

**Agency Programs/Activities: Inventory and Key Data  
New York State Consumer Protection Board**

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s) *				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
H	DO NOT CALL	SO	3.5	0	0	0	0	\$413	\$379	\$375	\$400				
H	CONSUMER ASSISTANCE	SO	7	0	0	0	0	\$986	\$1,007	\$1,030	\$1,000				
H	OUTREACH & EDUCATION	SO	4.5	0	0	0	0	\$851	\$867	\$870	\$812				
H	UTILITY INTERVENTION	SO	5	0	0	0	0	\$822	\$701	\$821	\$746				
H	RECALLS, TOY TESTING AND CHILDREN'S SAFETY	SO	2	0	0	0	0	\$0	\$0	\$250	\$350				
H	ID THEFT & TELECOM PRIVACY (SECURITY BREACH)	SO	3.5	0	0	0	0	\$86	\$116	\$220	\$469				
M	LEGISLATION	SO	2	0	0	0	0	\$287	\$290	\$300	\$250				
M	FINANCIAL LITERACY AND ECONOMIC SECURITY	SO	2	0	0	0	0	\$0	\$200	\$250	\$250				
L	AIRLINES	SO	0	0	0	\$320	\$320	\$0	\$0	\$0	\$0				
L	VIDEO VIOLENCE	SO	0	0	0	0	0	\$0	\$0	\$2	\$2				
L	MFMPA	SO	0.5	0	0	0	0	\$102	\$3	\$55	\$45				
L	FOOD POLICY AND PROGRAMMING	SO	0.5	0	0	0	0	\$0	\$0	\$65	\$50				
H	EXECUTIVE DIRECTION	SO	2.5	0	0	0	0	\$410	\$439	\$415	\$414				
				33		\$320	\$320	\$3,957	\$4,002	\$4,653	\$4,788				

\* Special Revenue Fund disbursements include Personal Service, Fringe Benefit and Non Personal Service expenditures

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Office of the Airline Consumer Advocate

**Mandate:**

In 2007, Executive Law Section 553 was amended by adding a new Article 14 to create the Airline Passenger Bill of Rights and empower the Consumer Protection Board to carry out the duties of the Office of the Airline Consumer Advocate. However, shortly thereafter, litigation commenced. Plaintiffs moved for summary judgment to have the law struck down as being preempted by federal law. In an Order issued from Judge Kahn in the Northern District, dated April 23, 2008, plaintiffs were granted summary judgment. A determination on whether defendants will appeal this matter to the U.S. Supreme Court must be made by August 22, 2008.

**Mandated Funding Level:**

General Fund: \$320,000 and 5 FTEs

**Brief Description/History/Background:**

Following significant onboard flight delays in the winter of 2007, the legislature recognized the important issues relating to efficient and effective airline service and the Airline Passenger Bill of Rights was signed into law. Generally, the Bill of Rights provides for food, water, and fresh air if consumers are left on the tarmac for more than three hours prior to take-off. In January 2008, the CPB created necessary signage for all airports and contacted approximately 150 airlines and NYS airports to implement the statutory mandates.

**Issues:**

The CPB awaits a determination on whether the defendants will appeal this case.

**Population Served:**

None at this time. If the law is reinstated, all consumers who use air transportation in the State will be afforded the protections under the Airline Bill of Rights.

**Performance Measures:**

None at this time.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Consumer Assistance.

**Mandate:**

Executive Law Section 553.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The CPB's Consumer Assistance Unit (CAU) protects New York consumers against unfair, deceptive and fraudulent business practices by responding to individual consumer complaints using voluntary mediation to bring about a satisfactory resolution for both the consumer and the business. Complaints are received via the Agency's toll-free hotline five days a week, from 8:30 a.m. to 4:30 p.m. and twenty-four hours a day, seven days a week via the web. Additionally, complaints and inquiries are received via fax and U.S. mail. Our outreach presenters, and Chinese and Spanish speaking staff, also provide consumer assistance to underserved consumers. The CAU responds to and resolves more than 20,000 complaints and inquiries a year on a variety of topics, including home improvement, credit card practices, utility services and debt collection. The CPB provides direct assistance to approximately 4,500 consumers each month and has helped consumers realize more than \$1.3 million in savings through cost avoidance and restitution in 2007.

