



DWM Investigator Comes to Aid of Gas Station Attendant Helps Detain Shoplifter

State employee directly intervened in dispute outside store until police arrive

This past January, the Arizona Department of Weights and Measures investigator Lloyd Austin directly intervened in a shoplifting crime by assisting a local gas station store employee to help retrieve stolen merchandise and detain the suspect until police arrived.

Austin, who had just completed a "meter jump" inspection of several gas pumps at the station and was still at the store documenting his inspection findings, when he witnessed a female store clerk and male shoplifter in an altercation outside of the business.

"I looked up to see the guy arguing and being real combative with the store clerk

and figured I better do something," stated Investigator Austin, "in the end, he gave up without a struggle."

Investigator Austin rushed over to confront the two individuals, then identified him-

self to the shoplifter, and was able to convince the suspect to return the property to the store.

He followed the shoplifter back into the store where the stolen merchandise was returned and then escorted the suspect back outside and waited with him until local police authorities arrived.

The suspect did not attempt to escape after the altercation.

Not only was the suspect carted off to jail after the incident, but on a positive note, the gas station itself passed its inspection with flying colors with a 100% compliance rating.



Field Investigator Lloyd Austin

2011 Retail Prices Report favorable for Customers

Annual Inspection Report shows undercharges more likely at AZ retail

Arizona consumers are primarily paying accurate prices for merchandise at retail stores according to the annual inspection report released this week by the Arizona Department of Weights and Measures. The 2011 inspection records show that the agency conducted 2,603 unan-

nounced inspections of (UPC) cash registers and price posting inspections at businesses statewide.

The scanner results show a total of 46,259 individual items were inspected on cash registers at 1,027 retail locations. Of those items, 861 charged more than the adver-

tised price (totaling \$5,717.17 in overcharges). The department also issued 133 violation notices to retailers who failed to maintain a 98% compliance rating.

Perhaps more newsworthy, the results revealed that undercharges dominated the scanning inaccuracies found in 2011.

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DIRECTOR'S REPORT: New Consumer Protection Services introduced

Year in Review— For 2011 DWM is doing more w/ less

Most folks are surprised to learn just how many important consumer protection services that Weights and Measures works on each year. With a smaller workforce than previous years, I'm still very proud to boast that in 2011, we continued to be very productive and provide quality services for the people of Arizona.

Along w/ checking gas pumps, licensing taxi cabs, and calibrating weights for industry at our metrology lab, there were several new consumer protection services that the Department introduced in 2011:

Crack down on credit card/ID theft:

Last year we inspected 1,034 AZ gas stations to ensure that no skimmer devices from criminals were hidden inside the gas pumps. These small devices are used to steal unsuspecting customer's credit info. In one case, our discovery led directly to the bust of a suspect allegedly tied to a syndicate out of Los Angeles. Last year our inspectors also partnered with local, state and federal law enforcement on 10 criminal investigations which led to the apprehension of 7 suspects. The Dept. is

committed to continuing this important consumer protection effort.

DWM Busts Uninsured Taxi's:

Each and every taxi, livery car, and limousine is licensed annually by Weights and Measures where we inspect the vehicles and check for proper insurance coverage. Too often, these vehicles show up without the proper insurance despite having been licensed the year prior. So in 2011, we began our Insurance Verification project where we now randomly select 50 vehicles each month to check



Kevin Tyne - Director

with their insurance company and ensure they are still carrying required insurance. We checked over 600 cars in 2011 and found 108 insurance violations which led to \$67,000 in civil penalties for violating the law.

Better collection of delinquent fines:

Critical to the department's credibility in fairly and equitably regulating Arizona businesses is our success to evenly hold violators accountable for their non-compliance. To that end, the Department this year focused on better collection of delinquent or overdue fines and penalties.

Too many offenders previously had been gaming the system, believing they can get away with not paying the penalty. Allowing this to continue gives them an unfair advantage over their competitors.

In the last several months, the department has recovered several thousand dollars in outstanding penalties that had been issued 3 years ago or more. In several instances, the Department has cooperated with those businesses that make sustainable arrangements for repayment.

Annual Report Released on Retail Pricing and Cash Register Accuracy

Investigators find some overcharges, but mostly undercharges in 2011

(Cont. from Pg. 1)

There were 1,384 undercharges (totaling \$21,440.10) in favor of the customer. Civil penalties are not levied to businesses who undercharge, however any price discrepancy must be corrected within 30 minutes or the items are taken off sale.

