

VETERANS & SENIORS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Veterans & Seniors 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 July 27, 2009.

MEMBERS PRESENT:

Leg. Steven H. Stern, Chairman
Leg. Jack Eddington, Vice Chair
Leg. Kate M. Browning
Leg. Ricardo Montano
Leg. Jay Schneiderman

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Barbara LoMoriello, Deputy Clerk
Paul Perillie, Aide to majority leader
Linda Bay, Aide to minority leader
Deborah Harris, Aide to Leg. Stern
Bob Martinez, Aide to Leg. Montano
Catherine Stark, Aide to Leg. Schneiderman
Craig Freas, Budget Review Office
Jack Caffey, Aide to the Presiding Officer
Steve Tricaraco, County Executive Aide
Debra Alloncius, AME Legislative Director
Vincent Trimarco Jr., President, American Patriot Credit
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 11:40 AM

CHAIRMAN STERN:

Okay. Good morning everybody. Welcome to the Committee on Veterans and Seniors. I ask everybody to please rise and join us in the Pledge of Allegiance led by Legislator Browning.

SALUTATION

I ask everybody to please remain standing and join us in a moment of silence as we keep all of our brave men and women fighting for our freedoms overseas in our thoughts and prayers.

MOMENT OF SILENCE OBSERVED**PRESENTATION**

Thank you. Welcome back everybody. We have a very light agenda this morning. We don't have any pending resolutions before us. But we do have a presentation and it's really going to be my pleasure to welcome Vincent Trimarco, President of American Patriot Credit.

We have heard as a committee and as a Legislature and as representatives for our constituents in our various Legislative Districts, many of our constituents throughout Suffolk County are veterans or are currently serving. And we hear over and over again from our veterans services agencies, from our veterans, from their families, that, of course, there are plenty of programs and services available to our veterans and their families, but consistently what we hear over and over again is one of the most important things that we can do both for our veterans that are here as well as those who are returning from theater that what is most important is jobs. And so any opportunity I think that we can provide in getting information out to our communities we should take advantage of that when there is information that our veterans and their families should know about particularly when it comes to employment.

So, Mr. Trimarco, it is a pleasure to welcome you today. I know that you are going to have some important information for us that we all need to know about and take back to those that we represent. So, welcome.

MR. TRIMARCO:

Thank you very much. Morning, Legislator Stern, esteemed members of the Suffolk County Legislature. It's a great honor for me to be invited here to speak and let you all know what I've been working on and what I've already spoken to Legislator Stern about. And I'll give you a little bit background. If you don't know me, I'm an attorney; I practice here in Smithtown. I've been practicing for about 15 years. My dad's been here about a hundred years. I also serve as a JAG Officer with the New York Guard. I'm in the I'm the Commander of the 13th Civil Affairs Regiment. We're based over at the Huntington Armory. That's the military background that I have.

So I'm doing my part whatever I can do to help the soldiers who are being deployed from the Fighting 69th. As you're all well familiar, they're based all over Suffolk County. Very, very influential and famous regiment of the New York National Guard.

Anyway, just to give a little quick background on how this all came about before I explain

to you what we do, a couple of years ago I had taken the family down to Disney and stayed in a hotel that happened to be sponsoring a I guess for lack of a better word, a show or trade show that was geared toward disabled vets. And they had different booths set up to help specifically individuals that had prosthetics, as far as what medical treatment was available, what prosthetic companies were out there that could help them and also what jobs were available. And as I got to talking to some of these guys because they were all over the place, and my little girl happened to be about one and a half at the time, you know, noticed and had commented on all these young men and women that were kind of, you know, in wheelchairs and having the use of prosthetic limbs. And it was real informative.

And what I didn't know and I was kind of embarrassed not knowing was how little these individuals get as far as disability. A one hundred percent disabled veteran probably only collects, and I'm talking about, you know, somebody who has both legs amputated, about \$2800 a month. Now that's not including medical; the medical's taken care of by the VA as we all know. But, you know, car payments, a mortgage, a couple of kids, \$2800 a month especially on Long Island really doesn't cut it.

