

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 June 15, 2010.

MEMBERS PRESENT:

Leg. Ricardo Montano, Chairman
Leg. Jay H. Schneiderman, Vice Chair
Leg. Thomas F. Barraga
Leg. DuWayne Gregory
Leg. Edward P. Romaine
William J. Lindsay, Presiding Officer, ex-officio member

ALSO IN ATTENDANCE:

Leg. Thomas Cilmi, Tenth District
Leg. Thomas Muratore, Fourth District
Sarah Simpson, Assistant Counsel
Ben Zwirn, County Executive's Office
Paul Perillie, Aide to Majority Leader
Denis McElligott, Commissioner of Consumer Affairs Department
Charles Gardner, Director of Government Affairs
Robert Martinez, Aide to Leg. Montano
Catherine Stark, Aide to Leg. Schneiderman
Jason Richberg, Aide to Leg. Gregory
Dot Kerrigan, Legislative Representative for AME
William Shilling, Aide to Presiding Officer
Frank DiFazio, Electrical Licensing Board
Bob Kohlmayer, Electrical Licensing Board
Russell J. Calemme, Electrical Licensing Board
Lynne Bizzarro, County Attorney's Office
Joe Muncey, Budget Review Office
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:22 PM

CHAIRMAN MONTANO:

I'm going on call the Committee meeting to order. We are going to start with the Pledge of Allegiance led by Tom Barraga.

SALUTATION

Thank you. We have no bills on the agenda because none were assigned to the Committee. And so we're going to have a presentation and an update overview by the Commissioner.

But before we get to that, I just want to make reference to two pieces of correspondence that we shared with the Committee. One is a memorandum from Denis McElligott dated March 16th to Legislator Barraga. And, Legislator, would you like to comment on it?

LEG. BARRAGA:

No.

CHAIRMAN MONTANO:

Okay, we'll pass on that.

And the other one is a letter that I received dated March 17th, 2010 by Charles Gardner, which we shared with members of the Committee. Would anyone like to comment on that?

Hearing no comments, we're going to move right into the public portion.

PUBLIC PORTION

First card I have is Frank DiFazio, representing the Electrical Board. Frank, would you come up? I think you have three minutes but take as long as you want. Keep you finger down where it says "push." If you let it go, we can't hear you.

MR. DiFAZIO:

Is that right?

CHAIRMAN MONTANO:

Yes, it's new technology.

MR. DiFAZIO:

Can you hear me?

CHAIRMAN MONTANO:

As long as you keep your finger on the button, we can hear you.

MR. DiFAZIO:

I got it.

Mr. Chairman, I'm here representing the Suffolk County Electrical Licensing Board. I addressed a letter to our County Executive back in October of 2009. And to date I have not had any correspondence from anyone. I didn't expect to get a letter from the County Executive himself, but I thought possibly one of his aides would have at least had the common courtesy to address the letter. I'd like to read that letter at this time.

CHAIRMAN MONTANO:

Go ahead. By the way, did you send a copy of that letter to the Legislators or was that just strictly to the County Executive?

MR. DiFAZIO:

It's strictly to the County Executive.

CHAIRMAN MONTANO:

Okay. Go ahead, read the letter into the record. And if you want I can have my aide make a copy and distribute it and we'll make it part of the record.

MR. DiFAZIO:

I have a couple of copies I can give you.

CHAIRMAN MONTANO:

Would you? Would you hand them up?

MR. DiFAZIO:

Sure.

CHAIRMAN MONTANO:

And we'll read along with you. And you can read it into the record. Go ahead, Frank.

MR. DiFAZIO:

"Dear County Executive: We, the Suffolk County Electrical Licensing Board have concerns about the future of the Consumer Affairs Department in Suffolk County. In the past two years the Department has lost its Commissioner, its Assistant Commissioner, the Director of Licensing and one electrical inspector and six clerks. Two additional clerks plan to leave by the end of the year, leaving the Department short eleven. We say eleven because you have appointed a new Commissioner this year. Should a new Commissioner become ill or absent for any reason, he has no one else to back him up. Not to mention that our other electrical inspector is 83-years-old. If anything should happen to him, we would certainly have a problem.

We realize the County is having financial difficulties, but this Department needs help and needs help now. Also, please bear in mind that with the few people that are left, their morale is desperately low. We are hoping that you can move people from other departments to help out or possibly hire temporary people.

We shouldn't have to remind you the kind of revenue that this Department generates in the course of a year. This year we have lost a great deal of money for the County being understaffed.

We are not asking that you replace each person that has been lost, but we strongly feel that six to seven people would be a good starting point beginning from the top down.

We regret to inform you of these conditions, but these are the facts. We trust that you would look into this matter. On behalf of Suffolk County electrical Licensing Board."

Since that time, as I said, the letter has never been addressed. But since that time the Department has received a few people. I'm concerned about three issues that we have, two with regard to the help. I still feel that we certainly need an Assistant Commissioner. Should anything happen to Denis, I don't know who's going to -- how would it function? So that's something, I think, is very important to the Consumer Affairs Department.

And then, secondly, we had one electrical inspector. As I said, he was 83 last year. He's 84 this year. I mean it seems ridiculous that we -- the County having to depend on an 84-year-old man. So it doesn't make sense to me. And I think that when I say from the top down those are the two that, I think, right now, if we could get hired immediately, that would certainly help.

And then the last last item I'd like to address is, we give exams, practical exams in the building that has been condemned by the County. It's been condemned by the County. If you walk into that building, it's a rat's nest. And it's just a disgrace that we have people going in there, taking exams and the place is in the shambles that it is.

Those are my concerns and I thank you for listening to me.

CHAIRMAN MONTANO:

Thank you. Don't leave actually. I won't comment on the individual nor his age because I don't know him. But I do understand your issues with respect to the understaffing of the Department. Generally what we do is we have public speakers, one after the other. But I'm going to change the format, take the prerogative of the Chair and I'm going to ask any Committee members if they have questions. I would prefer to do it in that fashion since we don't have anything on the bill. Any objection from anyone? Okay. Go ahead.

Legislator Romaine is first.

LEG. ROMAINE:

Yes. Mr. DiFazio, is it?

MR. DiFAZIO:

Yes, yes.

LEG. ROMAINE:

Now you're on the Electrical Licensing Board.

MR. DiFAZIO:

That's correct.

LEG. ROMAINE:

And so you have to license people who apply for an electrician's license.

MR. DiFAZIO:

Correct.

LEG. ROMAINE:

Do you know what the fee is for the electrician's license? To take a test?

MR. DiFAZIO:

The fee?

LEG. ROMAINE:

Yes.

MR. DiFAZIO:

I believe we're to \$200.

LEG. ROMAINE:

Okay. And then if someone gets a license, is it annual or biannual or some period of time in which they have to --

MR. DiFAZIO:

Annual.

LEG. ROMAINE:

-- renew the license?

MR. DiFAZIO:

Just to renew it, correct.

LEG. ROMAINE:

Right. Where are these tests given?

MR. DiFAZIO:

Right here. In the next building going east from the Consumer Affairs building.

LEG. ROMAINE:

Okay. And that building, you would say, is a substandard building based on your knowledge of construction?

MR. DiFAZIO:

It was condemned by the County.

LEG. ROMAINE:

It was condemned by the County.

MR. DiFAZIO:

Correct.

LEG. ROMAINE:

Okay. I'm going to ask Budget Review Office to get us that notice of condemnation regarding that building. And I certainly am going to raise a lot of questions why we're conducting tests in buildings that are our own inspector has said is not fit for human habitation. That's what condemnation usually means.

