

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,  
Presiding Officer

GOVERNMENT SERVICES AND OPERATIONS  
COMMITTEE

JAMES KENNEDY, Chairman

1550 Franklin Avenue  
Mineola, New York

Monday, March 12, 2018  
5:36 P.M.

1

2     A P P E A R A N C E S :3     JAMES KENNEDY,  
4         Chairman5     DENISE FORD,  
6         Vice Chairwoman

7     THOMAS MCKEVITT

8     JOHN FERRETTI

9     ELLEN BIRNBAUM,  
10         Ranking

11     ARNOLD DRUCKER

12     JOSHUA LAFAZAN

13     MICHAEL PULITZER,  
14         Clerk of the Legislature

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LIST OF SPEAKERS

GREGORY MAY . . . . . 5

1 Government Services/3-12-18

2 CHAIRMAN KENNEDY: At this time I  
3 will call the Government Services and  
4 Operations Committee to order. Clerk to  
5 call the roll.

6 CLERK PULITZER: Legislator  
7 Joshua Lafazan?

8 LEGISLATOR LAFAZAN: Here.

9 CLERK PULITZER: Legislator  
10 Drucker?

11 LEGISLATOR DRUCKER: Here.

12 CLERK PULITZER: Ranking Member  
13 Ellen Birnbaum?

14 LEGISLATOR BIRNBAUM: Here.

15 CLERK PULITZER: Legislator  
16 Ferretti?

17 LEGISLATOR FERRETTI: Here.

18 CLERK PULITZER: Legislator

19 Thomas McKeivitt?

20 LEGISLATOR MCKEVITT: Here.

21 CLERK PULITZER: Vice Chairwoman  
22 Denise Ford?

23 LEGISLATOR FORD: Here.

24 CLERK PULITZER: Chairman James  
25 Kennedy?

1 Government Services/3-12-18

2 CHAIRMAN KENNEDY: Here.

3 CLERK PULITZER: We have a  
4 quorum.

5 CHAIRMAN KENNEDY: There is one  
6 item on the agenda today which is Clerk Item  
7 98-18, it is a local law to increase the  
8 protection of the consumers of Nassau County  
9 by amending the County Charter and the  
10 Administrative Code in relation to combining  
11 the Taxi and Limousine Commission with the  
12 Office of Consumer Affairs to create a  
13 Department of Consumers Affairs and defining  
14 the duties of that department.

15 LEGISLATOR FERRETTI: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRMAN KENNEDY: Moved by  
18 Legislator Ferretti, seconded by Legislator  
19 Ford. The item is before us. Do we have  
20 anyone here to speak about this?

21 MS. ROTHCHILD: Legislator  
22 Kennedy, we have Greg May here to discuss  
23 Clerk Item 98-18.

24 CHAIRMAN KENNEDY: Thank you.

25 MR. MAY: Good evening. Good

1 Government Services/3-12-18

2 afternoon or evening, I don't know if we  
3 officially switched over yet or not.

4 This is a local law that is going  
5 to combine, if approved, the Taxi and  
6 Limousine Commission with the Office of  
7 Consumer Affairs consolidating the functions  
8 of both departments allowing for cross  
9 training of the consumer affairs  
10 investigators and Taxi and Limousine  
11 investigators so that we will be stronger  
12 together than we were separated.

13 That is the elevator pitch. I'm  
14 happy to answer any questions that the body  
15 may have.

16 CHAIRMAN KENNEDY: So the  
17 legislation allows the Commissioner to issue  
18 temporary licenses to aid in the recovery  
19 from natural or other disasters?

20 MR. MAY: That's correct.

21 CHAIRMAN KENNEDY: Do other  
22 jurisdictions issue this type of license?

23 MR. MAY: I'm not sure if other  
24 jurisdictions issue this type of license but  
25 we've experienced this especially with the

1 Government Services/3-12-18

2 aftermath of Hurricane Sandy, was a need to  
3 get the pool of contractors to be wider than  
4 it was at the time.

5 I can certainly look into it for  
6 the Full Legislature if there are similar  
7 measures in other jurisdictions. But we  
8 believe as an emergency measure it was  
9 necessary and unfortunately may be necessary  
10 in the future.

11 It's certainly not my preference  
12 to issue anyone a temporary license. We  
13 want them to go through the full process but  
14 in the event there is some kind of natural  
15 disaster, obviously we want to do everything  
16 we can to allow people to get back into  
17 their homes in as timely a manner and as  
18 safe a manner as possible.

19 CHAIRMAN KENNEDY: Could you  
20 explain just explain like a bird's eye view  
21 of what this legislation -- just explain a  
22 little more, what the purpose of this is?

23 MR. MAY: Of the legislation  
24 broadly?

25 CHAIRMAN KENNEDY: Yes, just a

1 Government Services/3-12-18

2 broad overview of legislation.

3 MR. MAY: So in 2014, this body  
4 separated the Taxi and Limousine function  
5 from the Office of Consumer Affairs. It  
6 created a stand alone department that I was  
7 appointed the head of.

