



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

SUMMER 2011

Weights and Measures inspects over 15,000 Gas Pumps 2010-2011 Results Shows Good Compliance from Arizona Gas Stations

(Phoenix) – Despite higher overall gas prices this year, Arizona consumers can take some solace in this past year’s annual gas pump inspection results. The results taken between July 1, 2010 and June 30, 2011, indicate a 3.6 percent failure rate of gas pumps in Arizona that failed specific motor fuel volume inspections to the detriment of consumers. That’s an improvement from the 4.5 percent failure rate in the previous year.

“Arizona consumers buy more than 2.6 million gallons of gasoline each day,” said Kevin Tyne, Director of the Dept. of Weights and Measures, “These statewide results collected over the past year indicate that the gas pump dis-

pensers at Arizona service stations are predominantly correct, and customers are getting what they pay for.”

Overall, the Department’s field investigators physically conducted 1,714 inspections at retail gas stations throughout the state, having tested 15,773

dispensers. In all, about 1,000 of those dispensers failed to meet state compliance standards as a result of individual testing by state investigators, but only 575 of those failures were to the detriment of consumers. *(Continued on Pg. 2)*

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Is your baggage truly overweight at the airport counter?

With most airlines charging \$50 for each bag that weighs in over 50 pounds, Arizona inspectors were recently called in to investigate whether airport’s luggage scales are accurate or not.

After analyzing over 13 airlines with over 160 scales at Sky Harbor and at Gateway airports, the results show that by far, most of the scales passed without a problem.

According to Shawn Marquez, Director of Compliance with Weights and Measures, “This is welcome news for travelers right now to know that the airlines here in the Valley of the Sun are properly weighing their bags on accurately calibrated scales.”

According to recent media reports, the top five airlines that collect baggage fees in

2010 collected about \$2.5 billion in fees alone.

Of the 160 scales that were tested, only 12 of the scales were cited as not being in compliance, however, 6 of those were in the customer’s favor. “Scales take a lot of abuse, so customers would be well advised to take a moment to ensure the scale starts at zero, and if the bag is overweight, ask that it be weighed again on a different scale,” added Marquez.

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DWM Director pushing forward with pro-business agenda

Weights and Measures Director Kevin Tyne recently served as the guest speaker at the 66th Annual Scale Manufacturers Association's spring meeting held in Scottsdale on April 29th. The Scale Manufacturers Association is the national voice of the U.S. scale industry and is made up of leading manufacturers of weighing equipment from throughout the nation.

During the meeting, Director Tyne shared with the board members the mission, vision and general business plans of the department here in Arizona. Tyne told the audience, "My philosophy in heading a state regulatory agency right now is to recognize during a recession that small business is cranking the engine of our recovery." "Our focus should never be to balance our agency's budget burdens on the back of private industry, but rather to focus on keeping a fair and competitive field in which to contend," added Tyne, "small business is both the brains and the brawn that fuel our economic future."

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– Director Kevin Tyne

Participants in the audience also included representatives from the National Institute of Standards and Technology (NIST), and National Conference of Weights and Measures.

The hour long program included discussion about recent changes to state and federal standards for weights and measures, as well as environmental oversight

in the areas of fueling.

Director Tyne also took questions from the audience and highlighted the commitment of the Arizona Weights and Measures staff to partner with industry going forward in maintaining uniform standards and pushing for regulatory reform to make it easier for businesses to do business in Arizona.

Since assuming the helm of the Depart-



Kevin Tyne - Director

ment of Weights and Measures back in February of 2010, Tyne has overseen an increase in departmental inspections per investigator despite a 22 percent decrease in the overall workforce.

He attributed much of this recent success to the better allocation of resources, improved scheduling, and working directly with industry on educational efforts and training to help minimize future non-compliance issues.

Tyne concluded, "We'd much rather focus on being upfront about our mission and help teach industry to do things right, not to penalize them for doing things wrong."

15,773 Gas Pumps inspected by AZ Dept. of Weights and Measures

For the past year, there were:

- 213 cases where the gas pump was out of compliance for dispensing less fuel than was registered on the meter - thus shorting the customer, (about 1.3 percent failure rate);
- 194 instances of "meter jump" in which the fuel dispenser would not start at zero, (1.2 percent); and
- 168 individual violations of "meter creep" in which the dispenser incurred charges without dispensing any product; (under 1.1 percent).

