

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES, AND
ELECTIONS

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Thursday, March 28, 2024
Start: 10:19 a.m.
Recess: 11:46 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Keith Powers, Chair

COUNCIL MEMBERS:

- Adrienne E. Adams
- Diana I. Ayala
- Joseph C. Borelli
- Justin L. Brannan,
- Gale A Brewer
- Selvena Brooks-Powers
- Amanda Farías
- Crystal Hudson,
- Rafael Salamanca
- Pierina Ana Sanchez

COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

A P P E A R A N C E S

Ngozi Okaro,
New York City Equal Employment Practices
Commission

George Goodmon,
Manhattan Branch Chief of the Department of
Probation; Mayoral Nominee for New York City
Local Conditional Release Commission

Maria Almonte-Weston,
Senior Director of Court Reform Programs for
Center for Justice Innovation; Mayoral Nominee
for the New York City Local Conditional Release
Commission

Andrea Bierstein,
Mayoral Nominee for New York City Taxi and
Limousine Commission

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2 SERGEANT PAYTUVI: This is a microphone check for
3 the Committee on Rules, Privileges, and Elections
4 recorded on March 28, 2024 by Nazly Paytuvi in
5 Chambers.

6 SERGEANT AT ARMS: Good morning, and welcome to
7 today's New York City Hearing for the Committee on
8 Rules, Privileges, and Elections. If you wish to
9 submit testimony, you may do so via email to
10 testimony@council.nyc.gov.

11 Just a reminder that no one is to approach the
12 dais at any point during this hearing. Thank you so
13 much, Chair, we are ready to begin.

14 CHAIRPERSON POWERS:

15 (GAVEL SOUND) (GAVELING IN)

16 Good morning, welcome to the meeting on Rules,
17 Privileges, and Elections. I am City Council Member
18 Keith Powers, Chair of the Committee.

19 Before we begin, I would like to introduce
20 members of this committee who are present: Council
21 Member Borelli, Council Member Ayala, Council Member
22 Farías, and I am sure we will be joined by more along
23 the way.

24 I also want to acknowledge the counsel to the
25 committee, Jeffrey Campagna and the committee staff

2 who worked on the appointments that we will be
3 hearing today: Pearl Moore, Ethics Counsel; Francesca
4 DellaVecchia, Director of Investigations; and Alycia
5 Vasell, Deputy Director of Investigations.

6 Today we will hold a public hearing on two
7 nominations for appointment by the City Council for
8 membership on two commissions.

9 We will hold a public hearing on a Preconsidered
10 Resolution to elect one of our own, Council Member
11 Jennifer Gutiérrez, as the Council's representative
12 the New York City Commission on Public Information
13 and Communications.

14 The will also be holding a public hearing a
15 Preconsidered Resolution to appoint Ngozi Okaro as
16 one of the commissioners chosen by the Council to
17 serve on the New York City Equal Employment Practices
18 Commission.

19 We will also hold hearings on requests for advice
20 and consent related to proposed appointments by the
21 Mayor. By letters dated in March 20, 2024, Mayor Eric
22 Adams requested the advice and consent of the City
23 Council in regards on proposed appointment Maria
24 Almonte-Weston and George Goodmon to the New York
25 City Local Conditional Release Commission.

2 Also by letters dated March 20, 2024, Mayor Eric
3 Adams requested advice and consent of the City
4 Council regarding the proposed appointment of Andrea
5 Bierstein to the New York City Taxi and Limousine
6 Commission. Ms. Bierstein's nomination is made upon
7 the recommendation of the Manhattan Delegation of The
8 New York City Council.

9 For each commission of nominees before us today,
10 I will describe the Commission's duties and then
11 recognize nominees who are here to provide statements
12 and respond to Member questions.

13 After members have had an opportunity to question
14 all the nominees, we will open up the hearing for
15 public testimony for those who choose to testify.

16 For New York City Commission on Public
17 Information and Communication, we begin by
18 considering the appointment of Council Member
19 Jennifer Gutiérrez, Chair of the Committee on
20 Technology, to the New York City Commission On Public
21 Information and Communication, which is tasked with
22 educating the public about the availability and
23 usefulness of City produced information, reviewing
24 all polices regarding public access to City produced
25 or maintained information, reviewing agency

2 compliance with the various notice, provisions of the
3 Charter and other laws, issuing an annual report
4 with recommendations as the Commission deems
5 advisable, and on the request of any member of the
6 public, elected official, or City agency render
7 advisory opinions regarding the application of those
8 provisions of the Charter or other laws which require
9 public access to information and meetings.

10 Pursuant to Section 1061 of the New York City
11 Charter, the Commission shall be chaired by the
12 Public Advocate and have 10 other members, including
13 four members who shall serve no more than two four-
14 year terms appointed by the Mayor, Public Advocate,
15 and borough presidents acting as a group.

16 The other six members of the Commission shall
17 include the Corporation Counsel, the Director of
18 Operations, Commissioner of the Department of Records
19 and Information Services, the Commissioner of the
20 Office of Technology and Innovation, President of
21 WNYC Communications Group or their delegates, and one
22 council member elected by the Council, all who will
23 serve on defined terms.

2 Council Member Gutiérrez is not able to be here
3 today, but has prepared a brief statement that I will
4 read into the Record.

5 "I'm deeply honored and humbled to have been
6 selected by Speaker Adams to serve on the New York
7 City Commission on Public Information and
8 Communications.

9 Since I was appointed as Chair of the Technology
10 Committee, my primary mission has been to make City
11 government more transparent, accessible, and
12 connected and to ensure that all New Yorkers get a
13 say in the ever evolving technological revolution
14 that touches every part of our lives.

15 While I may not come from a traditional tech
16 background, my experience as a community organizer
17 has provided me with a unique perspective thus proven
18 invaluable in reshaping the Committee's trajectory. I
19 have focused on infusing our hearings with energy and
20 relevance and exploring new topics in the Committee.
21 My core commitment to equity and access drives me to
22 prioritize hearing from all sides and perspectives
23 and ensuring that the Committee's hearings resonate
24 with a wide and diverse audience. Transparency is at
25 the heart of our efforts, it enables us to make

2 better decisions, identify areas of improvement and
3 ultimately serve New Yorkers more effectively. As
4 momentum grows and norms are established in the work
5 of open data across country, we find ourselves at a
6 critical turning point in this movement. In more ways
7 than one, the City is in crisis, and we as a
8 community need to take stock of our successes and
9 challenges, ensuring we drive towards meaningful
10 sustainable outcomes. The burgeoning culture of civic
11 engagement is emerging and it demands our attention.
12 Design matters; accessibility matters; collaboration
13 matter whether it is significant decisions like
14 budget allocations or tasks like coordinating between
15 different departments for a fallen tree, connecting
16 data and fostering (INAUDIBLE) of operations can lead
17 to better outcomes. That is why we need the revival
18 of the Commission on Public Information and
19 Communication in this pivotal moment ensuring
20 transparency and fostering active public involvement
21 in government is more crucial than ever.

22 This commission can serve a powerful force in
23 advancing these goals, making city government more
24 transparent to the citizens it serves and encouraging
25 greater civic engagement. I am dedicated to promoting

2 transparency, fairness, and inclusivity ensuring that
3 our tech discussions are accessible and pertinent to
4 all New Yorkers. We can leverage technology and
5 revive this commission to build a more equitable,
6 accessible, and responsible government for everyone.”

7 Before we move on to the next nomination, do any
8 members of the Committee have remarks in connection
9 with this nomination? Pursuant to Rule 1060 of the
10 Rules of the Council, the public will be given the
11 opportunity to speak on this and other nominations at
12 the conclusion of today’s hearing.

13 We will now move on to the New York City Equal
14 Employment Practices Commission. We will be
15 considering one candidate for reappointment by the
16 New York City Council to the New York City Equal
17 Employment Practices Commission - If you would like,
18 you can come forward at this point and time - Under
19 the City Charter the EEPC is charged with the duties
20 of reviewing, evaluating, and monitoring the
21 employment procedures, practices and programs of City
22 agencies at the Department of Citywide Administrative
23 Services to continue an effective affirmative
24 employment program of equal employment opportunity

2 for minority group members and women who are employed
3 by or seeking employment with City agencies.

4 Some of the specific powers are monitoring the
5 employment practices of all local agencies;
6 monitoring the implementation and coordination of
7 City affirmative employment programs; and auditing
8 and evaluating the employment practices and
9 procedures of each City agency and their efforts to
10 ensure fair and effective equal employment
11 opportunity for minority group members and women.

12 The EEPC consists of five members, two appointed
13 by the Mayor and two appointed by the Council, and
14 the Mayor and the Speaker of the Council jointly
15 appoint a fifth member to serve as Chair with
16 compensation on a per diem bases, \$250 per member and
17 \$275 for the Chair.

18 Today we are joined by Ngozi Okaro - I hope I got
19 that right, nice to see you - who was previously
20 appointed by the City Council to serve the remainder
21 of a four-year term that expired on June 30, 2023. If
22 reappointed, she will serve the remainder of a four-
23 year term to expire on June 30, 2027.