**Issues:**

None. Consumer Advisors carry a caseload of about 75-90 cases at a given time.

**Population Served:**

All New Yorkers.

**Performance Measures:**

The CPB measures (1) calls to our hotline (annual objective, 40,000 calls per year and the CPB reached 73% of our goal in the second quarter of 2008); (2) views of or hits to our website (annual objective 100,000 and the CPB reached 64% of our goal in the second quarter of 2008); (3) telephone wait time (industry standard wait time is 3.17 minutes and the CPB's average wait time was 20 seconds in the second quarter of 2008); (4) number of CPB publications distributed (annual objective is 10,000 and the CPB has reached 31% of that goal in the second quarter of 2008); (5) complaint processing time (objective 3 business days, the CAU processed 92.8% of all incoming consumer complaints in one business day in the second quarter of 2008); (6) complaints successfully resolved (annual objective 85% and the CAU successfully resolved 93% of the complaints received in the second quarter of 2008); (7) savings realized through CAU intervention (quarterly objective, \$200,000 and the CPB saved consumers over \$240,000 in the second quarter of 2008); (8) complaint closure rate (objective 80% within 90 days and the CPB closed 98% of its cases within 90 days in the second quarter of 2008).

NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET

**Program:**

Food Policy and Programming.

**Mandate:**

The CPB serves on the New York State Food Policy Council and is assisting the Governor with the Commission on Supermarkets.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The Council on Food Policy is charged with developing a policy for the State to ensure an adequate supply of affordable, fresh, nutritious food for its residents and to expand agricultural production, including locally-grown and organically-grown food. While New York farmers produce an abundance of milk and dairy products, vegetables, fruits, meat and poultry products; and New York State offers a vast array of food assistance programs, some of our most vulnerable residents have little or no access to fresh, affordable, nutritious food. At the same time, some food assistance programs are not able to meet their full potential and local farmers are having difficulty marketing their goods given the high cost of fuel. The CPB has created a dedicated page on its website to help consumers learn more about the benefits of locally grown produce, the foods they purchase and how to get the most for their hard-earned money. The CPB is also assisting the Governor's office by researching the issue of and possible solutions for the absence of supermarkets in some communities in NYS.

**Issues:**

A limit on Agency resources may restrict the number of educational tools and delivery mechanisms created for this program and the amount of staff time that can be dedicated to this issue.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Although there are no specific measurements for this program at this time, the program sheet relating to outreach and education encompasses some of our accomplishments under this program.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Identity Theft and Telecommunications Privacy (Security Breach).

**Mandate:**

Executive Law Section 553; General Business Law Section 899-aa; State Technology Law Section 208.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

Identity theft victims have an arduous task in repairing their financial record, credit rating and well being. They require assistance and intervention to address their particular long-term needs and to navigate various public and private systems. Under the new 2008 Identity Theft Mitigation and Prevention Program, created pursuant to Chapter 279 of the laws of 2008 (a Governor's Program Bill), the CPB acts as a central identity theft repository for information and assistance and serves as a liaison between the consumer and public and private entities to help resolve problems related to identity theft. In 2005, the Data Breach Notification Act went into effect, mandating that all public and private entities report data breaches to the CPB along with the NYS Office of Cyber Security and the Office of the Attorney General. To date, the CPB has received over 500 breach notices and has created informational resources for consumers and industry. With the advent of wireless communication technology, the CPB has created informational programs and materials to inform consumers about privacy issues relating to this technology and advocates on the State and federal level for greater protections.

**Issues:**

Reduced resources may limit the extent of the assistance provided to New Yorkers.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Although there are no specific measurements for this program, the program sheet relating to outreach and education as well as consumer assistance reflects the provision of direct assistance and informational material distribution relating to identity theft.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Legislation.

**Mandate:**

Executive Law Section 553.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The CPB's legislative staff tracks, proposes and drafts legislation on both State and federal levels. They are also called upon by the Governor's Office to research issues, draft Governor's program bills, provide detailed policy advice and comment on legislative proposals. Additionally, our staff works with the Governor's Washington D.C. based office to advance consumer protections on the national front.

