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Brooklyn, NY 11218
May 25, 2008

Deputy Commissioner for Legal Affairs
New York City Dept of Sanitation
125 Worth Street, Rm 710
New York, NY 10013

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DEPT OF SANITATION
NEW YORK CITY

Dear Sir/Ms:

Pursuant to the Law regarding distribution of advertising material, I wish to voice the following opinions. I will be unable to attend the public hearings, but trust that your office will consider my comments with the full import of having been there in person.

1) Chapter 585, #2: "There shall be a rebuttable presumption that the person whose name...appears on any advertising material...shall be liable for any violations of this section"

This is an incorrect assumption. As an advertiser, I can tell you that companies that advertise utilize the services of other companies that distribute fliers door to door. Rarely does an advertiser do the actual delivery himself.

Secondly, even though the law states that this presumption is rebuttable, it does not indicate how it is to be rebutted and if fines must be paid prior to the rebuttle process (which would be unfair).

2) Chapter 585, #3: A civil penalty of not less than \$250 nor more than \$1,000 shall be imposed for each violation...."

It is unconscionable to assess a fine for a first time offense, which this law seems to allow. Fines should not be enforced until a second or third offense which would show willful disregard of the statute. It is very easy for material to be accidentally kicked or moved from one place to another, i.e. in a duplex home, where there are two dwellings side by side. It is also possible that the advertiser or distributor, who is delivering to thousands of homes may *unintentionally* make a mistake.

Secondly, the amount of \$250 to \$1000 is EXCESSIVE. A distributor may not make more than a few hundred dollars profit per distribution. This fine system will discourage advertisement and ultimately hurt businesses which will, in turn, hurt the economy, in general. This fine system is especially unwarranted considering the fact that the offense may not have been intentional.

Sincerely,

Michael L Kuskin