24 I want to welcome you and congratulate you on
25 your reappointment. Thank you for being here today.

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2 If you can, please raise your right hand to be sworn
3 in.

4 COMMITTEE COUNSEL: Do you affirm to tell the
5 truth, the whole truth, and nothing but the truth,
6 before this committee, and to respond honestly to
7 council member questions?

8 NGOZI OKARO: Yes.

9 CHAIRPERSON POWERS: Thank you, you are recognized
10 to give an opening statement.

11 MS. NGOZI OKARO: Good morning, my name is Ngozi
12 Okaro, I'm happy to be here. I have been a member of
13 the Equal Employment Practices Commission as a
14 Commissioner for the past two and a half years and
15 joined the Commission at a time that I think
16 everybody in New York realized was challenging in
17 terms of equality and equity. So, I'm grateful to
18 have been here as an appointee from the City Council.

19 I and some of my colleagues were in front of the
20 Human Resources Committee and The Equal Employment
21 Committee just a couple of weeks ago talking about
22 the budget for and the work of the Commission. So, I
23 am pleased to be back here today and eager to answer
24 your questions.

25

2 CHAIRPERSON POWERS: Thank you. In your time
3 there, you have been on now for few years, I believe,
4 can you just describe some more of the work and your
5 accomplishments while you've been there?

6 MS. NGOZI OKARO: Yes, sure. As you stated, Chair,
7 the EEPC audits, evaluates, monitors the programs' of
8 New York City and its employment practices and
9 procedures. Since I have been on the Commission, we
10 have continued to do that work. We've had to do some
11 minor shifting around of responsibilities, because
12 the agency's budget has been cut, and we have lost
13 people and tried to figure out how to replace them.
14 For context, there are five commissioners; the agency
15 is the smallest agency, I think, of New York City
16 with a \$1.3 million budget I think, against a \$106
17 billion for New York City. So a lot of what we do is
18 really, I think, the basics of what needs to be done.
19 We try to be prospective and proactive. We have to
20 audit all of the City agencies; we do that, and we
21 aim to provide guidance as well. But, it has been
22 good to contribute to and help advance the City in
23 equal employment practices.

24 CHAIRPERSON POWERS: Okay, thanks.

2 You were asked questions in the prehearing about
3 whether there are ways to make the work of the
4 Commission more transparent to promote public and
5 worker confidence in the City's employment
6 practices... equal employment practices, which you
7 answered, yes. Can you describe ways that you see
8 that we can make work of the EEPC more transparent?

9 MS. NGOZI OKARO: I feel like the work is
10 relatively transparent. All of our hearings are live
11 streamed. Our reports are available on our website
12 and up-to-date, which is a credit to the staff. I
13 think there may be ways that people don't understand
14 the difference between EEPC and EEOC, because
15 sometimes we get complaints that should go to EEOC.
16 But, I'd also say that there may be a lot of people
17 who don't know that the agency exists, because when
18 we live stream usually only one or fewer people
19 follow it.

20 CHAIRPERSON POWERS: Got it.

21 The duties of the Commission include making
22 policy, legislative, and budgetary recommendations to
23 Mayor, to the City Council, to the Department of City
24 Administrative Services, or any other agencies deemed
25 necessary to ensure equal employment opportunity for

2 minority groups and women. When you were appointed in
3 2022, you told the Council they should respond to the
4 application of Work From Home Policies from a place
5 of inquiry to discover trends and issues that have
6 emerged and were likely to emerge. Since joining, has
7 the Commission in fact done any investigations or
8 inquiries into Work From Home Policies of City
9 agencies?

10 MS. NGOZI OKARO: We have not been able to do
11 that, as I stated our budget is \$1.3 million against
12 a \$106 billion City Budget. So, for perspective, I'm
13 not a mathematician, but I think it's 1000th of one
14 percent of the New York City Budget. So, we are able
15 to do the work that is required, but even just
16 thinking about the context with which we can even
17 imagine doing other work, we're very limited with
18 staff. And to the Agency head's credit, she has been
19 very flexible in trying to figure out how to make the
20 budget work. So, some of our meetings, uh, we have
21 to figure out who it is that can come and testify
22 before City Council. Because if a commissioner
23 testifies, and they have to be paid their \$250 per
24 diem rate, so that's not... we can't have as many
25 people as we like or as much force, uh, coming behind

2 it, because we are so limited. So, you know, sorry
3 that we moved into the budget issue again, but it is
4 a real concern if we are to be as effective and to do
5 the things that I think the City would really want us
6 to do, not just what we are required to do.

7 CHAIRPERSON POWERS: Understood. And I appreciate
8 that, you are certainly allowed to make
9 recommendations related to the budget.

10 On the issue of Work From Home policies, which I
11 think is something we are all discussing and talking
12 a lot about these days over the last years, has been
13 any (INAUDIBLE) resistance from the Commission or the
14 Administration when it comes to talking about those
15 issues or diving into them?

16 MS. NGOZI OKARO: Not that I am aware of. We have
17 a Chair of the Commission, and he might be more privy
18 to that, but I have not necessarily heard of pushback
19 to Work From Home ideas. I mean, yes.

20 CHAIRPERSON POWERS: Got it.

21 I just want to acknowledge that we have also been
22 joined by Council Member Hudson and Council Member
23 Brooks-Powers.

24 When we talk about work from home, it obviously
25 made it possible for mothers of young children to

2 stay in the workforce, a lot of people caring for
3 elderly parents or spouses, and keep their loved ones
4 at home much more, of course beyond that. And since
5 the City required workers return to the office,
6 obviously folks had to make other arrangements. What
7 obligation do you believe the Commission has to
8 analyze the impact of Work From Home Policies on
9 opportunities for caregivers, women and other
10 protected classes of employees?

11 MS. NGOZI OKARO: That's a great question. I think
12 if the ultimate goal is to create a workforce that is
13 a level playing field for women, and minorities, and
14 differently able to disabled people and all of that,
15 I think it's incumbent upon the City to really figure
16 out what the best things are. How do we get and
17 retain the best employees and how is that possible?
18 So, I think if we don't factor in all of the real
19 factors that affect people's ability to work and
20 balance everything else, I think that we do a
21 disservice not just to the workers in the potential
22 workers, but to the people who could be making a big
23 impact on the City.

24 CHAIRPERSON POWERS: Thank you.

2 As you noted, there are shortfalls within the
3 budget that help accomplish some of the work that
4 you believe the EEPC should try to be doing. Do you
5 have an understanding what the... on the budget, how
6 much more the EEPC needs effectively fulfill its
7 mission.

8 MS. NGOZI OKARO: I think that the EEPC could at
9 least use \$1 million more, and it sounds really silly
10 to say that when we're talking about the context \$106
11 billion, but I think at minimum \$1 million more would
12 make a big change for the EEPC in being able to be
13 fully staffed, to have the type of symposia and
14 conferences that would really help Agency understand
15 - and the Agency's heads. I think that the investment
16 would pretty clearly, on the other side of equal
17 employment practice, uh, failings, would keep the
18 City... would probably lower amounts that the City
19 has to pay in lawsuits or the loss of employees due
20 to of unfair practices that they've been subject to.
21 So I would say at least \$1 million, and since we're
22 just talking about numbers that I don't have to write
23 a check for, let's just say double it to \$2.6 from
24 \$1.3 million.

2 CHAIRPERSON POWERS: Got it, thank you, I
3 appreciate that.

4 Do we have other members who have questions?
5 Seeing none, you are free to go, and congratulations
6 again on your reappointment. You are welcome to stay
7 around or leave or whatever makes sense, but
8 congratulations and thanks for time.

9 MS. NGOZI OKARO: Thank you so much, Chair.

10 CHAIRPERSON POWERS: Thank you.

11 We are now going to move onto the New York City
12 Local Conditional Release Commission. You folks are
13 welcome to come up to the witness table here.

14 Section 271 of the New York State Correction Law
15 provides that the City of New York may adopt a local
16 law establishing a Local Conditional Release
17 Commission (LCRC), consisting of at least five
18 members, each of whom shall be appointed by the Mayor
19 with the advice of the Council.

20 Local Law 60 of 2020, which I sponsored,
21 established the latest incarnation of an LCRC in New
22 York City.

23 Each member of an LCRC must be a graduate of an
24 accredited four-year college or university and have
25 at least five years of experience in the field of

2 criminology, administration of criminal justice, law
3 enforcement, probation, parole, law, social work,
4 social science, psychology, psychiatry or
5 corrections.

6 The term of office for each member of an LCRC is
7 four years, provided that any member chosen to fill a
8 vacancy occurring other than by expiration of a term
9 shall be appointed for the remainder of the unexpired
10 term.

11 The Mayor may remove any member of the LCRC for
12 cause, after notice and an opportunity to be heard.

13 The director of the local probation department,
14 or such director's designee, shall serve as an ex-
15 officio, non-voting member of the LCRC. Further, the
16 local probation department shall provide support
17 staff to the LCRC.

18 The New York City LCRC has the power and duty to
19 determine which persons who are serving definite
20 sentences for imprisonment in local correctional
21 facilities and who are eligible for early release may
22 be released on conditional release and under what
23 conditions.

