

SENIORS & CONSUMER PROTECTION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

A meeting of the Seniors & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 1, 2016.

Members Present:

Legislator Sarah Anker - Chair
Legislator Steve Stern - Vice-Chair
Legislator Tom Cilmi
Legislator Al Krupski

Not Present:

Legislator Tom Muratore - Excused Absence

Also in Attendance:

Jason Richberg - Clerk/Suffolk County Legislature
Sarah Simpson - Counsel to the Legislature
Benny Pernice - Budget Review Office
Andrew Tarantowicz - Budget Review Office
Alyssa Turano - Aide to Legislator Hahn
Luann Dallojacono - Aide to Presiding Officer Gregory
Robyn Fellrath - Aide to Legislator Anker
Kim Scalice - Aide to Legislator Cilmi
Bill Maggi - Aide to Legislator Muratore
Bob Martinez - Aide to Legislator Muratore
Catherine Stark - Aide to Legislator Krupski
John Morafino - County Executive's Office
Amran Ansari - County Executive's Office
Robert Braun - County Attorney's Office/Deputy Bureau Chief
James Andrews - SC Department of Consumer Affairs
Kathleen Rivers - SC Department of Consumer Affairs
Matt Cereola - SC Department of Consumer Affairs
Joseph Wood - SC Department of Consumer Affairs
Danielle Grucci-Petersen - SC Department of Consumer Affairs
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Kim Castiglione - Legislative Secretary

*(*The meeting was called to order at 12:34 p.m. *)*

CHAIRPERSON ANKER:

Welcome to the Seniors and Consumer Protection Committee. This is the first committee for the cycle. I'd like to congratulate our Legislator Steven Stern for being the Vice-Chair. Please rise for the Pledge of Allegiance led by Legislator Stern.

Salutation

Please remain standing for a moment of prayer and silent meditation as we think of the men and women in our military serving for our country.

Moment of Silence Observed

Thank you. Okay. We do not have public comment or cards and we do not have Tabled Resolutions or Introductory Resolutions. We do have a presentation, and I'd like to invite the Department of Consumer Affairs to the front.

I also want to put on the record Legislator Muratore has an excused absence for this meeting.

So I want to thank the Consumer Affairs Department for coming here today, and it's always a pleasure to work with people who really go out of their way to help other people. So if you don't mind introducing yourselves and maybe give us just a brief overview of what you're doing and maybe a couple of the particular projects that you're working on and issues of concerns.

MR. ANDREWS:

My name is James Andrews. Good morning -- or good afternoon. I am Commissioner Nardelli's designee to run the Department of Consumer Affairs, and today I have brought staff in different areas of the unit so they can better explain the work that goes on on a day-to-day basis and give the committee some information on what we do every day. Right now I would like to introduce Joe Wood, who's head of our Weights and Measures Division

MR. WOOD:

Good afternoon. As James said, I am Joseph Wood. I am the Assistant Director of Weights and Measures. Our main focus is to guarantee equity in the marketplace so consumers can go into a gas station and know that a gallon is equal to a gallon everywhere, every gas station. A pound is equal to a pound at a deli, if you're buying roast beef or dropping off laundry at a laundromat. We do that by testing all of the devices in Suffolk County where money is transacted over between a buyer and a consumer, seller and a buyer. We do annual inspections basically covering gas pumps, scales, oil meters, LPG meters, and that takes up most of our time. We also handle complaints on those same devices.

MS. GRUCCI-PETERSEN:

I'm Danielle Grucci-Petersen. I am the Director of Complaints and Investigations. We intake all of the complaints, we speak with the constituents, in our case we call them consumers. Issue violations, conduct investigations. In addition, we are also the unit that handles the new Pet Dealer Law and we were informed that that was some of the inquiries that, you know, might need to be answered today, so thank you.

MR. CEREOLA:

I'm a licensing specialist with Consumer Affairs. I work in the Licensing Department where we license up to 30 license -- types of licenses. We have about 203,000 active licenses as of now. I work primarily in the Taxi and Limousine Division, which went up and running in August 2015, along

with our new computer system that we put in place. Thank you.

