

TO: The Honorable Members  
Westchester County Board of Legislators

FROM: Gary S. Brown, Director  
Department of Consumer Protection

DATE: November 19, 2009

RE: 2010 Budget

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The mission of the Department is to protect the interests of all Westchester consumers by implementing and enforcing the Westchester County Consumer Protection Code and related laws of New York State. The Department ensures a fair and equitable marketplace for consumers and merchants by resolving consumer complaints, enforcing the Consumer Protection Code, and implementing programs to educate citizens on consumer issues. Some of the key activities of the Department are highlighted below.

#### PROGRAM AREAS AND SERVICES

- Investigate and mediate consumer complaints involving businesses such as home improvement contractors, automobile dealers, utilities and retailers. The department has obtained over \$600,000 in restitution for consumers year-to-date thru October.
- Weights and Measures: Ensure package weight accuracy; accuracy of gasoline pumps; accuracy of meters on heating oil delivery trucks; accuracy of retail scanners; test gasoline for octane level and contamination; enforce county law prohibiting sale of outdated perishable foods; enforce county item pricing law.
- Licensing Services: License home improvement contractors; register automated teller machines; assist in the licensing of waste haulers; enforce aspects of new lawn fertilizer law that apply to retailers and licensed landscapers.
- Consumer Outreach and Education: Raise consumer awareness through website, public speaking and seminars, and informational brochures; conduct and publicize surveys of gasoline and heating oil prices; host monthly "Westchester Consumer Watch" radio program; appear monthly on Daytime Edition on News 12; issue quick news and consumer alerts.
- Administration: Enforce Consumer Protection Code; conduct over 600 hearings annually for violations of Consumer Protection Code.

## LEGISLATIVE INITIATIVES

- Protected the environment by enforcing county law that requires landscapers to use low emission leaf blowers as of January 1, 2009.
- Began implementation of new county law that restricts the sale and use of lawn fertilizer that contains phosphorous; this included enforcement of (i) signage requirement for stores that sell fertilizer, and (ii) requirement that licensed landscapers complete a turf management course.
- Promoted child safety by enforcing county law requiring retailers to post a warning sign about the danger of drowning posed by inflatable pools.
- Promoted consumer protection by utilizing county law to seize and impound the vehicles and tools of 12 unlicensed home improvement contractors.

## DEPARTMENT INITIATIVES

- Partnered with state, county and not-for-profit agencies to launch Senior Crime Busters, a proactive elder fraud and crime prevention program that provides tips to seniors on how to stay safe and avoid financial exploitation and other scams.
- Continued investigation of the sale of outdated food at area supermarkets, after a highly-publicized 2007 investigation found an average of 88 outdated items per store. We found that the number of outdated items was 35 per store, a decrease of 60% from the initial investigation. To promote even greater compliance, fines totaling \$59,000 were issued to the 21 stores which had 10 or more items that were at least 4 days outdated.
- Nabbed a total of 121 unlicensed contractors during three enforcement sweeps, in which inspectors fanned out across the county and checked worksites for unlicensed contractors.
- Departmental enforcement efforts, buttressed by new laws that dramatically increase the penalties for repeat violators and authorize the seizure/impound of vehicles and tools, are making a difference, as the percentage of unlicensed contractors found during the most recent sweep - - 9% - - dropped sharply from sweeps in prior years when 17% of contractors found to be working in the county were unlicensed.

- Increased review of home improvement contractor advertisements to determine compliance with Consumer Protection Code and to identify advertisements placed by unlicensed contractors.
- Worked with municipal building inspectors to ensure that unlicensed contractors do not obtain building permits.
- To ensure that licensed contractors are familiar with the basic legal requirements of home improvement work, in 2008 the department implemented a new written test for first-time applicants for a home improvement license. This will help contractors avoid problems, and will offer additional protection to consumers.
- As part of the department's efforts to help consumers avoid identity theft, worked to promote use of county Mobile Shredder and to educate consumers about the importance of shredding documents which contain personal identifying information.
- Launched financial education campaign to educate and empower Westchester residents to make the best use of their financial resources in the consumer marketplace.
- Conducted two-day Financial Helpline in July and October which received over 600 calls.
- Launched Market Basket Survey of prices at area supermarkets.
- Launched survey of ATM fees charged by area banks.
- Launched survey of refund policies and restocking fees of 30 major retailers.
- Assisted in program to help eligible Westchester residents receive the maximum benefits of the Earned Income Tax Credit program.

#### OUTREACH INITIATIVES

- By year's end, will have made 47 Senior Crime Buster presentations to over 2,000 seniors throughout the county.
- Convened Financial Education Conference at the County Center, and presented series of financial workshops for groups including seniors, veterans and the One Stop Employment Center.
- Issued timely quick news, consumer alerts and new web pages.

- Posted new web pages on subjects including how to avoid the latest identity theft scams, the “grandson” scam, and deed rip-offs.
- Updated website to warn about predatory lending and loan modification scams, and to assist homeowners facing foreclosure.
- Conducted monthly radio program on consumer issues and made monthly appearance on Daytime Edition on News 12.

#### DEPARTMENT ACCOMPLISHMENTS

- Collected revenue in 2008 of nearly \$1.75 million, resulting in actual tax levy for the department of only \$121,699.
- Obtained over \$833,000 in restitution for consumers in 2008, which was nearly 7 times greater than the department’s actual tax levy.
- Obtained over \$600,000 in restitution for consumers year-to-date thru October 2009.
- Number of home improvement contractors remains near all-time high, despite downturn in the economy. There are now over 7,550 licensed contractors in Westchester.
- Continued crack-down on unlicensed home improvement contractors by conducting enforcement sweeps, utilizing new seizure/impound law, assessing increased penalties, and ensuring that unlicensed contractors are barred from home improvement showcases in the county.
- Automated field weights and measures inspections, and conducted increased number of inspections.
- Conducted investigations of issues such as the sale of outdated food and zone pricing of gasoline.

#### REVENUES

Fees paid for the testing of weighing and measuring devices are established by the New York Agriculture and Markets Law. Licensing fees paid by home improvement contractors, and registration fees paid by operators of automated teller machines, are required by the Westchester County Consumer Protection Code. Civil penalties are imposed and collected for violations of applicable consumer protection laws.

