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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
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**Testimony of
Dawn Sandow
Deputy Executive Director
Pamela Perkins Administrative Manager
Board of Elections in the City of New York
Before the
Committees on Finance and Governmental
Operations
Council of the City of New York
On the
Fiscal Year 2014 Executive Budget**

May 13, 2013

Chairs Recchia and Brewer and members of the Council's Committees on Finance and Governmental Operations, I want to thank these committees for giving us the opportunity to appear before you on behalf of the Board of Elections. For the record, my name is Dawn Sandow and I am the Deputy Executive Director of the Board.

Joining me here at the table are the Board's:

- Administrative Manager Pamela Perkins
- General Counsel Steven H. Richman
- Finance Officer John Ward

Also present at today's hearing are the Board's:

- Deputy General Counsel Raphael Savino
- Director of Communications and Public Affairs Valerie Vazquez
- Director of Electronic Voting Systems John Naudus
- Director of Management Information Systems Steve Ferguson
- Chief Voting Machine Technician John P. O'Grady
- Coordinator of Election Day Operations Debra Leible
- Coordinator of Customer Service Daniel Lavelle
- Coordinator of Ballot Management Thomas Sattie
- Coordinator of Language Assistance Rachel Knipel
- Training Specialist Stephen Thompson
- Agency Chief Contracting Officer John Luisi

Mayor's Executive Budget for Fiscal Year 2014

I would like to take a moment to acknowledge and thank the Mayor for the additional funding added to the Executive Budget for Fiscal Year 2014 (FY14).

However, the Executive Budget for FY14 contains a projected shortfall of at least \$8.3 million in PS funding and almost \$13 million in OTPS funding including \$8.8 million in a non-itemized PEG reduction. This \$21 million shortfall is alarming in light of the fact that during FY14 the Board must conduct three citywide elections (Primary, General, and Federal Primary) during which New York City voters will elect their Mayor, Public Advocate, Comptroller, five Borough Presidents, all the members of the City Council, judges and party offices, and vote in the potential Run-Off and Congressional Primaries.

As the Board has continuously stated in all previous testimonies, virtually all of the Board's duties, responsibilities, and activities are prescribed by Federal, State, and Local law. The Board does not have the discretion to postpone or cancel an election based on municipal budget shortfalls.

I am going to take a few minutes to briefly highlight the key areas where the Board requires additional resources to ensure successful elections during FY14.

HAVA Grant Funds

The Board urges the City to again re-appropriate for FY14, the approximately \$3 million remaining from the funds that have been allocated to the Board for reimbursement under the recently extended HAVA grants, funded by both the Federal and State governments. These grants enable the Board to improve poll site accessibility, both on a permanent and temporary basis, as well as add modifications to our poll worker program and public education activities.

Poll Workers and Election Day Activities

As you know, our poll workers (due to an IRS ruling) are considered New York City employees and as a result are paid out of the PS allocation. The FY14 allocation for poll workers is now \$22.7 million. The Board estimates that this is \$7.6 million less than the \$30.3 million needed to train and deploy over 36,000 poll workers for each event during FY14. (See Attachment 1)

Poll Worker Compensation

Given the dramatic changes in the way that voting is conducted in the City of New York, it is vital for the Mayor to heed the Board's call to increase the per diem compensation for all poll workers by \$100. A dozen years have passed since the last increase in poll worker compensation; this adjustment is long overdue.

The case in support for this increase is clear. Poll workers are now required to work longer hours with additional responsibilities in connection with the electronic voting system. With the enhanced testing standards envisioned, such an increase is essential for the Board to recruit and retain qualified poll workers year after year. You should note that the Asian American Legal Defense and Education Fund (AALDEF) wrote to the Mayor expressing support for this proposal. (See Attachment 2)

We ask the Council to support this request by urging the Mayor to issue an executive order to increase the poll worker compensation.

Performance Incentive

The current baseline funding of our performance incentive, at \$35 per poll worker, is inadequate. The Board asks the Council to increase funding to pay for a more realistic \$100 performance incentive. To be eligible for this incentive, poll workers must attend appropriate training, pass the exam, and work two elections per year.

If funding is received, the Board can enhance its ability to retain qualified poll workers from event to event which helps ensure that all poll sites are staffed with trained and experienced poll workers on each Election Day.

Transportation

The number and types of Election Day staff and equipment that the Board has to transport for each election has increased with the introduction of the electronic voting system.

For every citywide election, the Board delivers over 3,600 scanners to poll sites. The Board also transports a significant number of Monitoring Teams and

Technicians, thousands of ballot marking devices, supply carts, privacy booths, tables and chairs to more than 1,200 poll sites located throughout the city.