Now, as an electrical licensing board, you not only license but you're concerned about electrical inspectors that you have, because they are the ones, correct me if I'm wrong, that go out and check on the work that electricians do which they received a complaint; is that correct?

MR. DiFAZIO:

That's correct.

LEG. ROMAINE:

And how many inspectors do you say we have now, sir?

MR. DiFAZIO:

We have one.

LEG. ROMAINE:

Just one. And that's the 83-year-old gentleman?

MR. DiFAZIO:

Correct.

LEG. ROMAINE:

And how many complaints -- and I'm throwing this out because I expect the Commissioner to address this number -- how many annual complaints would you estimate we get about electrical work where we need to send inspectors out in a given year?

MR. DiFAZIO:

I would think that the Commissioner would be better to answer that question.

LEG. ROMAINE:

Could I ask the Commissioner to come up and --

CHAIRMAN MONTANO:

He's going to come up, Legislator, so why don't you hold that question --

LEG. ROMAINE:

Okay. So, I'll hold off on that question.

So what your contention is -- and let me just get to the bottom of this is, is in fact that we have a great deal of work, all of which we collect fines for, we collect fees for and all of this work has boiled down to an 83-year-old gentleman who, I'm sure, is very competent, very capable, I'm not questioning that, his age certainly has nothing to do with it but he could retire at any time.

MR. DiFAZIO:

Absolutely.

LEG. ROMAINE:

Obviously. And I assume -- is he a full-time employee or part-time employee?

MR. DiFAZIO:

He's a full-time employee.

LEG. ROMAINE:

I would assume he can retire at any time. And he's the only one in the Department. And yet there's a work load. So in essence, I'm a consumer. I have a house. I have a complaint against someone that did electrical work. I call up Consumer Affairs. Again, question for the Commissioner, how many people are waiting? How many complaints ahead of me are there before someone comes out and inspects that work, checks on that complaint? Because in essence, when you're down to one person for the entire County of Suffolk, in fact, you stopped electrical inspection for the most part; because if I have to wait six or eight or nine or ten months for someone to come, it's not functioning. I assume that's your contention, sir?

MR. DiFAZIO:

Well, I don't think it's that long to wait --

LEG. ROMAINE:

Okay.

MR. DiFAZIO:

-- to be perfectly honest with you. You know, he's very diligent on it.

LEG. ROMAINE:

Well, I'm sure he is.

MR. DiFAZIO:

He stays on it. But the point is that you only have one man in the department. That's correct, right.

LEG. ROMAINE:

So God forbid if he has a sick day or goes out on vacation. Thank you.

CHAIRMAN MONTANO:

Thank you, Legislator Romaine.

Legislator Barraga.

LEG. BARRAGA:

Mr. DiFazio, you said something and I just want a little clarification. I think in answer to Mr. Romaine, you said the County has condemned this building?

MR. DiFAZIO:

Correct.

LEG. BARRAGA:

Well, let me ask you a question. Who's in the building Monday through Friday? Do we have employees in this building; in a condemned building?

MR. DiFAZIO:

No, you do not. The only time you have people in the building is when we go in to give an examination. But not only do we go in, but we take in John Q. Public who's taking the test.

LEG. BARRAGA:

And how often does that take place?

MR. DiFAZIO:

At least once a month.

LEG. BARRAGA:

Once a month. So it's a condemned building, but you're giving a test in a building that really shouldn't be occupied --

MR. DiFAZIO:

That's correct.

LEG. BARRAGA:

-- by humans at this point because there's something majorly wrong with the building.

MR. DiFAZIO:

You're right.

LEG. BARRAGA:

So in the immediate short term, you need another location.

MR. DiFAZIO:

That's correct. And we thought we were going to get another location; like a trailer.

LEG. BARRAGA:

Well, how many people normally come in and take the test? I have no idea. Is it 50, 100, 20?

MR. DiFAZIO:

Roughly in a month I'm going to say anywhere from maybe 15 plus or minus.

LEG. BARRAGA:

So 15 people could take -- could they take the test in this auditorium here?

MR. DiFAZIO:

Oh, sure. If it was set up for it.

LEG. BARRAGA:

Why can't they take the test? Someone's nodding no.

MR. DiFAZIO:

I mean it'd have to be set up to take the test.

LEG. BARRAGA:

It would have to be set up to take the test.

MR. DiFAZIO:

Correct.

LEG. BARRAGA:

You'd have to have desks and tables and that type of thing.

MR. DiFAZIO:

Right.

LEG. BARRAGA:

It's only 15 to 20 people.

MR. DiFAZIO:

Right.

LEG. BARRAGA:

But bottom line, no matter where it is, I don't think you should be in that building if it's a condemned building.

MR. DiFAZIO:

That's what we're trying to say.

LEG. BARRAGA:

Okay. Thank you.

CHAIRMAN MONTANO:

Before I go to Legislator Lindsay, I just want to clarify one thing. My understanding is it's a two component tests; one is a written and one is a practical.

MR. DiFAZIO:

That's correct.

CHAIRMAN MONTANO:

Now is the written component also done in that building?

MR. DiFAZIO:

No.

CHAIRMAN MONTANO:

Okay. I just wanted to clear that. What is done in that building is simply the practical, electrical, you know, whatever test you gave, you know, putting in a switch, connect some wires, but not a -- they don't sit there and take a written exam in that building?

MR. DiFAZIO:

No.

CHAIRMAN MONTANO:

Okay. Legislator Lindsay.

P.O. LINDSAY:

I probably know more about this whole issue than the rest of my colleagues. I was on the Electrical Licensing Board for a number of years. And Frank DiFazio has been the Chairman of that Board for how long now, Frank? 15 years, 10 years?

MR. DiFAZIO:

20 years.

P.O. LINDSAY:

Frank, his company DiFazio Electric is probably one of the largest electrical contractors in this area and a very prominent contractor that's been in business 40 years?

MR. DiFAZIO:

Excuse me.

P.O. LINDSAY:

How many years have you been in business?

MR. DiFAZIO:

55.

P.O. LINDSAY:

55. Also in the audience is Russ Calemme, who is also on the Licensing Board, Bobbie Kohlmayer's on the Licensing Board. They're both electrical contractors. And probably between the three of them, they probably got a hundred years of experience in this industry so they really know what they're talking about. And our inspector, the 83-year-old man is probably one of the sharpest electricians I have ever met. But he's 83-years-old. And he -- we certainly should have backup. I was under the impression, though, that we gave the test in the basement of -- where did we give the test?

MR. DiFAZIO:

There's a building right next door to our -- where we have our meetings.

P.O. LINDSAY:

Okay. I didn't know that. Where, in the garage?

MR. DiFAZIO:

Yes, it's one of the old garages.

P.O. LINDSAY:

Okay.

MR. DiFAZIO:

I think Public Works --

P.O. LINDSAY:

Do we give the plumbing test there?

MR. DiFAZIO:

You know, Bill, I don't know that. Might be. Denis might be able to answer that better than I will.

CHAIRMAN MONTANO:

We're going to have Denis come up.

P.O. LINDSAY:

Okay. And we also give a test to home improvement contractors and other contractors.

MR. DiFAZIO:

I don't know if they're in there as well, Bill.

P.O. LINDSAY:

Okay.

MR. DiFAZIO:

But I know we're in there, electrical.

P.O. LINDSAY:

So it might just be a problem just for the electrical?

MR. DiFAZIO:

A-huh.

P.O. LINDSAY:

Okay. Thank you.

CHAIRMAN MONTANO:

Quick question, Mr. DiFazio. I believe recently there were a number of reappointments made to the Licensing Board. When were you last reappointed?

MR. DiFAZIO:

About two years ago.

