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# IDENTITY CRISIS

New Yorkers' Personal Information Needs Protection



A STAFF REPORT TO

THE COUNCIL OF  
THE CITY OF NEW YORK

Hon. Gifford Miller  
Speaker



THE COMMITTEE ON  
OVERSIGHT AND  
INVESTIGATIONS

Hon. Eric Gioia  
Chair



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**THE COUNCIL OF  
THE CITY OF NEW YORK**

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*SPEAKER*

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## **EXECUTIVE SUMMARY**

The rising incidence of identity theft nationwide has led prosecutors to brand it “the new street crime.”<sup>i</sup> With the ninth highest per capita incidence of identity theft among major metropolitan areas, New York City has certainly not been immune.<sup>ii</sup> Nationwide, identity theft is currently the leading consumer complaint.<sup>iii</sup> While government officials have begun efforts to reduce and prevent identity theft, laws have not kept up with perpetrators’ seemingly endless ingenuity. The steady proliferation of privately-owned Automated Teller Machines (ATMs) at non-bank locations may offer consumers convenience, but are completely unregulated and can be manipulated to steal personal information, exposing users to the risk of identity theft. As a result, the Council calls for registering and licensing non-bank ATMs.

### **Key Findings**

- New York City accounts for roughly two-thirds of the 16,000 reported cases of identity theft in New York State.<sup>iv</sup>
- 57.2% delicatessens and convenience stores have ATMs on site.<sup>v</sup>
- The highest concentration of non-bank ATMs was in Manhattan, where 73.6% (78) of stores surveyed had ATMs on site.

Identity theft, the practice of stealing someone’s personal information with the intent to fraudulently obtain goods, money, property, credit,

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<sup>i</sup> Testimony of Kristine Hamann, Executive Assistant District Attorney, New York County District Attorney’s Office, Hearing of the New York City Council Committee on Consumer Affairs, March 30, 2005.

<sup>ii</sup> U.S. Federal Trade Commission [hereinafter FTC], *National and State Trends in Fraud & Identity Theft*, January 22, 2004, <http://www.consumer.gov/sentinel/pubs/Top10Fraud2003.pdf> [accessed March 25, 2005]; See appendix A for full rankings.

<sup>iii</sup> *Ibid*; See Federal Register Vol.65 No.249 for definition of Metropolitan Statistical Areas.

<sup>iv</sup> FTC, *National and State Trends in Fraud & Identity Theft*.

<sup>v</sup> Based on a survey conducted by the staff of the Committee on Oversight and Investigations. Results are significant at the 95% confidence level, with a margin of error ± 4.95%.

services or employment,<sup>vi</sup> can create numerous complications for its victims, including loss of time and money, and tarnished credit and criminal records. Any unlawful or unauthorized use of personal information can constitute identity theft. According to the latest U.S. Federal Trade Commission (FTC) study, losses incurred as a result of identity theft, including cost to businesses and consumers, total roughly \$50 billion per year. The average loss per incident is approximately \$4,800, with victims spending, on average, \$500 and 30 hours to resolve problems related to the theft of their identity. In the worst cases, victims become subject to criminal investigations or are forced to declare bankruptcy.<sup>vii</sup> Even the government can be victimized by identity theft; a ring of New York City public employees recently stole the identities of homeless individuals to defraud the government of housing funds for the homeless.<sup>viii</sup> In light of these findings, the Council recommends the following steps to better protect consumers against identity theft:

- **Require the New York City Department of Consumer Affairs (DCA) to register and license privately owned ATMs operating in New York City.**
- **Pass a NYC Privacy Protection Act to strengthen penalties for people who use identity theft to defraud the City.**
- **Consumers should take precautions and follow the recommendations in the Identity Theft Tip Sheet.<sup>ix</sup>**

Because no central regulating body for non-bank ATMs exists, the exact number operating in New York City cannot be verified. They are inexpensive (ATM kiosks can cost as little as \$1,000 to purchase, or \$75

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<sup>vi</sup> NY CLS Penal § 190.78, effective November 1, 2002.

<sup>vii</sup> Synovate, *Federal Trade Commission Identity Theft Survey Report*, September 2003. <http://www.ftc.gov/os/2003/09/synovatereport.pdf> [accessed March 25, 2005].

<sup>viii</sup> Tavernise, Sabrina, "Four City Workers Charged in \$130,000 Welfare Benefits Scheme," *New York Times*, April 7, 2005.

<sup>ix</sup> See Appendix C.

a month to lease),<sup>x</sup> easy to acquire and simple to move between establishments. Without any oversight, it is possible to use them for identity theft, to evade taxes, launder money, or even to fund dangerous or illegal activities. This lack of regulation represents a significant vulnerability yet to be addressed in recent efforts to combat identity theft in New York City.<sup>xi</sup> To obtain a rough measure of the risk private ATMs pose, investigators from the staff of the Committee on Oversight and Investigations conducted a telephone survey of convenience stores and delicatessens in New York City from March 14 to March 18, 2005.<sup>xii</sup>

Legislative efforts nationwide have sought to strengthen the penalties against identity thieves and to provide businesses and consumers with new tools to protect themselves. The federal Fair and Accurate Credit Transactions Act of 2003 (FACTA) allows consumers who suspect that their identities have been stolen to place an alert on their credit files, and requires credit reporting agencies to stop reporting fraudulent transactions when a consumer has placed such an alert.<sup>xiii</sup> In October 2002, New York State law established identity theft as a felony crime, and enabled law enforcement officials to arrest criminals who possess personal information with the intent to commit identity theft.<sup>xiv</sup> Three pending bills in the New York City Council also seek to better protect consumers against identity theft by strengthening the City's license revocation authority and better informing consumers about identity theft.

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<sup>x</sup> Pillar, Matt, "Corner The Kiosk Market," *Business Solutions*, February 2002, [http://www.businesssolutionsmag.com/Articles/2002\\_02/020203.htm](http://www.businesssolutionsmag.com/Articles/2002_02/020203.htm) [accessed April 4, 2005].

<sup>xi</sup> New York Public Interest Research Group (hereinafter NYPIRG], "Pricey Plastic: NYPIRG Report and Survey of Plastic Card Fees," <http://www.nypirg.org/consumer/cards/default.html> [accessed April 11, 2005].

<sup>xii</sup> Out of 2,892 stores listed in the Verizon Superpages, 339 were randomly drawn in a stratified sample to ensure proportionality by borough. Results are significant at the 95% confidence level, with a margin of error  $\pm 4.95\%$ .

<sup>xiii</sup> Public Law No. 108-159.

<sup>xiv</sup> NY CLS Penal § 190.77-190.84, effective November 1, 2002.

Prompted by the identity theft risk posed by private ATMs, several municipalities in New York State have already taken steps to regulate them. Westchester and Rockland counties have passed laws requiring private non-bank ATMs to be registered and licensed by the county's Department of Consumer Protection. Similar legislation is pending in the New York State Assembly.<sup>xv</sup>

Criminals continue to devise high-tech scams to deceive the general public and steal personal information. Through spam emails, phone, fax and Internet chat rooms, criminals have ripped off unsuspecting individuals of billions of dollars every year. One of the latest identity theft schemes includes the use of sophisticated technology to tamper with ATMs and gain access to individual account information. Identity thieves place transparent plastic overlays over ATM keypads, which are microchips that record countless numbers of personal identification numbers (PIN).<sup>xvi</sup> Similar technology is inserted in card slots to record data from the card's magnetic strip. More rudimentary techniques consist of a plastic film inserted in the ATM card slot, which prevents the machine from accurately reading one's card and induces cardholders to repeatedly enter their PIN. An identity theft perpetrator who is observing nearby then steals the PIN.<sup>xvii</sup>

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<sup>xv</sup> All, Ann, ed., "Two NY counties require registration of non-bank ATMs," February 11, 2005, [http://www.atmmarketplace.com/news\\_story\\_22245.htm](http://www.atmmarketplace.com/news_story_22245.htm) (accessed April 6, 2005).