And one of the big things that I learned after seeing that and having my military involvement was, jobs, as Legislator Stern had mentioned, is an important thing and a very severe problem. We have these I call them kids because now I'm older than everybody they're coming back from Iraq and Afghanistan. And once they're discharged, they need something to do. And they get flooded into our economy and, you know, and they're great they're great employees and I think everybody should give them the first shot at hiring, but a lot of them don't have anything going on and they need a job. They need jobs to keep them busy and to make them feel worthwhile. I mean, they were soldiers, they did what I consider to be the most important job that you can imagine going over there, risking life and limb so that we could be here and you guys can be Legislators and I can be an attorney and I can, you know, have a safe home life for my family here in the United States. They're out there fighting it out on a daily basis so we can do that.

That's why I developed this program and I got involved in it. I was approached by individuals who do credit card processing. And they wanted me to just go out and try to get them business and I really wasn't that interested. And after seeing what I saw down in Florida, kind of something clicked. And it was, this is the type of business that anybody could be involved in. To do credit card merchant sales, you don't need to have the use of an arm or use of a leg. Very simply, you need to make a phone call, you need to go into a business and, you know, say, *hey, you know, why don't you get involved with our program, you're helping vets at the same time.* It's as simple as that and people are able to sign up.

So we created this synergistic relationship between the private sector and we also have a not for profit that's registered in New York. We're currently applying for our 501(c)(3) status so that we can take donations directly. And also donate from the American Patriot Credit Corporation directly to the 501(c)(3). And we want to be able to direct those funds where we see fit, which led us to Tom Ronayne at the Veterans Affairs Office, who was very receptive to us.

And essentially I said to Tom, *look, you know, as of right now we have dollars available and we need those dollars to go to benefit veterans and we want them to benefit veterans in Suffolk County.* And the best way I felt to do that was to just hand the money over to Tom's organization. I know they have the Legislature has set up a fund for him to use discretionary fund to use. I don't know exactly how much goes in that. But we could significantly add to that fund that he has. And there's nobody better than Tom to determine who needs the help and how to get it out to them.

So basically the job that we want accomplished can be fortunately Suffolk County has this operation in effect already, we could give that money over to Tom Ronayne and then Tom could place it where it's needed the most and benefit those veterans of Suffolk County

that need the help. And that's exactly what this company's designed to do.

So just to go in mechanically what we do, everybody knows what a credit card is. And merchant processing is the process by which a credit card is swiped, it's processed, the money then goes to the business directly. What we we actually do sales for that operation. So anybody that signs up with American Patriot Credit Corp., we handle that processing for the business. We get a commission to do it like every other processing company out there. The difference is our we only hire veterans as far as we try to only hire veterans with most our predominant sales force is veterans. And we set up teams of salesmen. So a veteran would come in, we would train them, we would set him up as a team leader or a team member and they would go out and sell this merchant processing.

The byproduct of the merchant processing, then, is the commissions that they earn individually and also what the company earns, which then our scheme of donations about 10% of everything that comes in the door gets set aside, put into American Patriot Heroes Fund and then sent out to the various charities that we see fit.

What we want to do with Suffolk County is anything that's generated from the businesses of Suffolk County, we want to be able to take those funds, earmark them and send them over to the Veterans Affairs and let Tom Ronayne decide what to do with them. And that's not exclusively what we do, but we could provide a significant amount of money to Tom's organization. I mean, right now we're ready to write a check for at least \$5000, but I can't do that without your help. I believe I was told we need a Legislative resolution to give money to that organization. I don't know if that's the case or not. If it is

CHAIRMAN STERN:

{Inaudible}

MR. TRIMARCO:

Yeah, yeah, well, Tom was apprehensive about doing anything with us 'till I went and spoke with you guys, so and ladies. So we if he gets the thumbs up, I could start.

LEG. SCHNEIDERMAN:

We have done resolutions accepting gifts.

MR. TRIMARCO:

It is an ongoing. The great thing about this merchant processing is it's an ongoing donation. On a monthly basis Tom Ronayne's organization will be getting these funds based on our sales. So it's the that's the great thing. Every time somebody swipes a credit card in an establishment that accepts American Patriot Credit, money immediately goes to veterans. Now granted, it's pennies. It's not a lot of money in commission, but it's something. And as the business builds up, we're able to funnel more and more money to help these disabled vets.

Not to mention the fact that they're also working and, you know, it gives them a feeling of self worth. And I don't know if you guys deal with soldiers coming back, they don't take charity very well. And as far just handing them money, it's very difficult to get them to accept it. They're soldiers, they're trained to be self sufficient. They're trained to be fighting men and women. We give them a job, we say, *okay, you go out, this is what you have to do, you have to service that account, you have to keep up with it.* And they get a check for their labor. So it's not necessarily a hand out. It could be a hand out if somebody really needs it, but it's a twofold process. One, we provide the jobs. Second, we take the fruits of their labor and any profits that are thrown off a significant percentage then goes back into organizations that help disabled vets.