MS. RIVERS:

Hi. Kathleen Rivers. I'm the Investigations Manager at Consumer Affairs and James Andrews' assistant in the department overseeing the overall number of investigations, how the complaints are handled, troubleshooting, the consumer end, the hearing end of things, the liaison in terms of legislation that's being drafted. We've handled 1,086 complaints in 2015 and we've saved consumers \$457,793 in 2015 as a result of mediating their complaint and their issues and bringing the vendors and the consumers in to mediate the issues. Of course that's after the investigator goes out, spends some time gathering information, and finding out really what the issues and the problems are.

We have conducted 1,302 enforcement stops. That is scheduled enforcement days that our investigators are assigned, basically March through about the middle of November. This year we went a little bit later because we had such good weather, but that resulted in 152 violations. Some of those enforcement stops and violations were call-in's. We had over 60 call-in's reporting unlicensed work. They don't all have enough information to go out and investigate, but when they do, we are there on the spot if we have staff available. So I sort of oversee the gross number of things and the success and help James monitor the going's on of our department.

CHAIRPERSON ANKER:

Okay. You guys are good? So again, I want to thank you for the work that you do. I became, of course I'm always interested in trying to help my constituents and residents in general with their problems and, you know, when other people try to take advantage, especially for financial gain is absolutely unacceptable. I'm very happy to hear that, you know, that you're here for them and you have a process that will help with this issue.

So I wanted to mention also that I had attended an event with the Attorney General's Office's representatives on scams, and the scam issue, whether it's phone or e-mail or someone knocking on someone's door, especially pertaining to our seniors, our senior citizens, is a high priority for me. And again, I would love to see a stronger coordination between your department and our Suffolk County Police Department, and also the Attorney General's Office if that's something maybe we can work together on in the future because, again, we have to tighten that net. There's so many of these scammers that are getting away with some of these scams. I don't know if you have some comments on that, Kathleen.

MS. RIVERS:

We made two presentations at homeowner associations last year, and that's one thing we have on our plan and already started for this year, is making presentations, consumer protection presentations, at the libraries. So that's just one of the outreach things we have planned and up and going already for 2016.

CHAIRPERSON ANKER:

Right. My office will be reaching out to you, because I have a large amount of the senior population in private communities and it's really important to make sure they get the message. At a recent event, less than a week ago, I asked the question to the crowd, I said *how many of you have computers?* And about half did and half did not. So, you know, there's only so much information that our senior population gains, because a lot of the current information is through the computers, through, you know, websites and social media and they don't get that information. So I think, you know, again, a personal outreach, you know, by your department and maybe, you know, in combination with the Legislators would be vital in really reducing the amount of scams that are succeeding.

I wanted to mention, too, this is a little pet peeve that I experienced, and I'll be reaching out to you on this one. I think, Joe, this is probably having to do with gas. So I was in Florida and I go to a Sunoco and I have that lovely Sunoco card that gives you \$0.05 off, you know, below the cash price. Well, guess what? They didn't give it to me. I complained and I got the corporate people on the phone and, you know, the guy was going to hand me over cash and I'm like I'm not taking your cash, I want you to do the right thing. I want you to charge me the right amount. Big signs were out, \$0.05 less. And what's frustrating is that the same thing happened right in Mt. Sinai about two years ago and so we had to call the corporate office. So, you know, these types of situations, whether they're minor, you know, of saving a few, you know, dollars on gas or someone really trying to rip someone's, you know, life savings, you know, trying to take their life savings away, it's important that we make people aware. I'm really looking forward to working with you this year. Legislator Stern has a question for you.

LEG. STERN:

Yeah. Thank you, Madam Chairwoman, and welcome to everyone. It's good to see you today. I don't know if you had mentioned the number, the overall number, that the department gets in terms of complaints. That number is what?

MS. RIVERS:

One-thousand and eighty-six.

LEG. STERN:

And of that amount of complaints, how many would you say then turn into formal investigations?