<sup>xvi</sup> Richard, Chris, "Guard your card: ATM fraud grows more sophisticated," *Christian Science Monitor*, July 21, 2003, <http://www.csmonitor.com/2003/0721/p15s01-wmcn.html> [accessed March 3, 2005].

<sup>xvii</sup> Identity Theft Protection and Information Resource Center, "ATM Fraud Scheme," [http://www.identity-theft-protection.com/articles/atm\\_fraud.html](http://www.identity-theft-protection.com/articles/atm_fraud.html) [accessed February 18, 2005].

## **BACKGROUND**

Identity theft is a rapidly growing problem nationwide. According to the latest United States Federal Trade Commission (FTC) study, the New York City metropolitan area<sup>1</sup> had the ninth highest per capita incidence of identity theft among major metropolitan areas in 2003, with a total of 10,641 victims.<sup>2</sup> New York State ranked sixth at the statewide level, with about 16,000 people reporting identity theft. Nationwide, the number of identity theft incidents reported to the FTC has more than doubled between 2001 and 2003, from approximately 90,000 to 210,000 cases.<sup>3</sup> According to some estimates, incidents of identity theft have increased by almost 2,000% in the last decade, with current numbers surpassing 750,000.<sup>4</sup>

Identity theft is the practice of stealing someone's personal information with the intent to defraud, by assuming their identity to obtain goods, money, property, credit, services or even employment.<sup>5</sup> Any unlawful or unauthorized use of personal information, including names, addresses, driver's license numbers, social security numbers, credit card numbers, or ATM codes can constitute identity theft. Some of the most common examples are:

- Credit card fraud, including making unauthorized charges on new accounts and existing accounts;
- Phone or utilities fraud;

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<sup>1</sup> By "New York City metropolitan area" we refer to the New York City Primary Metropolitan Statistical Area (PMSA), as defined by the U.S. Office of Management and Budget (OMB) (see <http://www.whitehouse.gov/omb/inforeg/msa99.pdf>). No information isolating the five boroughs is available.

<sup>2</sup> Federal Trade Commission [hereinafter FTC], *National and State Trends in Fraud & Identity Theft*, January 22, 2004, <http://www.consumer.gov/sentinel/pubs/Top10Fraud2003.pdf> [accessed March 25, 2005]; See appendix A for full ranking.

<sup>3</sup> *Ibid.*

<sup>4</sup> Office of New York State Governor George Pataki, "Governor Pataki Signs Identity Theft Legislation," news release, October 9, 2002.

<sup>5</sup> NY CLS Penal § 190.78, effective November 1, 2002.

- Bank fraud, such as fraudulently withdrawing or transferring funds from existing accounts; and
- Other identity theft subtypes, including the use of stolen personal information to gain employment, obtain government benefits, acquire loans and escape law enforcement officials.<sup>6</sup>

The table below outlines the most common types of identity theft cases reported in New York State in 2003.

<b>Rank</b>	<b>Type of Identity Theft</b>	<b>Percentage (as part of total complaints)</b>	<b>Total Number of Cases Reported</b>
<b>1</b>	Credit Card	40%	6,382
<b>2</b>	Phones or Utilities	23%	3,636
<b>3</b>	Bank	12%	1,848
<b>4</b>	Government documents and benefits	9%	1,381
<b>5</b>	Employment Related	7%	1,048
<b>6</b>	Loan Fraud	6%	874

Source: FTC, *National and State Trends in Fraud & Identity Theft*, January 22, 2004.

Statistics also show that those most susceptible to identity theft are consumers between the ages of 18 and 29. Of all the identity theft victims who contacted the FTC directly (and provided their age), three percent were in the under-18 age bracket, 28% were in the 18 to 29 age bracket, 25% in the 30 to 39, 21% in the 40 to 49, 13% in the 50 to 59, and 10% were in the 60 and older age group.<sup>7</sup>

A recent string of arrests highlight the gravity of identity theft in New York City. In April 2005, four City workers were arrested for stealing welfare benefit funds by posing as landlords who house homeless welfare recipients. The four workers were charged with stealing more than

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<sup>6</sup> The Federal Trade Commission monitors identity theft and subdivides it into the aforementioned categories. FTC, *National and State Trends in Fraud & Identity Theft*.

<sup>7</sup> *Ibid.*

\$130,000 in benefits meant to pay for housing for homeless individuals whose identities they stole.<sup>8</sup>

Personal information is also stolen in mass amounts from retailers and major businesses that own or license data containing personal information. Recently, HSBC bank notified thousands of consumers that their information might have potentially been stolen from records kept by Polo Ralph Lauren, a major clothing company.<sup>9</sup> In February, Choicepoint, Inc., a company that provides background check services, reported that information on up to 145,000 individuals, including some 9,000 New Yorkers, was stolen by individuals who falsely claimed to be a legitimate business and acquired Choicepoint's services.<sup>10</sup> This alarming report was soon followed by a report from LexisNexis, an information database company, stating that personal information of 310,000 people may have been fraudulently acquired through a security breach in their system.<sup>11</sup>

Recognizing identity theft as a serious crime, the New York County District Attorney's office established a special unit specializing in identity theft cases in 2004. The unit, composed of 66 assistant district attorneys, handled 1,052 identity theft cases in the five months between November 2004 and March 2005 alone. Similarly in 2002, a taskforce comprised of the New York City Department of Investigation, the New York City Police Department, the Federal Bureau of Investigations, the U.S. Secret Service, the Social Security Administration, the U.S. Postal Inspection, the New York State Attorney General, the New York State Office of the Inspector General and other government agencies, was established to address large-

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<sup>8</sup> Tavernese, Sabrina, "Four City Workers Charged in \$130,000 Welfare Benefits Scheme," *New York Times*, April 7, 2005.

<sup>9</sup> Associated Press, "Ralph Lauren Clothing's A Steal Of Customers Identities," *New York Daily News*, April 14, 2005.

<sup>10</sup> Testimony of Kritine Hamann, Executive Assistant District Attorney, Hearing of the New York City Council Committee on Consumer Affairs, March 30, 2005.

<sup>11</sup> Associated Press, "Ralph Lauren Clothing's A Steal Of Customers Identities,"

scale identity theft rings. The combined efforts of these agencies have resulted in the arrest of at least 26 members of these organized identity theft rings.<sup>12</sup>

## **Common Identity Theft Schemes**

Criminals have devised numerous high-tech scams through which the general public unwittingly discloses personal information. Some of the methods perpetrators use to obtain personal information include spam emails, phone, fax and activity in Internet chat rooms.

One common way in which identity theft perpetrators steal personal information is called “Phishing.” Also known as “Brand Spoofing” or “Carding”, “Phishing” is the act of sending an email to a user or group of users under the pretense of being an established and legitimate enterprise, in order to obtain, and later use, personal identifying information. The email may direct an individual to visit a website where they could be asked to update information, including credit card numbers and passwords, social security numbers and bank account numbers. Such websites typically appear genuine and trustworthy in order to trick users into voluntarily supplying their personal data.<sup>13</sup>

The “Nigerian Scam,” so called because a majority of such scams claim to originate in Nigeria or other African countries, involves a victim receiving an unsolicited fax, email, or letter by which the victim is informed that he or she is entitled to money or a certain privilege. For example, the perpetrator will state that a “bequest” was left to the victim under a will.

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<sup>12</sup> New York City Department of Investigation, “DOI Initiatives: Identity Theft,” <http://www.nyc.gov/html/doi/html/identity.html> [accessed April 15, 2005].

<sup>13</sup> Tynan, Dan, “Top Five Online Scams,” *PC World*, March 10, 2005, [http://news.yahoo.com/news?tmpl=story&u=/tppcworld/20050310/tc\\_techtues\\_pcworld/119941](http://news.yahoo.com/news?tmpl=story&u=/tppcworld/20050310/tc_techtues_pcworld/119941) [accessed March 25, 2005].