For the FY14 elections, the estimated cost to the Board for contracted transport, delivery vendors, and staff deployment transportation will be approximately \$6.2 million. The Executive Budget allocates only \$5.75 million for this need. This leaves the Board with a shortfall in the amount of \$450,000.

Voter Education Outreach

Educating the public about voting is a critical element of successful elections. Since the implementation of the electronic voting system in 2010, the Board has conducted hundreds of outreach events throughout the five boroughs providing hands on demonstrations in the community. These voter outreach events also serve as an opportunity to recruit poll workers and register voters. Therefore, an ongoing voter education outreach effort is imperative to help ensure an informed voting public.

The Board would like to continue our successful voter education demonstrations for a total cost of approximately \$300,000.

Funding for voter education outreach is not included in the Executive Budget for Fiscal Year 2014.

Additional Permanent Staff

In previous testimonies the Board has consistently requested an additional 104 permanent staff positions. The Executive Budget includes funding for 23 new Voting Machine Technicians (VMTs). While we are appreciative of the additional positions and understand the fiscal environment, an immediate and vital need was overlooked.

The Board is requesting funding for the formation of a new Borough Voting Systems Unit (BVS) for each borough office. The purpose of the proposed unit is to provide the Board with a core staff in each borough that will manage the operations of the electronic voting systems, participate in their upgrades and modifications, assist in the development and deployment of future electronic voting systems, and help ensure the accurate and timely completion of post-election tasks related to canvass, re-canvass and audit.

The new unit will initially consist of two (2) supervisors and two (2) clerks in each borough office for a total of twenty (20) citywide.

This dedicated staff will train year round on the changes to the electronic voting systems and the post election activities procedures.

Failure to fund this unit has forced the Board to reassign staff that are performing critical pre and post election activities leaving their respective units understaffed. This has led to delays in other essential election tasks as well as certification of the election. (See Attachment 3)

Funding the Run-Off

The Board's testimony to the Committee on Governmental Operations on March 14, 2013 detailed the significant additional funding the Board requires to conduct the potential Run-Off Primary. The potential Run-Off Primary is unfunded in the Executive Budget.

Although we understand the reluctance to fund an election event that may not take place, we believe it is imperative to include funding in the adopted FY14 budget.

We have included our prior testimony on this matter as an attachment, and reiterate that the longer we go without this funding the less chance we have of conducting a successful Run-Off Primary. (See Attachment 4)

Conclusion

We are aware of the City's fiscal situation and identified our essential needs based on feedback from the voters of this City, advocacy groups, elected officials across the City as well as our staff's collective experience and expertise. For your reference, we have included Attachment 5 summarizing the Board's unfunded budgetary needs.

We respectfully request that you fully review our testimony and attachments and support our requests for the benefit of all the voters of the City of New York.

I thank you again for your time and for allowing us to come before you on behalf of the Board of Elections in the City of New York today. As always, my colleagues and I are available to answer any questions, and we are always available by phone or email if anyone should need further information.

ATTACHMENT 1

FY2014 Election Day PS Compensation (Primary, General, Federal Primary)

Category	Sub-Category	Number of Poll Workers	Election Day Unit Cost	Performance Incentive Unit Cost	Debriefing Unit Cost	Election Day and Debriefing Total Cost	Performance Incentive Total Cost
Election Day (3 Events)	AD Monitors	396	\$ 300	\$ -	\$ 150	\$ 415,800	\$ -
	Coordinators	1,750	\$ 300	\$ 75	\$ 25	\$ 1,618,750	\$ 131,250
	Inspectors/Poll Clerks	28,000	\$ 200	\$ 75	N/A	\$ 16,800,000	\$ 2,100,000
	Door Clerks, Information Clerks, Interpreters	6,425	\$ 200	\$ 35	N/A	\$ 3,855,000	\$ 224,875
	Total					\$ 22,689,550	\$ 2,456,125

Total Election Day PS Expenditure	\$ 25,145,675
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FY2014 Training PS Compensation

Category	Sub-Category	Rate of Pay	Number of Trainers/Poll Workers	Cost
Trainer Pay	Attending Training			
	Lead Adjunct 5 Days	\$200 per diem	12	\$ 12,000
	Adjunct Trainer 5 Days	\$200 per diem	150	\$ 150,000
	Assistant Trainer 2 Days	\$100 per diem	380	\$ 76,000
	Conducting Training			
	Lead Adjunct (Adjunct & Assistant Trainer Classes)	\$33.33/Hr	12	\$ 40,000
	Adjunct Trainer (Poll Worker Classes)	\$33.33/Hr	150	\$ 400,000
Assistant Trainer (Poll Worker Training Classes)	\$22.22/Hr	380	\$ 1,070,000	
Poll Worker Attending and Passing Class Stipend	Coordinator (8 Hours)	\$100	1,750	\$ 175,000
	Inspector/Poll Clerk (6 Hours)	\$100	28,000	\$ 2,800,000
	AD Poll Site Monitor (8 Hours)	\$150	396	\$ 59,400
	Door Clerk (2 Hours)	\$25	1,400	\$ 35,000
	Information Clerks (6 Hours)	\$100	2,525	\$ 252,500
	Interpreters (2 Hours)	\$25	2,500	\$ 62,500
Total Cost				\$ 5,132,400