8 When the Taxi and Limousine  
9 Commission was created, we were issuing  
10 about 300, 350 violations a year under the  
11 Office of Consumer Affairs.

12 The first year we were in  
13 operation, 2015 we issued about 350, 380  
14 violations.

15 The following year was when we  
16 first had our Taxi and Limousine  
17 investigators on board. We issued about  
18 4,800 violations. This past year we issued  
19 about 6,500 violations. That was 2016.

20 We brought in about \$1.2 million  
21 to the county; last year we brought in about  
22 \$1.8 million to the county.

23 We were able to build out  
24 essentially from scratch a management system  
25 for all of our taxi registrations, driver



1 Government Services/3-12-18

2 licenses, violations issued company owners,  
3 a really comprehensive system that was  
4 originally developed under the Apex  
5 Development Group from the Department of  
6 Information Technology.

7 I usually take this time to give  
8 a shout out to the Department of Information  
9 Technology especially their Apex Development  
10 Group, they are excellent and always enjoyed  
11 working with them in the products that  
12 they've produced for the county as CSEA  
13 union employees is I think bar none one of  
14 the highlights of this county, the work that  
15 these guys pump out for us.

16 Anyway, with the Apex program  
17 that we developed, we were able to issue  
18 violations in the street, we have a number  
19 of vehicles that are equipped with  
20 computers, printers, internet access and  
21 everything is done in real time.

22 The Office of Consumer Affairs is  
23 not quite there.

24 So what we are planning on doing,  
25 as we combine the two departments we're

1 Government Services/3-12-18

2 going to be able to build-out the computer  
3 system that we developed for the Taxi and  
4 Limousine Commission and we're going to be  
5 able to take the investigators from TLC and  
6 use them to shore up the investigators in  
7 the Office of Consumer Affairs.

8 We have two separate tranches of  
9 employees, I think three, we have weights  
10 and measures, inspectors, we have Consumer  
11 Affairs investigators, we have clerks and we  
12 all have now Taxi and Limousine  
13 investigators.

14 By combining the two departments  
15 we are going to support the missions of both  
16 departments; the weights and measure  
17 inspectors handle the Article 16 of the  
18 Agricultural and Markets Law, State Law.

19 We have about six staffers in  
20 that division.

21 The Consumer Affairs  
22 investigators in the Office of Consumers  
23 Affairs, I think there are seven of them  
24 currently. There are five currently in the  
25 Taxi and Limousine investigator position.

1 Government Services/3-12-18

2 When we combine the departments,  
3 we will have 12 individuals able to go out  
4 and do enforcement day-to-day. You serve  
5 the longer winded version of what I had said  
6 earlier. We are going to be able to combine  
7 the resources of both departments and use  
8 them in a much more proactive manner to  
9 protect the consumers in Nassau County.

10 CHAIRMAN KENNEDY: Are you adding  
11 any powers to the Department of Consumers  
12 Affairs?

13 MR. MAY: I don't believe we are  
14 specifically adding any powers to the  
15 Department of Consumers Affairs.

16 The section of law you just read  
17 from would be the powers of the Commissioner  
18 allows me to issue temporary licenses,  
19 suspend licenses, waive certain requirements  
20 for licensees as they deem fit based on  
21 review of an applicant's application, or  
22 their qualifications.

23 But, in reviewing the law, I  
24 don't think we're adding anything to the  
25 Office of Consumer Affairs.

1 Government Services/3-12-18

2 CHAIRMAN KENNEDY: I was  
3 concerned that possibly some less than  
4 scrupulous people could obtain licenses and  
5 possibly cause harm to county residents who  
6 may have suffered from a natural disaster.

7 MR. MAY: Certainly we don't want  
8 that and unfortunately we have learned quite  
9 a lot from our experience during Hurricane  
10 Sandy. I'm sure as many of you know, we  
11 have been to community events with  
12 Legislator Ford and seen the unfortunate  
13 results in many cases good contractors who  
14 took on too much work, and fewer cases bad  
15 contractors who took on any work.

16 Our goal is to review everyone's  
17 qualifications to make sure that the  
18 individuals who are licensed by that  
19 department, this department, are qualified  
20 and capable individuals.

21 Again, unfortunately Hurricane  
22 Sandy was a learning event for everyone.  
23 It's how do you strike the right balance  
24 between getting people back in their homes  
25 and really clamping down on the businesses?

1 Government Services/3-12-18

2 It's not easy, but I've lived in this county  
3 my entire life. I've never seen the  
4 devastation like Super Storm Sandy. I think  
5 we all hope we never see the devastation of  
6 Super Storm Sandy. So the plan would be  
7 that we would not be issuing temporary  
8 licenses.

9 I think under extraordinary  
10 circumstances, God forbid, it may be  
11 necessary, but certainly that's not the  
12 plan.

13 CHAIRMAN KENNEDY: Legislator  
14 Birnbaum.

15 LEGISLATOR BIRNBAUM: Hi. So do  
16 have you figured out any anticipated cost  
17 savings as a result of the consolidation?