24 To be eligible an individual serving one or more
25 definite sentences of imprisonment in local

2 correctional facilities with an aggregate term in
3 excess of 90 days; they have not been sentenced for a
4 violent felony offense as defined in Section 70.02 of
5 the Penal Law, manslaughter in the second degree,
6 vehicular manslaughter in the second degree,
7 vehicular manslaughter in the first degree,
8 criminally negligent homicide, an offense defined in
9 Article 130 of the Penal Law, incest, or an offense
10 defined in Article 263 of the Penal Law (sexual
11 performance by a child), or aggravated harassment of
12 an employee by an incarcerated individual; the
13 individual has to have a jail record which makes them
14 eligible for a reduction of sentence for good
15 behavior under Section 804 of the Correction Law; and
16 have verified community ties in one of the following
17 areas: employment, permanent residence, or family.

18 Persons who are eligible for conditional release
19 may apply for conditional release after serving 60
20 days in a local correctional facility. However, no
21 person shall be granted conditional release shall be
22 released until they have served at least 90 days of
23 their sentence.

24 If at any time during the period of conditional
25 release, the commission, or any member thereof, has

2 reasonable cause to believe that a person who has
3 been conditionally released has lapsed into criminal
4 ways or company, or has violated one or more
5 conditions of conditional release, the commission or
6 such member may declare such person delinquent and
7 issue a written declaration of delinquency. Upon such
8 declaration, such commission or such member may issue
9 a warrant for the retaking and temporary detention of
10 such person.

11 Upon a finding in support of the violation, the
12 commission may revoke the conditional release, or
13 continue or modify the conditions of such conditional
14 release. Any such actions by the commission shall be
15 deemed a judicial function and shall not be
16 reviewable if done in accordance with law.

17 We are joined today by two candidates for
18 appointment to the LCRC who have been submitted by
19 the Mayor for the Council's advice and consent. We
20 are joined by George Goodmon, a Manhattan Branch
21 Chief of the Department of Probation, and Maria
22 Almonte-Weston, Project Director of Bronx Community
23 Solutions, a program of the Center of Court
24 Innovations.

2 If appointed to the LCRC, Mr. Goodmon and Ms.
3 Almonte-Weston will each serve a four-year term.

4 I want to welcome you both and congratulate you
5 both on being nominated, and thank you for being here
6 today. Please raise your right hands to be sworn in.

7 COMMITTEE COUNSEL: Do you affirm to tell the
8 truth, the whole truth, and nothing but the truth,
9 before this committee, and to respond honestly to
10 council member questions?

11 PANEL: (AFFIRMS)

12 CHAIRPERSON POWERS: Thank you, we recognize you
13 to give an opening statement, we can start with Maria
14 Almonte-Weston.

15 MS. MARIA ALMONTE-WESTON: Good day Speaker Adams,
16 Chair Powers, esteemed council members, and members
17 of the Committee. My name is Maria Almonte-Weston,
18 and I would like to thank you for considering my
19 nomination to serve on the Local Conditional Release
20 Commission. I would also like to also thank the
21 Administration for this opportunity. As a social
22 worker, I believe that being in the service of others
23 is an honor, a privilege, and an enormous
24 responsibility, especially when you are serving
25 vulnerable populations, communities, and individuals.

2 I came to this country from the Dominican
3 Republic when I was four years old. I saw how my
4 parents worked hard to give me a better life. As a
5 youth-young adult, I made some mistakes and bad
6 choices, as adolescence do. Fortunately for me, I was
7 able to take accountability for my bad choices and
8 learn from my mistakes, but not without help and
9 assistance from others. That was my primary reason
10 I've dedicated my entire 25(plus) year career to be
11 in the service of others. As the Senior Director of
12 Court Reform Programs for The Center for Justice
13 Innovation, I have helped to plan, implement, and
14 oversee dozens of programs that have advanced equity,
15 addressed public safety, and helped thousands of
16 individuals - who have made mistakes and/or bad
17 choices - live a better and more productive life.
18 Programs like pre-trial diversion, supervised
19 release, and alternatives to incarceration, these
20 programs, and more, have impacted how justice is
21 viewed in the City through a fairer and more human
22 humane lens.

23 I strongly believe that my unique background as a
24 social worker, an advocate of justice reform, and
25 implementer of successful programs, makes me a strong

2 addition to the Committee. I believe my unique
3 perspective and experience is an important one,
4 because I have seen the difference it makes when a
5 person shows that they care - like being able to help
6 a young person get out of a violent environment and
7 begin to make changes because of educational,
8 economic opportunity, or providing an individual with
9 much needed behavioral health services to address
10 their mental health and substance use disorder in
11 order to avoid incarceration. For these reasons and
12 more, I would be honored to serve on this Committee.
13 Thank you for your consideration.

14 CHAIRPERSON POWERS: Thank you, you may go ahead.

15 MR. GEORGE GOODMON: Good morning, Chair Powers
16 and members of the Committee, I want to thank you for
17 holding this hearing and for considering my
18 nomination to serve on the Local Conditional Release
19 Commission. I would also like to express my gratitude
20 to the Adams' Administration for this nomination.

21 I was born and raised in the Bronx and now reside
22 in Staten Island. My family and I have been honored
23 to serve the City of New York for over 50 years in
24 various capacities. My father, the late George King,
25 retired as a New York City detective with NYPD; Mom

2 is a supervisor for ACS, and my dear wife is a speech
3 language pathologist for the Department of Education.

4 It is my conviction that the Commission can
5 function as a mechanism for selecting eligible
6 candidates to transition into our communities with
7 support services provided by the New York City
8 Department of Probation. Eligible candidates for the
9 Local Conditional Release Program will have the
10 opportunity to get back on track with their education
11 and or employment, improve the choices they make, and
12 renew relationships with their families and
13 communities.

14 I have over 25 years of experience in the
15 criminal justice system with a Department of
16 Probation as an officer, a supervisor, and branch
17 chief - in both juvenile and adult operations. I have
18 seen firsthand how risk and need assessment tools,
19 supervision plans, motivational interviewing, and
20 restorative practice techniques, and identification
21 of the stages of change all play part in positively
22 changing the behavior of clients thereby, increasing
23 public safety.

24 For these reasons, I would be honored to serve as
25 the New York City Local Conditioner Release

2 Commission. Thank you again for your time and welcome
3 your questions.

4 CHAIRPERSON POWERS: Thank you both and
5 congratulations, and thank you for your testimony.

6 As you guys know, the LCRC is charged with making
7 decisions about convicted criminals being released
8 from jail before the expiration of the date of a
9 sentence. In this particular case, we are talking
10 about local sentencing which is normally one year or
11 less serious sentences. In both of your hearing
12 questions, you both opined a nonviolent technical
13 violations on release conditions imposed by the LCRC
14 should not result in the ratification of a release
15 which is a power that the LCRC has. Is it therefore
16 your opinion that conditional release should be
17 revoked if the person commits a violent crime and
18 then, should it be only within the case of a violent
19 crime?

20 MS. MARIA ALMONTE-WESTON: Thank you for the
21 question. Based on my extensive social work
22 experience, I know that the most beneficial
23 conditions involving programming that offer genuine
24 engagement components, including reentry programming,
25 with strong mentors, workforce development, family

2 reunification therapy, and economic mobility. In
3 contrast, the conditions that tend to be punitive in
4 nature, like technical violations, i.e. missing a
5 curfew or missing a scheduled program or check in
6 appointment, or having a positive toxicology. While
7 these violations cannot and should not be disregarded
8 as insignificant, they should not automatically
9 trigger a revocation of release. I would hope that
10 these technical violations would be addressed in a
11 supportive manner, i.e. revising schedules or meeting
12 transportation needs, or increasing treatment
13 modalities, especially if they did not cause a risk
14 to public safety. But, I would be very happy to work
15 with my fellow commissioners, if confirmed, on
16 walking through some of these processes.

17 CHAIRPERSON POWERS: I have a followup question,
18 but we will go to...

19 MR. GEORGE GOODMON: Thank you for the question.
20 As part of the Commission's assessment, the
21 Department of Probation will provide support to us in
22 helping us develop conditions that would allow us to
23 be successful in reintegration of applicants in our
24 society. With my 25 years of experience, I've learned
25 that each applicant is different and will require

2 different supervision plans, programs, and support
3 systems. The one condition that I think is very
4 important is maintaining community ties, uh, entering
5 certain programs that can help further the education
6 and other skills.

7 CHAIRPERSON POWERS: Mm-hmm.

8 MR. GEORGE GOODMON: This will work to their
9 benefit and society's benefit. I can go further...
10 Conditions that I see as being punitive, uh, I
11 believe that requiring individuals who test positive
12 for drugs be violated often does not make sense. It
13 is better for those individuals to receive services
14 in the community where they can receive support and
15 guidance by the Department of Probation. We protect
16 our communities by meeting the offenders where they
17 are and by providing opportunities for them to be
18 reintegrated into society and to become successful.