CHAIRMAN MONTANO:

Okay. And when does your term -- is it a three year term?

MR. DiFAZIO:

Three year term.

CHAIRMAN MONTANO:

All right. So this letter was written after your reappointment, not before?

MR. DiFAZIO:

Right.

CHAIRMAN MONTANO:

Okay. Thank you very much. Any other questions? Thank you, Frank. Next speaker is Bob -- is that Kohlmayer? Okay. And you're also representing the Electrical Licensing Board and industry?

MR. KOHLMAYER:

Yes.

CHAIRMAN MONTANO:

Good morning. And you're going to talk about Consumer Affairs' staffing?

MR. KOHLMAYER:

Pretty much the same thing. I want to try to reaffirm what Mr. DiFazio said. I also am on the Licensing Board 15 years now. And there's really an injustice being done to the consumer. And as a consumer I feel it as much as I do as a board member, in that, first off, the condemned building is an issue. You Department of Health condemned from what we're told because the roof leaks, the mold is up to about five or six feet on the walls. There's raccoons and rats infested in the building.

In addition to the licensing test, which is a practical exam, we have three or four boards that are set

up in there where the people applying for Master Electrician licenses go in and actually do physical work. It's my belief that your small appliance repair test is also given in there because I know that from being in the building; there's washer machines and dryers and stoves and small appliances. So I believe they also test in that building. I don't have personal knowledge of that but I assume based on what I've seen.

So the building is an issue. Mike Normandy, who administers all of the tests, does the meeting minutes for our meetings. I don't know that he gets out on many complaints because I just -- I know what he does by the time he prepares the applications for us to review monthly and then administers the test. I think if any one of you called as a consumer and said that you had an unlicensed person you believe you had a problem with, I think the office may look into it.

But there was a time two years ago where -- when Bill {Bessler} and Charlie Gardner were there, they set up sting operations, they set up sting houses, they, you know, responded to Penny Saver ads, people running ads for electrical work and then found out they weren't licensed. And it's a big problem out there, I mean, as an industry because I'm also in the electrical contracting industry, we're doing an injustice to the people who do things properly, who get their licenses, who have the right insurances, who follow the rules because it's rampant out there. I mean, I know it from being in the industry. You go stand at the supply house counters, half the people buying material don't possess electrical licenses and they know they're going to get away with it.

And that's the bottom line. It's not just -- I mean, we're representing electrical, but I'm sure the plumbing people have the same problem. I'm sure home improvement has the same problem, landscapers. I mean, you know, Consumer Affairs licenses everybody. And we see it just as board members who meet once a month that the staffing is low, the morale is low. And it's a real issue. And really you do an injustice from my industry's point of view, which I have a great concern for, but also as a consumer, you know, as a resident of Suffolk County, knowing what goes on, it's very, very disappointing. And I understand budgets and problems and I get all of that. But in the meantime, again, take a walk over to building 53 and imagine yourself applying for a Master Electricians license to be a little professional and meet the requirements of Consumer Affairs and walk into that building.

CHAIRMAN MONTANO:

Personally speaking, I'm not walking into a condemned building. My question to you is when was the building condemned?

MR. KOHLMAYER:

I would said eight or nine months ago the Board of Health went in and said the mold made it, you know, not capable of having people in there. And we've been scrambling and making other arrangements. There's a little room downstairs, but we have these boards set up, these test boards where they have to --

CHAIRMAN MONTANO:

Right. No, I understand. Let me ask you this. Do you have this in writing? I mean who has it?

MR. KOHLMAYER:

The Licensing Board -- the members of the board who review applications and set policy, I don't believe, we have it in writing but --

CHAIRMAN MONTANO:

How do you know it's condemned? Somebody told you, or you saw a letter?

MR. KOHLMAYER:

Well, Mike Normandy told us and somebody in Consumer Affairs had come into the office and said the Board of Health doesn't want us in there right now.

CHAIRMAN MONTANO:

But you're still in there? To administer the tests?

MR. KOHLMAYER:

I can't actually say if we're still in there administering the tests because I don't personally administer them. I sit on the board and review applications monthly. But I think that they probably have gone back in, maybe they cleaned up the mold. The point is, the high water mark is three, four feet up. When it rains --

CHAIRMAN MONTANO:

I got you.

MR. KOHLMAYER:

It's terrible. And, again, my concern is twofold. It's, one, being charged with sitting on the Licensing Board and representing the consumers and issuing licenses. And my other concern is being a consumer and a resident. It's really -- there's a big injustice going on. You know, there was a time when Consumer Affairs did marketing and there was public interest stories about it. And they, you know, they captured a lot of unlicensed people out there wronging the consumer. None of that's happening anymore. And it's not as a result of the new Commissioner. It's not as a result of the people that work there. They try to do their job, but, you know, you can only do so much with limited staff.

As I said, if you look back, they used to have these sting operations. They'd set up these houses. They'd get every profession. Not just electrical. They'd call people who had Penny Saver ads. And they would find out they weren't licensed and, you know, they were doing injustices to the consumer.

So that's really my concern, again, as a citizen, a Suffolk County resident and Consumer Affairs, is there has to be something done. And, again, what I know about the business side of Consumer Affairs at those times it generated revenue. I mean, there was fines. There was a victim's fund. There was, you know, there was money being -- positive cash flow there. I don't think you have that now so --

CHAIRMAN MONTANO:

Thank you.

MR. KOHLMAYER:

That's pretty much -- any questions?

CHAIRMAN MONTANO:

Are there any questions by any members of the Committee? Yes, we do. Legislator Barraga.

LEG. BARRAGA:

With reference to your two points, I certainly can understand the frustration associated with having fewer personnel in Consumer Affairs. The reality is we face very serious fiscal challenges here in the County. I'm sure some of those reductions had to do with, kind of meeting budgetary requirements based on our shortfalls. And I don't know how that's going to improve in the future, really. Because we still face some very serious fiscal consequences as we move forward here.

The other issue with reference to the building, I would think if nothing else out of this particular hearing word should go out that your people shouldn't be taking anymore tests in a condemned building. That should end.

And the other question I have, and maybe you're not, you know, the appropriate one to ask, when your group -- when the group found out seven or eight months ago that the building was condemned, why didn't somebody step up and say we're not going to give this test anymore in this

building, we need an alternative site?

MR. KOHLMAYER:

Well, personally I can't answer that. I know that as a board we did say *what happens if we stop giving tests?* We get 15, 18, 19, 20 applications a month, *what do you tell the people?* That the County doesn't have a facility to test you so, therefore, you can't begin to operate a business? I mean, you know -- I think they may have cleaned up the mold in there but the building is still a -- I mean the building itself --

LEG. BARRAGA:

But if it's 15 to 20 people, even 30 people, I would think, and the huge complexes we have between here and Riverhead, there would be another site to give the test. But you wouldn't want people going into that building under any circumstances.

MR. KOHLMAYER:

Again, I can't disagree with you. I'm not an employee of Suffolk County. I'm not an employee of Consumer Affairs.

LEG. BARRAGA:

The key here is, if people are listening to this discussion, that someone, somewhere should make arrangements that from this moment forward, any future test are given any place but that building.

CHAIRMAN MONTANO:

Well, if I may, we have one more speaker. I don't believe there any more questions, but we have one more speaker and then the Commissioner. But before the Commissioner, I'm going to ask the County Attorney to step forward, to talk about the building and the status and whether it's condemned. I see Lynne's face looking up. Do you have any information on that, Lynne? About this particular building and its status in terms of condemnation?

MS. BIZZARRO:

What building is it? No, I'm not aware.