18 MR. MAY: There are certain  
19 savings on the staffing end, the most  
20 obvious being that we will not have to hire  
21 additional investigators for the Office of  
22 Consumer Affairs by consolidating my  
23 department into the Office of Consumer  
24 Affairs. We pick up five investigators that  
25 will enforce the 28 or so consumer

1 Government Services/3-12-18

2 protection laws that we have on the books.

3 There's savings in terms of,  
4 there's one Commissioner instead of two; one  
5 deputy instead of two; I mean, there are  
6 obviously savings on the personnel end.

7 I think more importantly we are  
8 going to see, it's not exactly a savings but  
9 with the increased presence of enforcement  
10 on the road, we will see hopefully two good  
11 things happen, right, we will be able to  
12 issue more violations which has I guess the  
13 side benefit of there being some revenue to  
14 the county but also bringing more people  
15 into compliance which is what we want in the  
16 first place.

17 The same thing under the Taxi and  
18 Limousine Commission. We don't really want  
19 to be issuing violations. What we want is  
20 for people to be in compliance.

21 So with the additional resources  
22 that we have available, by combining the two  
23 departments, we expect to be able to realize  
24 those goals.

25 LEGISLATOR BIRNBAUM: So, as a

1 Government Services/3-12-18

2 result, in terms of staffing needs, you  
3 won't be eliminating any positions? The  
4 upper level, but will you be hiring  
5 additional staff?

6 MR. MAY: We don't anticipate  
7 needing additional staff amongst the  
8 Consumer Affairs investigators.

9 I have recommended to the  
10 administration, I don't think I'm talking  
11 out of school here, our weights and measures  
12 division, as I said, enforces Article 16 of  
13 the Agriculture and Markets Law. We have  
14 six employees in that division. I believe  
15 most if not all of them are of retirement  
16 age. We have had several people leave due  
17 to voluntary separation incentives.

18 It would be important to get  
19 people in that department so we can start  
20 training essentially the new class of  
21 weights and measure inspectors.

22 At this time I don't foresee  
23 needing a lot of hires in that division. We  
24 may need help in the clerical department.

25 However, I'm hoping advances in

1 Government Services/3-12-18

2 technology and utilizing the Apex developed  
3 software that I used for Taxi and Limousine  
4 commission, we can eliminate a lot of that  
5 need.

6 LEGISLATOR BIRNBAUM: Do we need  
7 a Charter change of any sort because we're  
8 eliminating a Commissioner's position?

9 MR. MAY: I don't necessarily  
10 want to speak to whether or not we need a  
11 Charter change. I think the way the local  
12 law is drafted is sufficient.

13 LEGISLATOR BYNOE: Okay.

14 CHAIRMAN KENNEDY: Legislator  
15 Ford is next.

16 LEGISLATOR FORD: Thank you.  
17 Good afternoon. You're going to move the  
18 investigators from the TLC over to Consumer  
19 Affairs?

20 MR. MAY: Certainly that is the  
21 plan. We have to work with the Civil  
22 Service Commission.

23 LEGISLATOR FORD: I was just  
24 going to say, are the job titles the same?

25 MR. MAY: The job titles are



1 Government Services/3-12-18

2 largely the same. I believe there is a  
3 difference in grade between the two. And  
4 obviously we will do everything we can to  
5 harmonize those and work within civil  
6 service rules.

7 LEGISLATOR FORD: Will there be  
8 any training requirements for the people to  
9 take over as to take on investigating for  
10 Consumer Affairs?

11 MR. MAY: There is training that  
12 would be required. I've already reached out  
13 to the police department and worked with the  
14 police academy to train -- actually the  
15 entire group of investigators, my TLC  
16 investigators were given I think a two week  
17 training when they came on.

18 We have started the process to  
19 get them a refresher course. It's been  
20 about two years since they have had the  
21 training. We want to give them a refresher  
22 course so it's is fresh in their minds.

23 And then offer training courses  
24 for the Consumer Affair's investigators and  
25 the weights and measures inspectors.

1 Government Services/3-12-18

2 LEGISLATOR FORD: So are you  
3 going to change it so the Consumer Affairs  
4 investigators may be able to fill in the  
5 role as an investigator for the TLC?

6 MR. MAY: It would be for both  
7 sets of individuals to be cross trained.  
8 For example, if we were to do an item price  
9 verification, kind of making something up  
10 here on the fly at the Stop and Shop in  
11 Carle Place down the road on Old Country  
12 Road, they can also then swing by the Carle  
13 Place train station and see if there are any  
14 unauthorized for-hire vehicles.

15 The management of the work force  
16 will allow us to broadly enforce all of the  
17 consumer protection laws, in a way cross  
18 training. The mantra is going to be cross  
19 training.

20 We want all potentially 12  
21 Consumer Affairs investigators to work with  
22 and support each other on the broad gamut of  
23 consumer protection laws.

24 LEGISLATOR FORD: Right. It's  
25 like killing two birds with one stone. But

1 Government Services/3-12-18

2 how many clerks do you have in the TLC that  
3 are going to be going over to Consumers  
4 Affairs as well?