ATTACHMENT 2



February 20, 2013

Mayor Michael Bloomberg
 New York City Mayor
 City Hall (260 Broadway)
 New York, NY 10007

Dear Mayor Bloomberg:

We are writing to express our support of the Board of Elections in the City of New York's (the Board) proposal to increase compensation for all poll workers, including coordinators, inspectors, and interpreters.

AALDEF is a non-partisan organization that promotes and preserves the civil rights of Asian Americans. We have monitored poll sites for compliance with the Voting Rights Act, including the provision of interpreters, Asian-language ballots, signs, and voting materials, in every major New York City election since 1988. In the 2012 Presidential Elections, we inspected 187 election districts at 24 poll sites and polled over 4,000 Asian American voters.

We support the Board's budget request to raise the per diem compensation for poll workers (including interpreters) to \$300 and Coordinators to \$400. We also support the Board's budget request to continue paying poll workers at the same rate to attend trainings. Currently, interpreters, information clerks, and door clerks are paid \$25 for a 2-hour class, and coordinators and inspectors are paid \$100 for a 6-hour class.

In addition, we support the Board's budget request to continue performance incentive bonuses of \$75 for coordinators and inspectors and of \$35 for door clerks, information clerks, and interpreters. Continuing to offer financial incentives to attend trainings and continue to work increases the quality of poll workers and helps retain the pool of candidates. We urge that the City adopt the plan to increase funds to improve the Board's work.

Of the Asian American voters we surveyed in New York City, 44% identified as limited English proficient. Our survey found that specific Asian language minority groups (Korean, Chinese, and Bengali) had higher rates of limited English proficiency and preferred to use interpreters or translated voting materials in order to vote:

	Limited English Proficient	Language Assistance Preferred
New York City	44%	27%
Queens		
- Korean	71%	38%
- Chinese	45%	27%
- Bangladeshi	48%	28%
Brooklyn		
- Chinese	56%	42%

Manhattan		
- Chinese	56%	45%

In the 2012 Presidential Election, we found that several sites did not have the required number of interpreters, causing many voters to encounter difficulties while voting. According to our exit poll, 74 voters complained that no interpreters or translations were available when they needed the help. A third of Korean-speaking interpreters assigned were missing. Similarly, more than a quarter of the Bengali- and Hindi-speaking interpreters assigned were missing. Of the 53 Chinese-speaking interpreters assigned, 4 were missing. Many voters experienced barriers due to insufficient language assistance at their poll sites.

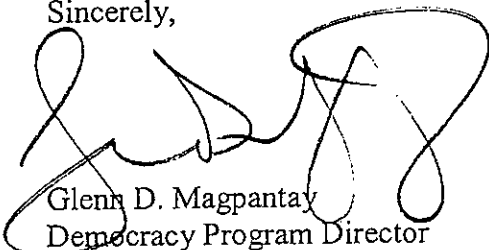
	Interpreters Missing	Interpreters Assigned	Rate Missing
Chinese	4	53	7.6%
Korean	11	33	33.4%
Bengali	9	34	26.5%
Hindi	6	22	27.3%

While AALDEF commends the Board on its efforts to staff poll sites with adequate numbers of interpreters, problems regarding adequate coverage persisted on Election Day. Interpreters are significant in helping limited English proficient voters participate more effectively in our electoral process. It is crucial that working conditions, including monetary compensation, of all poll workers be improved so that limited English proficient voters can vote without barriers.


We understand that, in 2001, the Mayor increased poll workers' per diem rate from \$130 to \$200 and Coordinators' rates from \$200 to \$300. We are aware that over a decade has passed since the last increase in poll worker compensation, while duties and responsibilities of poll workers have increased significantly.

We hope you will consider these recommendations to improve the quality of elections in New York City. If you have any questions or concerns, please contact me at gmagpantay@aaldef.org or 212-966-5932 x206. We look forward to working with you to ensure that limited English proficient Asian Americans have equal access to our democratic electoral process.