MS. GRUCCI-PETERSEN:

Those are actually the formal investigations. We get somewhere in the range of 25,000 to 30,000 calls a year. And out of that, the -- what was it, 1,000?

MS. RIVERS:

One-thousand eighty-six.

MS. GRUCCI-PETERSEN:

One-thousand eighty-six are the actual formal written complaints that we've conducted investigation on.

MS. RIVERS:

So all of these are result in thorough investigation, so 1,086.

LEG. STERN:

And how does that number compare to years past, say last year over the past five years.

MS. RIVERS:

I didn't bring that information.

MS. GRUCCI-PETERSEN:

I believe last year it was about 1300, the approximate, so it has gone down. We're hoping that that's with us informing the public. I just want to see -- this one I got to hold. I just wanted, you know, for us informing the public. We're hoping when people call us we try to direct them prior to having the need to file a complaint. Sometimes it can get worked out, but when it can't then it turns into a, you know, an actual formal investigation.

LEG. STERN:

So from what you're saying then, the fact that the number has gown down recently is a positive.

You're saying it's a positive because of greater education, better public awareness, hopefully less and less people are victimized by these scams so there is less reason to go forward with formal investigations.

MS. RIVERS:

There was also a Hurricane Sandy spike between 150 and 250. So I do know that -- I don't have the exact number, I apologize for that, but the previous two years were in the range of 250 or 300 higher than this.

LEG. STERN:

I see. So is this number then more in line with what it had been traditionally if you back out the Sandy complaints?

MS. RIVERS:

I believe so, I believe it's right in there. It's a little bit lower than the pre-Sandy numbers.

MS. GRUCCI-PETERSEN:

A little bit.

MS. RIVERS:

By maybe 50 to 75 if I had to really guess. I apologize.

LEG. STERN:

And you had mentioned when the investigators go out and they're seeing unlicensed work going on and contracting, and we all know that there are many issues there. How would you say that particular issue has been most recently compared to other years? Is it a greater problem? Is it a lesser problem? Is it more of the same? How do you see that? And going forward, if anybody has some thoughts on what, if anything, should be done differently going forward at the County level if it's possible, because those are some of the most egregious of the violations that really do need to be dealt with quickly and very harshly.

MS. RIVERS:

I don't have the year to year statistics, I apologize. I brought 2015.

CHAIRPERSON ANKER:

That's okay.

MS. RIVERS:

I don't have like the '13 and '14 enforcement stops and licensure results. I have all of that for '15.

CHAIRPERSON ANKER:

We can get that, right, at another time.

MS. RIVERS:

Absolutely.

LEG. STERN:

That would be a conversation I would look forward to having with you to see how we might best be able to work together, but let me agree with Chairwoman Anker that anything that the Department can do to continue to raise awareness in more effective ways. I know that we all put out the warnings as we see them through the methods that we have available to us, but of course, you know, coming from the Administration. The more people that are made aware of these scams obviously the better.

MS. RIVERS:

I can tell you one increase.

MR. ANDREWS:

I would like to say moving forward to address that since the Commissioner has put me in this area I do feel that the best armed consumer is one that's aware of what they're doing. I mean, you can't stop someone from hiring someone without a license, but if they're more aware of that I might be saving \$500 by hiring this guy who's unlicensed as opposed to hiring somebody who is licensed, that if I hire the guy that's licensed, even though I'm spending a little bit more money, I'm a lot more protected in terms of if something happens. In that case we would have more of an arm to go after the vendor in terms of looking at their licensing, if there was prior violations, attempting mediation, and if need be, revoking that license to operate as a contractor in Suffolk County. I am a firm believer that consumer education should be one thing that we really seriously get into this year, and I know that we will, first through the libraries and we will also be out at one or two home shows where we will have a booth and we will educate the consumer. And we would also like to educate the contractor as well of the woes of, you know, not having a license, of being licensed, of what their protection could be if they were licensed in terms of contracts and so forth.

LEG. STERN:

Thank you.

MR. ANDREWS:

Sure.

