

**GOVERNMENT OPERATIONS, PERSONNEL, HOUSING
& CONSUMER PROTECTION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES**

A meeting of the Government Operations, Personnel, Housing & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on January 31, 2013.

MEMBERS PRESENT:

Leg. Robert Calarco, Chairman
Leg. William Spencer, Vice Chair
Leg. Kate M. Browning
Leg. Thomas Cilmi
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Presiding Officer William J. Lindsay, 8th Legislative District
Deputy Presiding Officer Wayne R. Horsley, 14th Legislative District
Leg. Kara Hahn, 5th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Tim Laube, Clerk of the Legislature
Bernie Pernice, Budget Review Office
Robert Doering, Budget Review Office
Samuel Chu, Commissioner/Labor Department
Robert Meguin, Deputy Commissioner/Labor Department
Tom Vaughn, County Executive Assistant III
Chris DeLuca, Aide to Leg. Cilmi
Paul Perillie, Aide to Leg. Gregory
Lora Gellerstein, Aide to Leg. Spencer
Amy Keyes, Aide to Leg. Calarco
Kevin Beyer, LI Gasoline Retailers
Paul Caplan, Concerned Citizens
Joan A. Goldbach, DSPBA
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 12:40 PM

CHAIRMAN CALARCO:

Legislators, please come to the horseshoe for the Government Ops Committee. Okay, we're going to get started with our Committee meeting here. If we could all rise for the Pledge of Allegiance led by Legislator Browning.

SALUTATION

Okay, thank you very much. So we're going to get started with our agenda here. I have one card from Kevin Beyer. Kevin, if you'd like to come up.

MR. BEYER:

I don't need to speak anymore.

CHAIRMAN CALARCO:

Okay, Kevin -- Kevin is waiving his opportunity. Okay. Thank you, Kevin. I have no other cards. Is there anybody else in the audience who would like to address this Committee? Seeing none, we're going to move onto the agenda. We're going to get started with Tabled Resolutions.

TABLED RESOLUTIONS

IR 1803-12 Adopting Local Law No. -2012, A Local Law to eliminate item pricing fee. (Cilmi)

LEG. CILMI:

Motion to table, please.

CHAIRMAN CALARCO:

I have a motion to table by Legislator Cilmi; I'll second that motion. All those in favor? Opposed? Abstentions? **IR 1803 is tabled. (VOTE: 5-0-0-0)**

IR 1927, Adopting Local Law No.-2012, A Local Law to establish collaborative long-term visioning plans among County Departments ("The Suffolk County Visioning Act"). (Gregory) I'm going to make a motion to table at the request of the sponsor.

LEG. KENNEDY:

Second.

CHAIRMAN CALARCO:

Seconded by Legislator Kennedy. All those in favor? Opposed? Abstentions? **IR 1927 stands tabled. (VOTE: 5-0-0-0)**

IR 2064-12, Adopting Local Law No. -2012, A Local Law to require gasoline stations to be prepared to run emergency generators for fuel pumps. (Stern)

LEG. SPENCER:

Motion.

CHAIRMAN CALARCO:

I have a motion to table by Legislator Spencer; second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2064 is tabled. (VOTE: 5-0-0-0)**

IR 2067, Adopting Local Law No. -2012, A Charter Law to clarify Legislature's role in collective bargaining. (Calarco) I'm going to make a motion to table that again for another cycle.

LEG. CILMI:
Second.

CHAIRMAN CALARCO:
Second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2067 is tabled.**
(VOTE: 5-0-0-0)

IR 2093-12 Aiding permanently displaced victims of Hurricane Sandy in the Mastic-Shirley area. (Browning).

LEG. BROWNING:
Just as an FYI, I'm tabling this because we're currently working with the Administration and hopefully we're going to get money soon so this will be good thing.

CHAIRMAN CALARCO:
I believe the folks down in Washington finally approved the money. So we'll see that come through and start getting people back in the homes.