CHAIRMAN MONTANO:

The building we're talking about, the building where they administer the Consumer Affairs exams. Can you do me a favor? Within the next couple of minutes, can you make a phone call and find out from the Health Department whether or not -- what the status of the alleged, we'll say for now, condemnation of this particular building is? Can you get us that information?

MR. KOHLMAYER:

I believe it's known as Building 53.

CHAIRMAN MONTANO:

Building 53. Denis, let me interject. Normally I wouldn't ask -- Denis, I can't see you behind the podium. Do you know anything about this that you can shed some lights on this later?

COMMISSIONER McELLIGOTT:

You did know I was here.

CHAIRMAN MONTANO:

Yeah, not because of -- because I saw you earlier.

COMMISSIONER McELLIGOTT:

I have some information but not the exact.

CHAIRMAN MONTANO:

Okay. So when you come up, you can shed that -- if you -- you know, maybe you two can talk and give us a clear answer on what the status is. We have one more speaker so we don't have a lot of time.

P.O. LINDSAY:

Before you go.

CHAIRMAN MONTANO:

Go ahead, Legislator Lindsay.

P.O. LINDSAY:

Just to make a point here, and whether Bob can validate this or Denis or whatever, Consumer Affairs is one of the few departments in the County that make money for the County.

MR. KOHLMAYER:

It used to. I don't know if it still does.

P.O. LINDSAY:

Oh, I think we still do. But the factor here is we understand the budgetary crunch and manpower and whatever. But I think the question has to be asked by us leaving these positions vacant here, is it netting -- is it costing us money?

CHAIRMAN MONTANO:

That's a diminishing returns issue, whether or not -- and by the way, we're not holding up these positions. These positions are, as I understand the process, held up in the County Exec's Office for failure to sign the SCIN form. Am I correct, Lynne? That's my understanding. We appropriate the position.

P.O. LINDSAY:

The positions are in the budget.

CHAIRMAN MONTANO:

Right. We've appropriated them. They haven't been filled. But it's not a legislative function to fill the position. It's an executive function. And that is the grand debate. But I appreciate your coming forward. Anything else you want to add to this?

MR. KOHLMAYER:

No. Again, I just want to reaffirm I'm not here to determine or challenge if a position is appropriated or anything. I just -- the point we want to make is Consumer Affairs needs their staff back, because it would be an injustice being done to the consumer and to the citizen as a result of not being able to service them.

CHAIRMAN MONTANO:

We understand that. Thank you very much for coming.

The third speaker is Russell -- and I'm having difficulty -- Colemmo. Then you pronounce it.

MR. COLEMMO:

Colemmo.

CHAIRMAN MONTANO:

Russell Colemmo. Well, I would get it but your handwriting needs some work there. Go ahead, Russell.

MR. CALEMMO:

Just push this thing. It's red; it's on.

CHAIRMAN MONTANO:

You're on and you got to keep it on. That's the problem.

MR. CALEMMO:

Thanks very much for giving me the opportunity to speak. I concur exactly with what my two predecessors had just said in regards to Consumer Affairs. And they need help over there. They need help really bad. They're short of staff. They're short of a lot of things. And the point is, if you don't have the tools, then what good are you? You can't do the job if you don't have the tools. And people are basically tools in Consumers Affairs. Keep in mind that the Consumers Affairs generates a lot of money for the County. A lot of money.

So if you look at the whole financial structure by Consumers Affairs getting less and less operative, so to speak, okay, the money's not going to come in. Now you could look at the books, I'm sure the financial structuring will show you that Consumers Affairs is not doing the money that they used to do at one time.

However, moving onto the next step regarding that building, building number 53, I would like to invite anyone who would like to take the opportunity just stop by the place. Just look in the window and you will see horror there. And if I was a person taking a test for a license, I would refuse to go in there. Because I do know mechanics. The most important thing, take this into consideration, gentlemen, is that, in fact, if this building is not being -- can't be used to take the test, then, in fact, the County might be denying a person a way of life. Therefore, you could be subject to some sort of liability. We are not addressing that issue; however, it's something to consider.

I think that the County should act immediately on any way, shape or form to try to get a building so that they're able to take this examination.

The other thing is, I'm sure, the Consumers Affairs people over there, they do a great job. They work very hard, they work very diligently. You can go there sometimes eight o'clock in the morning and there's all people there working. I've gone there sometimes after 5 o'clock and there's our 84-year-old investigator working on the work for the following day. You have to give those guys credit over there.

So, gentlemen, whatever your offering is for Consumers Affairs, we certainly appreciate it. There's a lot more I can say about this but I think Mr. DiFazio and Mr. Kohlmayer pretty much said it all.

Thank you very much for the opportunity to speak. And I'll take any questions.

CHAIRMAN MONTANO:

Thank you very much. And I'm just going to let you know that since I don't have any other scheduled appointments this afternoon, when I leave here, I'm going to try to make arrangements with Commissioner McElligott to go take a look at the building before I get off the campus here. And if anyone would like to accompany us, we can go right from here, if you don't have other meetings. I'll ask the Commissioner's permission and maybe he can give us the quick tour of what we're talking about.

MR. CALEMMO:

All right. It sounds good. If you go inside make sure you wear an overcoat or a raincoat.

CHAIRMAN MONTANO:

How about a mask? Do I need a mask?

LAUGHTER

MR. COLEMMO:

You'll be fine.

CHAIRMAN MONTANO:

Thank you. Are there any questions?

LEG. BARRAGA:

I want you to know I feel very good about that 84-year-old guy. That means I might have a future.

CHAIRMAN MONTANO:

He probably works harder than we do.

LAUGHTER

MR. COLEMMO:

Actually, he does very well. I don't know what kind vitamins this fellow takes, but I tell you, he's right there. When it comes to our meetings, he is totally prepared right down to the last detail. It's amazing. And for this person to go on to whatever endeavors his future is, if we lose him, we're up the creek so to speak. And there's no one -- as a matter of fact if you go through Consumers Affairs, all those people who are coming up for retirement the next couple of years, there's nobody to replace them. And it's getting less and less and less. And the workload, certainly, we know how that regiment works.

LEG. BARRAGA:

Bill Lindsay and I will be right there.

LAUGHTER

CHAIRMAN MONTANO:

He's 84; probably sharp as a razor. Thank you very much.

MR. CALEMMO:

You're welcome.

CHAIRMAN MONTANO:

Is the County Attorney back? Or she went to make a phone call, Denis?

P.O. LINDSAY:

You told her to go make a phone call.

CHAIRMAN MONTANO:

Yeah, but she didn't come back. Doesn't take that long to make a phone call. No, seriously. You know, you're right, Bill. That's why you're the PO. Thank you.

LAUGHTER

Denis, in all seriousness, thank you for coming. And when I was first appointed Chairperson, you came before the Committee and made a presentation. We haven't had the opportunity to meet, I think, the last two occasions because we haven't had any bills that pertain to the jurisdiction of this Committee. And I appreciate you coming back.

Could you give us an update? But before you do, I had a question. When you talk about this licensing, I think I asked you this before, if someone said to me *I'm a licensed electrician*, where does the consumer go to find out? They just punch in Consumer Affairs Office under electrician? Is that the way it works?

COMMISSIONER McELLI GOTT:

Are you asking if a consumer wanted --

CHAIRMAN MONTANO:

John Q. Public or, you know an average citizen says *I want to find out if Joe Blow is licensed*, where does that person go?

COMMISSIONER McELLI GOTT:

They can check it out two different ways.

CHAIRMAN MONTANO:

Go ahead.

COMMISSIONER McELLI GOTT:

One is by telephone call to my office. And the other would be by going to the Consumer Affairs website.