The annual results for store price-posting tell a similar story. Of the 1,576 locations inspected (including 286,092 individual items audited), 4,992 items were found out of compliance with no price or inaccurate pricing infraction. The Department issued 153 price posting violation notices to retailers who failed to maintain a 98% compliance rating.

On the positive side, Weights and Measures reported 689 diligent retailers in 2011 who achieved a perfect 100% compliance rating on their scanning in-

spections and 583 retailers who scored 100% on their price posting inspections.

"Central to the existence of a fair marketplace is the provision of effective education programs for consumers and businesses alike" stated Kevin Tyne, Director of the Arizona Department of Weights and Measures, "significant undercharges and overcharges in stores reinforce the importance to business of having a strong scanning and accurate pricing program."

Weights and Measures officials follow federal guidelines when selecting items for price posting or items to be scanned at the cash register. Merchandise offered or exposed for sale must scan at the advertised price, and items must be marked or have a nearby sign marked with a price. A 98% compliance rating must be achieved to both scanning and pricing.

The report released today covers inspections conducted between January 1st and December 31st 2011 by state investigators throughout Arizona.



W & M checking prices @ retail

Arizona Department of Weights and Measures
TOP TEN CONSUMER COMPLAINTS
 October, 2011 – January 2012

<u>Type</u>	<u># of complaints</u>		<u>#</u>
1. Gas Pump (operational) – <i>Defective Equipment/Amount Dispensed</i>	239	6. Fuel Quality – <i>Octane Discrepancy/Quality dispute</i>	23
2. Price of Gasoline – <i>Price/advertising/billing dispute</i>	61	7. Moving – <i>Price/advertising discrepancy/billing dispute</i>	21
3. Cash register/UPC scanner – <i>Price discrepancy/billing dispute</i>	45	8. Small Scales – <i>Defective equipment/price</i>	17
4. Vehicles for Hire (Taxi/Limo)– <i>Taxi overcharges/billing dispute</i>	38	9. Packaging – <i>Weight discrepancy/advertising discrepancy</i>	11
5. Retail Price Posting – <i>Price/advertising/billing dispute</i>	32	10. Large Scales – <i>Price/defective equipment</i>	10

Not so fast: Stage II Vapor Recovery testing not necessarily to be eliminated in Arizona

This past Summer, the Environmental Protection Agency, (EPA) proposed a new rule that could lead to the ultimate elimination of Stage II vapor recovery system requirements at gasoline fueling locations. Stage II vapor recovery systems collect gasoline vapors from vehicles' fuel tanks while customers dispense gasoline products into their vehicles at gasoline dispensing facilities.

The Stage II system is required at gas stations throughout Maricopa County and parts of Pinal County as a mitigating standard to reduce ozone pollution. The EPA's July announcement paves the way for decommissioning of stage II requirements in those jurisdictions already covered by federal regulations. The EPA announcement also assured businesses not currently mandated in other parts of Arizona that stage II will not be required as a control measure to reduce ozone pollution.

It should be noted however that the existing areas (Maricopa and

Pinal) which are currently required to have stage II vapor systems will still be mandated to maintain those systems until revisions are made to Arizona's State Implementation Plan (SIP). Stage II vapor systems had already been specified as an ozone control mandate in Maricopa and Pinal County, and any changes or revisions to the SIP would have to first be submitted and approved by the EPA. In the end, the SIP revision process would

first require a back sliding analysis of current ozone control measures, and each jurisdiction would still be required to identify new control measures to mitigate ozone before stage II vapor systems could be eliminated. Only then can stage II vapor recovery be fully decommissioned and removed from Maricopa and Pinal counties.

Going forward, industry will be confronted with deciding if they want to build a new station in an existing non-attainment area, or wait till stage II is no longer required.

Government officials and industry will likely need to debate whether to maintain their current stage II programs or identify new control measure to address ozone pollution. In the end, it is clear there is a lot of work left to do before anything can be done to remove stage II for Arizona.



Stage II Vapor Recovery testing

Northern Arizona area gas pump inspections primarily good

Customers in Flagstaff, Sedona, Prescott getting correct charges at Service Stations

Recent unannounced inspections conducted by the Department of Weights and Measures in various Northern Arizona locations reveals gas stations may be hurting themselves, as the test results indicate consumers are getting what they pay for or in many cases, even more.