5 MR. MAY: No, I have a community  
6 services representative. I have someone on  
7 loan from Parks and now I have five TLC  
8 investigators in the Office of Consumer  
9 Affairs. There is a Clerk 3, Clerk 2, Clerk  
10 1. There's a Clerk 1 bilingual.

11 Then there are seven  
12 investigators; two Consumer Affairs  
13 Investigator 3s, two Consumer Affairs  
14 Investigator 2s, three Consumer Affairs  
15 Investigator 1s.

16 We just promoted, the promotion  
17 will be effective this Friday an individual  
18 from the weights and measures inspector two  
19 title to the assistant weights and measures  
20 director one title. That will leave with us  
21 one weights and measures inspector 2 and  
22 then four weights and measures inspectors  
23 1s.

24 LEGISLATOR FORD: That's good.  
25 Just to go back to what Legislator Kennedy

1 Government Services/3-12-18

2 was touching upon with the temporary  
3 licenses.

4 That would only be during extreme  
5 emergencies?

6 MR. MAY: I am personally very  
7 hesitant to issue anybody a temporary  
8 license until we've been fully able to vet  
9 the individual for whatever that license is.

10 And, again, it's really a  
11 question of bandwidth. If there is God  
12 forbid one 100,000 homes on the South Shore  
13 that need to be elevated, cleaned out,  
14 whatever, we don't want to tell our  
15 residents and our constituents, no, no, hold  
16 on. It's going to take a couple of months.  
17 We have to get more people in, get them  
18 licensed.

19 Again, it's a very particular  
20 circumstance. We have not had a Super Storm  
21 Sandy in our recent memory and we haven't  
22 really had one since.

23 I'm not jinxing anything with the  
24 weather tonight or hurricane season or  
25 anything else. It just seems like such a

1 Government Services/3-12-18

2 one off event.

3 Again, I hesitate to make any  
4 offers on the record but certainly if there  
5 needs to be a declaration of emergency prior  
6 to issuing these temporary licenses, that  
7 can certainly be looked at.

8 The goal is not to be issuing  
9 temporary licenses willy nilly especially to  
10 home improvement contractors who, for  
11 example, may be lifting someone's house  
12 eight or 12 feet into the air. We want to  
13 make sure that everyone's properly vetted  
14 before they're doing that work.

15 LEGISLATOR FORD: I think it's a  
16 good move actually because I know, we know  
17 with Sandy, that in some cases especially  
18 with some of our local people who had worked  
19 for somebody and then started their own  
20 company, the delay in their getting  
21 licenses.

22 So where maybe when you happen to  
23 know the people very well and know the kind  
24 of work they do, we can expedite their being  
25 able to do the work. Especially home

1 Government Services/3-12-18

2 lifters and certain things, I think it is a  
3 good movement.

4 The other, I guess, expansion you  
5 talked about the arrangement for the redress  
6 of injuries or damage caused by any  
7 violation of the article and may otherwise  
8 provide for the whole bit.

9 Is that in response going to --  
10 maybe you can explain it, but is that going  
11 to expand your authority to be more vigorous  
12 and to be able to be more punitive against  
13 those people that totally take advantage?

14 MR. MAY: I would hesitate to say  
15 on the record that we are looking to be more  
16 punitive towards anyone.

17 I think the idea is to allow us  
18 to negotiate settlements, in practice it may  
19 be more of an ability to offer reductions to  
20 conclude the transaction if it makes more  
21 sense, especially if a consumer is involved,  
22 to reduce the violation in the contract it  
23 may receive.

24 If that facilitates the work  
25 being done or and sort of getting everybody

1 Government Services/3-12-18

2 out of what the jam is they are in, I  
3 believe that's what that section is  
4 referring to.

5 Again, I don't know want to say  
6 we are being punitive. I think the  
7 violation caps in the law is about \$5,000.  
8 For example, in the Taxi and Limousine  
9 Commission the max fine of \$5,000 is  
10 typically levied after someone has been  
11 issued three or more violations.

12 Again, it's not so much of it  
13 being punitive, it's about giving us the  
14 ability to facilitate settlements amongst  
15 consumers in contract.

16 Really the goal is to a consumer  
17 friendly organization and to be perfectly  
18 honest we also want to be business friendly.  
19 I understand that those two impulses are  
20 intention, but for example the application  
21 process. We want to be business friendly in  
22 the sense that we need to streamline the  
23 application process.

24 Right now the application process  
25 is heavily paper based. The goal is to move

1 Government Services/3-12-18

2 towards the Apex developed computer based  
3 application process and division. I don't  
4 want to commit to any kind of time line here  
5 for contractors to be able to apply online.

6 What year are we in? 2018. The  
7 idea that somebody should be able to go on  
8 the Nassau County website, plunk in their  
9 information and hit send, that we should be  
10 able to review without waiting for paper  
11 documents, or anything like that, and that's  
12 a goal, and I don't want to commit to a time  
13 line here, but when I say we are trying to  
14 be both consumer friendly and business  
15 friendly, those are the kinds of things  
16 we're talking about.