CHAIRMAN MONTANO:

That's what I'm saying. You just go on the website press *electrician*, and they're all listed there.

COMMISSIONER McELLI GOTT:

No. The Consumer Affairs website, then you would enter in -- if you had the electrician's license number or the license number that the electrician gave you as his -- and except for one exception, it is his license number, you put that in and it would give you a history of whether or not the person's licensed or not. Otherwise a phone number can be used. And that -- with a phone number the license status of the individual can be searched by a consumer.

CHAIRMAN MONTANO:

By his phone number or --

COMMISSIONER McELLI GOTT:

Yes.

CHAIRMAN MONTANO:

All right. But not by his name.

COMMISSIONER McELLI GOTT:

Correct.

CHAIRMAN MONTANO:

And not by his address?

COMMISSIONER McELLI GOTT:

Correct.

CHAIRMAN MONTANO:

That's sort of like this push button microphone we have here. Kind of dated, don't you think?

COMMISSIONER McELLI GOTT:

Yes.

CHAIRMAN MONTANO:

Okay. Good.

COMMISSIONER McELLI GOTT:

I couldn't agree with you more.

CHAIRMAN MONTANO:

Why don't you go on with your presentation. I mean we have another 10 or 15 minutes before the other committee meets.

COMMISSIONER McELLI GOTT:

I started in preparation for today looking at my notes about our discussion back on January 26th. Just let me give you a little bit of any update in terms of what we've done since January 26th. I think probably the most important thing that we've done is there's been a recent program within the Office to enforce Section 345 (17) (d) of the Suffolk County code requiring licensed home improvement contractors to use their license number in any print advertisement.

The purpose of it is not just to have the license number in the advertisement; the purpose is to get the home improvement contractor used to the idea that their license number has to be in the print advertisement, get the publisher used to the idea, get the consumer used to the idea and also allow us to then identify those folks more readily who are not using their license numbers and, therefore, are ripe as targets for folks who are doing business without a license.

If you've -- you probably haven't noticed, but since I've spent a lot of my time over the last six weeks dealing with this, I've noticed a real change in the advertisements in my local Penny Saver, in the Smithtown News, in the Messenger, even in those small parts of Newsday that deal with it. We've sent out over a hundred letters and we've had a fairly decent response. We have increased the number of folks who are registered because our license, our search for licenses has found folks who have licenses, license numbers, which have expired recently. We've prompted people to re-license or to renew their license. And we've been updating or increasing the use of our website by sending reminder letters to folks that we are going to add a page to the website which is going to state *these are folks who are unlicensed but advertising that they are licensed*. The response has been a lot of folks renewing their license.

That's what's new in the Department of Consumer Affairs. We are on track to include the same number of supermarkets as last year, if not a few more in terms of the item pricing waiver issue. We are on target to do more scales, more gasoline pumps, and more other devices that my weights and measures folks have been dealing with. And we are on track that the revenue generated by the Department of Consumer Affairs will probably be in excess of last year's.

That being said, I won't take up too much more of your time because I know the Committee has quite a lot of questions based on my discussions with certain of you leading up to this meeting and based on some of the speakers from earlier on. So I'll just await your questions and see because there's quite a few issues that have been raised that I really do want to respond to, but I know that folks have questions about them that will lead to those answers.

CHAIRMAN MONTANO:

I have one question, Denis. First of all, before we get into the questions, the County Attorney is back so I'm just going to ask her very briefly, maybe she can join you, Lynne? But question, Denis, at the moment how many positions do you have budgeted and how many positions do you have filled, if you have that information in front of you?

COMMISSIONER McELLI GOTT:

42 and 33.

CHAIRMAN MONTANO:

So basically you're at, if I did the math right, you're at about a 60 percent capacity; 60 something if you -- 43 and 33, 65 percent is --

COMMISSIONER McELLI GOTT:

It's one lawyer asking another lawyer to do math?

CHAIRMAN MONTANO:

Yeah. I'm about right. See that? About right. Lynne, how are? Thank you for -- quick question. Any word on building 53?

MS. BIZZARRO:

No, but I did speak to one of the attorneys who I thought would -- might know and he said he probably would no unless DPW was contacted directly. Usually we're thinking about maintenance in our building and we've heard absolutely nothing about building 53.

CHAIRMAN MONTANO:

Got you.

MS. BIZZARRO:

So I have nothing to report to you.

CHAIRMAN MONTANO:

All right. We're going to take a walk over to building 53. Denis, can we get in there?

COMMISSIONER McELIGOTT:

I'm sure I can get you in there, yeah.

CHAIRMAN MONTANO:

So after this meeting, if you don't mind, I'd like to just take a look at it.

COMMISSIONER McELIGOTT:

Yeah, I don't have the key with me but I can get it.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELIGOTT:

Let me tell you what my understanding about building 53 is.

CHAIRMAN MONTANO:

From what I understand, we can just go through an open window.

LAUGHTER

I'm sorry. Denis and I worked together.

COMMISSIONER McELIGOTT:

Building 53 has some problems and some shortcomings. I'm in contact and have been since my first meeting with this Committee where I made it clear that one of the shortcomings or one of the problems with the department was the physical plant. And building 53 was part of my discussion at that point in time.

CHAIRMAN MONTANO:

Do you know whether or not it is condemned?

COMMISSIONER McELIGOTT:

I think condemned is the wrong word to use.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

What we have is a situation where someone within my department has been in touch with other individuals within the County in terms of making a claim that there may be some safety issues. And I'll get back to you.

CHAIRMAN MONTANO:

Right. But lawyer to lawyer, what we're asking is, is there an official designation or ruling that the building is condemned?

COMMISSIONER McELLI GOTT:

I don't think so.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

The situation was --

CHAIRMAN MONTANO:

Because there's a difference between -- we know the difference between condemnation and disrepair.

COMMISSIONER McELLI GOTT:

Correct. There was a question about whether there was a safety issue. And I was told that the issue was raised and the decision was mine whether or not we would continue to use the building. And I made the decision we would continue to use the building.

CHAIRMAN MONTANO:

All right. Was this done in oral fashion or was it done through memos and response?

COMMISSIONER McELLI GOTT:

My discussion was with Jim Alipo.

CHAIRMAN MONTANO:

Who's that?

COMMISSIONER McELLI GOTT:

He's the gentleman, the safety officer, right.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

And he was one who described the entire process to me.

CHAIRMAN MONTANO:

So it's all over conversations, but no paper trail.

COMMISSIONER McELLI GOTT:

That's my recollection, yes.

CHAIRMAN MONTANO:

Yes.

COMMISSIONER McELLI GOTT:

And just so you understand, the building is used approximately twice a month. It's used for the --

CHAIRMAN MONTANO:

Testing.

COMMISSIONER McELLI GOTT:

-- right. Practical electrician's exam, the practical plumbing exam, probably once a month for each of those. And once every three months for the home appliance repair exams. The written exams for each of those as well as the written home improvement exams are done in the Civil Service Offices in building 158.

CHAIRMAN MONTANO:

Right. No, I understand that. But you and I both know, having worked together in the AG's office, and the County Attorney also and I think everybody else, what the consequences would be if someone was injured in that building while a test was being administered. You know, I mean don't know what state of disrepair you're in, I don't know if the roof is going to fall down on someone, a wall's going to collapse, you know, I don't know about the molding, those are the questions that, I think, were raised so we can get to that.

Lynne, I want to thank you. Is there anything you can add to this?

MS. BIZZARRO:

No. Just, again, we've got -- we've received nothing in writing.

CHAIRMAN MONTANO:

I understand.

MS. BIZZARRO:

From any municipality regarding any type of, you know, condemnation or anything like that.

