

TO: The Honorable Members
Westchester County Board of Legislators

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

DATE: November 20, 2007

RE: 2008 Budget

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 amount of restitution obtained for consumers in 2007 has increased significantly over the amount obtained in prior years, and is up 47% year-to-date through October over 2006.
- Weights and Measures: Ensure package weight accuracy; test accuracy of gasoline pumps and meters on heating oil delivery trucks; test gasoline for contamination; check for outdated perishable commodities; test accuracy of supermarket scanners; check for compliance with item pricing law.
- Licensing Services: License home improvement contractors; register automated teller machines; assist in the licensing of waste haulers; enforce W-Fi network security legislation.
- Consumer Outreach and Education: Raise consumer awareness through informational brochures, public speaking and seminars; conduct and publicize price surveys of gasoline and heating oil; maintain website; host monthly 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

- Proposed new legislation requiring retailers to post a warning sign about the danger of drowning posed by inflatable pools. Legislation was passed unanimously.
- Worked for passage of new legislation requiring landscapers to use low emission leaf blowers. New law will take full effect in 2009, and be administered and enforced by the Department.
- Proposed new legislation authorizing the seizure and impound of vehicles and tools used by unlicensed home improvement contractors. Legislation passed unanimously.

DEPARTMENT INITIATIVES

- To assure public safety in the aftermath of numerous toy recalls, inspected retailers throughout the county to ensure that all recalled toys were removed from store shelves.
- Purchased and tested toy jewelry to determine whether items contain lead. Tests revealed that 75% of toy jewelry contained excessive amounts of lead. Department inspectors had the items removed from the shelves, and the Department publicly warned parents not to let their kids play with toy jewelry.
- Conducted survey of supermarkets to determine how many are displaying brochure or sign advising consumers about mercury in fish. Through follow-up efforts ultimately got 95% of supermarkets in the county to participate.
- Conducted county's first-ever undercover "sting" operation against unlicensed home improvement contractors, which led to the arrest of 17 unlicensed contractors.
- Conducted fall and spring sweeps of unlicensed home improvement contractors.
- Increased review of home improvement contractor advertisements to determine compliance with Consumer Protection Code and to identify advertisements placed by unlicensed contractors.
- Increased enforcement of Consumer Protection Code provision which requires advertisers to offer rain checks to consumers if a product advertised as being "on sale" is unavailable.
- Worked to promote use of county Mobile Shredder and to educate consumers about the importance of shredding documents which contain personal identifying information.

- Conducted survey of health clubs to determine compliance with state laws requiring (i) a bond or other form of financial security, and (ii) availability of defibrillators and cardiopulmonary resuscitation equipment .
- Assisted in program to help eligible Westchester residents receive the maximum benefits of the Earned Income Tax Credit program.

OUTREACH INITIATIVES

- Increased frequency of quick news, consumer alerts and new web pages.
- Published new brochures on Choosing a Health Club, Hiring a Home Improvement Contractor, The Dangers of Baby Walkers, The Perils of Credit Cards for College Students, and How to Reduce Junk Mail and Unwanted Telemarketing Calls.
- Posted new web pages with information on how to avoid foreclosure and how to avoid foreclosure rescue scams.
- Participated in launch of “Don’t Borrow Trouble” campaign to warn about predatory lending and assist homeowners facing foreclosure.
- Posted new web page on how to choose a credit card.
- Conducted public safety campaign on the dangers of baby walkers.
- Posted new web page on how to read food labels.
- Posted new web page on latest identity theft scams.
- Produced new videos on joining a health club and hiring a home improvement contractor. Videos were posted on county website and on IO Cablevision Channel 504.
- Worked with Northeast Spa & Pool Association to conduct countywide pool safety campaign which emphasized the importance of having a pool alarm.
- Conducted monthly radio program on consumer issues and made monthly appearance on Daytime Edition on News 12.

DEPARTMENT ACCOMPLISHMENTS

- Licensed record high number of home improvement contractors. There are now over 7,000 licensed contractors in Westchester.

- Conducted county's first-ever undercover sting of unlicensed home improvement contractors.
- Issued record number of new web pages and brochures.
- Conducted increased number of inspections.
- Obtained nearly \$900,000 in restitution for consumers thru October (increase of 47% over 2006 year-to-date amount).

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.