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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 25, 2022

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Acceptance of Award – New York State Attorney General Funding to Erie County Office of Public Advocacy Division of Consumer Protection

Dear Honorable Members:

The attached proposed resolution requests authorization to enter into a contract with the Buffalo Division of the New York State Attorney General's Office to accept funding in the amount of \$2,000,000. Funds will be used to expand the County's Office of Public Advocacy Division of Consumer Protection and its defense of County residents against predatory practices by consumer businesses.

Should your Honorable Body require further information, I encourage you to contact Public Advocacy Commissioner Karen King. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/lb

Enclosure

cc: Karen King, Director of Public Advocacy

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Office of Public Advocacy Division of Consumer Protection
Re: Acceptance of Award - Buffalo Attorney General Funding to Erie County Office of Public Advocacy Division of Consumer Protection
Date: February 25, 2022

SUMMARY

The New York State Attorney General's Office wishes to award Erie County \$2,000,000 from a recent settlement, to be specifically be used to allow the Division of Consumer Protection (DCP) to expand it's work and assist in future investigations and legal actions.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully funded through the funding. No match is required, and no County share is anticipated. Pursuant to New York State General Business Law § 774, moneys collected through enforcement actions shall be retained by the County. Two positions would be created to handle the new work, as recommended by the Attorney General's Office:

Position: Deputy Commissioner of Public Advocacy

Annualized Salary: \$63,650

Salary for Balance of Year: \$53,042

Funding Source: 100% State Share

Position: Assistant County Attorney VI

Annualized Salary: \$94,318

Salary for Balance of Year: \$78,598

Funding Source: 100% State Share

Year one of the grant would utilize \$245,021 of the \$2,000,000 award. Between the state award and future ongoing recoveries, this grant program could operate for many years to come.

REASONS FOR RECOMMENDATION

The Buffalo Division of the New York State Attorney General's Office has received a \$2,000,000 settlement from a local debt collection agency and has made said funds available to

the Erie County Office of Public Advocacy Division of Consumer Protection to expand its consumer protection efforts on behalf of Erie County residents.

The grant will allow DCP to expand its programs and to increase its focus on addressing violations by business owners of consumer protection laws such as Article 36-a of the New York State General Business Law §§ 771-776.

The DCP will use the funding to create an Assistant County Attorney position that will be dedicated to enforcing home improvement contract violations set forth in Article 36-a committed by home improvement contractors in their contractual dealings with County homeowners. Enforcing the contract violations has the potential to generate revenue for the County since NYS General Business Law § 774 allows the County to retain any funds it collects as a result of its enforcement efforts. The DCP will also create a Deputy Commissioner of Public Advocacy position to oversee and facilitate the activities of DCP.

Assistant County Attorney VI

Duties required of the position required by Law or Contract:

Enforce and bring action for violation of home improvement contracts.

Position Classification: MC JG-17

Deputy Commissioner of Public Advocacy

Duties required of the position required by Law or Contract:

Oversee and facilitate an expansion of DCP consumer protection actions as well as provide managerial support to Weights and Measures.

Position Classification: MC JG-13

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the ability of the DCP to expand its service and provide further assistance to Erie County residents.

STEPS FOLLOWING APPROVAL

The Erie County Office of Public Advocacy Division of Consumer Protection will work with the County Attorney, the Division of Budget and Management, and the New York State Attorney General's Office to accept the settlement funding to set up the grant.

**A RESOLUTION SUBMITTED BY:
THE ERIE COUNTY OFFICE OF PUBLIC ADVOCACY**

RE: Acceptance of Award - Buffalo Attorney General Funding to Erie County Office of Public Advocacy Division of Consumer Protection

WHEREAS, the Erie County Office of Public Advocacy Division of Consumer Protection has been allocated funding from the Buffalo Division of the New York State Attorney General's Office for the expansion of consumer protection efforts in Erie County.

WHEREAS, the Erie County Office of Public Advocacy Division of Consumer Protection seeks to utilize the allocated funds to expand its programs offered to Erie County residents and to create the positions of an Assistant County Attorney and Deputy Commissioner of Public Advocacy; and

WHEREAS, the allocated funds are necessary to effectuate the proposed changes to the Office of Public Advocacy Division of Consumer Protection.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the Buffalo Division of the New York State Attorney General's Office in the amount of \$2,000,000 and the County Executive may enter into contracts and amendments to these contracts pertaining to this award; and be it further

RESOLVED, that the following budgetary accounts be established as follows:

Erie County Office of Consumer Protection
Buffalo Attorney General Settlement Grant
109BAGS2231 (Fund Center 1093010)
03/01/22-2/28/23

	REVENUES	BUDGET
Account		
415360	Legal Settlements	\$245,021
421510	Fines and Penalties	<u>\$20,000</u>
	TOTAL	\$265,021

	APPROPRIATIONS	BUDGET
Account		

500000	Full Time Salaries	\$63,650
501000	Overtime	\$2,000
502000	Fringe Benefits	\$ 35,528
505000	Office Supplies	\$600
510000	Mileage	\$250
510100	Out of Area Travel	\$700
516020	Pro Serv Contracts & Fees	\$7,000
530000	Other Expenses	\$900
561410	Lab & Technical Equip	\$1,200
910700	ID Fleet	1,200
911600	ID Law	\$148,993
912215	ID DPW Mail	\$200
980000	ID DISS Services	<u>\$2,800</u>
	TOTAL	<u>\$265,021</u>

FUND CENTER 16010

LAW DIVISION

Account

	APPROPRIATIONS	BUDGET
500000	Full Time Staff	\$94,318
502000	Fringe Benefits	\$51,875
911600	ID Law	(\$148,993)
980000	ID DISS Services	<u>\$2,800</u>
	TOTAL	<u>\$0</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) position of Deputy Commissioner of Public Advocacy, Job Group 13 Step 1, Managerial Confidential (B100 #12783); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one Assistant County Attorney VI, Job Group 17, Step 1, Managerial Confidential (B100 #12784); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the grant budget as required, including complying with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, Personnel Department, and Erie County Office of Public Advocacy Division of Consumer Protection.