In all, Weights and Measures tested 775 gas pumps at 37 different service stations throughout Northern Arizona, including locations in Flagstaff, Sedona, Camp Verde, Cottonwood, Prescott and Prescott Valley.

According to the inspection results conducted between August and October of 2011, nineteen gas stations received a perfect 100% percent compliance rating.

Of the 18 remaining stations that had infractions, nearly all of the gas dispensers worked accurately with minor infractions found at 4 locations. For example, 12 of the infractions were actually cited



Field Investigator Damien DeSantiago

for giving more gasoline away to the customers, 2 of the stores were dispensing fuel accurately but the sign out front was incorrect, and 1 gas pump dispenser was guilty of meter jump (where the pump is turned off but the meter continues to charge a few cents).

“Weights and Measures constantly strives for equity in the marketplace, while trying to protect Arizona consumers and educate business,” stated Dan Egge, the Department’s Transportation Fuels Director, “It is important that we continue our inspection efforts to make sure consumers get what they pay for and that Arizona has a fair marketplace for business to compete.”

The Department of Weights and Measures inspectors travel all across the state each day conducting unannounced fuel quality and fuel accuracy inspections of retail gas stations.

Arizona consumers currently buy more than 2.3 million gallons of gasoline each day at approximately 2,082 gas stations statewide.

For more information, or to file a complaint contact the Arizona Department of Weights and Measures at (602) 771 – 4920 or to file a complaint online please visit our website at www.azdwm.gov.

Nothing “a-fowl” About these Thanksgiving and Christmas birds

Packaging and overall weight of holiday turkeys reviewed

As part of the holiday season, the Arizona Department of Weights and Measures in cooperation with Arizona Albertsons, Bashas, Fry’s and Safeway supermarkets worked together over the last few weeks to make certain consumers get what they pay for when purchasing turkeys.

The exercise involved investigators and grocery staff who together checked the overall weight of various turkey brands and verified the packaging weight (also known as tare weight) as originally delivered from the distributors. By verifying these calculations, the markets were able to fully assure that the total weight of each product on sale is properly itemized and priced.

The National Institute of Standards and Technology provides strict federal protocols for Arizona inspectors to follow when determining proper weight of meat and poultry. In order to establish a fair

and equitable weight, all of the “packaging” material that are not considered product must be removed from the bird and weighed separately. These packaging items which consist of outer plastic bag which holds the turkey, plastic mesh, staples, wax giblet bags and leg ties are considered “tare” and the customer should not have to pay for them. Once these items have been removed they are weighed and deducted from the net weight of the bird.

“Packaging and price verification are a critical part of the department’s effort to protect consumers and educate business,” stated Shawn Marquez, Compliance Director at the Department of Weights and Measures, “Our

thanks to Albertson’s, Bashas, Fry’s and Safeway for collaborating with state inspectors and taking this added step of making sure consumers get what they pay for this holiday season.”



Field Investigator Linda Wetzel conducts packaging inspection

State Laboratory Earns Federal Accreditation

One of 19 accredited Labs in Country—important to AZ industry

Arizona's Department of Weights and Measures was proud to recently announce that our metrology laboratory received federal certification and maintained its national accreditation after the conclusion of a two month long scheduled federal audit.

The National Voluntary Laboratory Ac-



creditation Program (NVLAP) recertified the Arizona state lab after several months of audit and interviews. Our metrology lab is one of just nineteen such labs nationwide to receive this accreditation.

The accreditation certificate indicates that the State of Arizona laboratory has the necessary quality system, facilities, equipment, standards, and staff to provide accurate and traceable measurement services and that the laboratory is competent to carry out the measurement services for which it is accredited.

The Department of Weights and Measures' metrology laboratory has provided service for scores of private customers and calibrates well over than 8,000 individual pieces of equipment each year.

Our labs are a place where

precision is all-important, as it sets the standards for every commercial scale and measuring device in Arizona.

The measurement is so precise at these laboratories that the balance needs to be protected from dust mites and air drafts in order to produce accurate readings. At the other end of the spectrum, the state lab is able to calibrate equipment that can weigh something as heavy as 5,000 pounds.

Put in terms of dollars and cents, we like to point out that when commercial weighing and measuring devices are even slightly off, the inaccuracy can cost consumers or businesses millions of dollars.