Once the perpetrator has “hooked” the victim, the victim is asked to pay an “Advance Fee,” “Transfer Tax,” “Performance Bond,” or other such illusory fees as a prerequisite. The targeted victim may also be asked to give away personal information, such as credit card numbers and/or billing addresses.<sup>14</sup>

## **Identity Theft Using ATMs**

While several efforts focused on reducing and preventing identity theft are currently underway, privately owned Automated Teller Machines (ATMs) have yet to be fully addressed by states and localities. Unregulated and unlicensed private ATMs add to the risk of identity theft each day as they proliferate across New York City and throughout the country. While these non-bank ATMs provide greater convenience to consumers, they can also be the perfect tool for identity theft and fraud.

ATMs can be manipulated in several ways to obtain personal information. Methods vary from rudimentary techniques that place a thin plastic into the ATM’s card insertion slot to jam and keep the card, to more sophisticated technology that records information from a card’s magnetic strip. Personal Identification Numbers (PIN) are stolen in a similar fashion, either using microchips that record every keystroke made by the cardholder or stealthily observing the cardholder enter in his or her PIN. Sometimes what appears to be an ATM (or part thereof) is in fact a replica intended for the purpose of stealing personal information.<sup>15</sup>

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<sup>14</sup> *Ibid.*

<sup>15</sup> Richard, Chris, “Guard your card: ATM fraud grows more sophisticated,” *Christian Science Monitor*, July 21, 2003, <http://www.csmonitor.com/2003/0721/p15s01-wmcn.html> [accessed March 3, 2005].

## **Consequences of Identity Theft**

Identity theft can create numerous complications for its victims, including loss of time and money, a tarnished credit history and undue criminal charges. According to the latest study by the FTC, total losses incurred as a result of identity theft, including cost to businesses and consumers is roughly \$50 billion per year. The average loss per victim is approximately \$4,800, with the average victim spending \$500 and 30 hours to resolve problems related to the theft of their identity. Such problems include being turned down for loans, credit cards and insurance or being unable to open banking accounts and cash checks. In the worst cases, victims were forced to declare bankruptcy or were subject to criminal investigations because a perpetrator had provided a stolen identity when stopped by law enforcement officials.<sup>16</sup>

A national survey conducted by the FTC revealed that 15% of all identity theft victims had their personal information used in non-financial ways, and that four percent had their information used to escape law enforcement authorities or criminal charges.<sup>17</sup> Victims of criminal record identity theft are likely to suffer from severe repercussions from the fraudulent use of their identity, including difficulty in obtaining future employment due to tainted records or being detained by U.S. Customs whenever such victims return from travel abroad.<sup>18</sup>

While 36% of victims experience financial problems such as difficulty obtaining loans, using credit cards and opening bank accounts as a result of tarnished credit reports, those who had their information stolen and

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<sup>16</sup> Synovate, *Federal Trade Commission-Identity Theft Survey Report*, September 2003. <http://www.ftc.gov/os/2003/09/synovatereport.pdf> [accessed March 25, 2005].

<sup>17</sup> *Ibid.*

<sup>18</sup> Written Testimony of Beth Givens, Director, Privacy Rights Clearinghouse, July 12, 2002. Hearing of the U.S. Senate Judiciary Subcommittee on Technology, Terrorism and Government Information.

used to open new accounts—as opposed to having information used to access existing accounts—were three times more likely to experience such problems.<sup>19</sup> The three major credit-reporting agencies, TransUnion, Experian and Equifax, will indicate on their reports that a consumer has been a victim of identity theft when a consumer formally notifies the agencies. However, consumers may still continue to face obstacles in obtaining credit and access to other financial products, such as delays in obtaining credit, as credit issuers must verify the consumer's identity directly.<sup>20</sup>

## **Resolving Identity Theft Problems**

Victims of identity theft should first report any fraudulent activity to the police department and keep a copy of the police report, since financial institutions require verification from law enforcement officials that a crime took place before they initiate an investigation. Victims should also immediately call the fraud help lines of each of the three major credit bureaus (TransUnion, Experian and Equifax) to inform them of the theft, and ask that it be noted on their credit reports, along with a statement that creditors should call for permission before opening any new accounts.<sup>21</sup>

In addition, victims should inform creditors, via telephone and in writing, when fraudulent charges have been made in the victims credit or bank account. According to federal law, a victim's liability for unauthorized charges on lost or stolen credit cards is limited to \$50. In the case of a stolen ATM or debit card, liability for unauthorized charges is limited to

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<sup>19</sup> Synovate, *Identity Theft Survey Report*.

<sup>20</sup> FTC, "Take Charge: Fighting Back Against Identity Theft," <http://www.ftc.gov/bcp/conline/pubs/credit/idtheft.htm> [accessed April 14, 2005].  
<sup>21</sup> Office of the New York State Attorney General Eliot Spitzer, "Don't Become A Victim of Identity Theft."

\$50 where the theft is reported within two business days. Otherwise, the liability increases to \$500 for reporting within 60 days. Failing to report within 60 days may lead to unlimited liability.<sup>22</sup>

Under the 2003 amendments to the federal Fair Credit Reporting Act, section 609(e), creditors and businesses must provide identity theft victims with a free copy of their application and business transaction records upon request. Businesses must provide these records within 30 days of receipt of the request, and furnish copies to any law enforcement agency with which the victim has filed a complaint.<sup>23</sup>

## **Bank vs. Non-Bank ATMs**

While ATMs operated by banking institutions are subject to laws designed to protect users, non-bank or private ATMs are presently unregulated by New York State and New York City. Private ATMs can be found in many pharmacy chain stores, delicatessens, convenience stores, gas stations, movie theaters, fast-food restaurants or check-cashing locations, but because there is no central record of ATMs operating in New York City, gauging how many there are is virtually impossible.

The New York State Banking Department currently regulates bank ATMs under the ATM Safety Act. The ATM Safety Act requires that all ATMs operated by banking institutions provide a surveillance camera and adequate lighting at each ATM. ATMs located indoors are further required to be equipped with reflective mirrors and doors with locking devices that permit entry only to cardholders. In addition, banks are required to file

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<sup>22</sup> Office of the New York State Attorney General Eliot Spitzer, "Identity Theft: What To Do If You Have Been Victimized," [http://www.oag.state.ny.us/consumer/tips/id\\_theft\\_victim.html](http://www.oag.state.ny.us/consumer/tips/id_theft_victim.html) [accessed April 6, 2005].

<sup>23</sup> FTC, "Curbing Identity Theft," [http://www.consumer.gov/idtheft/business\\_curbidt.html](http://www.consumer.gov/idtheft/business_curbidt.html) [accessed February 17, 2005].

with the New York State Banking Department a full listing of the location of each of its ATMs, the machines' hours of operation, and the telephone number of its security department.<sup>24</sup> Not only is it mandatory for banks to adhere to these security measures, but unlike private ATM operators, banks also have the incentive to bolster security—in order to protect their credibility amongst consumers. Because of such incentives, credit card companies and other financial institutions have undertaken their own measures to combat identity theft. For example, MasterCard's "MasterCard Alerts" program notifies card issuers of any accounts that may have been compromised, and has the built-in capacity to disseminate notifications to multiple issuers in a short time, should it be necessary.<sup>25</sup>

Private ATMs, which are rapidly multiplying across the City, pose a risk to consumers because they are not subject to any regulations or security requirements that bank ATMs are. Because of the lack of regulation, private ATMs can be used for identity theft, to evade taxes, launder money, and even fund dangerous and/or illegal activities. In fact, a report by the New York Public Interest Research Group (NYPIRG) entitled "Pricey Plastic: NYPIRG Report and Survey of Plastic Card Fees", asserts that the "flood of private ATMs caught federal and state banking and consumer regulators completely off guard."<sup>26</sup> Private ATMs, which are allowed to operate without licenses and are largely unregulated in many jurisdictions, are a "glaring loophole"<sup>27</sup> in the system, because according to the report, "anyone can purchase an ATM and connect it to the banking networks without notifying the state banking department."<sup>28</sup>

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<sup>24</sup> N.Y. CLS Bank §75

<sup>25</sup> Testimony of Jody Golinsky, Vice President and Senior Regulatory Counsel, Mastercard International, Hearing of the New York City Council Committee on Consumer Affairs, March 30, 2005.