19 CHAIRPERSON POWERS: Can both of you, and we can
20 take you in the same order, talk about what you
21 believe is the difference between like, a technical
22 violation of release conditions and what would be a
23 material violation?

24 MS. MARIA ALMONTE-WESTON: Can you repeat that
25 question again?

2 CHAIRPERSON POWERS: Sure, in your opinion, what
3 is the difference between a technical violation
4 versus a material violation?

5 MS. MARIA ALMONTE-WESTON: So, I'm not sure if I
6 have a clear opinion on it, I understand from some of
7 the probation violations that some technical ones, as
8 I mentioned, are in terms of either scheduling or the
9 conditions of being in either programs and their
10 schedules, uh, or curfews that allow for someone to
11 have very specific hours in which they need to be at
12 a certain place. I am not clear about material
13 violations.

14 CHAIRPERSON POWERS: I guess the question... oh,
15 go ahead, sorry.

16 MR. GEORGE GOODMON: Thank you for the question.
17 Technical violations from my experience are
18 violations that have nothing to with an offender
19 committing any crime. It could be violating someone
20 because they didn't go to school. It could be
21 violating someone because they're not employed. That
22 is what I consider technical violations. Material
23 violations, I would say that those would be the type
24 of violations where someone would violate the
25

2 conditions because they were rearrested or something
3 in that order.

4 CHAIRPERSON POWERS: Are there material... just
5 to follow up with you on that point, are there
6 material violations that are not violent that you
7 would see as being the cause for revocation of
8 release?

9 MR. GEORGE GOODMON: Let me think about that. My
10 answer would be that each case that is brought before
11 us would be dealt with on a case-by-case basis. If I
12 am confirmed and I am part of the Commission, we
13 would be looking at all factors for us to decide on
14 whether or not someone should be released. But, we
15 would be following the policies and procedures of the
16 Local Conditional Release Commission.

17 CHAIRPERSON POWERS: Okay.

18 I want to move to some specific questions related
19 to the responses given to prehearing questions.

20 I am going to start with Ms. Almonte-Weston. Just
21 to clarify some responses given in response to your
22 prehearing questions, you wrote that if the LCRC does
23 its job correctly, the LCRC will be able to alleviate
24 the unsafe and volatile conditions at Rikers Island.
25 Can you discuss how, in more detail, how you think

2 that is potentially releasing, for instance,
3 nonviolent criminals would alleviate conditions?

4 MS. MARIA ALMONTE-WESTON: Absolutely. So, I
5 believe that no one can or should ignore existing
6 conditions at Rikers; however, it is my standing that
7 the Local Law 60 only applies to a very small group
8 of City-sentenced individuals - approximately 400 out
9 of about 6000 individuals, and that the recommended
10 applicants are prescreened to determine the
11 eligibility for the program by the Department of
12 Probation. It would be my hope that if we, as I
13 mentioned in my statement, are doing our job
14 correctly, we will alleviate some of these issues, in
15 particular being able to bring individuals who are
16 nonviolent back into the community as part of that
17 community and allowing them to be integrated as
18 returning citizens.

19 CHAIRPERSON POWERS: And how does that alleviate
20 the conditions at Rikers?

21 MS. MARIA ALMONTE-WESTON: It does by just way of
22 allowing for individuals to be removed from Rikers
23 and back into society.

24 CHAIRPERSON POWERS: And how would the conditions
25 at Rikers Island influence your opinion about whether

2 someone should be granted conditional release, and
3 are those conditions something you believe should be
4 evaluated when evaluating an application?

5 MS. MARIA ALMONTE-WESTON: So, it is my
6 understanding that as part of the Commission we will
7 be focused on the sentence individuals at Rikers who
8 have already served at least 60 of their days, that
9 are already being provided lots of community
10 services. I think that that in itself, like I
11 mentioned before, will have a positive impact on the
12 conditions on Rikers.

13 CHAIRPERSON POWERS: But are the conditions
14 something you would consider when evaluating an
15 application?

16 MS. MARIA ALMONTE-WESTON: As I mentioned before,
17 it would not be something that is ignored; however,
18 in the purview of what we will be looking at, and the
19 packages for individuals who are being viewed to be
20 released, it would be very limited individuals plus
21 their connections to community ties.

22 CHAIRPERSON POWERS: Got it.

23 I also want to note that we have been joined by
24 Council Member Brewer and Council Member Sanchez on
25 Zoom here as well.

2 You were asked if there were any crimes you
3 believe should not be count to be granted as part of
4 conditional release. The question sought you opinion
5 about seriousness on certain nonviolent crimes such
6 as public corruption. I think you wrote that the
7 statute clearly excludes violent crimes from
8 eligibility for conditional release. Understanding
9 that the Commission has discretionary authority, are
10 there any nonviolent crimes and public corruption or
11 crimes of moral turpitude that you believe are more
12 deserving of custodial punishment than others?

13 MS. MARIA ALMONTE-WESTON: So, I believe that it
14 is very important to find a balance between public
15 safety and fairness, between the benefits of release
16 and maintaining public trust. However, I also know
17 that the law is clear on the criteria and eligibility
18 requirements for early release. It does it exclude
19 violent crimes and/or convictions of violent crimes.
20 It is my hope that as a commission we will be looking
21 at everyone with impartiality and fairness.

22 CHAIRPERSON POWERS: You currently run an
23 alternative incarnation program for the Center of
24 Justice Innovation, have you received any guidance
25

2 from the Conflicts of Interest Board about your work
3 at the LCRC and your work at CJI?

4 MS. MARIA ALMONTE-WESTON: Yes, I have. So, I have
5 been advised not to use my civic position to benefit
6 either myself or my organization, that I may not use
7 of disclose any confidential information obtained as
8 part of my City position, and that I will not
9 communicate with the Local Conditional Release
10 Committee on behalf of the Center for Justice
11 Innovation. Just to be clear, my current position as
12 a Senior Director for Court Reform, I do not oversee
13 directly the position Director for Bronx Community
14 Solutions, that was my previous position four years
15 ago.

16 CHAIRPERSON POWERS: Okay, thank you.

17 Moving to Mr. Goodman, you were asked in
18 prehearing questions how to make sure the LCRC would
19 retain its impartiality and independence from outside
20 influences, especially in light of conflicts of
21 interest that lead to the dissolution of the first
22 incarnation of the LCRC. You mentioned and cited
23 keeping accurate records (INAUDIBLE) independence
24 though, uh, we also... based on your experience
25 working with 23 years in probation, isn't it possible

2 you will have a prior work relationship with some of
3 the applicants? And how would that effect your need
4 to recuse yourself from a certain individual?

5 MR. GEORGE GOODMON: I'm sorry, I didn't hear the
6 last... (CROSS-TALK)

7 CHAIRPERSON POWERS: The question was about how to
8 maintain impartiality and independence, and the
9 question is you have a long and extensive record
10 working for The Department of Probation, which I want
11 to congratulate you on, will there be instances where
12 you will have a prior working relationship with some
13 of the applicants before the LCRC? And I guess the
14 followup question is, if so, what obligation do you
15 have to recuse yourself from consideration of that
16 application?

17 MR. GEORGE GOODMON: Let me think about this, I
18 just want to make sure I get this answer. Can you
19 rephrase that question?

20 CHAIRPERSON POWERS: Sure, essentially the
21 question is, there may be an instances where an
22 applicant is, based on a history of working at the
23 Department of Probation, for any employee there, it
24 would be possible that would be a prior relationship
25 with one the applicants. So, the question, do you

2 believe there's an obligation and what are the
3 obligations to recuse yourself from consideration
4 application if they were to come before you?

5 MR. GEORGE GOODMON: If I am confirmed and I am a
6 member of the Commission, if there is any conflict I
7 would recuse myself from that process. I think
8 integrity would be a hallmark of our Commission.

9 CHAIRPERSON POWERS: In the prehearing questions,
10 you had generally indicated that all nonviolent
11 criminals should be rehabilitated in the community
12 rather than being punished with imprisonment. There
13 are some white collar crimes, for instance, committed
14 by... that are usually nonviolent, but not without
15 impact. Would those be instances where you believe
16 folks should be rehabilitated in their communities
17 rather than punished with imprisonment?

18 MR. GEORGE GOODMON: I believe all applicants that
19 apply for conditional release programs, if they are
20 eligible, if I am confirmed as part of the
21 Commission, that we would look at each case on a case
22 by case basis. And if they meet the requirement, we
23 would make decisions on whether or not they should be
24 released.

2 CHAIRPERSON POWERS: Thank you, I am now going to
3 move to colleagues here on the Committee, and we'll
4 start with Council Member Fariás, followed by Council
5 Member Brooks-Powers.

6 COUNCIL MEMBER FARIÁS: Thank you, Chair.

7 I just wanted to go back to the initial question
8 response that we received for the making decisions
9 about convicted criminals being released from jail
10 before their expiration of their sentences. And the
11 Chair had a asked about the differences between
12 technical violations of release of conditions and
13 material. I just wanted to ask clarifying questions,
14 how do you enforce the release conditions? How are
15 they enforced? Both of you can take a jab at that.