Sincerely,



Glenn D. Magpantay
Democracy Program Director



Chi-Ser Tran
Voting Rights Organizer

cc: Frederic M. Umame, President, Commissioner, Board of Elections in the City of New York
Gregory C. Soumas, Secretary, Commissioner, Board of Elections in the City of New York
Jose Miguel Araujo, Commissioner, Board of Elections in the City of New York
Naomi Barrera, Commissioner, Board of Elections in the City of New York
Julie Dent, Commissioner, Board of Elections in the City of New York
Maria R. Guastella, Commissioner, Board of Elections in the City of New York

Michael Michel, Commissioner, Board of Elections in the City of New York
Juan Carlos "J.C." Polanco, Commissioner, Board of Elections in the City of New York
Simon Shamoun, Commissioner, Board of Elections in the City of New York
J.P. Sipp, Commissioner, Board of Elections in the City of New York
Dawn Sandow, Deputy Executive Director, Board of Elections in the City of New York
Pamela Perkins, Administrative Manager, Board of Elections in the City of New York

ATTACHMENT 3

Proposed Borough Voting Systems Unit – BVS

The Board recommends the formation of a new component in each borough office. The mission of the proposed unit is to understand the electronic voting systems currently in use (TeamWork and Unity), participate in their upgrades and modifications, participate in the development of future electronic voting systems, and ensure the accurate and timely completion of post-election tasks related to re-canvass, canvass and audit.

The new borough unit will initially consist of two (2) supervisors and two (2) clerks. The total Citywide is twenty (20) new positions.

Responsibilities of BVS

A. Throughout the Year

BVS will, on a regular basis:

- Participate in the development and modifications of the electronic voting systems
- Participate in the testing of the systems
- Participate in changes to hardware and software that may be necessitated by the systems modifications
- Participate in developing changes to procedures resulting from the systems modifications
- Provide refresher training for staff that will be administering the procedures
- Research and examine future electronic voting systems (e.g., future central scanning system)
- Evaluate future systems' compatibility with Board requirements
- Participate in the development of modifications as needed to future systems
- Participate in the testing of the future system
- Participate in developing procedures related to the future system
- Provide training for staff
- Maintain an inventory of the hardware and software resources of the electronic voting systems located in each borough
- Maintain records related to use of the systems

Proposed Borough Voting Systems Unit – BVS

B. Prior to Election

- Ensure the readiness of the electronic voting systems
- Recommend location where post-election activities will occur
- Identify and obtain needed supplies
- Recommend staff who will be specifically assigned to perform post-election activities
- Provide refresher training for staff in post-election activities
- Generate reports and tracking sheets for post-election activities

C. Post-Election

For the Reading of PMDs, Re-Canvass, Canvass of Write-in Votes, and Required Audit, BVS will:

- Prepare location where activities will occur
- Gather, organize, and account for all needed materials for the specified activities
- Generate reports and tracking sheets for post-election activities
- Ensuring staff presence during the activity and accurate performance of the tasks
- Maintain tracking documentation and forward or archive as required
- Report at regular intervals on the status of the activity

ATTACHMENT 4

Excerpt from the March 14th 2013 City Council Testimony "Funding the Run-Off"

As you are aware, in the event that no candidate in any Party Primary for Mayor, Comptroller, or Public Advocate receives 40% of the votes cast in the September 10th Primary Election, the Election Law mandates that the two candidates receiving the most votes in that particular contest have to face each other in a Run-Off Primary Election held two weeks later. The Board staff must be prepared for different potential scenarios.

In preparation for a potential Run-Off, different units of the Board, such as, Voting Machine Facilities, Voting Equipment Operations, and Electronic Voting Systems, have to hire temporary staff at various skill levels. These staff members have to be appointed for an extended period of time to ensure proper training and to be able to perform their specific functions and tasks.

Additional space has to be obtained for secure ballot storage and post election activities. Also, various equipment and materials have to be procured well in advance of the potential Run-Off, such as, additional ballot bin liners, seals, and Election Day supplies.

With respect to the printing of the ballots for the potential Run-Off Primary, the Commissioners are scheduled to meet the day after the Primary Election to determine if a Run-Off Primary may be required. If they conclude that a Run-Off may be required, the Commissioners will decide on how many variations of the possible Run-Off Primary ballot must be printed to enable the Board, utilizing its best efforts, to endeavor to meet the mandated narrow statutory timetable. Since all of the scanners must be tested using actual Election Day ballots, it is essential that the printing and testing process begin as soon as possible. The longer we wait to prepare, the less chance we will have for conducting a successful Run-Off Primary.

