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SUNDAY, APRIL 8, 2012

A GANNETT COMPANY

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CONSUMERS
BEWARE



Jake Daniels, an inspector from the Rockland County Office of Consumer Protection, records notes as colleague CJ Bryant helps with an annual inspection of a Sunoco station in Spring Valley. The office also looks into consumer complaints. TANIA SAVAYAN/THE JOURNAL NEWS

Unhappy buyers have somewhere to complain when things go wrong

By Ernie Garcia
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Nalini Fernandes didn't ask to see a license when she hired a heating oil company to install aboveground tanks in her Carmel and Mahopac homes.

"I didn't even question him," said Fernandes, adding she paid Nu Way Fuel & Service Corp. in Peekskill \$9,000 for tank installations that left her dissatisfied.

Fernandes called Putnam County's consumer affairs office last year to complain about Nu Way, making her one of 1,510 unhappy buyers in 2011 who contacted consumer-protection officials in Putnam, Rockland and Westchester counties. The grievances covered products or services the typical consumer purchases, with the largest share of complaints belonging to the home-improvement industry for shoddy or incomplete work.

Companies that garnered the largest numbers of complaints in Westchester County were Verizon and Cablevision. In Rockland County, the now-closed Furniture Plaza in Nanuet had the most complaints. Evans Septic Tank in Mahopac had three complaints lodged against it in

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COMPLAINTS BY COUNTY IN 2011

956
Westchester

464
Rockland

90
Putnam

Home improvement was the biggest concern for those who filed complaints.

HOW TO FILE A COMPLAINT

All three counties have websites and phone numbers for making a consumer complaint:

- » Putnam: 845-808-1929, <http://putnamcountyny.com/consumers>
- » Rockland: 845-708-7600, <http://co.rockland.ny.us/cpl>
- » Westchester: 914-995-2160 or <http://consumer.westchestergov.com>

ON THE WEB Read samples of consumer complaints and view a photo gallery with this article at LoHud.com.

CONSUMERS: Contractors top complaints

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2011, the most in Putnam County for a single company.

The Journal News obtained the three counties' consumer complaint records through a state Freedom of Information Law request. The complaints were submitted to the counties by mail, email, fax or telephone.

Verizon had 20 complaints logged with Westchester County, with eight resolved to the consumers' satisfaction, according to county documents.

Verizon spokesman John Bonomo wrote in an email, "Given the challenges our company faced in 2011 with respect to damaging weather events and other disruptions to our network that were not within our control, we are pleased that only a very small number of our Westchester subscribers felt the need to reach out to the county's offices."

Cablevision spokesman Jim Maiella said his company addresses complaints quickly. Westchester consumer protection officials got 15 complaints about Cablevision last year, mostly about billing disputes and service disruptions.

"Excellent customer service is one of the reasons Cablevision has been successful in (a) very competitive market. We have hundreds of thousands of cable television, phone and high-speed-Internet customers in Westchester and the Hudson Valley," Maiella wrote in an email.

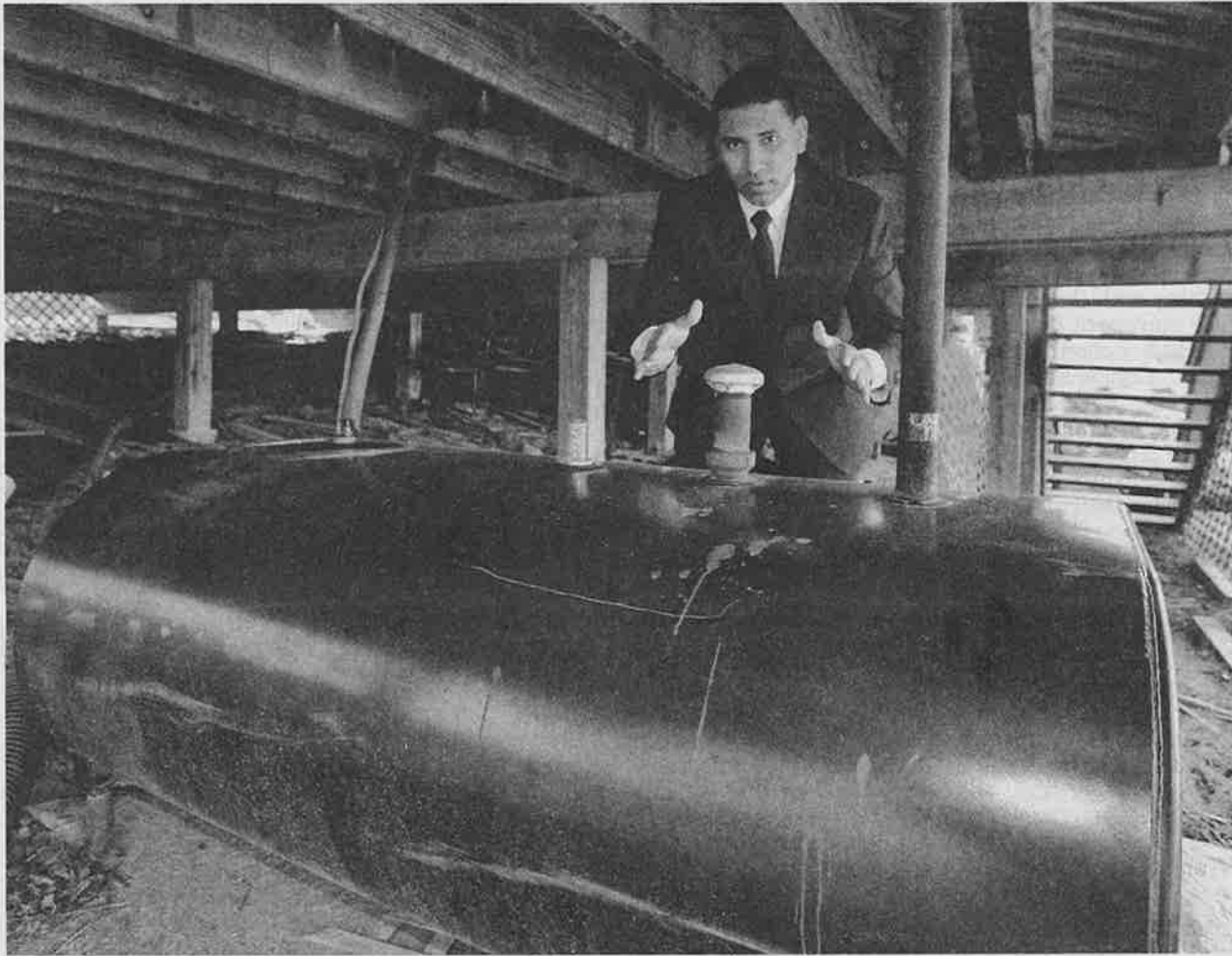
Charlie Evans of Evans Septic Tank said two people filed the three complaints against him, and he called their allegations unfounded.