CHAIRMAN STERN:

Our Counsel has joined us so we'll just ask him George, the quick question is whether Suffolk County and more specifically our Veterans Services Agency can accept a donation from an outside private company and/or not for profit organization that can be, I guess,

devoted specifically towards programs that we provide to benefit our veterans and their families?

MR. NOLAN:

Well, yes we can. And I think it will require a resolution particularly if it's a conditional gift that the County's saying the money should be used for a specific purpose. And I believe one Legislator has already approached me about drafting such a resolution, I believe for this group.

CHAIRMAN STERN:

Very good.

MR. TRIMARCO:

Yeah, that's also true.

LEG. SCHNEIDERMAN:

On clarification because the way you describe it, there's a credit card that's used. And when it's used, a percentage would go to Suffolk County Vets. Right? Is that correct?

MR. TRIMARCO:

Essentially it's any credit card. Let's say you walk into a restaurant, use your Visa or Master Card. And they happen to participate in our program. There's a commission that we receive as the processing company to do that job. So it's not a specific credit card, it's any Visa, Master Card, American Express, Discover, what have you. If that establishment participates in our service, then we receive a commission as the sales company. The veteran that services that account gets his piece of that. The company gets another piece. Of that profit that the company generates, we then donate back.

LEG. SCHNEIDERMAN:

Okay. So you're making arrangements then with the vendor vendors, the stores to use you your company as the credit card processing company. And that company itself is a not for profit or going to be a not for profit or is a component of it? Because I'm my only concern because it sounds like a wonderful thing. And it would be, you know, great to generate some funds that get back to our veterans, they certainly need it. And if the County, Suffolk County is going to put its name so you're going to approach vendors and say, you know, piece of this, you know, Suffolk County Veterans, you know, Administration is part of this, I want to make sure that the it's wholly a not for profit and there's no profit as well. So can you just describe that?

MR. TRIMARCO:

The Heroes Fund is a not for profit, okay. The credit card processing company itself is not a not for profit. It can't be. It wouldn't really work that way because we have to hire teams of salesmen and pay them to do it. So the veterans that we hire the scheme of the business and in order to become involved you have to hire veterans in your sales team. So the Heroes Fund itself is a not for profit. That's the company that's going for 501(c)(3) status. That receives a direct donation from the for profit company. That's an ongoing, you know, we can guarantee that to the County of Suffolk.

LEG. SCHNEIDERMAN:

Right. So when you go to a store with your company, and you say, you know, *use our company, we give a percentage of the profits toward Suffolk County veterans*, you know and what percentage is that?

MR. TRIMARCO:

It's probably more than 10% of the profit. We use 10% as a mark that we don't go below. Okay. Anything that comes in that's not paid out of commissions, we take 10% right off the top and pay it to the Heroes Fund. Okay. So we're a self generating charity. The for profit is set up to generate funds for the not for profit, okay. The for profit has to go out and has to recruit sales teams and pay them commission. Anything that comes

up to the company itself after expenses are paid, a percentage of that then goes into the not for profit. It's really the only way it can work.

LEG. SCHNEIDERMAN:

Let me go back to Counsel for a second because now that we have a better sense of the arrangement, the for profit and the not for profit arrangement, can we still do this or would this have to be through an RFP process? There could be other potential credit card handling companies that give money to various charities. If they're going to use the County's name in their business model, I mean, how does that affect our ability to receive a gift?

MR. NOLAN:

Well, the County's name is going to be used as part of I'm not sure how the County's name is being used. Maybe you can explain that again.

MR. TRIMARCO:

We don't need to use the County's name necessarily

CHAIRMAN STERN:

Yeah, I don't think he's suggesting that.

MR. TRIMARCO:

in our marketing. We just want to be able to just donate money to the County. We're not necessarily going to go out and advertise that, hey, we're working with Suffolk County Veterans Services. It's not relevant. What is relevant to our marketing is that we promise to our customers that a percentage is going to help disabled veterans however that happens. So if the Legislature is more comfortable not we would agree to any scheme possible. I just need to take this money and give it.