CHAIRPERSON ANKER:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So when you give these presentations, what are they -- do you focus on a certain user group? I mean, I'm thinking of one at the Human Resource Center maybe in Mattituck, which is seniors, but then what you said about the contractors, would you think about piggybacking? I know Suffolk County Soil and Water does training for contractors under the MS4 and drainage laws. Is that something you could piggyback and do a short presentation because you have all those people assembled already. Would that be something that would be helpful?

MS. RIVERS:

Which organization was that?

MR. ANDREWS:

On our boards that we have established right now, the Home Improvement Board, the Electrical Board, the Plumbing Board, a lot of individuals that sit on these boards are members of these various organizations. And if need be, I will probably reach out to them and see if they are having a meeting of their general membership if we could come and do a brief presentation just to educate them as well as continue to seek to educate the consumer.

LEG. KRUPSKI:

Very good. Thank you. As far -- so do you have specific presentations that target certain populations, like the senior population?

MS. RIVERS:

No.

MR. ANDREWS:

In the past, presentations were done several years ago, there hasn't been really any presentations the last couple of years. Right now we are in the development phase of developing several types of different presentations that we will be presenting at either the local libraries, possibly at the senior center, we can go there and do a presentation. We would like to get the word out to everyone, the woes of hiring someone that is not licensed and the problems that come along with it.

MR. CEREOLA:

Myself and another investigator in the department did go to a homeowners association to speak with them about six months ago. Basically what we did, we did what we're doing here. We did an overview of what our department does and they loved it. They would love to have us back. But that's what we would like to do obviously in the future as well at more places.

LEG. KRUPSKI:

And I have one more question. So you're setting up protocol to train people to do the alternative or advanced wastewater treatment, the installation and inspection. How is that going?

MS. RIVERS:

You mean the innovative systems, the status? I believe all but one of those 19 systems are in. The legislation, of course, is, you know, signed, sealed and delivered and we've got a letter going out to all of the liquid waste license holders because the structure of that license is very, very different.

LEG. KRUPSKI:

Right.

MS. RIVERS:

So we're really -- we have all the training set forth in place and the nice spreadsheet for them. They're going to know exactly where to get the training. We've got dates of each of those courses, whether it's LILWA or another university that's offering it or it's online. We have all that data, whether it's an OSHA class. All the requirements are going to be set forth for the liquid waste license holders. And we are working with IT to update our screens and things like that. That's it.

LEG. KRUPSKI:

Thank you.

MS. RIVERS:

You're welcome.

CHAIRPERSON ANKER:

I also wanted to mention, when I first got in office in 2011 I worked with Suffolk County Police to create a scam alert website. It's scpdscamalert.org. I mentioned, of course, that information to the Attorney General's Office, but I'd like to also invite you to participate in trying to figure out how we can get the word out. Again, we have a website. I'm looking to make it much more interactive, and also with the presentations that are available perhaps maybe working with the AG's Office, the Attorney General's Office. We can combine what we know with what they know and really get the word out, you know, to share the resources and get the word out. Legislator Cilmi has a question for you.

LEG. CILMI:

Hello, everybody. Thanks for being here. A couple of questions for you. With respect to the fines and revenue that you've received, you mentioned, I think, Kathleen, 400 and some-odd thousand dollars. That's in enforcement, in direct enforcement revenue? Or is that licensing fees and

whatnot.

MS. RIVERS:

That's money saved to the consumer, money that we've made.

LEG. CILMI:

By working with?

MS. RIVERS:

By working with the vendor and the consumer.

LEG. CILMI:

Okay.

MS. RIVERS:

That's mediating the case successfully to the point where the consumer was made whole, either paid back, the job was finished, reimbursed, that sort of thing.

LEG. CILMI:

Right. Can you or one of you speak to the amount of fines that the County has collected for a Consumer Affairs related problem? Gas stations that weren't adhering to, you know, the weights and measures were off or whatever.

MR. ANDREWS:

I did not bring the revenue report with me, but if you would like if you have specific questions on specific areas and you send me an e-mail, I will shoot you the information right back.

