

NEWS FROM Legislator

Lou D'Amaro



SUFFOLK COUNTY LEGISLATURE

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D'Amaro's 'Consumer Protection and Awareness Act' Approved by the County Legislature

Measure Provides Residents with Easy Access to Information about Licensed Contractors

(RIVERHEAD, NY... March 6, 2013) – Planning on doing some home improvements? Now before you start ripping out any walls, you can avoid getting ripped off by an unscrupulous Suffolk County contractor thanks to a new bill conceived and authored by Legislator Lou D'Amaro (D-North Babylon).

Designed to enhance consumer protection and improve transparency by providing residents with easy access to information regarding licensed contractors and consumer complaints in County government, the Suffolk County Legislature unanimously approved Introductory Resolution 1002-2013, "Establishing Disclosure Requirements for the Department of Labor, Licensing and Consumer Affairs (The Consumer Protection and Awareness Act)" at the Legislature's March 5th General Meeting. The bill now goes before County Executive Steve Bellone who is expected to sign it into law.

"Passage of this measure is a big victory for Suffolk County consumers," said Legislator D'Amaro. "For the first time in Suffolk's history, residents will now be able to easily obtain vital records about contractors they are considering hiring. This information will ensure that consumers make informed decisions and hopefully avoid the negative experience of hiring a contractor with a poor track record."

The bill, which also received the full support of the Suffolk County Department of Consumer Affairs, has several key components. Upon request, residents will now be able to receive the following information regarding any licensed contractor:

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- A description of all complaints registered against the subject contractor in the preceding five years
- The number of violations issued by the Consumer Affairs Department to the subject contractor in the preceding five years
- A description of the nature of said violations
- An explanation of how each violation was resolved
- The amount of any monetary penalties assessed against the contractor and the extent to which those penalties were paid

“Prior to my bill, the only information that the Consumer Affairs Department would provide to residents was the number of violations issued against a particular contractor,” said D'Amaro. “This nonsensical practice led me to question how a consumer could possibly make an informed decision about whether or not to hire a contractor without knowing anything about the violations that the contractor was issued and if these violations were ever remedied? To make matters worse, residents had to go through the cumbersome Freedom of Information Law (FOIL) process, where requests can take upwards of 30 days to process and be arbitrarily denied, just to receive incomplete records at best.”

In order to streamline the process, consumers will be limited to information requests for up to three contractors every 90 days. However, individuals will still be able to obtain records older than five years and for more than three contractors pursuant to FOIL procedures. To protect the privacy of contractors, information that is proprietary or personal in nature, such as banking records, social security numbers, home addresses and home telephone numbers, will not be released to the public. Internal Consumer Affairs Department documents and employee notes are also precluded from release.

“The concept for this legislation actually originated from several constituent complaints I received involving the Consumer Affairs Department,” said D'Amaro. “When I contacted the Department, I was shocked to learn that this type of information was not already being provided. In my mind, I thought what is the point of even having a Consumer Affairs Department if it is not going to provide the most basic functions? The end result was another perfect example of democracy in action. A very reasonable constituent request got the ball rolling on instituting a new, more open countywide policy.”

Another component of the bill relates to the records from administrative hearings conducted by the Consumer Affairs Department following a contractor investigation. These hearings can ultimately lead to violations, fines and even license revocations for the most unscrupulous contractors. Currently, records of these proceedings are only available via an audio recording. Under the D'Amaro bill, however, a verbatim stenographic transcript of the hearing will be required unless both the complainant and the subject contractor agree to accept a tape recording.

“This was another provision of the legislation directly related to a constituent experience,” said D'Amaro. “A complainant once requested a copy of the audio recording of the administrative hearing only to be told by Consumer Affairs that the recording had been misplaced. That is an unacceptable

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situation, especially given the fact that the testimony and findings from these hearings could be the key to consumers recouping significant amounts of money during a future court proceeding against a contractor. Verbatim stenographic records will ensure that such a scenario never happens again.”

The final component of the bill directs the Consumer Affairs Department to work in concert with the Information Technology Department to make the aforementioned information available online. To the extent that this information is posted on the web, Consumer Affairs will be relieved of its obligation to supply individuals with hard copies of the records. This is without a doubt the most cost effective and efficient way to implement the new policy. It also goes hand in hand with the Department's overall goals to provide residents with faster and easier access to critical documentation.

“I am proud to announce that the days of being stonewalled by the Consumer Affairs Department are finally over,” concluded D'Amaro. “Not only will residents have quick access to information that is crucial to their decision making process, but qualified contractors with good track records will also be rewarded after consumers complete their due diligence and steer their business towards the most upstanding companies.”

“Perhaps just as important is the fact that all of the provisions in this bill can be implemented using existing County staff at no additional cost to taxpayers. I applaud my colleagues for approving the measure and encourage all County residents to take advantage of this new transparent policy when hiring a contractor.”

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Suffolk County Legislator Lou D'Amaro represents the 17th Legislative District, which includes parts of Huntington, Huntington Station, South Huntington, Melville, West Hills, Cold Spring Hills, Dix Hills, Deer Park, North Babylon and West Babylon. He is chairman of the Ways & Means committee and vice chairman of both the Parks & Recreation and Economic Development & Energy committees of the Suffolk County Legislature.