16 MR. GEORGE GOODMON: Thank you for the question.
17 The Commission has the power to review violations
18 that come before us. We can modify... we can modify
19 conditions, we can look at the violation before us
20 and decide it has no merit, so therefore we can
21 dismiss them. We can look at the situation and see
22 that if it's valid that we can say that ,you know,
23 the person needs to be returned to jail. And the way
24 we enforce that is by, to my understanding, is we
25 would have the power to issue warrants...

2 COUNCIL MEMBER FARIAS: Mm-hmm

3 MR. GEORGE GOODMON: You know to have the person
4 returned before the Commission.

5 COUNCIL MEMBER FELIZ: Okay, thank You. Anything
6 you would like to add?

7 MS. MARIA ALMONTE-WESTON: So, it's just my
8 understanding that the Department of Probation will
9 be submitting application packages along with
10 supplemental reports to the Committee, and who have
11 already... individuals who have already met all of
12 the necessary requirements to be eligible for early
13 release.

14 COUNCIL MEMBER FARIAS: Mm-hmm

15 MS. MARIA ALMONTE-WESTON: I believe that
16 criterion includes requirements to be eligible, they
17 would be behavioral status while in custody, incident
18 reports, if any, and proactive actives in a
19 comprehensive conditional release plan by their
20 probation officer and case manager. There will also
21 be the collaborative analysis, if confirmed, along
22 with my colleague and fellow commissioners so that we
23 will be able to receive all relevant information to
24 determine approval for the conditional release.

2 COUNCIL MEMBER FARÍAS: Okay, so nothing
3 additional outside of what you have already submitted
4 in your response? Okay, thank you, folks.

5 CHAIRPERSON POWERS: Thank you, now we will go to
6 Council Member Brooks-Powers.

7 COUNCIL MEMBER BROOKS-POWERS: Thank you. Good
8 morning, and thank you for being here today.

9 Just a couple questions as we have had the
10 opportunity of meeting prior to the hearing.

11 For both candidates, under state law the
12 commission cannot grant conditional release unless
13 there is a reasonable probability that an applicant
14 won't violate the law. As Commissioner, what criteria
15 would you consider when making this determination of
16 reasonable probability?

17 MR. GEORGE GOODMON: Thank you for the question.

18 If confirmed, I will work with my colleagues to
19 ensure that the policies and procedures of LCRC are
20 followed when deciding on a release of eligible
21 offenders. Once they are released they will be under
22 the supervision of the New York City Department of
23 Probation. Applicants having ties to the community
24 such as residence, family ties, and employment are
25 all important criteria when deciding upon releasing

2 an eligible offender. This will increase the
3 probability that their reintegration... of their
4 integration and increase public safety. The criterion
5 for determining release is still being developed and
6 will continue to be developed by the Commission with
7 the guidance of probation. These are some of the
8 factors that should be considered: I have over 25
9 years of experience protecting the community by
10 helping prior offenders obtain the necessary skills
11 to be productive members of our society, thereby
12 reducing recidivism. So, I am confident in the
13 ability to ensure the success of our applicants.

14 MS. MARIA ALMONTE-WESTON: I am extremely looking
15 forward to working with my committee members so that
16 we can develop those policies and procedures to be
17 able to both balance public safety and reunification
18 of individuals coming back into the community.

19 COUNCIL MEMBER BROOKS-POWERS: Ms. Almonte-Weston,
20 what role do you see the Commission playing in
21 ensuring recourses and supportive services for those
22 under conditional release?

23 MS. MARIA ALMONTE-WESTON: So, as I've mentioned
24 both in my statement and written testimony, the role
25 of the Commission would be to be able to provide

2 individuals the ability to go back into their
3 communities knowing that the Department of Probation
4 will be providing extensive supervision for an entire
5 year, and also knowing that there will be feedback
6 and reports, so that we as a commission can either
7 finetune certain recommendations is what I believe is
8 going to be my role.

9 COUNCIL MEMBER BROOKS-POWERS: Do you have any
10 examples that you can point to?

11 MS. MARIA ALMONTE-WESTON: At this time? No.

12 COUNCIL MEMBER BROOKS-POWERS: Mr. Goodmon, some
13 council members and advocates have expressed concerns
14 lately about changes at the Department of Parole. For
15 example, more uniformed parole officers are now
16 required to carry weapons, whereas guns were optional
17 previously. Do you have any thoughts on this policy?

18 MR. GEORGE GOODMON: Thank you for the question.
19 I know I'm here to be confirmed with the Commission
20 of LCRC, and with my 25 years of experience, all I
21 can say is that I believe that Probation is an
22 organization that operates on an evidence based
23 understanding of what makes people do the things that
24 they do, and to work to engage them to help that they
25 can to become positive members of society with the

2 necessary skills. I have a firm belief in the
3 Department of Probation and what they do, so all I
4 can say is that I have confidence that they would
5 continue that practice.

6 COUNCIL MEMBER BROOKS-POWERS: Thank you.

7 CHAIRPERSON POWERS: Any other questions from
8 members?

9 Okay, thank you both. Congratulations on your
10 nominations, and you are allowed to go.

11 We will now be moving on Taxi and Limousine
12 Commission.

13 MR. GEORGE GOODMON: Thank you.

14 CHAIRPERSON POWERS: Thank you, I also want to
15 note that we are joined by Council Member Justin
16 Brannan.

17 We are now going to move onto the Taxi and
18 Limousine Commission. The last two candidates we are
19 going to be hearing from are nominated to serve on
20 the Taxi and Limousine Commission, known commonly as
21 the TLC.

22 The TLC was created pursuant to Local Law 12 of
23 1971. Chapter 2065 (sic) (Transcription Note: Chapter
24 65) of the New York City Charter establishes the TLC
25 with the purpose of continuance, development, and

2 improving of taxi and limousine service in NYC. It's
3 the purpose of the Commission to establish an overall
4 public transportation policy governing taxi, coach,
5 limousine, wheelchair accessible van services, and
6 commuter van services as it relates to the overall
7 public transportation network of the City. The
8 Commission establishes certain rates, standards of
9 service, insurance and minimum coverage, and criteria
10 for the licensing of vehicles, drivers, chauffeurs,
11 owners, and operators. The Commission also has the
12 power to establish fines and penalties for the
13 violations of its rules.

14 The TLC consists of nine members appointed by the
15 Mayor, all subject to the advice and consent of the
16 Council. Five of said members must be a resident from
17 each of the five boroughs of the City, and are
18 recommended for appointment by a majority vote of the
19 Council Members from the respective borough. TLC
20 members are appointed for seven year terms, and can
21 serve until the appointment and qualification of a
22 successor.

23 The Mayor designates one TLC member to act as the
24 Chairperson and Chief Executive Officer. The Chair
25 has the power to employ, assign, and oversee the

2 officers and employees of the organization. Pursuant
3 to the Charter, the Chair's position is fulltime, and
4 the Mayor sets the compensation; members other than
5 the Chair serve without compensation.

6 We are joined here today by Andrea Bierstein, who
7 has been nominated by the Mayor on the recommendation
8 of the Manhattan Delegation of the New York City
9 Council. If appointed to the TLC, she will serve the
10 remainder of a seven-year term that will expire on
11 January 31, 2029.

12 Thank you for being here today. Please raise your
13 right hand to be sworn in.

14 COMMITTEE COUNSEL: Do you affirm to tell the
15 truth, the whole truth, and nothing but the truth,
16 before this committee, and to respond honestly to
17 council member questions?

18 MS. ANDREA BIERSTEIN: (NO MIC) (INAUDIBLE)

19 CHAIRPERSON POWERS: Thank you... (CROSS-TALK)

20 COMMITTEE COUNSEL: Please turn on your mic.

21 CHAIRPERSON POWERS: Oh, please, can you turn your
22 mic on?

23 MS. ANDREA BIERSTEIN: Is that on now?

24 CHAIRPERSON POWERS: It's on, just...

2 COMMITTEE COUNSEL: Do you affirm to tell the
3 truth, the whole truth, and nothing but the truth,
4 before this committee, and to respond honestly to
5 council member questions?

6 MS. ANDREA BIERSTEIN: Yes, I do.

7 CHAIRPERSON POWERS: Thank you. You are recognized
8 to give an opening statement.

9 MS. ANDREA BIERSTEIN: Good morning Chair Powers
10 and council members. My name is Andrea Bernstein, and
11 I come before you today seeking your confirmation and
12 consent to serve as a member of the Taxi and
13 Limousine Commission. Thank you in advance for your
14 consideration and for the opportunity to tell you
15 about myself and why I wish to serve on the TLC.

16 I'm a lawyer in private practice representing
17 individuals and municipal governments in variety of
18 litigation against corporate malefactors. I have
19 spent the past six years working specifically on
20 opioid litigation lawsuits against manufacturers,
21 distributors, and dispensers of prescription opioids
22 on behalf of municipalities around the country
23 seeking recovery for the public nuisance these
24 companies have created. Among the clients I have been
25 privileged to represent in this litigation has been

2 the City of New York. And I am proud that my firm and
3 I have recovered hundreds of millions of dollars for
4 our city to help combat the opioid epidemic. I am now
5 working part time for my firm, which has freed up
6 time for me to give back to the City that has given
7 so much to me.