LEG. SCHNEIDERMAN:

No, that's fine. So you just basically need us to say if you give us money, we'll take it. Right?

MR. TRIMARCO:

That's correct.

LEG. SCHNEIDERMAN:

Okay.

MR. TRIMARCO:

Absolutely.

MR. NOLAN:

And we can do that legally.

CHAIRMAN STERN:

Rick? Legislator Montano.

LEG. MONTANO:

Good morning, Mr. Trimarco. Actually you answered the main question I had. And that was the American Patriot Heroes Fund is a not for profit. You're going to go for 501(c)(3) status. But American Patriot Credit is a for profit venture. And you're committing 10% of all profits received from that to this particular charity?

MR. TRIMARCO:

That's correct.

LEG. MONTANO:

Okay. Just one thing on the issue of the disabled vets, you said that a maximum of 2800

is payable to anyone who's any disabled vet. And I guess that would be a hundred percent disability?

MR. TRIMARCO:

That was my understanding in interviewing veterans. I don't know the specific numbers.

LEG. MONTANO:

Oh, okay.

MR. TRIMARCO:

It's, you know, if you're disabled I can tell you this, it's not enough in my opinion.

LEG. MONTANO:

Well, 2800's not enough. But my question is so if you receive a hundred percent disability from the armed services, your disability payment is probably around \$2800 a month. If you are able to work, let's say you lost both limbs, you're fully disabled, but you can work at a computer station, if you work at a computer station and you get a job, do they deduct any income from I mean, do they deduct any of your disability based on certain income that you may make? Or is this just separate and apart? In order words, like social security, pensions. I'm just curious as to, you know, whether or not this is separate and apart, if you know?

MR. TRIMARCO:

My understanding is they can work and it does not affect the disability that they received. It's not the same as SSI

LEG. MONTANO:

Right.

MR. TRIMARCO:

where they, you know, obviously if you say you're disabled, you can't go out and work. I do believe if you try to, you know, if you're doing something that contradicts directly your disability, per se, you may have a problem. I know they can't reenlist. I know they can't come into the New York Guard

LEG. MONTANO:

Right.

MR. TRIMARCO:

because that may affect their disability. They can't be soldiers anymore, but they can work. They can work as salespeople. They can receive passive income.

LEG. MONTANO:

Got you.

MR. TRIMARCO:

But it's a little bit different than the way SSI works. We wouldn't be affecting we certainly wouldn't want to do that where we would affect any of the funds that they receive through disability, which is one of the reasons why I like the idea of working with Tom Ronayne. We don't have the resources in our company. It's a very small company. We just started to go out and find people that need the help and then send them checks. Whereas, you know, Suffolk County has commendably set up this organization. So if we can send him money, send Mr. Ronayne money, he's more equipped to funnel that to the veterans that need help.

LEG. MONTANO:

Last question, you said that the company will only hire veterans. And I think that's a worthy goal. But my question goes to, you know, having been involved in the Human Rights Commission, I was Executive Director, it seems to me and maybe I'm wrong, but it

seems to me that that statement runs contrary to the Human Rights Law in terms of, you know, you can't only I mean, can you do that legally? Can you say, *you know, we don't hire this person, that person, unless they're a veteran?* Are there exemptions in the Human Rights Law for that kind of restricted hiring?

MR. TRIMARCO:

Well, first of all, let me correct what I said. It's not only, it'd be impossible to run the company and only hire veterans. What we require by contract, and all our teams that go out and do sales, and we have them now spreading out all over the country, are headed up by an individual who may or may not be a veteran. But by contract he can only engage salespeople that are veterans of the armed services. And I believe that that would be in line with any human rights issues that you would have for hiring. We're not putting quotas on any kind of race or religion or any protected status; only that you be a veteran of the armed services to contract with us to do sales. And I don't think that that presents a problem.

LEG. MONTANO:

Okay. Right.

MR. TRIMARCO:

But as far as only we have individuals that are not veterans that work with us. Their agreement with me is, okay, you want to take a team out and you want to start selling to a specific region of the country, you need to go out and find vets and put them on your sales team. That's their contractual obligation.

LEG. MONTANO:

Right. Just So I understand it correctly, you're not everyone in the company needs to be a vet, but anyone in the sales department needs to be a vet. And there's an you think there's an exemption for that with respect to any Human Rights Law issue as to any I don't know if that's federal or state legislation. Would you know offhand?