"I don't think three is bad out of 50 or 60 jobs," Evans said of his 2011 record. "I can give you 30 people you can call and they love it."

The Journal News could not contact Evans' unhappy customers because Putnam County officials redacted their names and addresses in copies of the complaints they released. Putnam County's director of environmental health, Robert Morris, wrote in an email that Evans promptly corrected all the health code violations listed in an April 1, 2010, notice of noncompliance related to one of the complaints filed in 2011.

Consumer complaints last year were sometimes unwarranted.

"The most common disposition was 'investigated no action taken,'" said Terry Grosselfinger, director of Rockland County's Office of Consumer Protection. "This means that after our investigation, the consumer was not entitled to the resolution they sought, and in many cases the company the complaint was against was unwilling to offer any



Amarish Khan stands by an oil tank that he says was improperly installed by Nu Way Fuel & Service Corp. in his aunt Nalini Fernandes' home. Fernandes said Nu Way's tank installations left her dissatisfied. JOE LARESE/THE JOURNAL NEWS



This Shell gas station at 3709 Crompond Road in Cortlandt was the subject of six official complaints about gas that damaged cars. ERNIE GARCIA/THE JOURNAL NEWS



Terry Grosselfinger, director of Rockland County's Office of Consumer Protection, discusses the top consumer complaints of 2011 at his office. ERNIE GARCIA/THE JOURNAL NEWS

good-will adjustment or other nonrequired adjustment in an attempt to satisfy their customer." Grosselfinger said that Furniture Plaza was a top source of complaints because the company went

out of business in 2011 and left paying customers waiting for furniture they never received. Other complaints against Furniture Plaza when the business was open were about delivery delays, he said.

aged by contaminated gas, costing her \$872 in repairs at her dealership. Danziger said that the Shell station's owners acknowledged responsibility and that she called Westchester's consumer hotline only to hold the gas station to its promises of restitution.

"They followed through with everything they needed to," Danziger said of the county's response.

Harris Cayne, 64, of West Nyack said Grosselfinger's office helped him deal with a general contractor who moved out of the region and an uncooperative electrician whose substandard work left Cayne unable to get a certificate of occupancy in February for his renovated home.

"They did a great job. It just takes so long," said Cayne, who first contacted the office in 2010 and spent most of 2011 in communication with Grosselfinger, trying to resolve his issues.

Not everyone who calls a consumer protection office with a grievance gets satisfaction.

Fernandes said Nu Way, which last year had six complaints in Westchester and two in Putnam, owes her \$1,200 for oil the company removed from her underground tanks in Mahopac and Carmel after the company installed new aboveground oil tanks.

David DeSilva of Nu Way said he gave Fernandes a credit, and he explained that he didn't realize he needed a license to remove an oil tank in Putnam because Westchester didn't require contractors to be licensed for such work. Nu Way was fined \$500 for doing the work in Putnam without a license.

"She wasn't happy with the credit," said DeSilva, who appeared with Fernandes at a hearing with Putnam County's consumer officials. "She went over her issues with him, and I showed him exactly what was done and showed him the numbers. He said my numbers looked right."

Philip Prinz, acting director of Putnam County's consumer affairs office, said that his office fined DeSilva, who paid up, but it is barred from negotiating any restitution for Fernandes, and he called the dispute a matter for small-claims courts. Prinz said homeowners like Fernandes need to be more vigilant when hiring companies.

"They don't ask for registration, and they don't check with the county," Prinz said. "I think a lot of it falls on the shoulders of the homeowner."



Rockland County's Bryant shows the scanner he uses to inspect price accuracy.

TANIA SAVAYAN/THE JOURNAL NEWS

The public's complaints about a Shell station at 3709 Crompond Road in Cortlandt turned out to be true. The Westchester County Department of Consumer Protection logged six complaints on March 14 and 15 after the station received a delivery of contaminated gasoline from its supplier, said John Gaccione, deputy director.

"As soon as the problem was discovered, the station operator stopped pumping from that storage tank," Gaccione wrote in an email. "We took no action against the station since they took responsibility for the product sold. We did coordinate reimbursements to consumers and did do field tests on the pumps and the new gasoline before it was allowed to be offered for sale again."

Cortlandt resident Carol Danziger's 2010 Subaru was one of the cars dam-