**Issues:**

None.

**Population Served:**

All consumers.

**Performance Measures:**

The CPB was asked to comment on approximately 90 bills in the 2008 legislative session and submitted timely responses on each. This is an increase of approximately 25 comments from last year. The CPB also assisted in the drafting of the Governor's Identity Theft (chapter 279 of the Laws of 2008) and Toy Safety legislation this session.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Motor Fuels Marketing Practices Act (MFMPA).

**Mandate:**

General Business Law Section 370.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The MFMPA became effective in April 2004. The law is intended to preserve, promote and encourage competition in the motor fuel industry in New York State. The law identifies and specifically defines certain marketing practices that impair fair and healthy competition and, if continued, would harm consumers. The CPB may investigate complaints filed by petroleum industry participants of alleged violations of the law. If the CPB determines that a violation has occurred, the case is transferred to the Office of the Attorney General. Violators are subject to a civil penalty of up to \$10,000 per violation not to exceed, \$250,000. Each day that a violation occurs is considered a separate violation.

**Issues:**

The law sunsets in October 2008.

**Population Served:**

Motor Fuel Industry.

**Performance Measures:**

None at this time.

NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET

**Program:**

Outreach and Education.

**Mandate:**

Executive Law Section 553 (g)

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The CPB's program development and outreach staff conducts informational sessions and participates in special events on a variety of topics, including the Do Not Call program, how to avoid identity theft, privacy issues, credit card and debt management, on-line security and shopping, current consumer scams, foreclosure risks, discount energy and other relevant consumer issues. These experts develop educational materials and resources that are distributed through our many public and private partners and made available on our website. They also make presentations in English, Spanish and Chinese at various community-based environments, educational institutions, unions and businesses to facilitate consumer understanding of important issues and to help empower individuals to make informed marketplace decisions. The CPB also uses the media via press releases and targeted educational campaigns to communicate our important consumer warnings, tips, strategies and information.

**Issues:**

A reduction in resources may limit the Agency's ability to conduct live outreach presentations and reach underserved communities.

**Population Served:**

All New Yorkers.

**Performance Measures:**

The CPB measures the impressions of our outreach and educational messages with an objective of 33,000,000. In the second quarter of 2008, the CPB met 33% of our goal. The Agency also measures our educational messaging with an annual objective of 45,000,000, meeting 49% of our goal in the second quarter of 2008. Lastly, the CPB tracks the processing time for requests (received by our outreach and education staff) for CPB publications and resources with an objective of delivering these materials within 5 business days. In the second quarter of 2008, the CPB responded to all requests for publications in 3 days or less.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Do Not Call.

**Mandate:**

General Business Law Section 399-z.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The New York State Do Not Call (DNC) program was signed into law in October 2000 and went into effect in April 2001. From 2001 to 2003, the CPB administered the State Registry via a vendor. In 2003, the Federal Trade Commission and the Federal Communications Commission collaborated to create a National Do Not Call Registry enforcement program. Since 2001, the CPB has enforced over 400 DNC cases, reviewed thousands of complaints and generated revenue from penalties. In 2003, the CPB did not renew its contract with its vendor for DNC Registry services and has since used the National Registry at no cost to the State to obtain consumer registration and complaint data to enforce the State law and generate funds.

**Issues:**

The CPB increases awareness about the law, delivering presentations to businesses to educate and inform them about the law. As a result, compliance may increase, thereby reducing the number of valid complaints and revenue. Notwithstanding that possibility, difficult economic times may create more opportunity for telemarketing fraud and may still consequently, increase the number of DNC complaints.

**Population Served:**

All New Yorkers.

**Performance Measures:**

The CPB distributes resources and materials and holds workshops to educate both consumers and businesses about the law. Accordingly, the Agency has established performance measures to track (1) the number of industry representatives that receive our compliance guidance materials (annual objective is 500 and the CPB has reached 25% of its goal at end of second quarter); (2) the number of New York State telephone numbers on the National DNC Registry (annual objective is 10,056,105, NYS telephone number registration reached 9,956,105 at end of second quarter); and, (3) the number of complaints processed (annual objective is 5,100 and the CPB reached 33% of annual goal at end of second quarter).