<sup>26</sup> New York Public Interest Research Group (hereinafter NYPIRG], "Pricey Plastic: NYPIRG Report and Survey of Plastic Card Fees,"

<http://www.nypirg.org/consumer/cards/default.html> [accessed April 11, 2005].

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

The rapid spread of private ATMs nationwide can be partly attributed to the relatively low cost of acquiring and maintaining them. Depending on the type of machine, ATM kiosks can cost anywhere from \$1,000 for low-end applications, such as single ATMs, to more than \$50,000 for multi-terminal, multi-service stations. Typically, small ATM kiosks, like those found in convenience stores, sell for less than \$3,000. To reduce the costs associated with purchasing a machine, a retailer can lease an ATM for as little as \$75 a month.<sup>29</sup> Regardless of the price of the machine, almost all ATMs can be manipulated to steal personal information.

## **Legislation To Combat Identity Theft**

The growing demands of consumers who want their privacy protected has prompted the passage of legislation that strengthens the penalty against identity theft perpetrators and that provides businesses and consumers with new tools to protect themselves.

The Fair and Accurate Credit Transactions Act of 2003 (FACTA) was signed into law on December 4, 2003. This federal law enables consumers who suspect that their identities have been stolen to place an alert on their credit files, and entitles all consumers to free annual credit reports from the three major credit reporting agencies. In addition, FACTA requires all credit-reporting agencies to stop reporting fraudulent transactions when a consumer has notified them that he or she has been victimized by identity theft.<sup>30</sup>

In October 2002, in response to the increasing threat of identity theft in

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<sup>29</sup> Pillar, Matt, "Corner The Kiosk Market," *Business Solutions*, February 2002, [http://www.businesssolutionsmag.com/Articles/2002\\_02/020203.htm](http://www.businesssolutionsmag.com/Articles/2002_02/020203.htm) [accessed April 4, 2005].

<sup>30</sup> Public Law No. 108-159

New York State, the Legislature passed a new law that makes identity theft a felony, enabling law enforcement officials to arrest criminals who possess personal information with the intent to commit fraud. The severity of the felony is based on the total dollar value of the goods or money that the perpetrator fraudulently acquired (e.g. \$500, \$2,000), whether the perpetrator was a co-conspirator who facilitated the crime, and on whether the perpetrator was simply holding personal information with the intent to defraud.<sup>31</sup> Additionally, victims are now able to institute civil actions for financial losses caused by identity theft.<sup>32</sup>

One of the most recent pieces of legislation passed in New York State further protects consumers against identity theft by requiring that all receipts issued by merchants and other businesses omit all but the last five digits of credit and debit cards, and that they no longer display the expiration date of such cards. This law took effect on January 1, 2004.<sup>33</sup>

Other jurisdictions have undertaken measures to guard against identity theft as well. In July 2003, California passed a new law requiring that all individuals and businesses in California that own or license computerized data containing personal information notify consumers when it is reasonably believed that consumers' personal information has been compromised.<sup>34</sup> A similar law stipulates notification guidelines required of California agencies.<sup>35</sup>

Furthermore, there are several laws and pending bills within New York State that are specifically aimed at reducing the risk that private ATMs

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<sup>31</sup> NY CLS Penal § 190.77-190.84, effective November 1, 2002.

<sup>32</sup> N.Y. Gen. Bus. § 380-1.

<sup>33</sup> N.Y. Gen. Bus. Law § 520-a. Credit and debit card machines put into service on or after January 1, 2004 must comply with this section. Credit and debit card machines in use before January 1, 2004 must comply with this section by January 1, 2007.

<sup>34</sup> C.A. Civil Code § 1798.82.

<sup>35</sup> C.A. Civil Code § 1798.29.

pose to consumers. States and local jurisdictions are quickly recognizing that there are real concerns for consumers and the general public when individuals and other businesses can tap into the national banking network without adhering to banking regulations.

On March 23, 2005, New York State Assembly Member Richard Brodsky introduced legislation (A. 6727) that “requires all operators of automated teller machines, who are not banking organizations or licensed cashers of checks, drafts and/or money orders, to be licensed by the Secretary of State.”<sup>36</sup> State Senator Nick Spano introduced and sponsored an identical bill in the senate (S.3637).<sup>37</sup>

Within New York State, Rockland and Westchester counties have passed laws requiring non-bank ATMs to be registered and licensed by the county’s Department of Consumer Protection.

- In Rockland County, private ATM operators are required to register their machines with the county's Department of Consumer Protection and pay an initial one-time registration fee of \$55. A charge of \$25 will apply to each additional ATM; if machines are moved, a fee of \$10 will be required.<sup>38</sup> This regulation was passed on February 2, 2005.
- In Westchester County, a law requiring registration of non-bank ATMs with the county's Department of Consumer Protection went into effect on February 7, 2005. ATM owners are now required to pay \$75 per machine every two years and post a decal on their ATMs as proof of registration.<sup>39</sup>

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<sup>36</sup> A. 6727, 2005 Assem., (N.Y. 2005).

<sup>37</sup> S. 3637, 2005 Senate, (N.Y. 2005)

<sup>38</sup> All, Ann, ed., “Two NY counties require registration of non-bank ATMs,” February 11, 2005, [http://www.atmmarketplace.com/news\\_story\\_22245.htm](http://www.atmmarketplace.com/news_story_22245.htm) (accessed April 6, 2005).

<sup>39</sup> *Ibid.*

The City of New York is also undertaking measures to better protect consumers against identity theft. On Wednesday, March 30, 2005, the New York City Council Committee on Consumer Affairs held its second hearing on three proposed introductions aimed at addressing the problem of identify theft. Intro 139-A is a proposal to amend the administrative code of the city of New York to increase the license revocation authority of the Department of Consumer Affairs (DCA) in relation to businesses that are convicted of identity theft. Intro 140-A would require that City agencies notify consumers of any security breach compromising their personal information. Finally, Intro 141-A would require all businesses operating in New York City, including those not licensed by DCA, to notify consumers of any security breach jeopardizing their personal information.

## **METHODOLOGY**

From March 14, 2005 through March 18, 2005, investigators from the City Council Committee on Oversight and Investigations conducted a telephone survey of convenience stores and delicatessens in New York City. Of the 2,892 delicatessens and convenience stores listed in the Verizon Superpages, 339 were randomly chosen to create a stratified sample proportional to the actual borough distribution of all stores listed.<sup>40</sup> Hence, of the 339 businesses contacted, 47 were in the Bronx, 82 in Brooklyn, 106 in Manhattan, 87 in Queens and 18 in Staten Island.

Investigators contacted all 339 delicatessens and convenience stores by telephone between the hours of 9am and 6pm to determine whether they had an ATM on-site, and tabulated the results. By doing so, investigators sought to obtain a rough measure of the distribution of private ATMs citywide and the potential risk of identity theft that such ATMs pose to consumers.<sup>41</sup>

Because it does not account for all ATMs currently operating in New York City, this survey methodology is admittedly limited in scope. Because non-bank ATMs are presently unregulated in New York State and City and there is no central registry of private ATMs, it is impossible to determine the actual number of ATMs operating in New York City. However, ATMs are easy to find within pharmacy chain stores, gas stations, convenience stores and delicatessens, bars, clubs, movie theaters, fast-food restaurants and check-cashing locations. Due to the fact that surveying

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<sup>40</sup> Out of the total population of 2,892 delicatessens and convenience stores listed in the Verizon Superpages, 739 stores were in Queens, 699 stores were in Brooklyn, 401 stores were in the Bronx, 150 stores were in Staten Island and 903 stores were in Manhattan. In order to create a stratified sample composed of 339 stores, stores were randomly chosen from each borough in proportion to the existing borough distribution of stores in the total population.

<sup>41</sup> For the purposes of the investigation, all ATMs in delicatessens and convenience stores were assumed to be non-bank or private ATMs.

such widespread distribution of non-bank ATMs around the city would present logistical constraints, investigators restricted their survey to convenience stores and delicatessens.