17 LEGISLATOR FORD: Obviously you  
18 are and I appreciate you don't want to take  
19 that stance that you would be punitive  
20 because I understand that sometimes  
21 businesses have or contractors have a  
22 reasonable explanation as to why something  
23 wasn't done.

24 But I think I like the movement  
25 that you are going in; streamlining



1 Government Services/3-12-18

2 everything and trying to make it because, I  
3 know, we've been at meetings where we're  
4 dealing with a lot of people that are  
5 hurting right now and that feel victimized  
6 by a system that seems to be very antiquated  
7 and nonresponsive because they just are  
8 mired in a lot of bad things happening to  
9 them.

10 So I thank you very much and look  
11 forward to working with you.

12 MR. MAY: Thank you.

13 CHAIRMAN KENNEDY: Legislator  
14 Ferretti and then Legislator Drucker.

15 LEGISLATOR FERRETTI: Thank you,  
16 Mr. Chairman. Mr. May, how are you?

17 MR. MAY: Good. Thank you. How  
18 are you?

19 LEGISLATOR FERRETTI: I'm doing  
20 well. Thank you. Just a couple of  
21 questions about some of the discretionary  
22 powers.

23 One of them being temporarily  
24 suspending license requirements.

25 MR. MAY: Again, I think that

1 Government Services/3-12-18

2 sort of falls in the rubric of there being  
3 some kind of natural disaster. It may be  
4 that we find that we have drafted  
5 legislation that maybe does not comport with  
6 business practice as exists today and we  
7 need to sort of massage some of the  
8 application process, maybe some of the  
9 requirements that we're contemplating under  
10 the law, doesn't really match what the  
11 business is or what the industry does or  
12 should be providing to us.

13 LEGISLATOR FERRETTI: Well, if we  
14 were to suspend them temporary would that  
15 possibly, and maybe this is a question for  
16 Mr. Kasschau, open us up to litigation?

17 MR. MAY: Well, certainly we  
18 don't want to do anything that would open us  
19 up to litigation. Everything would be  
20 reviewed on a case-by-case basis.

21 I don't want to get into  
22 hypotheticals other than to say it would be  
23 used sparingly, if at all, under emergency  
24 situations.

25 Certainly if there was something

1                   Government Services/3-12-18  
2       that we needed to suspend because it doesn't  
3       make sense from a business perspective that  
4       the goal would be to come to this body and  
5       amend whatever that law is so that we can  
6       eliminate, the temporary suspension and  
7       either eliminate the issue completely or get  
8       your affirmation to know, in fact, this is  
9       exactly what we wanted.

10                   LEGISLATOR FERRETTI:   Maybe it's  
11       just the wording that I have here.   It says  
12       suspended in the interest of justice or for  
13       administrative convenience.   So it implies  
14       not a willy nilly ability to suspend the  
15       licensing, but --

16                   MR. MAY:   Right.   You're looking  
17       at some of these applications that run into  
18       eight and ten pages, perhaps not all the  
19       information is being requested.   Again,  
20       maybe appropriate at this time.   We've had  
21       questions from a law firm -- I won't get  
22       into the details, talking about our  
23       electronic repair license.   Some of the  
24       requirements that are required -- sorry,  
25       that was a real poor English.

1 Government Services/3-12-18

2 But some of the requirements in  
3 the application may be don't fit or the  
4 definitions don't quite fit the business  
5 they are involved in.

6 Again, it's on a case-by-case  
7 basis and we certainly will be using it  
8 judiciously and like I said, the plan is to  
9 be reviewing all of the consumer protection  
10 laws and working with the administration and  
11 this body to either streamline or cleanup or  
12 change as necessary.

13 LEGISLATOR FERRETTI: Okay. My  
14 second question has to do with waiving civil  
15 penalties.

16 Just a week and a half ago, two  
17 weeks, I received and I'm sure my colleagues  
18 received a letter from the Chief Deputy  
19 County Executive strictly prohibiting  
20 waiving any parks and recreation fees.

21 So my question would be, why  
22 would the Commissioner of Consumer Affairs  
23 be permitted to waive civil penalties when  
24 there's absolutely no waiver of any park's  
25 fees?

1 Government Services/3-12-18

2 MR. MAY: If we are waiving a  
3 civil penalty, for example, and I can speak  
4 more about this wearing my hat as the TLC  
5 Commissioner if my investigators issue  
6 multiple violations to an individual, they  
7 will come to a preconference settlement  
8 hearing and we may reduce or otherwise  
9 eliminate some of the violations.

10 I don't want to say in exchange  
11 for anything but as part of a settlement  
12 deal. So it would be a similar process.

13 I don't want to say it's more  
14 important but we do want to get resolutions  
15 on the violations and sometimes it is  
16 beneficial to be able to offer somebody,  
17 again, and to resolve a complaint, if there  
18 is some kind of give and take involved.

19 Certainly between now and the  
20 Full Legislature I can sit down with the  
21 Chief Deputy County Executive and review  
22 that policy vis-a-vis the waiver of civil  
23 penalties.

24 But I think anyone who has had a  
25 traffic ticket understands that that's sort

1 Government Services/3-12-18

2 of part of the negotiation.

