTANO:

Counsel, would you refresh our recollection on this?

MS. SIMPSON:

What this law is going to do is it's going to create an impoundment and a redemption system whereby if a clothing bin is not labeled the way it's supposed to be under our current laws, we're going to be sending them notification saying, you know, you need to comply with our laws. And if they don't do so within the allotted, I believe it's two weeks, then we can take -- physically take their clothing bins and impound them and charge them for it until they redeem them.

LEG. SCHNEIDERMAN:

Okay.

CHAIRMAN MONTANO:

All right. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. Leg. Barraga not present)**

INTRODUCTORY RESOLUTIONS

Introductory Resolution 1080-2010, Resolution No. -2010, Adopting Local Law No. -2010, A Local law to recodify, strengthen and clarify the provisions for licensed occupations. (Presiding Officer on Request of the County Executive) We've just had a discussion on that. I'm going to make a motion to table for a public hearing. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Schneiderman. Call the vote. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. Leg. Barraga not present)**

And those are the only items on today's agenda. I want to thank you for being here. And this meeting is now adjourned.

**THE MEETING CONCLUDED AT 1:42 PM
{ } DENOTES SPELLED PHONETICALLY**