For each ballot style the Board will print poll site ballots in the amount equal to 65% of the eligible voters in each potential Run-Off. For example, each Democratic Run-Off ballot style (consisting of different combinations of candidates) will cost approximately \$1 million. For a Republican Run-Off, each ballot style will cost approximately \$200,000. The cost for the other parties would be (except in one instance) less per ballot style. The actual number of ballot styles that may need to be printed cannot be known until after the Primary. The ballot printing cost for the Run-Off Primary exponentially increases based on the number of ballot styles that are deemed possible for the Run-Off. Additionally, the Board will order a sufficient number of absentee and affidavit ballots for each ballot style.

The Run-Off, just like any other election, will incur costs related to transportation, voter education, poll worker payroll, poll sites and Election Day vendor support.

ATTACHMENT 5

Board of Elections FY14 - Additional Funding Needed

	Expense
Personal Services	
Poll Worker Payroll	\$7,600,000
Additional Staff (20 heads)	\$700,000
Total PS Needed	\$8,300,000
Other Than Personal Services	
OMB "Program to Eliminate Gap" Reduction	\$8,800,000
Transportation	\$450,000
Voter Education Outreach	\$300,000
Reimbursable Grant Funding	\$3,000,000
Total OTPS Needed	\$12,550,000
TOTAL EXPENSE BUDGET SHORTFALL FY14	\$20,850,000
CITYWIDE RUN-OFF (without ballot printing)	\$16,000,000



**Statement by Suzanne Beddoe, Commissioner & Chief Administrative Law Judge at
the NYC Office of Administrative Trials and Hearings, to the City Council in
Connection with the Executive Budget for Fiscal Year 2014**

May 13, 2013

Good afternoon Chairs Brewer and Recchia and members of the Committees on Governmental Operations and Finance. It is a pleasure to come before you to discuss OATH's fiscal year 2014 Executive Budget. Today I will be speaking about the services OATH provides and some important changes that have occurred in the last year.

Let me begin by providing you with some background. The New York City Office of Administrative Trials and Hearings ("OATH") is the largest municipal administrative court in the nation. OATH oversees the operations of four different administrative tribunals and handles a wide variety of cases, conducting over 400,000 hearings annually.

Effective July 3, 2011, OATH took over the management of the administrative tribunals that were traditionally operated by the Taxi and Limousine Commission (TLC) and the Department of Health and Mental Hygiene (DOHMH). The transfer increased the number of cases which OATH handles by approximately 150,000 annually.

OATH's four divisions currently consist of the OATH Tribunal, the OATH Health Tribunal, the OATH Taxi & Limousine Tribunal, and the Environmental Control Board (ECB). As an independent administrative court, OATH's sole mission is to provide fair and timely hearings to everyone who appears before our judges.

Innovation and Access to Justice for Respondents

OATH wants to eliminate barriers to obtaining convenient hearings and aims to encourage participation in the administrative justice process. It has done this by implementing "Access to Justice" initiatives that make it easier for New Yorkers to have their day in court. Through growth and change, OATH has attained a superior level of service and has focused on implementing innovative programs with the goal of creating truly user-friendly courts. I invite you to review OATH's annual report for details but let me give you a quick summary.

During calendar year 2012, the Environmental Control Board launched its new website. For the first time ever, the general public is able to search for violations that have been filed at ECB. The ECB Ticket Finder function on the new website allows users to view, download and print copies of violations; find hearing information; see a violation's status; and easily pay violations online. Searches can be conducted by name, address or violation number. In this way, the ECB Ticket Finder gives the public access to important information which not only allows people to better defend themselves but

also gives the general public information about quality of life cases that have come to ECB that may affect them or their neighborhood.

At the Health Tribunal, which was consolidated into OATH in July 2011, we have continued to increase transparency of the tribunal's operations and access to justice by giving New Yorkers new ways and more places to contest their violations. In 2012, OATH implemented hearings online and its virtual hearing program; both use technology in innovative ways to increase efficiency for the City and the general public. Online hearings allow respondents to contest Health Department charges at their convenience. For example, business owners can now submit their defense to a judge using a simple electronic form found on the OATH website without having to come to the tribunal in person. Virtual hearings were implemented as a way to expand the OATH Health Tribunal to the outer boroughs while keeping costs low for the City.

Prior to consolidation, there was only one Health Tribunal hearing office location, in lower Manhattan. Since then, OATH has opened Health Tribunal hearing offices in Staten Island, the Bronx and Queens. The new locations were made possible by allowing DOHMH inspectors to testify using web-cam technology, saving both DOHMH and respondents time and expense since neither party has to travel far to appear for a hearing. OATH is pleased to testify today that it is on track to open its fifth Health Tribunal location in Brooklyn, later this year. Opening hearing office locations in the neighborhoods where respondents work and live is one of the most effective ways of increasing the public's access to justice. It should also be noted that OATH has been able to complete this expansion with minimal cost to the City by leveraging office locations already used by OATH's Environmental Control Board.