Thus, 575 individual violations, (3.6

percent) of the total 15,773 dispensers had violations not in favor of consumers.

Of note, a significant number of inspections resulted in gas dispenser found to be in violation that was actually giving more gasoline away than was registered:

- 425 times, (about 2.7 percent of the tested dispensers).

For the year, the Department received 1,102 complaints from the general public regarding fueling dispensers, nearly 12% of those complaints were later verified by investigators and required corrective action by the station.

"Every single consumer complaint on gasoline that was filed with our Department was investigated this year, and whenever requested, we responded back to the consumer with the actual test results" added Director Tyne.

The Department also issued 326 notices of violation to gas stations for failing to meet fueling requirements. This resulted in the Department assessing \$244,400 in fines for those violations.

All civil penalty, licensing and other fees that are collected by the agency are deposited in the State of Arizona's General Fund.

Arizona Department of Weights and Measures
TOP TEN CONSUMER COMPLAINTS
April—June, 2011

<u>Type</u>	<u># of complaints</u>
1. Gas Pump (operational) – 297 <i>Defective Equipment/Amount Dispensed</i>	6. Cash register/UPC scanner – 33 <i>Price discrepancy/billing dispute</i>
2. Small Scales – 42 <i>Defective equipment/price</i>	7. Price of Gasoline – 27 <i>Price/advertising/billing dispute</i>
3. Vehicles for Hire (Taxi/Limo)– 39 <i>Taxi overcharges/billing dispute</i>	8. Fuel Quality – 20 <i>Octane Discrepancy/Quality dispute</i>
4. Moving – 34 <i>Price/advertising discrepancy/billing dispute</i>	9. Packaging – 14 <i>Weight discrepancy/advertising discrepancy</i>
5. Retail Price Posting – 33 <i>Price/advertising/billing dispute</i>	10. Large Scales – 7 <i>Price/defective equipment</i>

Moving Scams Increase during first half of 2011
State Investigators Help 25 Families Save Over \$50,000 in Moving Overcharges

(Phoenix) – A slew of recent moving investigations conducted by the Department of Weights and Measures have netted over \$50,000 in direct savings to Arizona citizens for the first half of 2011.

In all, 25 “sting” operations were conducted from January to July of 2011 involving various moving company employees trying to bilk unwarranted overcharges and fees from unsuspecting customers. In some cases, furniture was held hostage until additional payment was provided to the moving company. In other cases, unsubstantiated prices were being charged despite the customer having agreed to an original price or a binding estimate.

The Department of Weights and Measures investigators coordinated each of the investigations with local police department officials primarily in Maricopa, Pima, and Cochise counties.

“We’re thrilled with the significant success in helping so many local families recover their belongings and ensure they’re not scammed out of money they were not required to pay,” said Kevin

Tyne, Director of the Department of Weights and Measures.

“Movers who do business in Arizona are on notice that they’d better play by the



Arizona family assisted by AZDWM in retrieving belongings from disreputable moving company.

rules; and if the consumer suspects foul play they should contact us immediately,” added Tyne.

Federal and State laws require movers to prepare a written estimate on every shipment, which is presented to the customer. All charges, including transportation, accessorial and advance charges, are to be included on the document. A binding estimate must be in writing, and a copy of that estimate must be made available to the customer before the move.

Customers cannot be required to pay any more than the estimated and agreed upon amount when the furniture is delivered, without a signed, revised contract.

The best advice we can give to not get ripped off is to do your homework, make sure you get a guaranteed price quote in writing, and check the references of the company. Concerned consumers can contact Weights and Measures at www.azdwm.gov, you will find a list of moving companies the department has been forced to deal with, in price and weight disputes, and a list of agencies who help out victims of moving scams.

Credit Card skimmer devices discovered & confiscated at gas pumps

Weights and Measures stepping up enforcement efforts

On the heels of last year's directive from Gov. Brewer to crack down on credit card scams at Arizona gas stations, this year the department reported increased detection and enforcement efforts, new collaborative investigations, and reduced incidents reported of consumers getting ripped off. In short, our efforts over the past year appear to be working.

This past June and July, DWM inspector Charley Zach detected and removed credit card skimming devices that had been installed at several locations in Bullhead City. On the heels of these findings, the Mohave County Sheriff's Office began further investigations at local gas stations as a direct result of our efforts and uncovered additional skimmers.