**THE NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Executive Direction.

**Mandate:**

To lead, guide and support the CPB in fulfilling its mission and responsibilities in an efficient and effective manner. Pursuant to Section 553 of the Executive Law, the Chairperson and Executive Director oversees numerous administrative and policy functions including the delivery of statutorily required reports, receiving and responding to consumer complaints, intervening on utility proceedings and assisting the Governor in creating consumer protection laws and policy.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The Chairperson and Executive Director is the Governor's designee to provide leadership, guidance, vision and direction for all of the CPB's programs and initiatives. With the assistance and support of the Deputy Executive Director and one half of an FTE, the Executive Direction program manages the CPB staff, operations and Agency expenditures. Further, the executive team ensures compliance with Agency policies; rules and regulations of the Office of Public Integrity; the efficient execution of Agency projects and programs; and, the achievement of budgetary, administrative, operational and informational efficiencies.

**Issues:**

None.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Performance measures for this program are reflected in the accomplishments and achievements within each unit, program and initiative of the CPB.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Financial Literacy and Economic Security.

**Mandate:**

No statutory mandate.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

In 2007, the CPB began developing educational resources and programs to help consumers protect their personal finances. As the housing crisis continues and consumers continue to suffer financial strain, the CPB works with the Governor's Office, State agencies and community groups to offer tools to advance economic security and empower consumers to safeguard their financial resources. *Money Maps*, *Stretching Your Dollar* and the *Home Buyers Took Kit* are key Agency materials and programs that deliver smart credit card and financial techniques to consumers. On May 29, 2007, Executive Order No. 15, was issued creating the New York State Commission to Modernize the Regulation of Financial Services. The Commission is charged with identifying ways that New York can modify its regulatory regime to retain and enhance its status as a world financial capital. The CPB serves on this Commission to represent consumer interests. The Agency also represents consumers in its service on the HALT (Halt Abusive Lending Tactics) Task Force.

**Issues:**

A reduction in resources will limit the Agency's ability to develop and distribute resources and assistance programs to consumers.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Although we have no specific performance measures for this program, the delivery of materials and programs related to this issue area are measured under outreach and education.

**THE NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Utility Intervention and New Technologies.

**Mandate:**

Executive Law Section 553; Public Service Law Sections 24-a (notice of rate increase to be given to CPB), 71 (the CPB has the power to initiate a complaint with the Public Service Commission (PSC) regarding quality of service), 84 or 98 (the CPB has the power to initiate a complaint regarding any act or omission in violation of any law or order of the PSC committed by any telephone corporation) and sections 12 and 17 of the Energy Law relating to solar energy and energy efficiency and testing standards for household equipment, respectively.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The CPB is the statutory representative of consumers on regulated utility matters, including energy and telecommunications issues. The staff in this unit advocates on behalf of NYS consumers regarding utility-related issues before State and federal officials, participating in proceedings convened by the PSC and the Federal Energy Regulatory Commission and the decision-making committees of the New York Independent System Operator (NYISO). Staff also conducts appropriate outreach and assists to advance the Governor's energy efficiency program. Additionally, the CPB serves as the Statewide Consumer Advocate at NYISO, which oversees the restructured wholesale electricity market in New York. The CPB serves on the Board of Directors of the Targeted Accessibility Fund, the Long Island Power Authority Major Storm Review Panel, Low-Income Forum on Energy, Natural Gas Reliability Advisory Group, the NYS Energy Research and Development Authority (NYSERDA) Energy Analysis Technical Review Group and the NYSERDA Systems Benefits Charge Advisory Board. Staff also performs appropriate outreach and consumer assistance.

**Issues:**

A reduction in resources limits the CPB's ability to participate in rate cases, policy proceedings and energy efficiency initiatives.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Although there are no specific measurements for this program at this time, the program sheet relating to outreach and education encompasses some of our accomplishments under this program.

**NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET**

**Program:**

Recalls, Toy Testing and Children's Safety.