As I mentioned, the Taxi & Limousine Tribunal was consolidated into OATH in 2011. Under OATH's management, the Taxi & Limousine Tribunal eliminated a backlog of 3,000 appeals cases. Many of the appellants had been waiting several years for a decision to be issued. To help ensure that the efficiencies that OATH has created are sustainable, and in an effort to continue to reduce waste, OATH developed software to modernize the operations of the Taxi Tribunal. For the first time, the tribunal has the capacity to digitally record hearings and store evidence in electronic case files. The software also allows real-time case tracking which serves to reduce wait times since the assignment of cases are better managed throughout the day. Replacing paper case files with electronic ones brings the Taxi Tribunal into the 21st century while saving City resources.

Headcount

The agency's headcount increased by one, from 247 employees in Fiscal Year 2012 to 248 in Fiscal Year 2013.

Revenue

As an administrative court, cases that are handled by OATH do not carry criminal charges; however, they may carry civil penalties. When the facts show that a violation has occurred, OATH judges apply monetary penalties as mandated by the applicable laws. The amounts of these fines are established by the enforcement agencies that issue the violations. Planned revenue in fiscal year 2014 from payment of these fines is

\$94.39M for ECB, \$45M for the Health Tribunal and \$7.76M at the Taxi & Limousine Tribunal.

There is a \$14.2M increase in planned revenue from the current fiscal year to fiscal year 2014. The increase is due to the anticipated restoration of normal enforcement activities by ticket-issuing agencies following a decrease that occurred as a result of Hurricane Sandy. However, because OATH does not control policies or practices at the enforcement agencies, revenue projections are outside of OATH's purview. Of course, any increased case load at OATH in fiscal year 2014 will be the direct result of increased enforcement by the City agencies that issue violations returnable to one of OATH's divisions.

Budget

OATH's total proposed Executive Budget for fiscal year 2014 is \$35M which represents an increase of \$457K from the current fiscal year's budget. Of the \$35M, \$27.5M is PS and \$7.5M is OTPS.

Conclusion

I thank you for your support of OATH and look forward to our continued cooperation. I would be happy to answer any questions you may have.



**OFFICE OF
ADMINISTRATIVE
TRIALS AND
HEARINGS**

**ANNUAL
REPORT
2012**

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Message from the Commissioner



The New York City Office of Administrative Trials and Hearings (OATH) is one of the largest municipal courts in the country; it is comprised of four different administrative tribunals and conducts nearly 400,000 hearings annually on a wide variety of cases.

In 2012, OATH opened hearing office locations closer to where people live and work; created innovative ways for people to present their defenses at times convenient for them, sometimes without having to testify in-person; used technology and other creative solutions to provide the public with more general information about the hearing process and made case-specific information available to the public for the first time; and OATH continued to serve as a resource and training center for all types of administrative law judges, not just those who serve in OATH's tribunals.

OATH continues to modernize and implement innovative programs at our tribunals and we have done so while maintaining the superior level of service and legal professionalism that the public has come to expect. I am proud to showcase some of our 2012 accomplishments in this report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Beddoe".

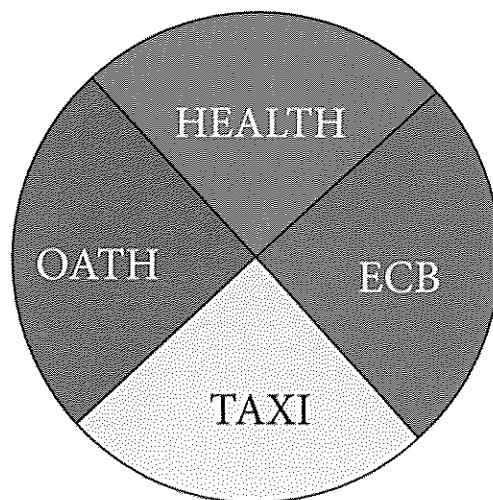
Suzanne Beddoe
Commissioner & Chief Administrative Law Judge

Agency Overview

OATH is the largest municipal administrative court in the nation, conducting nearly 400,000 hearings annually.

OATH is made up of four independent administrative tribunals:

- The Environmental Control Board (ECB) holds approximately 200,000 hearings annually on quality of life and public safety charges that are filed by 13 different City enforcement agencies including DOB, DSNY, FDNY and DEP.
- The OATH Health Tribunal holds hearings on alleged violations of the City Health Code and other charges brought by the City's Department of Health and Mental Hygiene (DOHMH). The majority of the hearings involve food service establishments.
- The OATH Taxi & Limousine Tribunal holds hearings on potential violations of TLC's rules and regulations, including cases brought against drivers by TLC, NYPD, Port Authority of NY and charges resulting from customer complaints.
- The OATH Tribunal adjudicates a diverse range of matters including civil service disciplinary cases, human rights and discrimination cases, car seizure cases, license revocation cases and complex contractual disputes.