CHAIRMAN MONTANO:

Thank you for checking. Thank you. Are there any questions of the Commissioner? Legislator Lindsay was first; then Legislator Gregory.

P.O. LINDSAY:

Denis, so you haven't received anything from the Health Department saying that there's a health violation in the building or anything like that?

COMMISSIONER McELLI GOTT:

No.

P.O. LINDSAY:

Do you know what the gross revenue of the department was last at the end of '09? Do you have the gross and net numbers?

COMMISSIONER McELLI GOTT:

I have the total for -- the gross for last year was \$4,596,828.07.

P.O. LINDSAY:

Okay. And what is the net?

COMMISSIONER McELLI GOTT:

I don't have that right in front of me, sorry.

P.O. LINDSAY:

How does that compare -- how does that compare to the year before, do you know that?

COMMISSIONER McELLIGOTT:

It's in excess of the year before, mostly because of the item pricing waiver. The item pricing waiver didn't exist.

P.O. LINDSAY:

Should have raised revenue considerably?

COMMISSIONER McELLIGOTT:

By at least \$700,000.

P.O. LINDSAY:

Right. And that just went into effect last year?

COMMISSIONER McELLIGOTT:

Correct.

P.O. LINDSAY:

Okay. Does it reflect that from '08 to '09 that our revenue went up that much?

COMMISSIONER McELLIGOTT:

It went up more than that, but it went up -- but that is the biggest factor.

P.O. LINDSAY:

Okay. And getting back to your position, you say you have nine empty positions; nine? Is that correct?

COMMISSIONER McELLIGOTT:

That's correct.

P.O. LINDSAY:

Yeah. Do we have any hope of getting any of them filled?

COMMISSIONER McELLIGOTT:

Yes. It's an ongoing discussion.

P.O. LINDSAY:

It's been an ongoing discussion since you came?

COMMISSIONER McELLIGOTT:

Yeah, it has. And since that point in time I've received --

P.O. LINDSAY:

And it was an ongoing discussion before you came because I was concerned at one point we'd have no supervisors there.

COMMISSIONER McELLIGOTT:

I understand. And that's why it's good to see Legislator Cilmi and Legislator Muratore here because it's like -- it's good to have somebody in the room who's been here less frequently than I have. But, you know, I understand that.

Since I spoke to you, this group last, I've had a retirement and then another individual go out on a long term disability. So the discussions are happening. Since that time I've also had two clerk typists join from Civil Services Offices Assistant Unit. We've had another Senior Clerk Typist join. And then another Clerk Typist from the Labor Department return to our office, so.

P.O. LINDSAY:

I think probably my concerns are more along the line, that the testimony is absolutely correct. We had as many as three supervisors there at one time. And now you're the only supervisor. Is there any hope of you getting an assistant director or somebody that could fill in in case something happened to you or God forbid, I'm not saying something should happen to you, but it's always good to have someone, you know, to take over the reigns.

COMMISSIONER McELLAGOTT:

That's always part of the discussion I have but --

P.O. LINDSAY:

Yeah. And the electrical guy, I mean Mike is a wonderful, wonderful man but but he's really getting up there. And do we have any hope of getting the other electrical position filled?

COMMISSIONER McELLAGOTT:

The other electrical position I have checked the Civil Service list. There are individuals on the list. But let me say this about Mike and his position, because there's been a lot of discussion about his position and I think he needs to be defended appropriately and he hasn't been here today as of yet.

Mike does between 15 and 25 written exams, deals with 15 or 20 written exams per month. He also for those folks who then pass the written exam, he also deals with their practical exam. And he schedules them, attends them, oversees them and grades them. He also deals with our complaints that we receive about electrical contractors. And one of the complaints or one of the issues that was raised was at his age how can he possibly deal with the volume of complaints that are received by the office about electrical contractors?

To understand the way he does his work, you need to understand the types of complaints we receive. We don't receive many complaints about licensed electricians. We receive complaints about home improvement contractors licensed and unlicensed who do electrical work when they shouldn't. We don't receive many complaints about folks with electrical licenses who do poor work. The electrical complaints that we receive or complaints we received about electrical contractors are usually about not the quality of the work, but about questions about the contract that the consumer signed. The work is fine; the question is did the consumer buy a Volkswagon or a Rolls Royce? The consumer thinks he bought a Rolls Royce. The electrician says he only bought a Volkswagon.

Mr. Normandy doesn't need to be out in the field and doesn't need to be wandering around doing field inspections to resolve currently seven open complaints against electricians. That's what we have right now, seven.

P.O. LINDSAY:

So you're saying you don't need the second electrical inspector?

COMMISSIONER McELLAGOTT:

No, I'm not saying that. What I'm saying is, is that when somebody who's a member of the Committee suggests that it may take a consumer six, eight, nine, ten months to get an answer from my electrician, my electrician deserves to be defended. And someone publically needs to say that's not true.

P.O. LINDSAY:

I don't think anybody was attacking Mike or his position. I think the point was made that for many, many, many years we always had two electrical people in the Department. It certainly seemed to stay busy and active and generate a lot of money for the County. And for the last, I guess, year-and-a-half we've only had one. And that's of a concern to me especially in light of that one person. We can't count on them being there for ever. So that's, I think, the concern that was voiced here today. I think it's smart business if we fill that second position in a couple of different ways. It prepares your department to move along on a steady pace. And I honestly believe that every one of those positions are able to pay for themselves.

COMMISSIONER McELLI GOTT:

I don't disagree with you. That's a different point that I was not responding to.

CHAIRMAN MONTANO:

Thank you. Are you done?

Just a quick thing. Denis, those numbers with respect to filled and -- I mean allocated and filled again, what were they?

COMMISSIONER McELLI GOTT:

I think it was 43 and 32.

CHAIRMAN MONTANO:

I have the minutes -- I have minutes of the January meeting. I asked you the same question, *how many employees do you have, how many do you have allocated?* The response was "41 and 33." And that response was 41, 33 so we're about 65 percent capacity. Those numbers haven't changed is what you're telling me.

COMMISSIONER McELLI GOTT:

Yes, they have. I'm down one additional.

CHAIRMAN MONTANO:

All right. So the 41 remained the same.

COMMISSIONER McELLI GOTT:

Correct.

CHAIRMAN MONTANO:

And now we're down to 41 -- so it's 41 and 32. So instead of hiring more people, we lost one.

COMMISSIONER McELLI GOTT:

Well we lost two and we hired one.

CHAIRMAN MONTANO:

Okay, got you. Same -- math works the same way. Legislator Gregory.

LEG. GREGORY:

Yes, just back to this building issue a moment, you said that it was generated from a complaint from an employee or a concern from an employee?

COMMISSIONER McELLI GOTT:

That's my understanding, yes.

LEG. GREGORY:

Okay. And there was, I don't want to say investigation, but someone -- Mr. Alipo --

COMMISSIONER McELLI GOTT:

Jim Alipo. A-I-I-P-O.

LEG. GREGORY:

He's a safety officer, service management or -- he's a safety person?

COMMISSIONER McELLI GOTT:

That's my understanding, yes.

LEG. GREGORY:

He looked into the matter and he reported to you?

COMMISSIONER McELLIGOTT:

I don't know whether he looked into it but he was the one who advised me that a -- the issue had been raised. And I spoke with him about what the ramifications of that were.

LEG. GREGORY:

What is his function as a Safety Officer? I would think he would look into the matter before -- he didn't advise you, he just told you that there was a concern.

COMMISSIONER McELLIGOTT:

He told me he was the individual who it was reported to. You'd have to speak with him --

LEG. GREGORY:

Okay.

COMMISSIONER McELLIGOTT:

-- about what he did.

