

RESOLUTION NO. 224 -2012, ADOPTING LOCAL LAW NO. 27 -2012, A LOCAL LAW AMENDING RESOLUTION NO. 1130-2011 TO EXPAND THE "CONTRACTORS WALL OF SHAME" TO INCLUDE ALL PROFESSIONS LICENSED BY SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 7, 2012, a proposed local law entitled, "A LOCAL LAW AMENDING RESOLUTION NO. 1130-2011 TO EXPAND THE "CONTRACTORS WALL OF SHAME" TO INCLUDE ALL PROFESSIONS LICENSED BY SUFFOLK COUNTY"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 27-2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING RESOLUTION NO. 1130-2011 TO EXPAND THE "CONTRACTORS WALL OF SHAME" TO INCLUDE ALL PROFESSIONS LICENSED BY SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Resolution No. 1130-2011 established a public registry for unscrupulous home improvement contractors operating in Suffolk County, known as the "Contractors Wall of Shame" ("Wall of Shame").

This Legislature also finds and determines that Resolution No. 1130-2011 required home improvement contractors be listed on the Wall of Shame if they were cited for operating without a license, had their license revoked or were convicted of a fraud or theft crime against a home improvement customer.

This Legislature further finds and determines that the County of Suffolk licenses a number of other professions in addition to home improvement contractors, including, but not limited to, electricians, plumbers, precious metal and gem exchanges, and dealers in second hand articles.

This Legislature finds that all the professionals licensed by the County should have their names posted on the Wall of Shame if they engage in illegal activity or have their license revoked.

This Legislature determines that the Wall of Shame should be expanded to apply to all professions licensed by the County Department of Consumer Affairs to protect County residents from the unscrupulous practices of any licensee.

Therefore, the purpose of this law is to amend Resolution No. 1130-2011 to expand the Home Improvement Contractors Wall of Shame to include all professions licensed by the County of Suffolk.

Section 2. Registry Renamed.

The Contractors Wall of Shame Registry established pursuant to Resolution No. 1130-2011 and amended pursuant to Section 3 of this law is hereby renamed the "Licensed Professions Wall of Shame Registry".

Section 3. Amendments.

- I. Section 3 of Resolution No. 1130-2011 is hereby amended as follows:

Section 3. Registry Established.

A registry is hereby established which shall contain the names, addresses and licensing information for persons operating [as a home improvement contractor in Suffolk County] in any profession licensed by the County of Suffolk who have been fined for operating without a valid license, had their licenses revoked, or convicted of a fraud or theft crime against their customers. The Department of Information Technology and the Department of Consumer Affairs are hereby directed to establish public online access for this registry.

- II. Section 4 of Resolution No. 1130-2011 is hereby amended as follows:

Section 4. Requirements.

- A) Any person who operates [as a home improvement contractor in Suffolk County] in any profession licensed by the County of Suffolk and has been fined for operating without a license, has had his or her [home contractor] license revoked, or has been convicted of a fraud or theft crime against a [home improvement] customer must register with the Department of Consumer Affairs within 15 days of receiving such an administrative determination or conviction.

- B) Each person required to register with the [Contractors] Licensed Professions Wall of Shame Registry shall submit:

- C) Each person required to register with the [Contractors] Licensed Professions Wall of Shame Registry shall remain on the registry for the duration of their non-compliance with the County's licensing laws. Individuals who have been convicted of a fraud or theft crime shall remain on the [Home Improvement License Offender Registry] Licensed Professions Wall of Shame Registry for a period of five (5) years following their release from incarceration or the date judgment was rendered, whichever is later.

- III. Section 6 of Resolution No. 1130-2011 is hereby amended as follows:

Section 6. Penalties.

Any person required to register with the ~~Contractors~~ Licensed Professions Wall of Shame Registry who fails to do so shall be charged with an unclassified misdemeanor and shall be punished by incarceration in a correctional facility for not more than one (1) year and/or a fine of up to one thousand dollars (\$1,000.00).

IV. Section 7 of Resolution No. 1130-2011 is hereby amended as follows:

Section 7. Applicability.

This law shall apply to all persons in violation of the ~~home improvement contractor~~ licensing laws for licensed professions codified in Chapter ~~345~~ 563 of the SUFFOLK COUNTY CODE on or after the effective date of this law.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: March 27, 2012

APPROVED BY:



County Executive of Suffolk County

Date:

APR 12 2012

After a public hearing duly held on April 9, 2012

Filed with the Secretary of State on May 17, 2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 27, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1105

Res. No. 224

March 27, 2012

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION

Approve

___ Table: _____

___ Send To Committee

___ Table Subject To Call

___ Lay On The Table

___ Discharge

___ Take Out of Order

___ Reconsider

___ Waive Rule ___

___ Override Veto

___ Close

___ Recess

APPROVED FAILED ___

No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Tim Laube

Roll Call ___ Voice Vote

Tim Laube, Clerk of the Legislature