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County of Erie

MARK C. POLONCARZ

County Executive

DEPARTMENT OF PUBLIC ADVOCACY

DIVISION OF WEIGHTS AND MEASURES

KAREN L. KING, PhD

Commissioner of Public Advocacy

CHUCK LAMARCA

Director of Weights and Measures

February 14, 2025

Erie County Legislature
92 Franklin St., 4th Fl.
Buffalo, NY 14202

Re: Item Pricing Violation Fines Report

Dear Honorable Members:

Please find attached a report detailing Division of Weights and Measures item pricing violation fines over a 12-month period.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen K.", is written over the typed name.

Karen L. King, PhD.
Commissioner of Public Advocacy

cc: County Executive Mark C. Poloncarz



County of Erie

DEPARTMENT OF PUBLIC ADVOCACY

KAREN L. KING, PhD
Commissioner of Public Advocacy

DIVISION OF WEIGHTS AND MEASURES

CHUCK LAMARCA
Director of Weights and Measures

Top Ten Payors of Item Pricing Violation Fines in Erie County, 2024

I.) Background

As part of enforcing the county's item pricing law, Erie County Weights and Measures sends Scanner Accuracy Examiners to retail outlets throughout the county for inspections.

Under that law, stores that have applied for a waiver from item pricing requirements, which are granted on a store-by-store basis at a fee of \$500, are to be the subject of two inspections on separate days before a waiver is granted.

During these inspections, at least 100 items are checked to ensure the price displayed on the shelf tag matches the price ringing up electronically. The total fine owed after an inspection is calculated based on a sliding scale – \$50 each for the first four violations, \$100 each for the next 12, and \$150 for each subsequent violation, capped at \$5,000. As long as the *number* of erroneous prices found does not exceed two percent of the total items checked, a waiver is issued and the store is exempt from individually pricing items for one year.

The appearance of stores on this “top ten” list is primarily a function of the large number of locations they have operating in Erie County. In other words, although these are the ten companies paying the highest fines, they should not be characterized as the ten “worst” or “poorest performing” stores in Erie County. In fact, when considering the scale of their operations, some of the businesses listed are among the stores *best* following current item pricing laws in the county. Further, certain industries adjust prices much more frequently than others, introducing a much greater opportunity for pricing errors to creep in. Note that the average fine per inspection for the data used to generate this list is just over \$200, suggesting that when an inspection looking at hundreds of items does find any issue, it is typically only around four or five mispriced items. Further, since hundreds of inspections are perfect – including many inspections at stores listed below – and result in no fine at all, overall accuracy across all inspection data is 99.4 percent.

(Note: 7/11 appears twice on this list, as most local 7/11s are part of one of two corporate parents, Speedway and Aplus. Individually owned-and-operated 7/11 franchises are not included here.)

II.) Top Ten Payors:

- 1.) 7/11 (Speedway-owned) \$20,050 in total fines**
73 penalties issued across 67 store locations
- 2.) Advance Auto Parts \$13,800 in total fines**
48 penalties issued at 25 store locations
- 3.) Tops Supermarkets \$12,650 in total fines**
57 penalties issued across 35 locations
- 4.) 7/11 (Aplus-owned) \$9,540 in total fines**
51 penalties issued across 37 locations
- 5.) Rite Aid \$9,470 in total fines**
67 penalties issued across 51 locations
- 6.) Autozone \$6,270 in total fines**
25 penalties issued across 16 locations
- 7.) Walgreens \$6,160 in total fines**
39 penalties issued across 23 locations
- 8.) Target \$5,430 in total fines**
15 penalties issued across 5 locations
- 9.) Save-A-Lot \$4,410 in total fines**
18 penalties issued across 10 locations
- 10.) Tractor Supply \$3,970 in total fines**
11 penalties issued across 5 locations