LEG. GREGORY:

What did he do?

COMMISSIONER McELLIGOTT:

You'd have to speak with him about what he did. I don't know what he did.

LEG. GREGORY:

But he said to you based on whatever he did that it would be your final decision to use the building for the testing; right?

COMMISSIONER McELLIGOTT:

Correct.

LEG. GREGORY:

But you don't have any knowledge of what he did.

COMMISSIONER McELLIGOTT:

I didn't ask him. I asked him -- when he called me to tell me that the report had been made, and that who he was, and I then asked him *what does that mean for me and the continued use of the building?*

LEG. GREGORY:

Okay. Then he said *you're free to use the building if you choose to do so* and you chose to do so?

COMMISSIONER McELLIGOTT:

Correct.

LEG. GREGORY:

Okay. All right. Thank you.

CHAIRMAN MONTANO:

Legislator Barraga.

LEG. BARRAGA:

I'm always concerned where there's a public meeting and there's public testimony indicating that something is wrong and we listen and we don't do anything. Now I've got three members of the

Suffolk County Electric Licensing Board indicating that this building is condemned from their perspective and one individual said -- I think he said it was a rat hole. You made the decision based on safety reasons to continue using the building. God forbid something happens to someone while they're in the building. How do you defend that when there's public testimony from three individuals in the community indicating that building basically should not be used?

What I'm asking you to do, Commissioner, is to re-visit based on the public testimony your decision. It shouldn't be that difficult to find another location to take that test even in this building. And in the meantime we'll take a long hard at the so called "condemned" building to see if it's repairable. But I don't think human beings should be going in there with the potentiality, God forbid, if something should happen. Because everything's on the record here. And it's very, very obvious that certain key individuals have problems with this particular building. All right?

COMMISSIONER McELLI GOTT:

I disagree with your use of the word "condemned".

LEG. BARRAGA:

Well, whether you use the word "condemned" or -- you made a decision based on safety. There was some question about the safety of the building. That safety issue coupled with their comments, from my perspective, and I think from the perspective of those of the Committee, indicates this building shouldn't be used in the future by any group of human beings until it's repaired or razed. But in the interim, find some other location. All I'm asking you to do, Commissioner, is to rethink and revisit based on the public testimony your decision. Would you do that?

COMMISSIONER McELLI GOTT:

Sure.

CHAIRMAN MONTANO:

Legislator Cilmi has some questions. But before that I have one question, Denis. What department has the responsibility to make a determination as to whether or not a building should be or is in a state of condemnation? Is that DPW, Department of Health? Is it a number of agencies? Who would make -- you're an attorney; I'm an attorney. We can look at a building but we can't determine whether it should be condemned or not. My question is, who has the legal authority, if you know, to make that determination?

COMMISSIONER McELLI GOTT:

I don't know, but I think the use of the word "condemnation" is inappropriate.

CHAIRMAN MONTANO:

No, I understand that. And I'm not saying it's condemned. And I know the difference between condemnation or condemned and disrepair. What I'm asking is in light of what was said, if the issue came up as to whether or not a particular building is or should be condemned, who would make that decision?

Now, obviously you made a decision that we can go on testing there. But what I'm asking is if the question is raised, you and I, I don't think, have the ability, to go into a building and structurally determine whether it should be condemned. Who, what department in the County, if you know, makes that determination? And the follow-up question would be were they involved in the process or did it simply go to your desk and the decision was made at your level? So it's a compound question.

COMMISSIONER McELLI GOTT:

I don't know. And I made the decision.

CHAIRMAN MONTANO:

Okay. That's all. Not a problem. Maybe the County Attorney after your testimony can answer that,

if she has the answer. And with that, Legislator Cilmi, it's your call.

LEG. CILMI:

Thank you. Good afternoon, Denis. Just one general question first and then a couple of specific questions. Generally to what extent do you believe your ability to operate in Consumer Affairs has been compromised by the shortage of personnel? It looks like you're about 25 percent less than what you're budgeted for. Would you say that we're sacrificing 25 percent of revenue or 25 percent of safety of the public or any of that?

COMMISSIONER McELLIGOTT:

No, I'll answer the question the same way I answered it about a year ago, which is with another question. Has there been anyone who's ever sat here as the head of a department or agency who's ever told you that they couldn't do a better job with more people? I think the answer is clear. More people, I could do a better job. Do I think that it translates into more people -- immediately translates into more dollars or more revenue or more protection? No, I wouldn't say there's an actual, you know, equivalence there.

But what I do think is, in tough economic times what I'm doing and what the County Executive is doing with my Department is exactly what households are doing and businesses in the private sector are doing, which is trying to do the same job you've been asked to do before when times are good with less. And I think if you look at 99.9 percent of what we do, if you look at the revenue we brought in, if you look at the testing that is done, if you look at the violations that are found, we do a good job. You're going to be able to find unhappy consumers who are your constituents, who are going to find -- who are going to have complaints. And some of those complaints about my Department, they're going to be valid. But on the whole we've done a good job.

LEG. CILMI:

So you would assert that even with the shortage of employees, that you're accomplishing the objectives of the department albeit maybe you can do it more quickly with more people, but you are getting those objectives accomplished?

COMMISSIONER McELLIGOTT:

We're doing all right, yeah.

LEG. CILMI:

Okay. And more specifically towards the fellow -- what's his last name again? Mike?

COMMISSIONER McELLIGOTT:

Michael Normandy.

LEG. CILMI:

Normandy. Certainly not questioning his level of energy, expertise or enthusiasm about his job or his ability to do his job, but I want to follow up a little bit on questions that Legislator Romaine raised in that Legislator Romaine questioned the length of time that it is potentially taking to get complaints dealt with. You said that we currently have something like seven to eight active complaints. You also said that the complaints generally speaking have more to do with the consumer's perception of what they were supposed to get versus what they're actually paying for.

So, I guess, my first question is, is Mr. Normandy the one who's responsible for addressing those types of complaints as well as quality of work complaints? And, two, how long is it taking to address these types of complaints?

COMMISSIONER McELLIGOTT:

Just so I'm clear, when it comes to the folks who have my -- or have the Consumer Affairs electrician's license, and the folks who have the plumbing license, the number of complaints we receive about their quality of work for each of those professions are very, very low. The complaints

we have about that kind of work are complaints about folks who don't have those licenses, who are doing that kind of work.

LEG. CILMI:

Now, is that Mr. Normandy who investigates those complaints or is that a whole different area of --

COMMISSIONER McELLAGOTT:

No, that's -- those are my home improvement inspectors.

LEG. CILMI:

Got you.

COMMISSIONER McELLAGOTT:

So Mr. Normandy does take the -- does have -- it is his portfolio of work, that is the licensed home -- I'm sorry -- the licensed electrician complaints. And, again, for right -- for example, understanding that this was one of the issues that was going to be spoken about here today, I went through his entire caseload yesterday and today before coming here. He's got seven open cases as opposed to some of my other investigators who have numbers in the 20's, 30's and 40's.

LEG. CILMI:

So it's seven against licensed electricians?

COMMISSIONER McELLAGOTT:

Correct. Okay. Correct. And of the seven, five of them were received this calendar year. And three of them are so new that the complaint has been forwarded on to the electrician seeking a response. And we haven't even received a response yet. And the time for the electrician to respond hasn't each passed yet. So, I mean, they're brand new, so.

LEG. CILMI:

Can you comment on that process? I mean tell us what the process is, first of all, and then tell us if you think it's an effective process or if it could be made more effective?