LEG. CILMI:

Well, what I was going to ask is -- I mean, do you know kind of what area it's in in terms of the dollar amount? Are we talking about a million dollars, are we talking about a couple of thousand dollars? I mean, what kind of numbers are we looking at on an annualized basis, roughly.

MR. ANDREWS:

Joe just let me know that Weights and Measures violations, gas pumps, scales, was approximately a half a million dollars last year. But to get exact figures I have a report sitting right on my computer which breaks it down between different areas of Consumer Affairs.

LEG. CILMI:

Okay, so about a half a million dollars. Of the -- is that collected, Joe, or is it -- okay, it's collected.

MR. ANDREWS:

(Nodded head yes).

LEG. CILMI:

It's money in the bank.

MR. WOOD:

Money in the bank.

LEG. CILMI:

Is there some other amount that's uncollected but levied?

MR. ANDREWS:

There's always an amount that's uncollected and levied.

LEG. CILMI:

How substantial is that amount I wonder.

MR. ANDREWS:

Right now we're going through our files. I would not say it's an exorbitant number. There are some -- there are some files that I had on my desk that --it's funny that you should mention this. Joe and I have been working on the past couple of weeks to collect. For example, I had one, was an attorney representing a gas station that owed us \$9600, and after three calls to the attorney that I made, the check finally came in.

So we're in the process right now of revamping our violation process in terms of follow-up and collections because I'm a firm believer in that if once our notice goes out and three days goes by that the fine has not been paid, that a telephone call should be made to the individual. In the past basically most of the follow-up was done by letter. I'm all for phone contact, you know, and if we have to send an investigator out to the business to pay them a visit to find out why the violation is not being paid. I've sent Weights and Measure guys out to several gas stations to inform them that they had past due violations and that we will make every attempt to collect on, but there are some things that people just won't pay.

LEG. CILMI:

Right, and --

MR. ANDREWS:

In that instance I believe we have to forward that information over to the County Attorney's Office and they would be responsible to try and get collections. Also to speak to what you mentioned, in the past the agency has tried to use a collection agency but they were not very successful.

LEG. CILMI:

Do you feel like -- are we effective in terms of our coverage inspection abilities, you know, the number of times that we inspect gas -- all the different places that you inspect in Weights and Measures in particular. Are we able to cover that pretty well?

MR. ANDREWS:

We're able to cover it to the best of our ability with the staffing levels that we have.

LEG. CILMI:

Right. So can you expand on that a little bit?

MR. ANDREWS:

We do cover just about a hundred percent of everything that we're required to do.

LEG. CILMI:

Okay. In what -- how well, though. In a year? I mean, how long does it -- how many times would we typically inspect a gas station?

MR. ANDREWS:

Annually we do.

LEG. CILMI:

Annually.

MR. ANDREWS:

Yes.

LEG. CILMI:

In your view is that sufficient?

MR. WOOD:

The State requires that every device get tested annually, so once a year during the calendar year the station would get tested. We'll go back on a complaint. We also do octane testing in addition to. We'll take samples and send them to labs. We do do the best we can. This year out of those complaints, Weights and Measures was under 100 for the first time in three years. We had 99 complaints against us. We have done some things to alleviate some complaints. We added to our policy at gas stations where a debit card is going to get run. We used to get a lot of complaints on, you know, I have a debit card, it should be treated like cash. There's no hard and fast law at a gas station on how they're going to treat a debit card. Some of them give you a cash discount, others don't. We made them put that on the pump. So every gas station you go in there should be a sign or some note debit will be treated as cash. We alleviated a lot of complaints that way.

LEG. CILMI:

What's the latest in the world of item pricing?

MR. WOOD:

The latest in the world of item pricing?

LEG. CILMI:

Yeah. What are we doing these days with regard to item pricing.

MR. WOOD:

We continue to grow that program. More and more stores want to come on board just to alleviate each -- all the supermarkets, they're required to actually put a sticker on every item in the store for sale. It's very labor intensive. We've come up with the Waiver Program, so more and more stores do join. Now they have to pass a scanner accuracy test and we've been going out and doing those.