In April, DWM inspector Michael Wright also confiscated a skimmer in Phoenix. Also in April, DWM inspector Damien DeSantiago uncovered skimmers at 2 different locations in Scottsdale. In each instance, a criminal investigation was started with the Phoenix and Scottsdale police departments.

In addition to stepped up enforcement in the field, DWM also has started a "first-of-its-kind" industry alert network system to spe-



Actual illegal skimmer found in local gas pump

cifically notify local gas stations of recent skimmer incidents in an effort for industry to partner with the state to combat against credit card skimmers. To date, more than two-thirds of Arizona gas stations are signed up via their corporate offices to participate in this new effort.

As Governor Brewer noted last year, "Such criminal devices like gas pump 'skimmers' can cause great harm to Arizona consumers who can unknowingly be victimized, and it is important to do what we can to protect citizens from such potential identity theft schemes or other criminal activity."

Nurseries/Garden Centers working with Weights and Measures

Arizona consumers will be pleased with the recent cooperative effort made by Arizona nurseries and garden centers and the AZ Department of Weights and Measures to improve pricing and package labeling practices.

Throughout March and April, state investigators surveyed 57 different retail and wholesale, nursery suppliers and plant centers from all over the state to review for cash-register scanning compliance, packaging conformance, and price accuracy. While some anomalies and infractions were discovered, these inspections directly resulted in a proactive effort by the nursery industry itself to implement better standards and consistency in pricing practices going forward.

"The Arizona nursery industry deserves a lot of credit for turning this most recent

investigative process into a positive educational opportunity to evaluate their own business practices and make important improvements on behalf of the customers they serve," said Kevin Tyne, Director of the Department of Weights and Measures.

"As regulators, we'd much rather partner to educate industry and see our role as a way to help business compete on a level field and jointly protecting consumers," added Director Tyne, "we are extremely hopeful that we can repeat this success with other industry's going forward to assure compliance with federal and state laws on pricing and packaging practice."

The nursery and garden center inspections incorporated typical pricing and package investigations that were based on reviewing 125 to 250 items selected at random at the locations to determine if they are clearly

priced on the store shelf, and containing the mandated information for consumers. The sample is based on the size of the store.

Once that test is completed, 25 to 50 items are run through the store's cash register or pricing scanners to see whether customers were overcharged at the checkout line.

Following these inspections, the Arizona Nursery Association and several individual retail nursery and garden centers reached out to Weights and Measures to seek clarification and ultimately worked together to incorporate improved pricing and business practices.

The department continues to make itself available for any corporate education seminars if any industry or business is interested in learning about pricing and cash register compliance requirements.

Weights and Measures Partners with ADOT on Joint Border Fuel Project

Unannounced gas inspections conducted in 23 Arizona cities and towns

For the last year, Weights and Measures has been working in collaboration with the Arizona Department of Transportation (ADOT) to examine transportation fuels along the Arizona border as part of a federal grant program. The recently completed project incorporated efforts to evaluate fuel quality at service stations along the border, while helping ADOT enhance motor fuel tax enforcement at these same locations.

The year-long audit between state agencies resulted in Weights and Measures testing fuels in 23 cities and towns along the Arizona border from Yuma to Douglas. In all, we inspected 80 gasoline stations, collected 168 gasoline samples and collected 62 diesel samples. Those fuel samples were tested in the field or brought for analysis at local Phoenix laboratories to determine fuel compliance according to state and federal standards.

Overall the Department found a 99% compliance rate for fuel purchased at the

service stations along the border, and a 95% compliance rate for diesel at those same stations. All noncompliant fuel was taken off sale until new fuel could replace it.

The lab results did reveal some instances of cross-contamination of diesel with gasoline, which can potentially damage diesel engines when continuously mixed and used in vehicle engines. Such con-

tamination usually occurs during the delivery and transport of fuel into the underground tanks at the station. In every instance of cross-contamination, the station was required to take corrective action and upon re-inspection, the station's fuel was verified to be fully compliant.

This joint border fuel project between ADOT and AZDWM included inspectors from both agencies, and in every instance, the inspections were unannounced visits, and the analyzed fuel was tested as found in the actual dispensers at the stations.

Based on the AZDWM analysis, it appears consumers in southern Arizona can be confident in the quality of the fuel being sold along the border.

ADOT's motor fuel tax enforcement analysis and audit results are expected to be completed over the next few months.