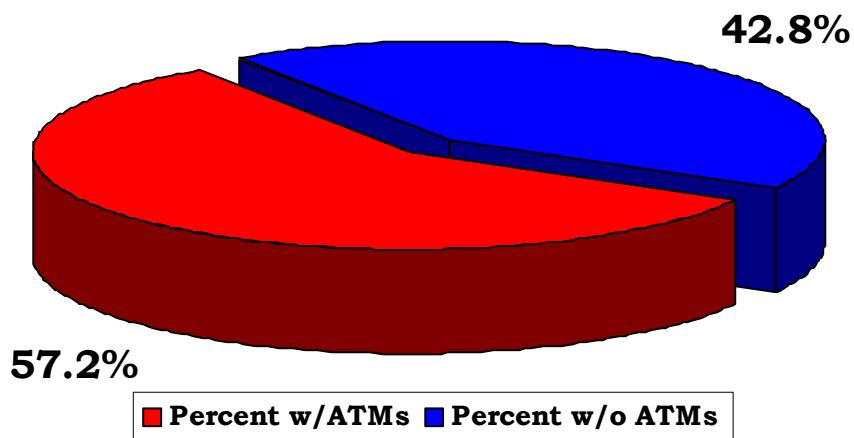
# **FINDINGS**

The following results are based on the telephone survey conducted by City Council investigators of 339 delicatessens and convenience stores citywide.

## **CITYWIDE**

- Out of the 2,892 delicatessens and convenience stores listed in the Verizon Superpages,  $57.2\% \pm 4.95\%$  have ATMs on site.<sup>42</sup>
- Of the 339 stores that were surveyed, 57.2% or 194 delicatessens and convenience stores indicated that they have an ATM on-site.

**Citywide Concentration of ATMs**



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<sup>42</sup> Results are statistically significant at the 95% confidence level.

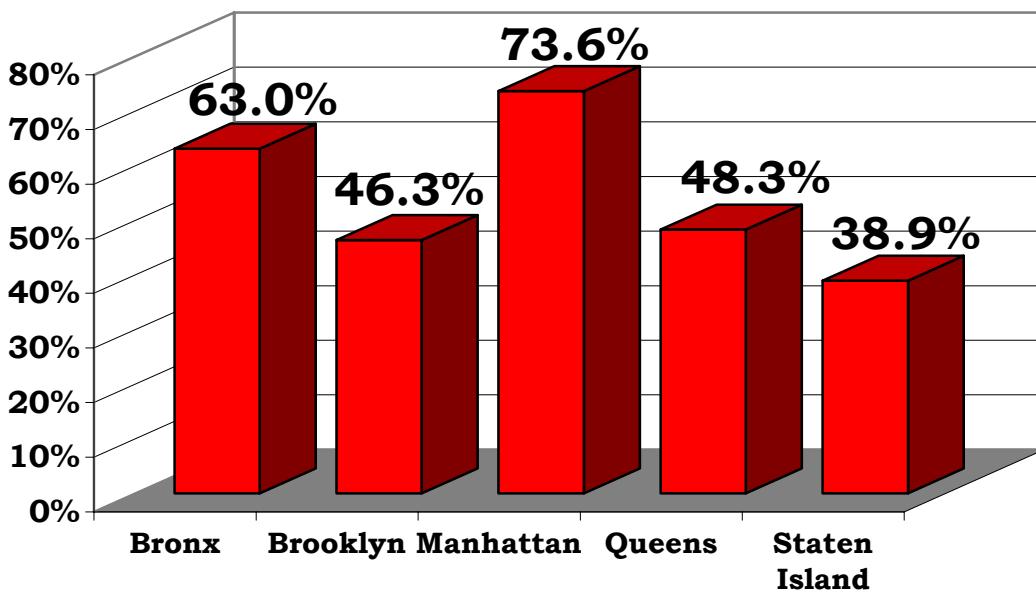
## Boroughs

The concentration of privately owned ATMs that are not provided by financial institutions differs by borough. Certain boroughs had markedly higher concentrations than others, with the highest concentration found in Manhattan and the lowest in Staten Island.

The following are the results of the survey categorized by borough:

- 73.6% (78) of the 106 stores surveyed in Manhattan had an ATM on site.
- 63% (29) of the 46 stores surveyed in the Bronx indicated having an ATM.
- 48.3% (42) of the 87 stores surveyed in Queens had ATMs.
- 46.3% (38) of the 82 stores surveyed in Brooklyn indicated having an ATM in their store.
- 38.9% (7) of the 18 stores surveyed in Staten Island responded that they maintain an ATM as part of their business.

### **ATM Concentrations by Borough, 2005**



## **CONCLUSION**

Identity theft is a problem that is growing at an alarming rate nationwide, and New York City is no exception. The Federal Trade Commission (FTC) considers identity theft the leading consumer fraud complaint, and FTC studies suggest that as many as 10 million people fell victim to identity theft schemes in 2003 alone. This problem is especially acute in New York City, which ranks as the ninth most popular metropolitan area for identity theft perpetrators.<sup>43</sup>

While consumers fall prey to identity theft in a variety of ways, ranging from stolen mail to email scams, privately-owned ATMs pose one of the greatest and preventable risks of identity theft at present. As a result of its relatively low cost and profitable returns, private ATMs are proliferating across the five boroughs. Hundreds, perhaps thousands of unregistered and unlicensed ATMs are currently operating in New York City, each adding to the potential of having personal information extracted and misused. Without oversight, these ATMs can be easily moved between establishments and operators are not required to provide consumers with any information regarding where to direct questions or complaints. Because there is no central registry of private ATMs in the City and their exact number cannot be verified, this represents a large loophole in the recent efforts to combat identity theft.

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<sup>43</sup> FTC, "National and State Trends in Fraud & Identity Theft"; Synovate, "Federal Trade Commission-Identity Theft Survey Report," September 2003.

## **RECOMMENDATIONS**

- Require the Department of Consumer Affairs (DCA) to register and license privately owned ATMs operating in New York City.**

The Verizon Superpages alone lists 2,892 delicatessen and convenience stores located in New York City. Of these, an estimated 1,512 to 1,716, or roughly 57.2%, of these stores keep ATMs as part of their business. This number is a conservative measure, as it does not include stores that were not listed in the Superpages and other types of establishments, such as gas stations, restaurants and bars. Currently, it is impossible to verify the exact number of privately-owned ATMs because they do not have to be registered or licensed to operate in New York City.

Unregistered and unlicensed ATMs pose a great risk of identity theft to consumers and represent a loophole in the efforts to address the rising incidence of identity theft. The City should proactively close this loophole by requiring the Department of Consumer Affairs (DCA) to register and license privately-owned ATMs. Similar legislation has been successfully implemented throughout New York State and other jurisdictions.

Furthermore, each ATM licensed by DCA should be assigned a unique licensing number, to be displayed in the receipts issued by the ATM, together with the name and address of the business operating the ATM. By doing so, consumers will be able to hold ATM operators responsible should they be victimized by identity theft or experience any kind of problems while using private ATMs. Also, such measures will serve as a deterrent to perpetrators by assisting law enforcement officials in tracing back identity theft cases to select ATMs, ATM operators, and ultimately, to the thieves themselves.

- **Pass a New York City Privacy Protection Act to strengthen penalties for people who use identity theft to defraud the City.**

Criminals who fraudulently access government benefits or services using other people's identities steal not only the identities of their victims, but also taxpayer money intended to provide benefits and services like food stamps, Social Security benefits or housing assistance to legitimately eligible New Yorkers. Recognizing the doubly injurious nature of this crime, the penalties against such perpetrators should be strengthened.

- **Consumers should take precautions and follow the recommendations of the Identity Theft Tip Sheet.**

The best way to guard against identity theft is to take precautions and the necessary steps to eliminate ways in which identity theft perpetrators can obtain personal information. The Identity Theft Tip Sheet offers a comprehensive list of steps that consumers can take to prevent identity theft. Some of these include:

- Safeguarding personal information, such as mother's maiden name or social security number and always verifying how personal information will be used.
- Shredding or destroying all financial statements and receipts, including ATM and bank receipts, insurance forms, checks, expired credit cards, pre-approved credit card solicitations and any other papers containing personal information.
- Periodically checking credit reports to make sure personal information is not being misused.
- Relying on ATMs provided by trusted institutions.