LEG. CILMI:

Do you feel like you're effectively able to do that throughout the County? I mean, and please don't say you do the best with what you have. That's really not the question.

MR. ANDREWS:

The agency has hired part-time investigative assistants and we have utilized them to cover every single store that needs to be covered. A lot of our item pricing stores have failed on the first time, have failed on the second time. When they've been visited by the third time they finally get it that we're going to continue to come back until they correct the issues and they pass.

LEG. CILMI:

Right. Okay. Any pushback on the -- I know the application for the waiver, for the item pricing waiver, can be quite expensive depending on the size of one's retail operation. Any pushback from the industry on that?

MR. WOOD:

No.

MR. ANDREWS:

We haven't experienced any complaints. Every store that's been part of the program has complied

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with the program, with the exception I think of one or two smaller grocery stores maybe. Most everyone likes the item waiver. They like not having to put a tag on every single item because that's very labor intensive.

LEG. CILMI:

Sure. So besides supermarkets and gas stations, just run down the list of top three or four other types of businesses that either through Weights and Measures or through -- not including, you know, electricians and the professions that you license, but other types of businesses that you're sort of overseeing in Suffolk County.

MR. WOOD:

As far as Weights and Measures we'll go through like anywhere where there is a device. So you're talking about the 800 oil trucks that are selling in Suffolk County, the 120 LPG trucks that are selling liquid propane to people off a meter delivery truck. There's 4,000 delis -- 4,000 scales located in Suffolk County and they're everywhere between a supermarket, the laundromat that cleans clothes by weight, the candy store that's selling you, you know, a pound of chocolate, delis, pharmacies, fish stores, meat stores, all over.

LEG. CILMI:

And do we get out to all of those?

MR. WOOD:

Yes.

LEG. CILMI:

We do. Okay. I would love to see a break down of some of the revenue --

MR. ANDREWS:

Okay.

LEG. CILMI:

-- that we receive relative to those issues. So if you could e-mail that to me that would be great. And then if you could also e-mail me the information about the uncollected fines that would be good as well. Thanks. Thanks, everybody.

CHAIRPERSON ANKER:

I have a quick question. Actually this is from a Legislator who had contacted me. She wants to know how is the Pet Dealer Law enforced? I think that's one of your priorities.

MS. GRUCCI-PETERSEN:

Okay. Well, what I can do is I can give you the -- in 2015 the Suffolk County Department of Labor Licensing and Consumer Affairs conducted 15 inspections of pet stores, issued 27 violations to the pet stores. We also held a meeting between our agency that also included administrative staff along with investigators that conduct the inspections, the Suffolk County SPCA and animal rights groups as well.

We've reached out to the USDA, the New York State Department of Agriculture, the Suffolk County SPCA for assistance and information. We reached out through e-mails, regular mail, FOIL requests, phone calls.

Basically, though, the inspection process is after an inspection is performed the investigator -- we work in pairs. We'll go out to the store, they'll take photographs, they have to gather documents as far as invoices. After the inspection is performed, the staff goes back to the office to complete the

inspection. It entails reviewing all invoices and checking them against the animals in the store. Sometimes they need to go as far as correlating the dog's microchip with that on the invoice we found, and this is to verify that the animal on the invoice is not just another animal of the same breed that was located in the store. Sometimes if they know there was a violation against a breeder there'll give you something for a poodle and you need to make sure it is that exact animal on the invoice.

We also -- the investigators have to check all health records and the veterinarian reports for each animal. Then they need to check with the United States Department of Agriculture through their access reports, which is an on-line system, and they need to correlate the invoices supplied by the pet store with the breeders and then check each and every breeder for the violations.