LEG. BROWNING:
Yeah. But since I'm working with the Administration at this time, we can table it.

CHAIRMAN CALARCO:
Good. I have a motion to table by Legislator Browning; I'll second the motion. All those in favor? Opposed? Abstentions? **IR 2093 is tabled. (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

Moving onto Introductory Resolutions, **IR 2248-12, Updating standard work day and reporting for elected officials. (Presiding Officer)**

LEG. SPENCER:
Motion to approve.

CHAIRMAN CALARCO:
I have a motion to approve by Legislator Spencer. I'll second the motion. Counsel, could you just give us a brief explanation?

MR. NOLAN:
This -- you may recall a year or two ago, we established a standard workday and reported the number of hours typically worked by County Legislators and other elected officials in a typical month. You keep a log for three months and then there's an average. We're updating that resolution to include people who have been elected since then including the County Executive and several Legislators. This is at the assistance of the State Comptroller's so people get credit for their retirement.

CHAIRMAN CALARCO:
Okay. Thank you. I have a motion and a second. All those in favor? Opposed? Abstentions? **IR 2248 is approved. (VOTE: 5-0-0-0)**

IR 1002-13, Establishing disclosure requirements for the Department of Labor,

Licensing and Consumer Affairs ("Consumer Protection and Awareness Act"). (D'Amaro).
I'm going to make a motion to approve.

LEG. BROWNING:

What is this?

CHAIRMAN CALARCO:

Counsel, can you give us an explanation?

LEG. SPENCER:

I'll second the motion.

CHAIRMAN CALARCO:

I have a second on that approval by Legislator Spencer.

MR. NOLAN:

Yeah, this is directing the Department of Labor, Licensing and Consumer Affairs to make certain information available to consumers about complaints they've received about licensed persons. So this directs the Department to provide a complete record the Department maintains regarding any licensed or unlicensed contractors to consumers upon their request; that the records provided must include a description of all complaints registered against the subject contractor for the number of violations issued against the contractor. Further, the Department is authorized and directed to provide to any consumer requesting information regarding a contractor's violation, the amount of any monetary penalties assessed against the contractor; and whether those fines were paid. And, lastly, the Department is supposed to provide a full transcript of any hearings conducted by the Department against any particular contractor. And it states -- the resolution states that the Department will provide this information promptly upon request of a consumer.

CHAIRMAN CALARCO:

Okay. I see Mr. Chu is at the podium. Perhaps he had something he wanted to add.

COMMISSIONER CHU:

Yes. I'm going to -- I'm going to -- I would like to request the Committee to table this bill. There's considerable -- there's considerable issues with the bill that can both have, I think -- that range from legal -- legal issues to providing certain information, certain contract information that we have the way it's worded now, as well as a heavy administrative burden on the Department. And I'll answer any questions that the Committee has, but I just want to -- I just want to spell out in a real practical scenario what this could mean for the Department.

Someone's doing a kitchen renovation. Well, right now we have many renovations going on due to the storm. Someone wants to get multiple quotes, which is certainly a reasonable thing to do at any scenario when you're getting renovations done. Even a simple bathroom renovation that might only be, you know, \$1500, \$2000, they might want to get prices from five, six, ten, twenty different contractors. Some people have a lot of time on their hands.

As this bill's written, they can come in with a list to the Consumer Affairs Division, provide that list of contractors and say "I want the records -- the complete records you have for all these contractors. You need to provide it to me promptly." That could be the equivalent of half a ream of paper for some of these -- for some of these contractors. And we're talking about not just time, but a considerable amount of materials.

I want to contrast that with what the Department provides now. Right now someone calls in and the Department provides information as to whether the contractor's currently licensed, how many violations they have and whether they have any violations that are currently unresolved. So that's information that any consumer can call in right now and get any day of the week during business

hours.

In terms of the privacy issues, there's some very sensitive information that's included in the complete, you know, the complete record the Department maintains on contractors including their, you know, sensitive banking records and personal information. So that can be a potential issue.