**APPENDIX A:**  
**Per Capita Identity Theft Complaint Rankings,**  
**U.S. Major Metropolitan Areas**



**Per Capita Identity Theft Complaints, U.S. Major  
Metropolitan Areas 2003**

<b>Rank</b>	<b>Metropolitan Area</b>	<b>No. of Victims</b>	<b>Victims Per 100,000 Population</b>
1	Phoenix—Mesa, AZ (MSA)*	5,041	155.0
2	Los Angeles—Long Beach, CA (PMSA)**	13,012	136.7
3	Riverside—San Bernardino, CA (PMSA)	4,381	134.6
4	Miami, FL (PMSA)	2,871	127.4
5	Houston, TX (PMSA)	5,243	125.5
6	Oakland, CA (PMSA)	3,002	125.5
7	Dallas, TX (PMSA)	4,152	118.0
8	Orange County, CA (PMSA)	3,320	116.6
9	New York, NY (PMSA)	10,641	114.2
10	San Diego, CA (MSA)	2,978	105.8
11	Atlanta, GA (MSA)	4,183	101.7
12	Washington, DC—MD—VA—WV (PMSA)	4,936	100.3
13	Denver, CO (PMSA)	2,041	96.8
14	Chicago, IL (PMSA)	7,946	96.1
15	Seattle—Bellevue—Everett, WA (PMSA)	2,186	90.5
16	Detroit, MI (PMSA)	3,963	89.2
17	Newark, NJ (PMSA)	1,719	84.6
18	Philadelphia, PA —NJ (PMSA)	4,168	81.7
19	Tampa—St. Petersburg—Clearwater, FL (MSA)	1,845	77.0
20	Nassau-Suffolk, NY (PMSA)	2,066	75.0
21	St. Louis, MO—IL (MSA)	1,944	74.7
22	Baltimore, MD (PMSA)	1,816	71.1
23	Minneapolis—St. Paul, MN—WI (MSA)	2,019	68.0
24	Cleveland—Lorain—Elyria, OH (PMSA)	1,459	64.8
25	Boston, MA—NH (PMSA)	2,114	62.1
26	Pittsburgh, PA (MSA)	926	39.3

Source: Federal Trade Commission Consumer Sentinel Database.

\*MSA=Metropolitan Statistical Area      \*\*PMSA=Primary Metropolitan Statistical Area



**APPENDIX B:**  
**Stores Surveyed**



**New York City Council Investigation Division**

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**Bronx Stores**

Name	Address	Yes	No
7-eleven no 33318	3220 Westchester Ave	1	
A & D Grocery & Discount	717 Allerton Ave		1
Balbuena tejada Grocery Store	1398 Ogden Ave	1	
Corner Quick Stop	2801 Middletown Rd	1	
Friendly Deli Grocery	3949 White Plains Rd		1
NY#1 Discount Grocery & Tobacco		1	
Starling Superette	2169 Straling Ave		1
Tavares Grocery	1291 Clay Ave	1	
1792 Tremont Food Corporation	1798 East Tremont	1	
A&J Bagel	1422 Williamsbridge Rd		1
All Flags Deli	5624 Mosholu Ave	1	
Bagel Café	2214 Bartow Ave	1	
Cold Cut City	228 west 231st St		1
Cross Country Delicatessen & Caterers Inc.	3019 Middletown Rd		1
Deli Delight	730 Lydig Ave	1	
Deli On the Point Inc,	880 garrison Ave	1	
Dewaly Deli &Grocery	3656 Bailey Ave	1	
Easy Pass Deli	1566 Hutchinson Riv Pkwy		1
Essen West Riverdale Inc	3532 Johnson Ave		1
Fadel Deli & Grocery Corporation	1570 White Plains Rd	1	
Faile Grocery	701 Faile St		1
Famous Deli	40 Bruckner Blvd	1	
Joe's Deli	685 East 187th St		1
King's Deli and Grocery	105 West Kingsbridge Rd	1	
Landmark Deli Inc	262 Alexander Ave		1
Lino's Deli	1183 Pugsley Ave		1
Madaba Deli II	6655 Broadway	1	
Mr Deli	1200 Morris Park Ave	1	
P & J Deli Farm Inc	5706 Moslu Ave		1
Paradise Fruit & Deli Inc	131 Einstein Loop	1	
Poppy's Deli	840 Bronx Park	1	
Stop 1	610 Castle Hill Ave	1	
Teddys Place	805 Zerega Ave	1	
Tejeda Deli Grocery	595 East 141st St	1	
SHIH Deli Inc	5761 Broadway	1	
Sams Farm Inc	71 East 161st St		1
Silver Deli & Grocery	1497 Williamsbridge Rd	1	
Simpson Deli & Grocery	1029 Westchester Ave	1	
Topline Deli Inc	1011 East 163rd St	1	
Twelve Hundred Deli & Grocery Inc	1200 White Plains Rd	1	
Vicorias's Deli Grocery	203 East 198th St		1
Water's Egde Grocery & Deli	1 Edgewater Park	1	
Welcome to the Deli	710 East 187 St	1	
Yang's Corner Deli Corp.	141 West 231st St		1
Zanm Grocery Inc	83 East Gun Hill Rd	1	
ZarzuelaDeli Minimarket	831 East 150th St		1
<b>Total</b>		<b>29</b>	<b>17</b>

**New York City Council Investigation Division**

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**Brooklyn Stores**

Name	Address	Yes	No
39 St Mini Market	3900 5th Ave	1	
C & C Superette	5314 8th Ave	1	
Campos Grocery Store	1301 Foster Ave		1
Continental Deli	321 Church Ave	1	
Cruz Grocery	612 Hegeman Ave	1	
Dori Convenient Store Inc	6709 18 Ave	1	
El Pino Grocery	2983 Fulton St	1	
Eleven 7 Food Inc	560 Coney Island Ave	1	
Garden Store	626 Manhattan Ave	1	
Guijjar Grocery Deli CO	30 Ave Ouest	1	
Island Pumper	418 Coney Island Ave	1	
J & K Grocery Inc	4023 8 Ave		1
J & M Grocery	1017 Bedford Ave		1
Joe & Pats Discount	9116 3rd Ave		1
Knickerbocker Deli & Grocery	362 Knickerbocker Ave	1	
Nancy's Convenience Store	153 Union St		1
Payless Food Mart	5621 6th Ave		1
Pelaez Deli Grocery	27 Church Ave		1
Pichan Deli Grocery	2780 Pitkin Ave		1
Pick Quick Foods	7000 New Utrecht Ave		1
Rockaway Grocery Inc	9627 Ave L		1
Rosario Grocery	59 Rockaway Ave	1	
Tepeojuma Deli Grocery	123 Wyckoff Ave	1	
17 Greene Farm	17 Greene Ave	1	
3 B's Deli inc	2756 Gertsn Ave		1
39th st Bus Stop Deli and Grocery Ltd	3901 5th Ave	1	
52 St Mini Market	506 52 St		1
83rd st Deli	8137 3rd Ave	1	
Adelman's Kosher Deli and Restaurant	1906 Kings Highway		1
Alexandra Deli and Grocery	9202 Ave M	1	
Alsamet Flatbush Deli Grocery	1059 Flatbush Ave	1	
Amna Food inc	891 Nostrand Ave	1	
At Best Deli inc	4924 New Utrecht Ave		1
BADR Deli	450 Lincoln Rd		1
Be Smart	4902 Ave D		1
Best Choice Farm and Deli	561 86 St	1	
Bona Fide Deli II	118 Kane St	1	
Brooklyn Express Deli	631 Franklin Ave		1
Brooklyn Express Deli	293 Putnam Ave	1	
Buddy's Deli inc	8102 15th Ave		1
Busstop Deli	1858 Bath Ave		1
Champs Deli	6612 17th Ave		1
Claribel Deli-Grocery	241 Ridgewood Ave		1
D & A Deli Grocery	1037 Broadway		1
Dairy Mart	4013 Ave T	1	