DWM Making Sure Prices add up at Office Supply Stores

Department checks for proper price on shelves and charges at register

Arizona consumers and businesses may be paying more for their office supplies than is fully warranted according to the recent inspections conducted by the AZDWM over the past couple of months. The results also showed that the office supply industry may be hurting themselves with significant undercharges. The agency specifically reviewed 22 different office supply stores throughout the state to inspect for accurate pricing on store shelves, and separately, to verify prices at the cash register (or UPC scanner).

In all, 5 of the 22 stores that were inspected were found not to be in compliance of price posting requirements, price verification scanning requirements, or both. Retailers at those locations were found to be overcharging anywhere from \$2.30 to as much as \$62.89 per item. The results also showed that 16 of the 22 stores had undercharged anywhere from 50 cents to as much as \$105.49 for offered merchandise.

"In this economy, it is important that consumers are never overcharged, and that businesses don't cheat themselves via inaccurate prices," stated Kevin Tyne, Director of the Department of Weights and Measures. "Our analysis indicates in this small sampling of office supply stores that better oversight of price posting and price verification will benefit both consumers and the retail office supply businesses.

Arizona law requires all goods offered for sale must have the price posted on or near them, and the same price must match at the retail cash registers or UPC scanner. As part of the auditing process, the stores are given no advance notice of the inspections.

Following the inspections, all scanning and non-priced items must be fixed within thirty minutes or the items are required to be removed from the sales floor. Equally important, any inspections resulting in undercharges for store items are available for informational



purposes however those instances are not incorporated as violations or non-compliance.

Details of the office supply store results are available at www.azdwm.gov. For more information, or to file a complaint about a price error, contact the Arizona Department of Weights and Measures at (602) 771-4920.



**ARIZONA DEPARTMENT OF
WEIGHTS AND MEASURES**

4425 West Olive Ave Suite 134
Glendale, AZ 85302

(800) 277-6675
(in Arizona, outside Maricopa)

Phone: (602) 771-4920

Fax: 623-939-8586

[Governor's Homepage](#)

We're on the Web

www.azdwm.gov

LEGISLATIVE CHANGES: New Laws for Taxi, Livery & Limo's Law became effective on July 20, 2011

There were several major changes to statute that affect the Taxi, Livery, and Limousine industry as regulated by the Department of Weights and Measures. These changes took effect on July 20th of this year.

Newly passed law:

- States that the regulation and use of livery vehicles, taxis, and limousines are of statewide concern.
- Specifies that livery vehicles, taxis and limousines and their use that are regulated pursuant to statute are not subject to further regulation by a county, city, town or other political subdivision of this state.
- Allows a public airport operator that operates a public airport pursuant to statute or a public body operating a public airport to establish the number of livery vehicles, taxis or limousines that may conduct business at a public airport or to set additional or more restrictive requirements for the conduct of that business at a public airport.
- Requires a taxi or livery vehicle to display interior signage that contains the driver's name and is readily visible to passengers.
- Stipulates that a driver of a livery vehicle, taxi or limousine must complete a criminal background check prior to being engaged as an employee or lessee of the vehicle owner.
- Directs an owner of a livery vehicle, taxi or limousine licensed through the Department of Weights and Measures (Department) to have written evidence of criminal background checks of any drivers operating a vehicle for the owner, whether as an employee or lessee, available for inspection at all times by the Department.
- Requires an owner of a livery vehicle, taxi or limousine licensed through the Department to have all vehicle maintenance records of all the owner's livery vehicles, taxis or limousines available for inspection at all times by the Department and specifies that these records must be updated at least annually.

Consumer Q & A

Q: I need to hire a moving company to relocate out of state, what steps can I take to protect myself from being scammed?

A: Make sure the company you are looking to hire is licensed, insured, and will actually pick up and deliver your belongings (not broker your goods over to another company for delivery). Read all documents, do not sign any blank documents, and make sure the contract is "binding." And always be present when your goods are picked up and delivered. We have a full list of moving tips on our website at www.azdwm.gov.

Q: When filling up my car with gasoline, I noticed the dispenser added 3 cents to my total before I had even started pumping the fuel. Is the station trying to rip me off? What should I do in that instance?

A: When a gas pump dispenser adds to the total cost without any fuel, this is called "meter jump" or "meter creep." In reality, this indicates a mechanical problem with the dispenser that the station will need to repair. Many consumer suspect foul play, but in reality this is not something that a station owner or manager can set up to do ahead of time. Immediately notify the attendant on site, or call the Department of Weights and Measures to file a complaint.