8 Before I was an opioid lawyer, and even before I
9 became a lawyer, I fell in love with New York City
10 and in particular with New York City transportation.
11 I grew up in suburban New Jersey, graduated from
12 Princeton University, and moved to Brooklyn in 1982 -
13 two years after graduating from college. As soon as I
14 moved to the city, I knew I had found my home, and I
15 have lived here ever since, except for a brief
16 sojourn in Massachusetts while I was teaching law
17 school.

18 During my years in the city, I've lived in
19 Brooklyn and in Queens, but from 1985 to 1992, and
20 then since my return from Massachusetts in 1996,
21 I've lived in Manhattan, first in Greenwich Village,
22 and since 1996, on the Upper East Side. I attended
23 NYU for law school, the only law school applied to,
24 because having so recently arrived in New York City,
25

2 I couldn't bear the thought of leaving and to live
3 anywhere else to go to law school.

4 After school law school, my husband and I
5 remained in the city where I've worked at a number of
6 law firms. For the past 21 years, I've been a partner
7 at a firm now known as Simmons, Hanley, Conroy. When
8 I joined in 2003, Hanley & Conroy was a small New
9 York City based law firm, our only the office was in
10 Midtown Manhattan. Ten years ago; however, we merged
11 with larger Midwest based Simmons Firm. The merged
12 firm's headquarters is in Illinois outside St. Louis,
13 but my New York partners and I have remained in the
14 same midtown office space we took years ago, giving
15 our firm of vibrant and important New York City
16 presence. So, although technically I worked for from
17 that's headquartered in Illinois, I think of myself
18 as working for New York law firm.

19 When I first came to the city, it was the
20 subways that caught my attention. Then, in my early
21 years of practice as lawyer, I delve deeply into the
22 city's bus system when I represented the New York
23 City Transit Authority suing a manufacturer over
24 defective buses.

2 Over the years; however, I've come to see the
3 city's transportation infrastructure as a whole - the
4 sidewalks, subways, buses, commuter trains, yellow,
5 and green taxis, the old black cars, and now the app
6 based for-hire vehicles, each one an important
7 component and how New York City keeps people moving
8 around our great city.

9 To me, New York City is first and foremost about
10 walking - a place where you don't have to get in a
11 car to get around, where you can walk the streets and
12 see the diversity of the city on display every day.
13 But, of course, you can't walk everywhere. Our city
14 is too big and too varied for that. In a city with
15 our density, public transportation is also key. We
16 can't always be each in our own cars, whether or not
17 where the ones driving them. But even public
18 transportation isn't sufficient, sometimes car is the
19 right solution for reasons of distance, or time of
20 night, or accessibility, or because of the need to
21 transport stuff.

22 When you need a car, a for-hire vehicle of some
23 kind is a crucial component of our transportation
24 infrastructure. I welcome the opportunity to be part
25 of the agency overseeing the for-hire vehicle

2 component of our transportation system and to serve
3 the city and a transportation needs in this way.

4 I bring to position 40 years of legal experience,
5 including as noted, representation of the City, as
6 well as earlier representation of the Transit
7 Authority, and I look forward to using my
8 professional and personal experience in the service
9 of the city and the riders who use taxis and other
10 for-hire vehicles, and I hope you'll see my candidacy
11 as a valuable asset to the TLC. I look forward to
12 answering your questions. Thank you for your time and
13 consideration.

14 CHAIRPERSON POWERS: Thank you. Thank you for your
15 work on the opioid issue, it's very, very important.

16 I am going to do a few questions, and then I will
17 hand it over to colleagues here for questions.

18 As I noted earlier, there are five members of the
19 TLC that are recommended by the Mayor and five by the
20 five borough delegations and New York City Council,
21 including the Manhattan Delegation who has
22 recommended you. I just wanted to clarify, in your
23 prehearing questions you wrote you were initially
24 referred as a candidate for appointment by Tonya
25 Jenerette, who is the Chief Strategy Officer for the

2 First Deputy Mayor. I have you has a Manhattan
3 Delegation nominee. Can you just clarify that route
4 to the nomination here? Because, I, uh...

5 MS. ANDREA BIERSTEIN: Sure, so Tonya originally
6 recommended me. Tonya and I had worked together on
7 the opioid litigation when she was at the Law
8 Department. She was one of the principle client
9 contacts that we had for the City of New York. And
10 she had originally recommended me, but I think over
11 the course of looking at that process the Mayor's
12 Office had additional candidates, and the Manhattan
13 Delegation did not have a Manhattan candidate that
14 they had identified. So, at some point it was decided
15 in the Mayor's Office that it would make more sense
16 for me to be nominated by the Manhattan Delegation,
17 and the Mayor's Office would use their slot for
18 someone else. So, the Manhattan Delegation considered
19 me and voted to point my name forward. And I suppose,
20 in terms of answering the question, I may not have
21 understood that you were looking for which of those
22 recommendations slots rather than the beginning of
23 the process...

24 CHAIRPERSON POWERS: I understand, I appreciate
25 that clarification. You have an extensive legal

2 career including working both on the Transit
3 Authority, as you noted, and also working on behalf
4 of the City of New York. Folks come here from
5 different backgrounds, some come with a legal
6 background, some come with... many come with a
7 transportation background, and particularly,
8 obviously it's transportation agency, can you talk to
9 us about your resume and experience, and how you
10 think that makes you qualified to be on the TLC
11 versus another agency, uh, that obviously you have
12 qualifications to be appointed to? And what do you
13 see as ,you know, from your legal career being
14 qualifications to make you be on the TLC?

15 MS. ANDREA BIERSTEIN: So, I would say that part
16 of my qualifications to be on the TLC doesn't come
17 from my legal career, it comes from being a New York
18 City resident and a user of the taxi and limousine
19 system, and also this longstanding interest that I
20 have had in transportation and in the role of the
21 whole transit infrastructure as a whole. But I do
22 think that my legal career is an asset and an
23 important one in my qualifications, because one of
24 the things that I have done throughout my legal
25 career is each time, as... what I have done as a

2 lawyer is to be a litigator, and each time you take a
3 new case, you learn a new industry. It is not like...
4 there are lawyers who specialize in very specific
5 things and they do the same area all of the time, say
6 if you're a real estate lawyer, you know a lot about
7 real estate. Litigators are generalist, we know
8 procedure, we know the court system, we know how do
9 what we do. But, each time we do a case, we delve
10 into a new industry. So, when I represented the
11 transit authority all of those years ago, I had to
12 learn an awful lot about buses, and how they work,
13 and how they are built, and how they are designed.
14 When I did the opioid litigation, I learned an
15 enormous amount about the opioid industry, and the
16 companies, and how the drugs work. And, so, I think
17 that the... my experience in taking up a new task in
18 a new industry and mastering that so that you can
19 really understand the details from the inside, which
20 has been absolutely critical to what I have done as a
21 lawyer. When I take those skills and marry them to
22 the interest that I've always had in transportation,
23 I think that is how my legal career really informs my
24 qualifications.

25 CHAIRPERSON POWERS: Thank you for that.

2 As New Yorker you also have experience here with
3 the variety of transportation services in the city,
4 I would assume, including the Yellow Taxi industry
5 and the for-hire vehicle... yellow vehicles. We have
6 seen a myriad of issues over the last few years when
7 it comes to the emergence new technologies and new...
8 essentially new industries replacing old industries,
9 and also supplementing them. But, from your
10 experience as an appointee to the TLC, what do you
11 see as largest issues in the taxi and for-hire
12 vehicle space at this particular moment?

13 MS. ANDREA BIERSTEIN: I'm sorry, what... I missed
14 part of that. What do I see as what? (CROSS-TALK)

15 CHAIRPERSON POWERS: What do you see as the most
16 important and critical issues right now when it comes
17 to the TLC?

18 MS. ANDREA BIERSTEIN: I mean, I think that the
19 TLC, I think the critical issues overall are really
20 to some extent what they always have been in terms of
21 its mission, which is to keep for-hire vehicles safe,
22 available, and to promote driver well-being, and to
23 reduce the environmental impact of cars on the City
24 and reducing congestion. But I think some of the
25 challenges that the TLC faces in doing that over the

2 past several years have involved integrating the ride
3 hailing apps into a system, because that has had a
4 big impact on the one hand an impact on availability,
5 but on another hand an impact on driver well-being of
6 the medallion drivers. So, I think that... I think
7 the TLC has done a great job of addressing that
8 challenge, but continues to need to do that. I think
9 the same is true with reducing environmental impacts
10 of the... of cars, and both the for-hire vehicles,
11 but of cars generally, because I think encouraging
12 people to use taxis is one way to get them to leave
13 their cars at home. So, I think being involved with
14 both the issues of congestion and pollution, that is
15 the focus on electric vehicles, are also issues right
16 now that the City will have to do deal with.