MR. TRIMARCO:

They're actually independent contractors. I don't believe there's a problem. As an attorney I can tell you that if I'm contracting a sales an independent contractor and I say look, when you just as an aside, let's say I have an account because of my contacts or connections and I set that account up with American Patriot, American Patriot then gives that account over to a veteran that we put on our sales team.

LEG. MONTANO:

So he's on your team, but he's not really an employee

MR. TRIMARCO:

Correct.

LEG. MONTANO:

because he's going to get a 1099 is what you're saying.

MR. TRIMARCO:

That's correct. And some teams out there have their own corporations. They pay their if they decide to create an employee system, but I doubt they would in this case, they would be responsible for paying them and they would operate their own independent business. They're not direct employees.

LEG. MONTANO:

They're sort of like they're commission employees.

MR. TRIMARCO:

That's correct, they're commissioned employees. It's in the contract that they're all everybody out there is an independent contractor.

LEG. MONTANO:

Okay. Thank you very much. Interesting.

MR. TRIMARCO:

You're welcome.

CHAIRMAN STERN:

Legislator Browning.

LEG. BROWNING:

I guess part one of the question Rick asked. Now as far as your non profit's concerned, is that going to be veterans working for the non profit? Obviously you need to form a board. Is that board going to be formed of veterans?

MR. TRIMARCO:

In our application I'm actually one of the directors. The gentleman that wrote the quote on the hand out, on one side of the hand out is one of the them. Part of our charter and in our bylaws none of the directors or officers take a salary of the not for profit. And if we did happen to have to hire an employee of the non for profit I would like them to be veterans. But if that's not possible if we run into some issues the not for profit's specific. All it does is take donations. And hopefully we'll be able to take outside donations and then earmark those donations and send them out like to Tom Ronayne and Suffolk County Veterans Services.

Every region of the country that we deal with, let's say Nassau County, if Nassau County businesses are generating money, we go to the Nassau County. Then my next stop is the Nassau County Legislature. Commendably, and like I I don't think Nassau County has an organization like Suffolk County. Not every municipality does. And likewise if we happen to sign up municipalities to accept credit cards in Suffolk County, those funds are earmarked and sent specifically to Suffolk County for distribution. It's just we're lucky to have an organization like this in Suffolk County so we can take those funds, not have to worry about handing them out to another not for profit, we don't know what's happening with them. I know Tom, I like his organization. I don't have to worry about where the money's going.

So that's why we structure the company the way it's structured. And the not for profit itself, to answer your question specifically, nobody takes a salary from that not for profit.

LEG. BROWNING:

And how many people will be serving on that board?

MR. TRIMARCO:

There are three members of the board.

LEG. BROWNING:

Okay. Thank you.

CHAIRMAN STERN:

All right. You know, this committee is fortunate enough to hear from so many throughout our community that volunteer, that provide services, that run, you know, important organizations that serve our veterans and their families. And it's never the practice of this committee or this Legislature to endorse any of them and we don't here. But certainly it's important for all of us to be aware of these types of programs and potential opportunities for veterans throughout Suffolk County and even beyond. So we certainly wish you every success with your endeavor.

MR. TRIMARCO:

Thank you very much. And just let me know when I can send Tom a check.

CHAIRMAN STERN:

Very good.

MR. TRIMARCO:

Because I know he's anxious to get started with us. Again, just to satisfy any questions, we do not we're not here to use Suffolk County as a marketing tool. We don't need to. We just need a venue to give that money away; very simply.

CHAIRMAN STERN:

Very good. Thank you.

MR. TRIMARCO:

Thank you.

CHAIRMAN STERN:

Thanks for being here.

I am told that we do need to address IR 1331, which is a tabled resolution. So I will go to the tabled resolution.

TABLED RESOLUTION

IR 1331, Authorizing the filing of a grant application on behalf of the Disabled American Veterans (DAV) for federal capital assistance for the purchase of vans for its transportation program. This is something that we have taken care of through another resolution. So we can table it, we can table it subject to call. All right. So Legislator we don't Legislator Montano makes the motion to table subject to call. Legislator Browning seconds. So, all in favor? Any opposed? Any abstention? Motion carries. Okay. **TABLED SUBJECT TO CALL (VOTE: 5 0)**

Anybody else? Okay. Everybody, we're good. Very good. Thanks everyone.

THE MEETING CONCLUDED AT 12:09 PM

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