The transcripts: That's probably the heaviest burden that would be levied upon the Department. Right now the Department at the request of any consumer can receive for the sum of two fifty -- two dollars and fifty cents -- a recording of any hearing that they'd like to -- they'd like to requisition. Transcription's a completely different -- completely different matter. As we can see as my words right now are being transcribed, there's a considerable amount of time, effort, and skill, I might add, to doing that, which we just currently don't have the resource to provide. And, I think, this is maybe a little bit -- a little bit over the top, because you know these hearings certainly don't, you know, rise to the level of, you know, the Suffolk County Legislature. So I don't think they need -- that's something -- better used resources -- we can use resources for better things.

So this is just some of the issues. I would be glad to discuss this. I did have a meeting scheduled with the sponsor. Unfortunately we had to cancel to go over some of these issues.

To address what I think is some of the intent of this resolution, at the direction of Deputy Commissioner Meguin, the Department began sending Notices of Determination to consumers when their -- you know, when the cases that they generated reached resolution. You know, which solved something that I think was probably frustrating for a lot of consumers that they may have had to actively -- may have had to actively request those. And nobody wants to -- when someone's making a complaint on an issue or a request, they certainly -- there's nothing more frustrating than have it go into the ether and never getting anything back in return. So I think we're making steps to address that.

Other considerations, you know, we're in the -- we're still in the process of consolidating departments. So I appreciate the intent of the resolution, but I would request that it be tabled for further consideration of the matter and making sure we address -- address the concerns of Legislator D'Amaro and this body through means that would not put a burden on the Department.

CHAIRMAN CALARCO:

Okay, thank you, Mr. Chu. If you could stay at the podium, I think a couple of my colleagues here have some questions. Legislator Browning.

LEG. BROWNING:

I'm not necessarily opposed to the idea of the bill. I think having experienced a lot of those issues of constituents of mine, especially with contractors doing, you know, home improvement work, I've seen my fair share of complaints.

The one thing I have some concerns about is, you know, how many complaints should there be against that person that you should be notified, how long ago was it, you know. It could be ABC Contractor, you know, there was a -- there was a problem, you know, restitution was made or they, you know, they cleared up the problem. Was it five years ago or ten years ago that the incident happened? And how many complaints? And, you know, what types of violations? And I think, too, like you said, with this -- with Super Storm Sandy, we're going to have -- a lot of contractors are going to be getting called for work. We need to make sure that the contractors that are being used are good contractors. But I'm not sure -- the bill is really telling us, okay, at what point -- if it was five years ago, should that person's information now be given to the person who's making the request?

So, I think there's a few things that I have concerns about. I want to make sure that the

consumer's being protected, but I don't want to see the businessmen getting beat up over something that happened how many years ago. And maybe it was one of their employees, and he fired that employee because the employee didn't do the right thing. So, I think there's a whole lot of questions. And I think possibly, you know, maybe we should table it and let you have a conversation with the sponsor.

COMMISSIONER CHU:

Thank you. And when we framed the consolidation plans, you know, as Commissioner of the Department, I made it very clear that, you know, our two main constituents were both the consumers and the industries that we're tasked to serve. So, I appreciate the consideration for the industry side of it.

CHAIRMAN CALARCO:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. I fully appreciate and support the intent of this resolution. I mean how could you not, really? But I want to, in the first place, echo what Legislator Browning said in terms of her concerns that businesses don't get unfairly somehow targeted by information that's released that may be outdated for a variety of different reasons. I would support transparency as much as is legally -- as much as is legally possible for us. We certainly don't want to release any information that might get us into trouble from a liability point of view.