17 CHAIRPERSON POWERS: Thank you... (CROSS-TALK)

18 MS. ANDREA BIERSTEIN: That's the TLC, I'm sorry.

19 CHAIRPERSON POWERS: Thank you. I am going to...
20 one more question before I hand it over to
21 colleagues.

22 Yesterday, we saw the final MTA vote on
23 congestion pricing, I know you have made some notes
24 on that in your prehearing responses, but obviously
25 one of the big issues that was being discussed is

2 whether yellow taxis and perhaps for-hire vehicles
3 should be charged a fee from entering the zone and
4 where their classification exists. Do you have an
5 opinion on that, on whether yellow taxis and for-hire
6 vehicles should not have been... should be charged
7 for entering the congestion pricing zone?

8 MS. ANDREA BIERSTEIN: I think that it makes sense
9 at the present moment for those cars to be exempt
10 from congestion pricing. It may be that in the long
11 run that may not work out, but I think in the
12 beginning as part of the transition, to the extent
13 that you need to encourage people to leave their cars
14 at home, keeping the taxis a little bit more
15 affordable for the time being may help with that
16 transition. So, I think, as an initial step, I also
17 think it's drivers of yellow taxis in particular who
18 have been under so much economic stress that, to the
19 extent that that pricing reduces demand for them and
20 makes their livelihoods harder, I think that would be
21 problematic. So, I do support... I do think that an
22 exemption, at least in the short term, but I think...
23 and I think you saw this is my written answers, I
24 think on so many issues, these are dynamic situations
25 that need to be revisited periodically. And exemption

2 now doesn't mean an exemption forever. But, I to
3 think it's important to have that now.

4 CHAIRPERSON POWERS: Thank you.

5 We are going to go to colleagues, and we will
6 start with Council Member Brooks-Powers.

7 COUNCIL MEMBER BROOKS-POWERS: Thank you, and
8 thank you for being here today. So, I have a couple
9 of questions. I wish we had an opportunity to have
10 met before today.

11 First set of questions is just really for
12 clarification on some of the... on some of your
13 submissions.

14 So, I am not clear in terms of your current
15 status as to whether or not you are employed or
16 retired, because it speaks to you being retired, but
17 I think you have mentioned that you are part time
18 now.

19 MS. ANDREA BIERSTEIN: I am part time, I am still
20 employed. I don't work full time at my law firm, but
21 I am still employed by the firm.

22 COUNCIL MEMBER BROOKS-POWERS: Okay, because I
23 think you submitted that you were retired in your
24 submission. And it speaks to something about having
25 an interest in the response that you got back I think

2 from COIB in terms of your ownership interests. Can
3 you explain what ownership interests you have in your
4 company?

5 MS. ANDREA BIERSTEIN: Well, I am a partner in the
6 law firm. So, as a partner, that means that I have I
7 am partly an owner of it. And, so, when the Conflicts
8 of Interest Board looked at that, what they were
9 saying is that sometimes a law firm partner might
10 retire but might still retain a partnership share.
11 So, for example, I might be entitled to ongoing fees
12 even if I were fully retired. So, that is what they
13 were focusing on, that even if I stopped working, and
14 I stopped drawing a salary, if I continued to have an
15 economic ownership interest where I'd be entitled to
16 a share of the profits, that the same requirements
17 about recusing myself would still apply.

18 COUNCIL MEMBER BROOKS-POWERS: So, as it pertains
19 to the need to recuse yourself, if you have ownership
20 in the company, would it mean that it is a broader
21 stroke in terms of where you need recuse yourself
22 from since you have ownership in the actual company?
23 I'm not just limiting you to cases, because I think
24 it speaks to cases, but if you have ownership in the
25 company...

2 MS. ANDREA BIERSTEIN: Well, what the board had
3 said was that if any of the firm's clients were to
4 come before the TLC, I... so, that would be not
5 necessarily just my clients, there would be a
6 potential need to recuse myself. But, they did say
7 that if it were not my client that I should consult
8 with them for further guidance. So, at any time, if
9 any... because I have an ownership interest in the
10 firm, if any of our clients had anything before the
11 TLC, I would need, first thing, to notify COIB, if it
12 were not my client to get further guidance, and if it
13 was my client, I would have to... I would know that I
14 would need to recuse myself and that would be clear.

15 COUNCIL MEMBER BROOKS-POWERS: And have you or
16 your firm had any cases where they had to litigate
17 that had any connection to TLC?

18 MS. ANDREA BIERSTEIN: No. It's not... actually it
19 would be very unlikely that we would. It's not the
20 kind of work that we do. But, obviously, you can
21 never rule it out, which is why it was good to get
22 guidance from COIB. But, we have not.

23 COUNCIL MEMBER BROOKS-POWERS: And have you had
24 any litigation pertaining to congestion pricing?

25 MS. ANDREA BIERSTEIN: No, we have not.

2 COUNCIL MEMBER BROOKS-POWERS: I know you said
3 that your connection to transportation has been as a
4 user, and you have a longtime interest in the
5 transportation space, can you share with the
6 Committee how you have advocated through the years on
7 behalf of drivers?

8 MS. ANDREA BIERSTEIN: Well, I haven't had an
9 opportunity to advocate for drivers. I have not been
10 in a position to do that.

11 COUNCIL MEMBER BROOKS-POWERS: Okay. Just my final
12 set of questions is focusing on congestion pricing,
13 just kind of picking up where the Chair was on that.
14 And I know you spoke to your belief that in the short
15 time... in the short term that an exemption would be
16 something that you would support as it pertains to
17 taxis and for-hire vehicles. Can you explain that a
18 bit more? Are you aware that they currently have a
19 tax that they pay into currently? (CROSS-TALK)

20 ANDREA BIERSTEIN: Yes, I am aware, for one thing
21 because... because when I ride in them every time I
22 cross those limits and the... and the meter pops up,
23 but I think the concern was that the newer congestion
24 pricing, which I fully support, I am big fan of the
25 idea of reducing cars in the most congested parts of

2 Manhattan would be even more expensive and even more
3 of a burden and might impeded the attempt to convince
4 people to leave their cars somewhere else, whereas if
5 they were comfortable that taxis would be available,
6 and that the rates would not be so prohibitively
7 high. And I mean, I do think to the extent that ,you
8 know, this... to some extent touches on driver well-
9 being as well. Taxi fares and the driver's share need
10 to keep pace and be raised sufficiently often to
11 assure that drivers are able to earn a living wage.
12 To the extent that you have additional pricing that
13 doesn't necessarily benefit that, it may make it
14 harder to achieve the dual goals of both getting
15 people to leave their cars behind so that they can
16 ride in a taxi that's sufficiently affordable that
17 they won't bring their own car, but costs enough that
18 it can compensate a driver who can earn a living
19 doing it. And I'm not sure that congestion pricing
20 right at this moment applied to those taxis is the
21 best way to accomplish that balance, but I think that
22 may change.

23 COUNCIL MEMBER BROOKS-POWERS: The last question I
24 have really is, first a statement - the taxi industry
25 has really been under water. We have seen a

significant impact and financial burden on drivers.

Several years ago, there were drivers that committed

suicide because of the strain and the financial

stress that they experienced. New York City has since

invested millions of dollars to try to support the

industry. And ,you know, there is a risk that without

exempting the drivers in congestion pricing, what

that impact as a result could very well be. How can

the TLC support taxis and/or for-hire vehicles as the

new congestion charge comes into effect?

ANDREA BIERSTEIN: Well, I think that to support

taxis other than through an exemption, which

obviously is not within their control, would be to

continue to monitor the fares and the driver's share,

and making sure that drivers continue to be able to

earn enough money. And if the demand for taxis

doesn't keep up ,you know, if it declines or doesn't

keep up or doesn't increase so that the drivers

aren't able to earn a living, I think the TLC has a

number of tools at its disposal to be looking at

matching ,you know, the number of available cars to

the demand, looking at pricing. And I think the

congestion pricing is just another variable to

consider in the tools that the TLC already uses as it

2 analyses every year the number of vehicles, the
3 amount of money the drivers make, where the fares
4 are, where the congestion is. And this just becomes
5 another factor that the TLC would have to take into
6 account. And I look forward to working with both
7 experts and stakeholders and my colleagues at the TLC
8 make sure that we get the right balance with
9 congestion pricing as a factor as well.

10 COUNCIL MEMBER BROOKS-POWERS: Thank you for your
11 response. I would just like to emphasize that should
12 you be appointed that it is important to have members
13 of the Commission, one that understand the regulatory
14 side of things, which I have no doubt that you would
15 be able to take on as an attorney, but also taking
16 into account the climate of the industry, the
17 drivers, and what that impact is. Myself as the Chair
18 of Transportation and Infrastructure, I hear often
19 from the drivers directly and the challenges that
20 they are facing and the need for them to have someone
21 on the Commission who understands that and who will
22 advocate and champion for the TLC drivers as polices
23 and what have you change.

24 And the last thing I would also like to know is
25 do you support street hales by commuter vans?

2 ANDREA BIERSTEIN: So before I turn to that, I
3 would say that in terms of driver issues, I do want
4 to assure you that from my perspective the drivers
5 and driver welfare are absolutely key to the for-hire
6 vehicles industry, because without the drivers there
7 is no industry. So, I just want to assure you that...

