

FRANK PADAVAN
Senator, 11th District
Vice President Pro Tempore

PLEASE RESPOND TO

SENATE OFFICE:
 Room 416
State Capitol
Albany, New York 12247
(518) 455-3381

DISTRICT OFFICE:
 89-39 Gettysburg St.
Bellerose, New York 11426
(718) 343-0255



MARK S. WEPRIN
24th District

PLEASE RESPOND TO

ALBANY OFFICE:
 Room 626
Legislative Office Building
Albany, New York 12248
(518) 455-5806

DISTRICT OFFICE
 58-21 Marathon Parkway
Little Neck, New York 11362
(718) 428-7900

May 29, 2008

Robert Orlin, Esq.
Deputy Commissioner for Legal Affairs
NYC Department of Sanitation
125 Worth Street, Room 710
New York, NY 10013

Dear Commissioner Orlin:

We are writing concerning Chapter 3 of the Laws of 2008 regarding the distribution of unsolicited advertising on private property and the public hearing being held on the proposed rules to effectuate the law.

First, we feel it is important for your Department to realize the wide spread public support for this legislation. From our personal observations, to complaints from community boards, civic organizations and our neighbors, unwanted literature, advertisements and fliers left on private property is not only a blight throughout Queens but a safety issue as well. Not unlike the calls of telemarketers until the "Do Not Call" registry was adopted, we felt legislation was necessary to alleviate this nuisance of unwanted litter. As a matter of fact, once the law was signed our offices made the pertinent signs available and over four thousands citizens in our Districts alone have already placed such signs on their property.

In respect to the proposed rules, we are in general agreement and commend your Department for its efforts in this regard. There is, however, one issue which we feel may have an impact on our constituents not filing a complaint and that is the requirement of it being notarized. It may be difficult for one reason or another for people to get to a Notary. To that end, we would maintain that if the complaint makes it clear that the signer swore to the truth thereof under penalty of perjury, this would be sufficient for your Department to act. Of course, if the complainant had to later appear at an administrative hearing or if your Department felt a notarized affidavit was necessary to obtain a conviction, the individual would have to comply. The point is the requirement of a notarized complaint in the first instance may well discourage citizens to file complaints. Therefore, we would ask your Department to consider deleting such requirement from the proposed rules

May 29, 2008

Should you have any questions or require anything further, please do not hesitate to contact us. As we will both be in session in Albany on June 4, we would ask you to include this letter as part of the hearing.

Lastly, we have enclosed a recent unwanted flier left on a constituent's lawn as an example of this unsightly litter.

Cordially,

Frank Padavan
Senator 11th District

Mark Weprin
Assembly District 24

FP:ac
Enc.