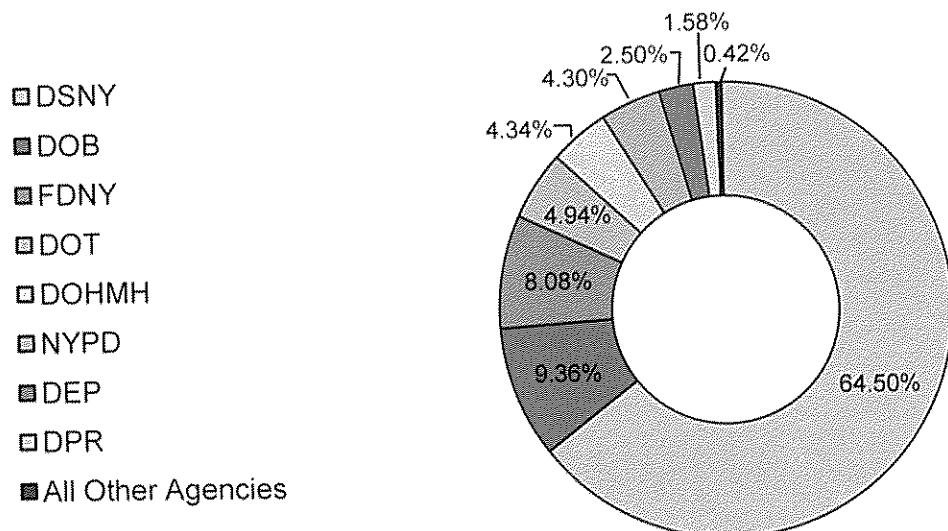


Environmental Control Board

2012 Highlights from the Environmental Control Board

- Launched New Website
- Launched ECB Ticket Finder
- Developed Online Application Forms
- Provided "On-Demand" Hearings by Phone
- Reduced average wait time for decisions from 96 to 8 days
- Conducted more than 3,800 One-Click (online) Hearings, a 45% increase from 2011
- Translated informational brochures into top 6 languages spoken by visitors to the tribunal

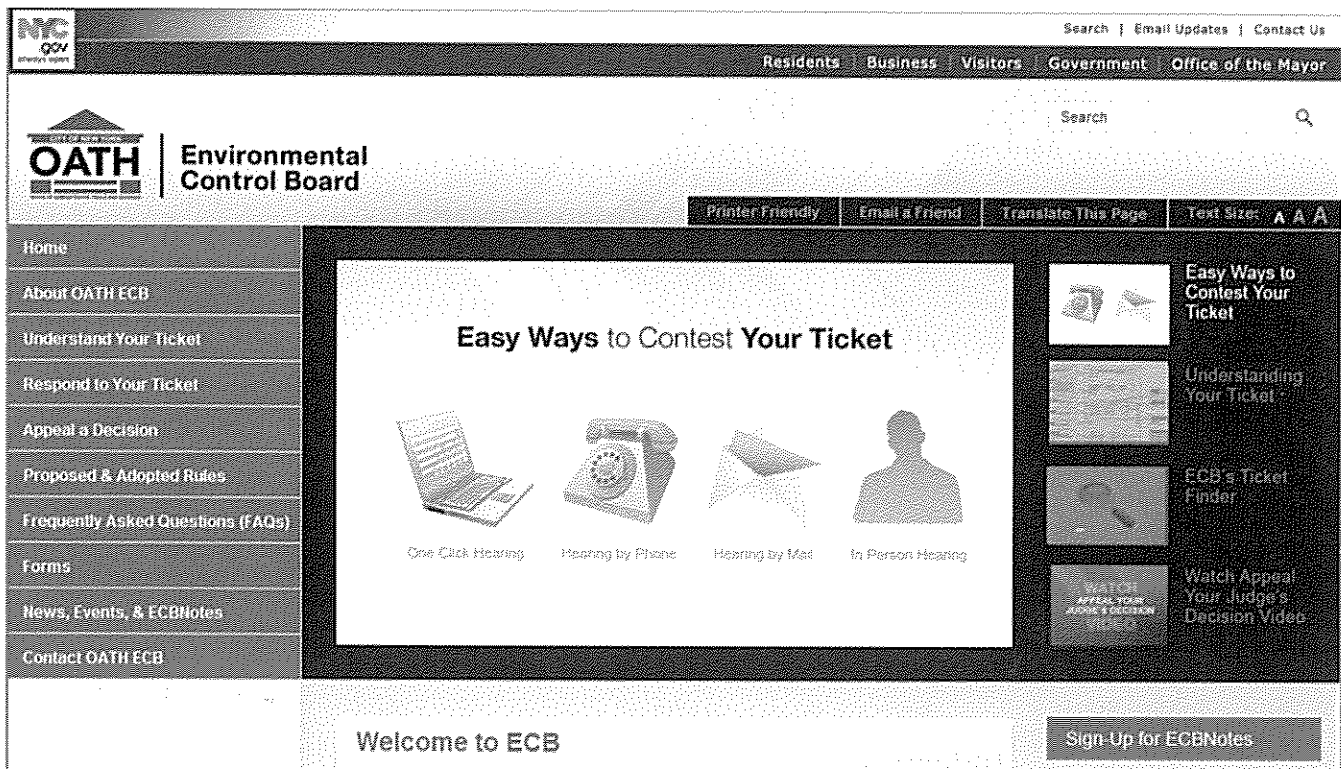
Tickets received by the Environmental Control Board from Enforcement Agencies in 2012