8 (CROSS-TALK)

9 COUNCIL MEMBER BROOKS-POWERS: And the passengers,
10 too, because if the price is put onto the passenger,
11 they are not going to get into the taxi cabs either.
12 Because, as you said, when you go into a certain
13 zone, you see it pop up, it's going to pop up even
14 higher with this new tax for them... (CROSS-TALK)

15 ANDREA BIERSTEIN: Mm-hmm, I mean, look, there are
16 a lot issues in terms of balancing that. In terms of
17 the hailing of the commuter vans, that is an issue
18 where I would really need to learn more both from the
19 experts and the stakeholders to have a definitive
20 position on that. I am less familiar with that aspect
21 of the industry than really with any of the other
22 pieces of it. And I do know something about the
23 commuter vans and the spot that they fill in certain
24 parts of the city that are ,you know, beyond the
25 subway system, and that people ,you know, rely on

2 those. But, I would need to learn a lot more about
3 that and consult with others before I could form a
4 definitive position on it.

5 COUNCIL MEMBER BROOKS-POWERS: Absolutely. I
6 encourage you to speak with the commuter van
7 coalition that exists to understand the challenges
8 that they face, because similar to the taxi and for-
9 hire vehicles, they too have been under water for
10 quite some time as well. They are critical to
11 communities like South East Queens, parts of Brooklyn
12 especially, connecting commuters to subway
13 infrastructure to be able to get in and around New
14 York City. And it is a very important issue in the
15 industry and for myself as well. So, thank you for
16 your responses and thank you, Chair.

17 CHAIRPERSON POWERS: Thank you, we will now go to
18 Council Member Farías.

19 COUNCIL MEMBER FARÍAS: Thank you, Chair. Hi, good
20 morning. When you spoke to Miss Jenerette about the
21 possibility of being a TLC commissioner, did you
22 folks discuss the possibility of being appointed to
23 any other boards, or was the conversation solely
24 surrounded around the TLC?

2 ANDREA BIERSTEIN: We did talk about other boards,
3 and we talked about what my areas of interest would
4 be. Because I think based on our work together, I
5 think Tonya thought I had a lot to contribute to the
6 City. So, we did talk about what boards... Or
7 commissions might be suitable. But, I think we
8 focused fairly early on the TLC, because I do have
9 this interest in transportation. It was always
10 something that had not been... it had not been a part
11 of my professional life since my representation of
12 the Transit Authority in the 80's, but it was
13 something that I was very interested in. So, I think
14 we focused relatively quickly on that and did that
15 pursue any other ideas.

16 COUNCIL MEMBER FARIÁS: Thank you for that
17 clarification. And I just have some questions around
18 for-hire vehicles and our apps. Uber has been a force
19 in New York City for about ten years now, their
20 aggressive pricing and market saturation have only
21 made owning a taxi medallion an enormous liability
22 for many people here in the city. At the same time,
23 unlike Yellow Cabs, they have the ability to close
24 their user accounts without citing anything more than
25 a generalized violation of terms of service. So, what

2 obligations do you believe ride hail apps like Uber
3 have to provide access to TLC licensed rides to all
4 New Yorkers who can afford them?

5 ANDREA BIERSTEIN: I'm sorry, could you repeat.. I
6 didn't hear the last... (CROSS-TALK)

7 COUNCIL MEMBER FARÍAS: Sure, what obligations do
8 you believe ride hail apps, like Uber, have to
9 provide... have to provide access to TLC licensed
10 rides to all New Yorkers who can afford them?

11 ANDREA BIERSTEIN: I think that ,you know, my
12 understanding is that the goal and what the TLC has
13 been working towards is that the ride hailing apps,
14 like Uber and Lyft, should be subject to ,you know,
15 in most areas, all of the same regulation and
16 obligations as the yellow taxis. And the idea is that
17 everyone is providing the same service, even if the
18 ways you're hailing them may be changing, and that
19 those things shouldn't effect safety. I do think,
20 though, that what you would be looking at is looking
21 at the system overall - that is in terms of providing
22 transportation options for everyone, it may be that
23 different options work for different people at
24 different times. So, I wouldn't isolate Uber and Lyft
25 and say, well what obligation do they have? I think

2 it's part of the TLC's obligation mission to look at
3 that question as a whole and make sure that some
4 appropriate... that there are appropriate for for-
5 hire vehicle options for different scenarios. And
6 obviously it's critical to make sure that Uber and
7 Lyft don't destroy the health of an industry that
8 ,you know, was built for so long in New York and
9 worked so well in New York for so long - and to make
10 sure that that doesn't undermine it. But, I'm not
11 sure that it necessarily means ,you know, applying
12 every obligation in exactly the same way and in every
13 situation. I think I would need more (INAUDIBLE)
14 (CROSS-TALK)

15 COUNCIL MEMBER FARIAS: But, wouldn't you say the
16 scenarios are a bit different? Right? Medallion
17 owners are ventures of medallions have a different
18 ability in terms of regulations or mandating those
19 two situations that they are as drivers, versus an
20 app that can... a complaint can come from a consumer,
21 and they have the decision making power to say you no
22 longer can have a for-hire vehicle?

23 MS. ANDREA BIERSTEIN: I think that even if the
24 companies have their own way of dealing with
25 complaints, I think it would be an issue I would be

2 interested in looking at and learning about at the
3 TLC in terms of what authority the TLC has to deal
4 with complaints to come through the apps - rather
5 than through the medallion cabs. But, it's not
6 something that I am familiar enough with today to say
7 exactly how that should come out. But, I do think it
8 would be an important issue to consider.

9 COUNCIL MEMBER FARIAS: Great. I encourage you to
10 reach out to a bunch of the for-hire vehicles groups
11 and coalitions that are out there. This is something
12 that is important to them, and I think that comes up
13 quite a bit.

14 Do you believe that ride share apps who connect
15 users with TLC licensed drivers should have the
16 ability to refuse to provide service to anyone
17 without warning, notice, or an opportunity to appeal?

18 MS. ANDREA BIERSTEIN: I'm not sure of the context
19 of that, because I didn't think really that any of
20 the drivers, whether medallion or the apps had the
21 right to refuse service to people. And I would be
22 surprised to learn that they did. And I would
23 certainly want to understand what would be the basis
24 for allowing them to do that.

2 COUNCIL MEMBER FARÍAS: Yeah, I think from our
3 experiences with, at least what we hear from drivers
4 and workers, at any point the apps can just terminate
5 an account. So, again, I encourage you to look a
6 little bit more into that just to get a... (CROSS-
7 TALK)

8 MS. ANDREA BIERSTEIN: I mean, what I add to that
9 is that I do know that before the existence of the
10 apps, a lot of people of color in the city would have
11 trouble getting medallion cabs, because those cabs
12 would refuse service to them. And I have certainly
13 heard people say that the great thing about the apps
14 is they show up, because they don't have the change
15 just drive by you and get a peek before they decide
16 if they want to stop for you. So, if it's come back
17 through the backdoor of a way of them denying
18 service, I would certainly want to look into that,
19 because I know it was issue that plagued the Yellow
20 Cab side of it for a long time. And It was something
21 that was obviously contrary to TLC rules and
22 something ,you know, that people in the city wanted
23 to do something about. But it was always a challenge,
24 and I would not want to see it reappear in the apps,

2 which seemed to provide relief to the very people who
3 were having trouble getting a taxi to stop for them.

4 COUNCIL MEMBER FARÍAS: I appreciate that
5 response.

6 My next question was going to be as TLC
7 commissioner what would you do to make sure that ride
8 share apps like Uber and Lyft don't arbitrarily deny
9 New Yorkers the ability to hail a ride. But, if you
10 would like to add a little bit more outside of the
11 explanation you just gave... (CROSS-TALK)

12 MS. ANDREA BIERSTEIN: I don't know that I have
13 anything more to add to what I said, I'm sorry.

14 COUNCIL MEMBER FARÍAS: Okay, that's okay, thank
15 you.

16 CHAIRPERSON POWERS: Thank you. I also want to
17 note that we have been joined by Council Member
18 Rafael Salamanca. Do we have any other colleagues
19 with questions? Seeing none, you may go.
20 Congratulations again on your appointment. Thank you
21 for your testimony, and you are free to go, thanks.

22 MS. ANDREA BIERSTEIN: Thank you very much.

23 CHAIRPERSON POWERS: Thank you.

24 We now open up the floor to the public for
25 comments. If you wish to speak at today's hearing,

2 you can fill out an appearance card with the Sergeant
3 at Arms, that way you can be recognized. I don't
4 believe we have any appearance cards received. We
5 will check online quickly. I don't think we have any
6 online either. Seeing that we have none we will now
7 close the hearing.

8 I would like to thank the nominees again and
9 members of the public, Speaker, and my colleagues on
10 the Committee, Committee Counsel, and staff, and the
11 Sergeant at Arms.

12 This meeting is hereby adjourned.

13 (GAVEL SOUND) (GAVELING OUT)

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 5, 2024