But the way I would do it is rather than have the Department, you know, respond to people and have to go through and, you know, make photocopies of files upon files upon files of information, I would support putting as much of this information as possible online so that anybody at any given time of day, night, weekends -- you know, let's say they -- let's say, you know, they called up the contractor, spoke to the contractor at seven o'clock or eight o'clock at night. And, you know, maybe the contractor came over, proposed some things, and that resident wants to immediately check to see what that contractor's history is. They could just go online and simply look at all of the information that's legally available and make an informed decision based on that. There's no paperwork, nothing that we have to mail. It would -- obviously it would take some resources in terms of setting this type of system up. But I think -- Commissioner, correct me if I'm wrong -- but we do provide some information in terms of whether or not contractors are licensed. We do provide that information now on our website; correct?

COMMISSIONER CHU:

Right now a homeowner -- there's not a list for the homeowner could confirm whether or not someone's licensed.

LEG. CILMI:

Right. Okay. So, you know, it seems to me like the groundwork -- admittedly a very, very small way -- has been laid at least to drive people to the website. So that if we could just populate that site with more information, it seems to me like it would be a much more efficient and effective way of accomplishing the intent of this resolution. So, you know, if we're so inclined, I'll make a motion to table. And maybe the Commissioner can work through some of the -- some of those issues with the sponsor. And as I'm always reminded up here, we can pass a bill that -- that is the best possible bill to accomplish the intent.

CHAIRMAN CALARCO:

Okay. Thank you. I have a motion to table by Legislator Cilmi. And I withdraw my approval motion.

LEG. BROWNING:

Okay. Because, you know, initially -- I am co-sponsor on the bill based on experience in my District. But I -- like you said, it needs to be a good bill. And obviously Legislator D'Amaro being the main sponsor of this, I think, it would be best that he have a conversation before we move forward.

CHAIRMAN CALARCO:

Are you seconding --

LEG. BROWNING:

I will second the --

CHAIRMAN CALARCO:

Legislator Browning seconds the tabling motion.

LEG. KENNEDY:

Mr. Chair, just --

CHAIRMAN CALARCO:

I have a list, John. I'm just going to keep working through the list.

LEG. KENNEDY:

Oh, I'm sorry. I thought I was on it.

CHAIRMAN CALARCO:

You're on. You're just not up yet. Legislator Horsley.

D.P.O. HORSLEY:

Thank you, Mr. Chair. Just quickly, I was going to bring up some of the same points that Mr. Cilmi said. It seems like, you know, making reams of paper notifications and stuff like that and putting banking issues and things like that, that just sounds crazy. So you got to -- that should be worked out electronically, I would think. It would certainly save costs.

But that's not what -- what I wanted to do was just mention, I had spoken to the sponsor about it just quickly. He was concerned. He said, "you know, we got to increase our communications and things like that." Apparently he had trouble getting through to you over the last couple of weeks and he wanted to talk to you about it. I just wanted to point that out to you. Let's get back to each other a little bit more regularly, really.

COMMISSIONER CHU:

Duly noted. I've been going through a bit of a transition myself.

D.P.O. HORSLEY:

I understand that. I'm not banging you over the head, Commissioner. I'm just -- it was mentioned and I just said well --

COMMISSIONER CHU:

And we did have -- we did have an appointment yesterday so --

D.P.O. HORSLEY:

Yeah, I hadn't known about that. Because last I had heard there was nothing.

COMMISSIONER CHU:

For the record a thousand apologies to the sponsor.

D.P.O. HORSLEY:

Thank you.

COMMISSIONER CHU:

And anyone else who I owe a thousand apologies to.

CHAIRMAN CALARCO:

Okay. Legislator Spencer.

LEG. SPENCER:

How are you, Commissioner? Last year this Legislature passed the Contractors Wall of Shame legislation, which seems, you know -- and I was kind of cognizant of that issue of having too much information out there so we were really trying to limit it to make the public aware of kind of those few bad players that may be out there who lost their licenses or hadn't taken care of, maybe, outstanding issues. My first question is, is that Wall of Shame up? And is it functioning? And is it being maintained as far as you're aware?

COMMISSIONER CHU:

What's the -- the Wall of Shame? (Asking someone in the audience) The status of the Wall of Shame?

