

**RESOLUTION NO. 111 -2013, ESTABLISHING DISCLOSURE REQUIREMENTS FOR THE DEPARTMENT OF LABOR, LICENSING AND CONSUMER AFFAIRS ("CONSUMER PROTECTION AND AWARENESS ACT")**

**WHEREAS**, the top priority of the Department of Labor, Licensing and Consumer Affairs ("the Department") must be to protect consumers against unfair, deceptive and fraudulent practices in the marketplace; and

**WHEREAS**, the easiest and most effective way for the Department to enhance consumer protection in Suffolk County is to provide consumers easy access to the information it maintains regarding licensed contractors and consumer complaints; and

**WHEREAS**, consumers in the County of Suffolk have a right to obtain information about contractors they may hire to ensure that the consumer is making an informed decision; and

**WHEREAS**, the public should know that they can obtain records on licensed contractors maintained by the Department, as well as information on their rights and responsibilities as consumers; and

**WHEREAS**, the Department should promptly provide information about licensed contractors upon the request of consumers, to further consumer education and improve transparency in County government; now, therefore be it

**1st RESOLVED**, that the Department of Labor, Licensing and Consumer Affairs is hereby authorized, empowered and directed to promptly provide to consumers, upon their request, the following information regarding any licensed or unlicensed contractor, upon their request:

1. a description of all complaints registered against the subject contractor in the preceding 5 years;
2. the number of violations issued by the Department to the subject contractor in the preceding 5 years;
3. a description of the nature of said violations; and
4. an explanation of how each violation was resolved.

and be it further

**2nd RESOLVED**, that the Department is further authorized and directed to provide to any consumer requesting information regarding a contractor's violations with the amount of any monetary penalties assessed against the contractor and the extent to which those penalties were paid; and be it further

**3rd RESOLVED**, that the Department shall make a verbatim, stenographic record of each administrative hearing it conducts unless the complainant and the subject contractor agree to accept a tape recording of the hearing; the Department is authorized to charge a consumer or

contractor that insists upon a verbatim, stenographic record a fee of up to \$50 to offset the cost of making such record; and be it further

**4th RESOLVED**, that the Department is authorized and directed to provide a full transcript of any hearing it conducts to a consumer upon their request subject to applicable fees under New York's Freedom of Information Law; and be it further

**5th RESOLVED**, that notwithstanding the foregoing, consumers are limited to information requests for no more than three contractors every 90 days; and be it further

**6th RESOLVED**, that this resolution shall not be construed to require the Department to release information which is proprietary or personal in nature (i.e. a contractor's banking records, social security number, home address or home phone number) or the internal documents and notes produced by Department employees during the course of an investigation; and be it further

**7th RESOLVED**, that the Department of Information Technology is directed to work in cooperation with the Department of Labor Licensing and Consumer Affairs to make the information subject to disclosure pursuant to this resolution available on-line. To the extent information is made available on-line, the Department's disclosure obligations under this resolution will be satisfied; and be it further

**8th RESOLVED**, that nothing contained within this resolution shall preclude or in any way limit a citizen's right to obtain information from the Department pursuant to New York Freedom of Information Law; and be it further

**9th RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (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, and 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 resolution.

DATED: March 5, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 12, 2013