COMMISSIONER McELLAGOTT:

Sure. When it comes to a complaint about a licensed contractor, a licensed profession, and this is one of the reasons why the -- an original signed complaint is required. The consumer will send it -- consumer/customer will send in the complaint. The original signature is right below two important portions of the complaint. One is the consumer recognizes and agrees that we're going to send this on to the licensee seeking their input. And the other is that they understand that it becomes a public document. Okay? It becomes part of what's available to the public should somebody make a request.

We take that, without changing it, without paraphrasing it, we photocopy it, we send it on to the contractor. We ask -- we seek the contractor's response. That way the contractor has an opportunity which we believe is fair to put something in writing responding exactly -- to exactly what the customer's complaint is about. We give them a certain amount of time. If they don't respond, we send them a reminder letter. If they don't respond, that in and of itself is a violation to the Suffolk County Code. They have an obligation as a license holder to respond to us.

LEG. CILMI:

Is that a prescribed length of time or is it just something that you come up sort of?

COMMISSIONER McELLAGOTT:

It's a matter of practice. If at some point in time we find out we got a wrong address, a contractor comes to us with an excuse why he didn't reply within an appropriate period of time, we're very willing to forgive it and go onto to try and resolve the matter on the merits. We're very willing to

discuss that with him.

If it can be resolved through mediation, we always try to do that. That's our preferred way to resolve it. If we can't resolve it, we will look at the contract, look at the dealings between the parties and see if there is a particular violation, a particular problem with the contract that needs to be addressed. A notice of violation might be served or we might say to the parties, to the consumer basically *we are unable to resolve it. The factual dispute is too wide. We're not going to be able to resolve it because -- Small Claims Court is more appropriate.* We look to mediate the dispute first. If we can't, well, we leave the parties to themselves.

LEG. CILMI:

Can you comment at all on Mr. Normandy's experience and particularly in terms of since he's the only one presently doing this job, if for some reason he's suddenly unable to do the job, and you have to hire somebody else to do that job, does his length of service with the County -- well, certainly his length of service with the County would give him a leg up over somebody who's coming in new to the County to do that job, but how critical is that experience?

COMMISSIONER McELLI GOTT:

It is very important. It's very important. When he does retire, we are going to lose a tremendous amount of institutional knowledge, institutional memory. It'll be a big hit to the Department.

LEG. CILMI:

So to that extent do you think it's -- how important do you think it is on a scale of one to five, one being unimportant, five being very important, that we hire somebody immediately to sort of gain some of that experience that he has?

COMMISSIONER McELLI GOTT:

I think the only issue is the issue of whether it needs to be done immediately. It is part -- there are no meetings I have with my contacts in the County Executive's floor that we don't have, that we're not regularly talking about personnel in the Department of Consumer Affairs. The fact that I have one electrical inspector is always something that we discuss. And the issue that you raised in terms of his institutional knowledge is part of that discussion as well. It's only a matter of questioning the issue of what's immediate.

LEG. CILMI:

I'm finished, Mr. Chairman. Thank you. Thank you, Commissioner.

CHAIRMAN MONTANO:

We're running really late. I'm just going to go for another five minutes because we're half an hour -- we're 25 minutes over. I know that Legislator Muratore had some questions. And -- but I have -- Denis, quick question. When are you doing or have you already done your budget, your departmental budget submission to the Office of the County Executive for next year for 2011?

COMMISSIONER McELLI GOTT:

It's what I'd be doing if I wasn't here.

CHAIRMAN MONTANO:

Okay. Are you going to be asking for more positions?

COMMISSIONER McELLI GOTT:

I'm going to be asking for exactly the same as last year.

CHAIRMAN MONTANO:

You just want them filled?

COMMISSIONER McELLI GOTT:

I'm going to be asking for exactly the same as last year.

CHAIRMAN MONTANO:

Okay, I got you.

And then the only other outstanding question I have is for the County Attorney in terms of do you know which department, Lynne, would be responsible for issuing an official condemnation? Would it be the Town of Smithtown, would it be DPW, you know, if you know? The Health Department, all five of them, all two of them?

MS. BIZZARRO:

It's highly likely that another municipality would be involved. I mean I see this as DPW going over there taking a look.

CHAIRMAN MONTANO:

Okay.

MS. BIZZARRO:

Perhaps some repairs can be made and some maintenance may be required. I mean that's generally how I foresee this going.

CHAIRMAN MONTANO:

Right. But if a building were in such a state of disrepair that -- who makes that decision? DPW? Or you don't know or are you guessing? And I know I put you on the spot.

MS. BIZZARRO:

No, that's okay. I mean, I'm just thinking, I mean DPW's certainly going to make some sort of analysis.

CHAIRMAN MONTANO:

Initial determination?

MS. BIZZARRO:

An initial determination. And then I think you go from there and see if the Health Department is needed or any other agency.

CHAIRMAN MONTANO:

Right. Because if there's mold, then it probably would go to Health Department if it was --

MS. BIZZARRO:

Health Department, right. You know, whatever needs there are.

CHAIRMAN MONTANO:

It seems to me like DPW would handle structural defects, health department would handle, you know, air quality. Am I correct in that?

MS. BIZZARRO:

Again, I'm kind of guessing, I'm an attorney but I'm thinking, yes, that would be the route.

CHAIRMAN MONTANO:

Okay.

MS. BIZZARRO:

In terms of other municipalities getting involved, I can't say absolutely they wouldn't but highly unlikely on property that we own and a building that the County owns right now, I don't see it.

CHAIRMAN MONTANO:

Yeah, I got you, right. Can you do me a favor? Could you just maybe just take a quick look at it and shoot me an e-mail and just say, *Rick, I think these are the -- this is the process*, just so I know in case it comes up.

MS. BIZZARRO:

Okay.

CHAIRMAN MONTANO:

Legislator Muratore. Thanks, Lynne.

LEG. MURATORE:

Thank you, Mr. Chairman. Commissioner, couple of questions. I know you're taking a beating here. But let's look on the positive side of this. If you have decided to shut down 53, building 53, and not given any tests, how many people would not have gotten their licenses over the eight month period? How many do you do a month?

COMMISSIONER McELLI GOTT:

Oh, we're probably talking about -- including plumbers and electricians about 100.

LEG. MURATORE:

All right. So we're looking at \$20,000 worth of lost revenue on the part of the County and a 100 people who would not have been able to go to work, if you hadn't had the courage to say *well, let's move forward with this, let's do what we can with this building, let's get through it and move on from here*.

COMMISSIONER McELLI GOTT:

Thank you. Yes. And the other way to look at it is the building isn't the greatest place in the world. But I think when you see it, you'll see it's not exactly as dangerous or as unkempt as some construction sites that these gentlemen, and they're mostly gentlemen, are going to be working at when they do get their license.

LEG. MURATORE:

And that's what I'm looking to portray here. I mean, sometimes as a Commissioner, you have to make a hard call and you want to keep the program going, you want to get people working. You did generate some income for the County which is more than what a lot of other people have done. So, you know, my hat's off to you. And also on behalf of my district office you do a great job. My ladies have nothing but nice things to say about you with the hard work you do. And also realize there are some Commissioners who say they can do more with less in this County. So thank you for coming. I appreciate that.

CHAIRMAN MONTANO:

Heard that before.

All right, with that we're going to adjourn. And as I said earlier, Denis, if you can get us -- it'll take maybe ten minutes, all I got to do is walk around the building, and just see for myself what it is we're talking about. I haven't been there. Anyone else? Excuse me? No, I'll meet you there. Right, but I'll meet you outside. All right. If anybody wants to come, you're welcome. Right now we are adjourned. Thank you very much everyone.

**THE MEETING CONCLUDED AT 3:45 PM
{ } DENOTES SPELLED PHONETICALLY**