I'm not aware of the status of the Wall of Shame so I'll ask --

DEPUTY COMMISSIONER MEGUIN:

Frankly, Mr. Legislator, I don't think we --

CHAIRMAN CALARCO:

Mr. Meguin, can you just identify yourself for the record.

DEPUTY COMMISSIONER MEGUIN:

Robert Meguin. I'm currently Deputy Commissioner Labor, Licensing and Consumer Affairs. Frankly, in answer to your question, I don't believe it's being maintained as the Legislature intended it to be. We have, frankly, been short-staffed. It requires a great deal of work to keep maintaining that Wall of Shame in terms of that. But, frankly, in answer to your question, we're trying to -- now that we've merged and utilizing the technology resources that are available to us, to try to get that up and running in order to satisfy, you know, the intent of the legislation.

LEG. SPENCER:

Could I ask by our next Committee meeting, if you could give me a detailed update and to -- I really want to get that up. That is the law. And to my colleagues if we're looking at this new piece of legislation, which is all-encompassing, you can look at my legislation as being almost like a pilot. If we can't keep track of the bad players, how are we going to keep track of everyone? You know, so I would like to find out -- and, you know, I appreciate definitely the budget issue and the workforce issues, but it is law. And if there's some reason we're not complying with that, I would like an explanation of that at our next meeting. And I want that up and functioning. This body passed it. It's really important to me. And I think it's important to our consumers, you know, at the very least, so -- and that should be part of the negotiation with this new piece of legislation. Thank you.

DEPUTY COMMISSIONER MEGUIN:

Most certainly.

CHAIRMAN CALARCO:

Good. Legislator Kennedy.

LEG. KENNEDY:

Yes, thank you Mr. Chair.

Commissioner, just two quick points that I would offer to you. I'll share the same thing, I guess, with the sponsor and with co-sponsor Browning. Having had the opportunity to work sometimes with audible minutes as opposed to transcribed minutes, I would encourage you to at least contemplate the opportunity to have transcribed minutes, particularly when you're having any kind of a violations hearing, where you may, in fact, actually have the contractor that's represented by somebody. We have a hearing officer. And I would imagine on occasion we may even have somebody from the County Attorney's Office there. I would put the burden on the contractor to secure the transcriber, let them bear the burden of it. But the value of a written transcript actually is going to be beneficial to both sides. And so at the very least, I would ask you to consider that possibility to make it available.

You know, the other element that ought to be in there is, is -- I applaud the sponsor and the co-sponsor for looking to put this material out there because we do want our constituents to be empowered with as much information as possible. But perhaps if you consider just some type of an exclusion, that might have the investigator's field notes, any type of sensitive material germane to what the Department is doing in the process of an investigation, that should be categorically -- be able to be excluded and let the balance of it be able to be put out there for folks to go ahead and avail themselves of, for what it's worth.

COMMISSIONER CHU:

Well, I appreciate the -- certainly the point. And to address some of the points that have been made here, to the technology basis that Legislator Cilmi suggested, we had a meeting earlier this week about making sure we had an up-to-date, you know, case -- technology-driven case management system. Having been in that process before, you know, that's going to include certain different facing components for certain different types of users including the staff on different levels, with administrator access, you know, the contractors themselves, as well as the consumers. And certainly making as much information as possible to the consumer while protecting the representative from industry, those that we regulate, will be a paramount consideration as we implement that technology-driven case management software. So, I just want to make sure that Legislator Cilmi knows that, you know, the sentiment is certainly appreciated and shared by the Department.

CHAIRMAN CALARCO:

Okay, so you're done? All right. I have a motion and a second to table IR 1002. All those in favor? Opposed? Abstentions? It stands tabled. **(VOTE: 5-0-0-0)**

That's all I have on the agenda. Mr. Chu, do you have anything else you want to inform us about today? Okay. Seeing nothing else, we have no other business, I'll make a motion to adjourn. Thank you.

**THE MEETING CONCLUDED AT 1:04 PM
{ } DENOTES SPELLED PHONETICALLY**