



**Department of
Consumer Affairs**

**Testimony of Erik Joerss, Director of City Legislative Affairs
New York City Department of Consumer Affairs**

**Before the
New York City Council Committee on State and Federal Legislation**

**State Legislation Resolution requesting the New York State
Legislature to pass bills introduced by Senator Klein,
S6793-A, and Assembly Member Camara, A10258-A,
“AN ACT to amend the county law and the New York City Charter,
in relation to the docketing of adjudications of violations of laws enforced by the New
York City Department of Consumer Affairs.”**

June 13, 2012

Good morning, Chair Foster and Committee members. I am Erik Joerss, Director of City Legislative Affairs for the New York City Department of Consumer Affairs (DCA). Thank you for the opportunity to testify today about legislation to grant docketing authority to DCA. This important legislation, now before the State Legislature, will enhance DCA's ability to hold businesses that have been found to have harmed consumers or broken the law accountable while ensuring businesses are given full due process protection.

DCA accomplishes its mission to empower consumers and businesses to ensure a fair and vibrant marketplace in New York City by regulating 55 licensed industries, licensing more than 78,000 businesses and enforcing the New York City Consumer Protection Law. A competitive marketplace requires that market participants – businesses and consumers – play by the rules. Law-abiding businesses and consumers alike benefit from, and have every reason to expect, a competitive marketplace. The lack of docketing authority compromises that competition by impeding DCA's ability to enforce the laws against unlicensed predatory businesses.

DCA's Administrative Tribunal has the power to award consumer restitution and issue fines but not to enforce them without court proceedings, significantly undercutting our ability to protect New Yorkers. Docketing authority will allow DCA to enter, as money judgments in the State Court docket, the final judgments of its Administrative Tribunal.

Unlicensed businesses which refuse to do right by their customers would find it more difficult to avoid accountability: the fly-by-night home improvement contractor who leaves halfway through a job; the immigrant service provider or employment agency that takes their fees but provides no help to their customers; or the out of- state debt collector who uses illegal means to collect on debts that may not even be legitimate.

The current lack of docketing authority protects those businesses at the expense of consumers who can't get restitution; at the expense of honest licensed businesses that see their industries tainted by predatory practices; and at the expense of the City and its taxpayers, to the tune of millions of dollars each year in unpaid fines.

For example, we received a statement of support for this legislation from the National Association of the Remodeling Industry and Home Improvement Contractors of Staten Island, who had testified before the City Council's Consumer Affairs Committee earlier this year about how unlicensed contractors from out of state undercut properly licensed businesses and injure New York City consumers.

The Environmental Control Board and the Taxi and Limousine Commission have both had docketing authority for years. For both Agencies, this has enhanced their ability to enforce the law while ensuring respondents have a fair opportunity to argue their cases.

We urge you to approve the Home Rule message. Thank you again for the opportunity to testify. I am happy to answer your questions.

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

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Name: Kenneth Fisher

Address: Cogan O'CONNOR

I represent: Halletts A Development LLC

Address: 277 Park Ave 10172

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Name: Robert Schenkel

Address: Halletts A Development LLC

I represent: c/o Cogan O'CONNOR Attn: Ken Fish

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