**New York City Council Investigation Division**

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Name (Brooklyn Stores Continued)	Address	Yes	No
Deli	2002 Bath Ave		1
Deli Corporation United	290 Knickerbocker Ave	1	
Deli Store	6115 5th Ave		1
Eagle Cheese CO	320 Ave U		1
Family Deli & Grocery	427 Wythe Ave		1
Ferescoll Enterprise inc	2623 Atlantic Ave		1
Fresh Deli	490 Myrtle Ave	1	
Friend's Deli and Grocery	1624 Newkirk Ave	1	
Friendly Food	6823 20th Ave		1
Front St Deli	57th Front	1	
Galicia Deil	5810 New Utrecht Ave	1	
Gema's Grocery and Deli	214 Ave south		1
Gourmet Corner	450 Bergen St	1	
Hanson's Gourmet Deli	17 Hanson Pl	1	
High Grade Deli	6301 18th Ave		1
Homestyle Deli and Fresh Meat	160 Lee Ave # A		1
J & J Deli	534 3rd Ave		1
Jaffal Grocery Corporation	251 Seeley St	1	
Joe's Deli	8712 19th Ave		1
John's Deli	6801 5th Ave		1
Juhas Delicatessens	59 Norman Ave	1	
King of Latvia Delicatessen inc	1301 Ave U		1
Karl's Too Delicatessens	8811 Flatland Ave		1
Los Campadres	5807 5th Ave		1
Maria PUK Grocery	136 Meserole Ave		1
Mauer Delicatessen	3103 Quentin Rd		1
Mike's Delicatessen	9510 4th Ave		1
Nordic Delicacies inc	6909 3rd Ave		1
Platinum Deli and Grocery	6724 14th Ave	1	
Plaza Food Corporation	980 Rutland Rd	1	
Red Mountain II	645 Sutter Ave	1	
Rodriguez Food Center	1988A Fulton St	1	
SOSA Mini Market	4623 7th Ave	1	
Saleem Deli and Grocery	564 Coney Island ave		1
Super Deli Grocery	186 Throop ave		1
Surprise Food inc	1637 East 18th St	1	
Tulcing Deli Grocery Corporation	1537 Delkab Ave	1	
<b>Total</b>		<b>38</b>	<b>44</b>

**New York City Council Investigation Division**

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**Manhattan Stores**

Name	Address	Yes	No
2002 Amsterdam Food Corporation	2002 Amsterdam Ave		1
92nd Street Grocery Company	1628 3rd Ave	1	
Alex Convenience	3770 Broadway	1	
Crescent News	162 East 23rd St		1
I J Convenience Store	533 Amsterdam Ave		1
J Louis Deli Grocery	301 West 130th St	1	
Kohinoor Convenience Store	230 East 80th St	1	
Pjs Grocery Inc	232 East 14 St	1	
Shaktee Grocery Inc	159 East 33rd St		1
Stacey Grocery Store	3569 Broadway		1
Uncle A's Mini Mart	220 West 41st St		1
10th Avenue Gourmet	829 10 Ave	1	
1131 Lexington Grocery Corp.	1131 Lexington Ave	1	
1420 Broadway Deli Inc	1420 Broadway	1	
154 Chelsea Deli Corp	154 7 Ave	1	
1657 Broadway Deli Limited	1657 Broadway	1	
2806 Deli & Grocery	2806 Frederick Douglass Blvd	1	
46 St Bakery	161 West 46 St	1	
7th Avenue Deli	833 7 Ave	1	
837 Deli Inc	837 Deli Inc	1	
88 Gourmet Deli	1335 Lexington Ave	1	
96 Rose Deli & Grocery	104 West 96th St	1	
A & S Delicatessen	737 9 Ave	1	
Abyssinia Deli & Grocery	221 West 116th St		1
Al's Delicatessen & Catering	458 7 Ave	1	
Amsterdam Deli	321 Amsterdam Ave	1	
Anytime Café	142 Fulton St	1	
Atieh Food Corporation	239 7th Ave	1	
Bagels & More	331 Lexington Ave		1
Belly Belly Deli Corporation	1625 Broadway	1	
Best Health Deli	140 Centre St	1	
Best of New York Food	150 Water St	1	
Broadway Delights	2144 Broadway		1
ny first avenue deli	39 1st Ave	1	
New Blue Chips	26 Broadway	1	
New Millennium Grocery Store	140 Audubon Ave		1
New York Deli Lex inc	97 Lexington Ave	1	
Pax Wholesome Food	501 Fashion Ave		1
Petaks	45 John St		1
R & S Delicatessens	1711 2nd Ave	1	
Rainbow Deli Grocery inc	366 West 23 St	1	
Reliable Food Corporation	59 East 54th St	1	
Reyes Grocery	1789 Lexington Ave	1	
Ricer West Deli	515 West 42 St	1	
S N Deli and Grocery	132 East 125 St		1

**New York City Council Investigation Division**

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Name (Manhattan Stores Continued)	Address	Yes	No
Salazar Grocery	52 Rivington St	1	
Sandwich City	1773 Lexington Ave		1
Secret Garden Café	3070 Broadway		1
Sherwood Caterers	512 Fashion Ave		1
Sherwood Restaurant	684 Lexington Ave		1
Silver Star Deli	484 3rd Ave	1	
Sing's Deli inc	100 East 96th St	1	
Stage Door Deli III	26 Vesey St	1	
Starlight Deli	212 West 44th St	1	
Stella Deli	686 Stella Ave	1	
The Bread Factory Café	785 Lexington Ave		1
Time Square Bagels inc	168 Madison Ave	1	
Time Square Deli	211 West 43rd St	1	
Toasties	214 7th Ave	1	
Traders Café	22 Beaver St		1
University Place Gourmet inc	116 University Pl	1	
Wonder Foods	390 5th Ave		1
Bully's Deli		1	
Café 101	101 Park Ave		1
café 39 Gourmet Deli	62 West 39th St	1	
Celebrity Delicatessen	700 8th Ave	1	
Chalres West Delicatessen	690 Washington St	1	
Christopher st food & deli Corp	501 Hudson	1	
City food Deli & market	1370 1st Ave	1	
Coleman Delicatessen	50 East End Ave	1	
Deli Grocery	2456 Adm Clytn Jr	1	
Deli News Inc	94 Fulton St Floor 2	1	
Deli of the future	2375 2 Ave	1	
Delion Grocery Inc	729 Broadway	1	
East Best Food	20 East 46 St	1	
East Village & Grocery	76 Ave B	1	
Empire Farm Inc	1889 Broadway	1	
F & P 5 AV Corporation	1403 5th Ave apt1	1	
Famous deli	118 9th Ave	1	
First on first deli	1756 1st Ave	1	
Four star Grocery & delicatenessen	906 St Nicholas Ave	1	
Gardnia	404 8th Ave Frnt	1	
Goldstar deli	607 10 Ave	1	
Good nature inc	249 East 55th St	1	
Green café	25 West 58 St	1	
HLM Business Corporation	76 West 47th St		
Harbour café		1	
Hidden City café corp	132 East 24 St		1
Hiip hop on 27th	17 West 27 St		1
IPN deli	350 Greenwich St	1	
Isopel's kitchen	249 Church St	1	

**New York City Council Investigation Division**

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<b>Name (Manhattan Stores Continued)</b>	<b>Address</b>	<b>Yes</b>	<b>No</b>
joe's gourmet	98 Greenwich Street	1	
KIPS Bay Delicatessen	593 1st Ave	1	
LA Gruta Deli	1629 Lexington Ave		1
Le basket	683 Broadway		1
Lenny's	489 Columbus Ave		1
Lenox US deli & grocery	340 Malcolm X Blvd	X	
liberty deli	46 West 56 St	1	
Little Italy Pizza & deli	180 Varick St	1	
Lunch Basket	403 West 24th St		1
M T Food store inc	293 3rd Ave	1	
Marbrook Deli Corp	689 10 Ave		1
Majestic deli	200 West 50th St	1	
Mani Market Place	697 Columbus Ave	1	
Market deli	1388 1 Ave	1	
Miss Ks Italian Eatery & Café	118 Madison Ave	1	
Ms Friggin's Kitchen	5 Madison St	1	
My place Deli	1133 Broadway	1	
	<b>Total</b>	<b>78</b>	<b>28</b>