In addition to the breeder violations, basically the breeder violations are the U.S. Department of Agriculture violations to the breeder. We also have to look at the violations that our office can issue based on our physical inspection, which examples would be access to food and water, the resting board for animals, overcrowding of enclosures, putting too many dogs. There's actually a calculation that has to be done to make sure it's not overcrowded. Tag information that needs to have the breed of the animal, the sex of the animal, any color or identifying marks, the date of birth. The animal must be at least eight weeks of age. And the name, state and the U.S. Department of Agriculture license number and breeder/broker information must also be on the tags as well as they must have the agricultural law posted in the store. So that's one inspection. So, thank you.

CHAIRPERSON ANKER:

Incredibly thorough and in depth. I'm looking at our attorney and she's like yeah, it's pretty intense. I do thank you for a lot of work that you've done, you know, pertaining to the pet dealership -- dealers. You know, we had so many issues and we had to create the law and thank you for putting a lot of time and energy into enforcing that law. Legislator Krupski has a question.

LEG. KRUPSKI:

You mentioned a lot of different -- I guess I'll use the last one that you used, the pet store. How do you work with -- so an inspector goes in, and I'll use the posting as an example. So some of the paperwork isn't properly posted. Do they automatically get a violation or do you give them time to come into compliance?

MS. GRUCCI-PETERSEN:

That would be a violation. Usually what will happen is we'll send two at a time, usually an inspector and an investigative assistant. So the investigator will speak with the store owner or the manager, go over everything. They will inform them that that needs to be posted. We sent out prior to these inspections a copy of the law to all of these pet dealers so that was their notice. If they never had notice then, of course, we would give them an opportunity, but as far as we sent it out ahead of time and they have to have it posted. So that would be an automatic violation and they would be notified again at the time of the inspection that this is a violation and it needs to be posted. And then the other violations, really the investigator would not know until a later date because they have to correlate them with the U.S. Department of Agriculture reports.

LEG. KRUPSKI:

So there's no room for just getting compliance from a business. It's anything that's outside of the letter of the law is automatically a violation.

MS. GRUCCI-PETERSEN:

Well, we issue the violation. However, they do have a hearing that they have to attend. The hearing officer would listen. The store owner or the pet dealer has the opportunity to come in. If the hearing officer feels that this was not a valid violation then they do have the power at that time

to withdraw it. The investigators are complying with the violations, you know, as far as what they see out there, but the hearing officer is the one that has to review.

MR. ANDREWS:

I would just like to say as being the Commissioner's designee, as with any violation that comes through our agency, I do have the ultimate sign-off as to what the penalty will be or will not be. And I do look at the full entire circumstances of the situation, and there will be times where someone will just, you know, be asked to comply.

LEG. KRUPSKI:

Thank you. I think that's important because people running businesses -- and I used the posting as an example because no one's in danger. That's not a health or safety issue.

MR. ANDREWS:

Right.

LEG. KRUPSKI:

It's not a consumer protection issue, you know, it's a paperwork issue. The employee takes it down for some reason, to clean the wall or something, it doesn't get put it, and then a year later it's still not up because nobody put it up, it got put in the desk. You know, those things -- and I'm glad to hear that you're willing to look at those things that way because --

MR. ANDREWS:

Uh-huh.

LEG. KRUPSKI:

-- people are running a business and they're trying to -- they're doing the best they can. Thank you.

MS. GRUCCI-PETERSEN:

I do want to state, though, just one thing. The posting laws are actually already also enforced through the Department of Agriculture, so these pet dealers, that aspect of the law, have already been notified prior to the County or some of the County law mimics the Department of Agriculture and then of course then there's some new.

LEG. KRUPSKI:

I just used that as an example, that's all. Thanks.

CHAIRPERSON ANKER:

I want to thank the Department of Consumer Affairs for attending this meeting. Very enlightening and very important topics, you know, in understanding how we can better protect, again, not only the residents but also their pets. Again, it's a tough job and, again, the Attorney, Counsel was mentioning how much work, five months of work went into creating this one particular resolution. And, you know, it just goes to show you're a very dedicated group of individuals and we sincerely appreciate it and we look forward to working with you of course in the future. And so with no further business I will adjourn this meeting. Thank you.

(*The meeting was adjourned at 1:12 p.m. *)