3 LEGISLATOR FERRETTI: Thank you.

4 CHAIRMAN KENNEDY: Legislator  
5 Drucker.

6 LEGISLATOR DRUCKER: Thank you,  
7 Mr. May. Just a quick question. You  
8 haven't done a cost benefit analysis yet, an  
9 economic cost benefit analysis?

10 MR. MAY: It's not a question of  
11 an economic cost benefit analysis, we know  
12 that we need staff in the Office of Consumer  
13 Affairs. We need staff backing up the  
14 Consumer Affairs investigators.

15 So we will be backfilling,  
16 filling that need with the Taxi and  
17 Limousine investigators.

18 I know based on some rough  
19 numbers I did for the weights and measures  
20 inspectors, I believe it's each weights and  
21 measures inspector brings in roughly about  
22 \$180,000 to the county per year essentially  
23 doubling their salary in terms of "revenue."  
24 Obviously we're not a money making venture  
25 here.

1 Government Services/3-12-18

2 I have, like I said, equipment  
3 available to me in Taxi and Limousine  
4 Commission that is not available in the  
5 Office of Consumer Affairs.

6 We save money on equipment  
7 purchases. I have five vehicles that have  
8 computers, internet and printers available  
9 to us that Consumers Affairs doesn't have.

10 To be very honest with you,  
11 legislator, my Consumer Affairs  
12 investigators issue tickets by hand and my  
13 Taxi and Limousine investigators issue  
14 tickets based on this Apex developed system  
15 where it's real time live, they issue a  
16 violation, if I look at it on the database  
17 two seconds later we see the violations. It  
18 is a comprehensive management system.

19 These are the kinds of things  
20 that we are eliminating or taking advantage  
21 of by combining both departments.

22 LEGISLATOR DRUCKER: I understand  
23 that and that is certainly very laudable  
24 goals. We, as a legislative body, and this  
25 committee, I would like to see the numbers.

1 Government Services/3-12-18

2 Is there any way that you can report back to  
3 us?

4 MR. MAY: Absolutely.

5 LEGISLATOR DRUCKER: The goal of  
6 any consolidation of agencies is cost  
7 savings. Other than saying there is pieces  
8 of equipment that are duplicated and the  
9 tickets are going to be done computer -- I  
10 need to see numbers.

11 MR. MAY: Absolutely. You got  
12 it.

13 LEGISLATOR DRUCKER: When will I  
14 be able to see that?

15 MR. MAY: I will get that to you  
16 before the Full Legislature.

17 LEGISLATOR DRUCKER: Thank you  
18 very much.

19 LEGISLATOR MCKEVITT: Mr. May,  
20 how are you doing?

21 MR. MAY: Very good. Thank you.  
22 How are you?

23 LEGISLATOR MCKEVITT: I'm doing  
24 just fine. I have a number of questions,  
25 maybe a little bit arcane, but I just have



1 Government Services/3-12-18

2 some drafting questions on the way this was  
3 drafted.

4 MR. MAY: I might rope in one of  
5 my attorneys.

6 LEGISLATOR MCKEVITT: One  
7 question is, what this local law actually  
8 does is that it amends portions of the  
9 County Charter as well as the administrative  
10 code.

11 And what it appears to do is it  
12 takes a number -- right now the County  
13 Charter just gives a basic overview which  
14 pretty much says there shall be a Department  
15 of Consumer Affairs. It doesn't say a lot  
16 more than that.

17 MR. MAY: I think it says Office  
18 of Consumer Affairs. It doesn't even  
19 actually say department of Consumer Affairs.  
20 My understanding and Mr. Podlesak who is  
21 part of the drafting team on this, but as I  
22 understand it, the way he intended the  
23 drafting to go we are actually through this  
24 law creating the Department of Consumer  
25 Affairs, as opposed to -- and I'm doing air

1 Government Services/3-12-18

2 quotes for the record, "the Office of  
3 Consumer Affairs."

4 I think actually the way it works  
5 is we are collapsing the Office of Consumer  
6 Affairs into the Taxi and Limousine  
7 Commission as opposed to the other way  
8 around.

9 I guess now we are really getting  
10 into the weeds. I don't know if that's too  
11 arcane or just arcane enough.

12 LEGISLATOR MCKEVITT: Arcane for  
13 all of us at this point. I think what it  
14 does is, it essentially takes the framework  
15 which was in the administrative code and  
16 creates a new department, I guess, in the  
17 County Charter just to make things more  
18 streamlined.

19 What is interesting, there is one  
20 power which is mentioned in the  
21 administrative code which is mentioned in  
22 the Charter for the first time and not in  
23 the administrative code, and that is under  
24 proposed section 2158(B) which is to assess  
25 and collect such fines and penalties as may

1 Government Services/3-12-18

2 be authorized by statute, local law,  
3 ordinance or regulation.

4 That language currently does not  
5 exist anywhere in the Administrative Code  
6 but I guess that's what it really is, that's  
7 what your department has been doing for  
8 probably decades anyway.