Private sector clients in Arizona needing accurate measuring devices rely heavily on the metrology lab, including high tech companies, pharmaceutical companies, aircraft manufacturers, and even forensic labs that aid in criminal investigations.

Toy Store prices not a "Bah Humbug" in 2011

Stores aren't scrooges re: holiday prices at game and toy retail locations

The Department of Weights and Measures announced some good news for Arizona shoppers in December as their inspection results at local stores indicated consumers are primarily being accurately charged for toy merchandise. In all, the Department inspectors conducted unannounced investigations of cash register scanners and price posting at 27 toy store locations from November 1st through December 14th, 2011.

The inspections themselves included an audit of over 5,000 individual toys on shelves that require an advertised price, and over 1,000 individual toys that were scanned at the register to assure pricing accuracy.

According to the results, 24 of the retail locations were in full compliance, one store failed their scanning test, there were 4 overcharges (an 84 percent compliance rate), two other

stores failed their price posting inspections with a 90.4 percent and 88.8 percent compliance rate respectively. More often, the inspections revealed retailers were hurting themselves with undercharges at the register where consumers were actually paying less than what was marked or advertised.

"Commerce is in full swing this time of year, so accurate scanning and pricing is not just good business its great customer service," said Kevin Tyne, Director of the Dept. of Weights and Measures, "these results do show some significant instances of undercharges and remind us of the importance to all retail stores of having a strong self scanning and pricing program."

Weights and Measures officials follow federal guidelines when randomly selecting items to be scanned at the cash register, items offered or exposed for sale must scan at the advertised price, and those same items must be marked or have a nearby sign with a price. A 98% compliance rating must be

achieved to pass both scanning and pricing tests, only one overcharge in a 50 item selection test is allowed by law.

According to test results, of the 5,577 toys checked for an advertised price only 92 items were not marked. Of the 1,100 toys scanned at the register, only 13 items were overcharges (totaling \$59.90), however 59 items were toys that scanned less than what was advertised (totaling \$315.67).

Some of the major stores inspected include: Target, Toys R Us, Sears, Wal-Mart, Gamestop, K Mart, KB Toys, and The Disney Store among others.

The Department of Weights and Measures inspectors travel all across the state each day conducting scanning accuracy and pricing inspections at retail stores, for more information or to file a complaint contact the Department at (602) 771-4929 or visit our website at www.azdwm.gov.

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LEGISLATIVE/REGULATORY UPDATE

2012 Legislation

SB 1497/HB 2103 – Taxi Maintenance Records – (Sen. Burges) – Would clarify last year’s bill which required owners of taxi, livery and limousines to keep vehicle maintenance records. This year’s legislation would define those records at a minimum, to include the vehicle’s brake and tire inspection data.

CLARIFICATION — 2011 Rulemaking

R-20-2-759 - Test Methods for Arizona CBG and AZRBOB—(amended March 12, 2011) - While this rule’s footnote gives the impression that the CARB equation is to be utilized by registered suppliers when certifying Arizona CBG or AZRBOB, the Environmental Protection Agency has not approved this equation for use in Arizona. Until such time as this equation is approved for use in Arizona by the EPA (or another compliant alternative is found), all suppliers must use the ASTM equation.

Consumer Q & A

Q: Why is the Department of Weights and Measures located in Glendale, Arizona?

A: Back in 1999, the Department had to relocate from Scottsdale, AZ due to vibrations created from traffic travelling on the “new” freeway (State Rte. 101). These vibrations adversely affected our nationally accredited metrology laboratory equipment, which is used for calibrations and tests of Arizona’s pharmaceutical, aerospace, law enforcement, and telecommunication industries. A thorough search for a cost-effective and a geologically stable site resulted in the Department reconstructing these labs and locating at their current address in Glendale. The current department offices and laboratory site is far enough away from railroad, freeway, airline routes and other vibration causing spots.

Q: What is a livery vehicle?

A: According to Arizona statute, a livery vehicle is a motor vehicle that has a seating capacity not exceeding fifteen passengers (including the driver) that provides passenger services for a fare determined by a flat rate or flat hourly rate, and is available for hire on an exclusive or shared ride basis. Unlike taxi cabs, a livery vehicle operates without a meter and operates on a regular route or between specified places while offering prearranged ground transportation service. Many executive town cars or shuttle vans operate as livery vehicles in Arizona.