**Mandate:**

The proposed Child Product Safety and Recall Effectiveness Act of 2008; Article 28-E of the General Business Law and Executive Law Section 553(3)(f).

**Mandated Funding Level:**

2 FTE(s) in 2008-09 Budget.

**Brief Description/History/Background:**

Pursuant to our critical, statutory mission to conduct product research and testing, the CPB has broadened its work with product recalls. Over approximately the last four (4) years, the CPB has been a State designee working with the Consumer Product Safety Commission (CPSC) to do limited "recalled product checks" in local retail stores. Since January 2007, the CPB has begun to expand its work in this area by accepting additional "recall check" assignments from the CPSC; updating its website to include important recalls; becoming a member of the CPSC's Neighborhood Network to receive and distribute relevant safety and warning information to localities; and, signing up with the CPSC to be alerted immediately via e-mail about recall notices and warnings relating to birth-to-five products such as cribs, high chairs, car seats, etc.

Following several large recalls by toy manufacturers, in August 2007, the CPB and sister State agencies the Departments of Health and Agriculture and Markets surveyed retail stores to determine if the recalled products had been removed from store shelves. As a result of the recalls, the CPB assisted the Governor in drafting legislation that will become law in 2008 and will create greater protections for New Yorkers relating to product recall notifications and product labeling. The CPB is tasked with drafting rules and regulations to administer the administrative hearing process as provided for under this measure. The CPB is now expected to play a larger role in this issue area and invoke our authority to test products and help ensure the removal of unsafe products from the marketplace. In 2007, the Agency launched its youth programming initiative emphasizing safety issues, which is consistent with some of the Governor's priorities and the goals of the Children's Cabinet, on which the CPB serves.

**Issues:**

The Agency will be challenged to meet its mission related to this mandate without the acquisition of at least one FTE, titled Product Safety Specialist. Further, if funding is limited, the Agency may have to reduce the number of safety-related informational, testing initiatives and guidance resources produced for consumers and industry as provided for under the new Act.

**Population Served:**

All New Yorkers.

**Performance Measures:**

The CPB creates programs to increase product safety awareness and increase recall compliance. The CPB measures industry compliance with recalls by performing recall effectiveness checks on the Internet and at retail stores across the State. Although this measurement does not reflect operational performance, the Agency reported 95% compliance among retail outlets that were checked in the second quarter of this year. The CPB created the Recall Awareness Promotion Program, a partnership with industry that commits participants to register with [www.recalls.gov](http://www.recalls.gov) and review the CPB's website to receive recall and product safety information; advise their members and others about the importance of prompt removal of recalled products from their establishments; provide timely and relevant recall and product safety information and resources to its members and others; and, to promote future program development and activities within its organization and to advance the objectives of the program. The CPB, through its consumer assistance program, responds to consumer inquiries and concerns about product safety and recalls.

THE NEW YORK STATE CONSUMER PROTECTION BOARD (CPB)  
PROGRAM INFORMATION SHEET

**Program:**

Video Violence.

**Mandate:**

New Executive Law Section 554 creates an Advisory Council on Interactive Media and Youth Violence within the CPB.

**Mandated Funding Level:**

No mandated funding.

**Brief Description/History/Background:**

The impact of marketing of violent video games and their potential impact are concerns that have received much media attention over the past decade. After a year long study, the Federal Trade Commission (FTC) issued a report in September 2000 which found that there is "pervasive and aggressive marketing" of adult material to children. In response to the myriad issues relating to video violence, this law was recently signed by the Governor. The Council is created under the CPB to make recommendations on interactive media and youth violence and address the potential impact of similar interactive devices on minors and is to focus on any relationship between the use of such devices and violent tendencies. The Council is also charged with reviewing the Entertainment Software Rating Board's video game rating system and making recommendations on the effectiveness and accuracy of the rating system. It is to study the potential of establishing a parent-teacher violence awareness program to identify and appropriately assist students who may have a propensity toward violence.

**Issues:**

There is no mandated funding to support the CPB's administration of the Advisory Council.

**Population Served:**

All New Yorkers.

**Performance Measures:**

None at this time.