9 MR. MAY: That's correct. We  
10 issue violations under the rules and  
11 regulations under the ordinance, under local  
12 law, and we collect fines based on those  
13 violations.

14 LEGISLATOR MCKEVITT: I guess  
15 from a drafting standpoint I was wondering  
16 why that phrase was put in the County  
17 Charter but was not put in the  
18 Administrative Code where it seems like  
19 everything else duplicates each other.

20 Just seems like there's a portion  
21 which seems to be missing from the way I  
22 read the regulations that's drafted.

23 MR. MAY: Again, I think your  
24 instinct is correct and Mr. Podlesak was  
25 looking to streamline the way the department

1 Government Services/3-12-18

2 was developed under the law.

3 I don't know that I can give you  
4 a more satisfactory answer than that. Is  
5 there anything else that you are looking  
6 for?

7 LEGISLATOR MCKEVITT: No. I just  
8 wanted to make sure I wasn't missing  
9 something in my own reading.

10 MR. MAY: I don't think so. When  
11 we were given the opportunity to take a  
12 crack at merging both departments we wanted  
13 to do it in the most streamline way  
14 possible.

15 LEGISLATOR MCKEVITT: One thing I  
16 also noticed that the local law does, it  
17 eliminates the Taxi and Limousine board that  
18 currently now exists and I was wondering  
19 what the reason was behind that?

20 MR. MAY: I believe if that  
21 wasn't already changed by amendment we will  
22 be submitting an amendment in the nature of  
23 a substitution that provides for the Taxi  
24 and Limousine board.

25 LEGISLATOR MCKEVITT: Okay. One

1 Government Services/3-12-18

2 other question I have, regarding the new  
3 change regarding the administrative code,  
4 obviously as far as the world concerning the  
5 Traffic and Limousine Commissioner's world  
6 is, it changed significantly about a year  
7 ago which you and I had great talks about  
8 last year, and over our concerns the law is  
9 what it is today.

10 I'm just curious from a policy  
11 point, have you noticed since that law has  
12 gone into effect, dealing with the  
13 transportation network companies, has there  
14 been a decline in for example the amount of  
15 licenses, as far as the TLC that's being  
16 issued?

17 I assume at some point we're  
18 going to see a shift in the market and I'm  
19 wondering if you were already observing it  
20 at this point?

21 MR. MAY: We are observing it.  
22 Anecdotally, I don't have the hard numbers  
23 for you right now. There has been a drop  
24 off in the number of license applications  
25 that we get.

1 Government Services/3-12-18

2 Now Nassau County is in a  
3 somewhat unique position, when we issue a  
4 license to an individual, it is actually to  
5 allowed them to drive into a reciprocal  
6 jurisdiction. In other words, a Nassau  
7 County driver cannot drive into New York to  
8 do a drop off or pick up unless they have a  
9 Nassau County license and the same goes for  
10 if they were going to Suffolk County,  
11 Westchester County or any of the licensing  
12 jurisdictions as defined by Article 188, or  
13 181 of the General Municipal Law, Section  
14 181 of the General Municipal Law, and the  
15 VTL 498 which governs reciprocity.

16 We were meeting with one of the  
17 T&C companies last week and they mentioned  
18 they have about 13,000 drivers on the road  
19 or 13,000 drivers that have addresses in  
20 Nassau County.

21 I wish had 13,000 drivers coming  
22 in and getting licensed. It's certainly  
23 going to be a C change or we are in the  
24 middle of a C change in the transportation  
25 network or industry driven largely by the

1 Government Services/3-12-18

2 transportation network companies.

3 LEGISLATOR MCKEVITT: I guess you  
4 mentioned before in that you were able to  
5 collect about \$1.8 million in fines but,  
6 again, because of the nature of the new  
7 state regulation we are assuming that number  
8 is going to go down in the future all  
9 because there's going to be less vehicles  
10 that you're able to regulate?

11 MR. MAY: That's is largely  
12 correct and, again, unfortunately, this is a  
13 nuance stance and we are not all capable of  
14 following along.

15 We've actually seen in January an  
16 increase in the number of violations that  
17 have been issued.

18 I think what we are seeing is,  
19 that is a result of their being so many new  
20 T&C drivers on the road, the state law was  
21 relatively comprehensive in preventing  
22 localities from regulating transportation  
23 network companies, however there are a few  
24 aspects of the state law that we do issue  
25 violations off of.

1 Government Services/3-12-18

2 It is Section 1696 of Article 44B  
3 of the Vehicle and Traffic Law. It requires  
4 that all transportation network companies  
5 present a company issued decal in their  
6 window.

7 The decal has to be reflective at  
8 night, has to be removable, has to be  
9 visible at a distance of something like 50  
10 feet. Then we see a lot of drivers are not  
11 actually complying with what we consider to  
12 be the bare minimum of compliance with New  
13 York State Law. I understand that that  
14 doesn't sound like that big of a deal.

15 That is the only indicator that a  
16 vehicle is not actually acting as a bandit  
17 cab and I think it's our job to ensure that  
18 when people get into even a transportation  
19 network company vehicle that they are  
20 getting into the vehicle that they had  
21 requested.