**New York City Council Investigation Division**

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**Queen Stores**

Name	Address	Yes	No
3 L Convenience Store	8902 Queens Blvd	1	
7 Eleven # 32121	20822 Crossing Island Pkwy	1	
Brians Market Inc	12519 101st Ave		1
Corona Mini Grocery	9611 Northern Blvd	1	
Exxon Shop	3504 Bell Blvd	1	
Friendly Convenience Inc	11807 Rockaway Blvd	1	
Melba Food Specialties Inc	3720 Skillman Ave		1
Optimo Candy and Groceries Store	7429 Metropolitan Ave		1
Pueblas Grocery Inc	9818 Northern Blvd		1
Rodriguez Deli Grocery	10205 32nd Ave		1
Sky Top Mini Mart	9702 Queens Blvd	1	
Tgar Enterprises Inc	6902 Queens Blvd		1
33 Street Corner Inc	3456 33rd St	1	
53-10 108 Street Inc	5314 108th St		1
Aman Food Market Inc	2431 Steinway St		1
All American Deli	925 Crossing Bay Blvd	1	
Andrew & Frank Deli	2802 23rd Ave		1
Atlantis Coffee Shop	18815 Northern Blvd		1
B & G Grocery	4402 28th Ave	1	
Best London Deli Inc	1938 Linden Pl		1
Bryant Deli & Grocery	48-02 Broadway	1	
Buddy's Kosher Delicatessen	21501 73rd Ave		1
Chris & Charlie Deli Inc	3312 23rd Ave		1
College Point Deli	16301 16th Ave		1
Cookies Deli Corporation	6555 Myrtle Ave	1	
Cooper Grocery	6455 Cooper Ave	1	
Cristina's Grocery Inc	1237 150th St	1	
D'Lite Bite Deli	7415 Ditmas Blvd		1
Deli & Beyond Inc	7741 Vleigh Pl		1
Easy II Deli	53-33 69	1	
Express Detail Shop	13107 Merrick Blvd	1	
Father & Sons Deli Inc	2511 30th Ave		1
Five Stars Deli Grocery	10413 Jamaica Ave	1	
Florence Gourmet Deli	8311 Grand Ave		1
Friendly Food	9106 63rd Dr		1
Gamaka Server Deli	21701 Jamaica Ave		1
Georgia's Deli Rest	3202 37th Ave		1
Grand Slam Deli	8920 Sutter Ave	1	
Hillside Deli	24106 Hillside Ave		1
Hyun Ji	86-45 Broadway	1	
J & C Deli & Grocery Store Inc	11002 Guy R Brewer Blvd	1	
J & S at Austin Inc	6533 Austin St		1
Jayambema Grocery Inc	885 Woodward Ave	1	
Judy's Place	5124 Northern Blvd		1
K & C Deli Inc	24773 Jamaica Ave	1	

**New York City Council Investigation Division**

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Name (Queens Stores Continued)	Address	Yes	No
K & J Parson's Market	147-06 45 Ave	1	
K & S American	9602 Northern Blvd	1	
Kabul Deli Inc	8640 57th Ave	1	
Korona Deli & Grocery	6665 Forest Ave	1	
LIC Mini Mart	2618 21st St	1	
Lora Maximo	3411 36th Ave	1	
Lee's Deli	25-05 Bridge Deli		1
Mars Deli 1	4447 Kissena Blvd	1	
Matsons Deli 2	6466 Dry Harbor Rd	1	
Mike's Deli	1619 150th St		1
N & D Deli	665 Onderdonk Ave	1	
New York Corner Deli	11901 14th Rd		1
OH Sewook	25513 Nothern Blvd		1
OK Grocery Corporation	4208 43rd Ave	1	
ORZO BROS	14524 14th Ave		1
Old Howard Beach Dairy Inc	15954 102nd St		1
Orange Deli Grocery	24906 Horace Harding Expsywy		1
Ozone Grocery	9308 101st Ave	1	
Park Place Deli	11614 Rockaway Blvd		1
Parsons Delight Inc	14410 Northern Blvd		1
Puerto Alegre Deli	224 Beach 98th St		1
Stop One Deli	16824 Hillside Ave	1	
Sunshine Deli	11640 Springfield Blvd	1	
Super Deli	552 Seneca Ave		1
Tasty Dairy Corporation	8515 Main St	1	
Timmy's Deli Inc	11102 Rossevelt Ave		1
Triple W Inc	4231 College Point Blvd		1
V & P Deli	7916 Eliot Ave		1
White Acacia Deli & Grocery	13803 Queens Blvd		1
William's Grocery & Deli	126-02 Liberty Ave		1
Winchester Deli Inc	23320 Hillside Ave		1
Yun's Fruit and Vegetable Inc	8220 Roosevelt Ave	1	
United R Grocery	19616 120th Ave	1	
P&M Convenience Store	168 21 Union Turnpike	1	
Millennium 2000 Mini Market	19540 Jamaica Ave	1	
Union Deli	21514 91st Ave		1
T&Y Grocery	3533 149th St		1
Rally's Deli	2702 23rd Ave	1	
Mery's Deli Grocery Inc	5119 Skillman Ave		1
79-08 Food	7908 Rockaway Beach Blvd	1	
Broadway Deli & Grocery	7617 Broadway	1	
C&S Delicatessen	6833 79th St		1
<b>Total</b>		<b>42</b>	<b>45</b>

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**Staten Island Stores**

Name	Address	Yes	No
Cofee Grinder	15 Page Ave	1	
Rodriguez Enterprises	207 Broad St		1
49 Apple Grocery Inc	49 Victory Blvd	1	
Afshan Inc	1693 Hylan Blvd	1	
Anarkali Grocery	629 Richmond Rd		1
Certo's gourmet foods & Caterers	27 Seguine Ave		1
Close to Home Deli	1272 Bay St	1	
Dee's Place	607 Forest Ave		1
Deli Delights	38 Androvette St		1
El Mirado Deli Deli & grocery Corp.	98 Victory Blvd		1
Hylan Dairy deli Meats & Bagels	1780 Hylan Blvd	1	
Jasmine Food Corp	2504 Hylan Blvd		1
Nino's Pizzeria	1757 Arthur Kill Rd		1
Richmond fiesta market inc	896 Huguenot Ave		1
Plaza Bagel & deli Coporation	73 New Dorp Plaza	1	
Silvestro's Deli	286 Watchogue Rd		1
Staten Island deli & grocery	514 Broadway		1
Willowbrook farms ic	2520 Victory Blvd	1	
	<b>Total</b>	<b>7</b>	<b>11</b>



**APPENDIX C:**  
**Identity Theft Tip Sheet**



## **Councilman Gioia's Tips To Prevent Identity Theft**

- Safeguard your personal information such as PIN and social security numbers, and avoid carrying it with you unless necessary.
- Shred or destroy all financial statements and receipts, or any other papers containing your personal information.
- Make sure that all of your bills arrive on time and immediately notify credit card companies, banks and other businesses of a change in address.
- Immediately report lost or stolen checks, cards, deposit tickets or statements and any suspicious activity on your accounts.
- Always verify how personal information will be used before providing it.
- Rely only on ATMs provided by trusted institutions.
- Keep telephone numbers of banks and credit card companies, in case they are stolen.

### **If you are a victim of identity theft, you should:**

- Alert all creditors and relevant government agencies, including the Social Security Administration and the Federal Trade Commission, about fraudulent activity on your account or under your name.
- Request that the major credit reporting agencies (Equifax, Experian and TransUnion) place a fraud alert under your name.

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- File a report with the police or sheriff department in the jurisdiction where your information was stolen.

### **Useful Contact Information:**

- Experian: 1-888-397-3742
- Equifax: 1-800-525-6285
- TransUnion: 1-800-680-7289
- Social Security Administration Fraud Line: 1-800-269-0271
- Federal Trade Commission Fraud Hotline: 1-877-ID-THEFT