22 We have seen individuals who  
23 arrive at my office because they were given  
24 a violation for not having the sticker in  
25 the window and they tried to tell us, well,



1 Government Services/3-12-18

2 I printed it off the internet. Nothing  
3 prevents me from printing the Uber decal off  
4 the internet and slapping it on my window  
5 and picking up outside of a bar.

6 Again, it's sort of the bare  
7 minimum requirement that these vehicles are  
8 required to have, as opposed to having a TC  
9 plated car which is out of New York City.

10 Now that I mentioned it, you  
11 probably have never not see these. The NC  
12 plated cars in Nassau County, these are all  
13 plates that begin with N, end in C, and they  
14 indicate that these are legitimate for hire  
15 vehicles under the transportation network  
16 law, Article 44B of the Vehicle and Traffic  
17 Law.

18 It's basically any of us show up  
19 in our car with the regular passenger plates  
20 on them, and there's no otherwise outward  
21 indicator that this is the car you are  
22 supposed to be taking. Certainly and I  
23 don't want to make the case for the  
24 transportation network companies, but there  
25 are safeguards built into the app that

1 Government Services/3-12-18

2 should prevent that.

3 But we've had an incidence where  
4 someone was driving for a transportation  
5 network company who used his son's  
6 credentials to log in the system. He wasn't  
7 the person that was supposed to be driving  
8 the vehicle at all.

9 Anyway, that was sort of the  
10 long-winded answer. We have seen oddly an  
11 increase in violations although I think your  
12 instinct is correct that we will see fewer  
13 violations over time.

14 What I can say certainly is that  
15 the amount on the violation has been sharply  
16 reduced. Unregistered operation of the for  
17 hire vehicle carried a first time fine of  
18 \$1,500. The violation of the state law  
19 carries a fine of about \$250.

20 Even if we sort of make up for  
21 the violations in volume, we're still not  
22 really making up for them, again, "quality."  
23 I guess that's the issue, the fact that I  
24 guess except for that very limited  
25 jurisdiction, the regulation or the

1 Government Services/3-12-18

2 enforcement of the laws of the T&C, is there  
3 really anything going on?

4 LEGISLATOR MCKEVITT: Technically  
5 it's within the DMV, I guess the police  
6 department, but, beyond that, there really  
7 is no more enforcement of that, is there?

8 MR. MAY: Correct. There is not  
9 a lot of on the ground enforcement from the  
10 DMV and I'm going to be very clear here,  
11 that is not casting aspersions at all  
12 towards the DMV, we have a pretty solid  
13 working relationship with them.

14 In government and to be honest,  
15 privately, having to do with the DMV, it's  
16 not how the Simpsons depicted them 25 years  
17 ago, that New York State DMV is a pretty  
18 well oiled machine.

19 But, no, the way the law is  
20 drafted the T&C company itself is the  
21 licensor of the drivers. They are the ones  
22 who are doing the background checks, vetting  
23 and they are saying to the public, we have  
24 checked this person and they are eligible to  
25 drive the car.

1 Government Services/3-12-18

2 As opposed to Nassau County TLC,  
3 if we issue someone a license, it's  
4 subsequent to a New York State DCJS criminal  
5 background check, which is a fingerprint  
6 background check, has a full look back on  
7 someone's criminal history record. If  
8 somebody has a violation going back to the  
9 '70s.

10 We get that report, I believe the  
11 T&Cs are limited to a seven year look back.  
12 We require an annual drug test and the way  
13 the T&C law is structured, the T&Cs are  
14 supposed to have a zero tolerance policy for  
15 drug and alcohol abuse but that is dependent  
16 upon the passenger of the vehicle reporting  
17 their driver to the T&C company under the  
18 suspicion of operating under the influence  
19 of either drugs or alcohol.

20 So I don't know that I would say  
21 it's quite as rigorous as what we put our  
22 drivers through, but, again, legislator,  
23 your instinct is correct, there is less that  
24 we are able to do.

25 Unfortunately, as a consequence

1 Government Services/3-12-18

2 of the change in state law.

3 LEGISLATOR MCKEVITT: Thank you.

4 CHAIRMAN KENNEDY: Any other  
5 questions or comments?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor of passing  
10 this item signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 The item passes unanimously.

15 MR. MAY: Thank you.

16 CHAIRMAN KENNEDY: Motion to  
17 adjourn. Seconded?

18 LEGISLATOR FORD: Second.

19 CHAIRMAN KENNEDY: By Denise  
20 Ford. All in favor say aye.

21 (Aye.)

22 Now we are adjourned. Thank you.

23 (Whereupon, the Government  
24 Services and Operations Committee adjourned  
25 at 6:05 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and  
Notary Public in and for the State of New  
York, do hereby stated:

THAT I attended at the time and place  
above mentioned and took stenographic record  
of the proceedings in the above-entitled  
matter;

THAT the foregoing transcript is a true  
and accurate transcript of the same and the  
whole thereof, according to the best of my  
ability and belief.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 28th day of March, 2018.

-----  
FRANK GRAY