Environmental Control Board

New ECB Website

In 2012, the Environmental Control Board (ECB) launched its new website www.nyc.gov/ecb. The new website is user-friendly, accessible and simple to navigate. The site has a streamlined design that incorporates large, recognizable icons that help users understand the many options available to them at ECB. The site is also interactive, incorporating informational videos, among other features.



Environmental Control Board

Self-Service Ticket Finder

The new ECB website has a search function called the ECB Ticket Finder that lets users find real-time, case-specific information by simply going online. This is the first time this information has been searchable by the general public.

What Does Ticket Finder Allow Users To Do?

- View, download and print a copy of a ticket
- Find hearing date and location information
- See a ticket's status or final hearing result
- Learn about case-specific ways to contest the ticket if the ECB hearing has not yet occurred
- Easily pay violations

ECB Ticket Finder gives the public access to important case-specific information which not only allows people to better defend themselves but also gives the general public information about quality of life cases that have come to ECB that may affect them or their neighborhood.

The screenshot shows the top navigation bar with the NYC logo and 'Office of Administrative Trials and Hearings'. Below the header, there is a search instruction: 'To search for your violations, please select a search below and provide the information requested.' Two search options are visible: 'Search By Ticket Number' (which is highlighted) and 'Search By Name & Address'. Below these options, the page title reads 'Violations with Hearings at the Environmental Control Board (ECB)'. A search form is present with a 'Ticket Number' label and an input field. A 'Search' button is located at the bottom right of the form area. At the very bottom, there is a footer with the text 'Copyright 2011, The City of New York' and several links: 'Contact Us', 'FAQs', 'Home', 'About Us', 'Privacy Policy', and 'Site Map'.

This screenshot shows the same website interface as the previous one, but with 'Search By Name & Address' selected. The search form now includes a 'Search' dropdown menu with 'All' selected, a 'Respondent Last Name' input field, a 'Respondent First Name' input field, and a 'Borough' dropdown menu with 'Select the Borough' as the current selection. The rest of the page layout, including the header and footer, remains identical to the previous screenshot.

For optimal convenience, any user can search for this information in a variety of ways, including by name, address or the ticket number.

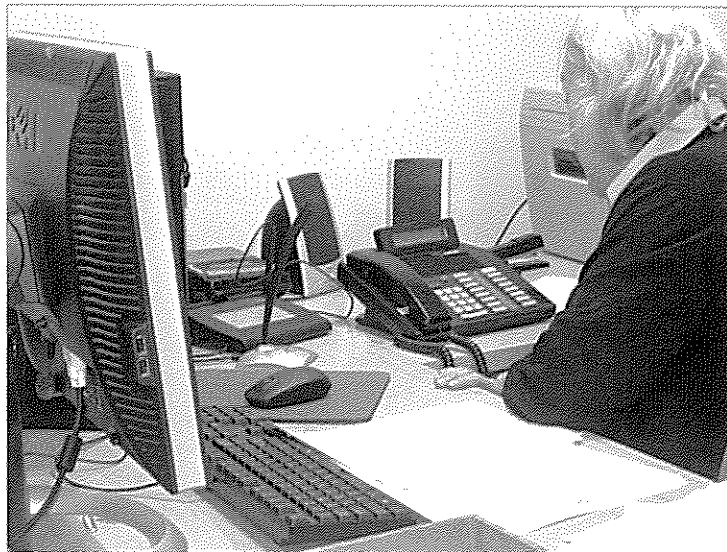
Environmental Control Board

“On Demand” Hearings by Phone

In 2012, ECB expanded its Hearings by Phone program to allow instantaneous hearings to take place with a judge over the telephone. Now, a respondent who calls ECB for a Hearing by Phone during business hours has the option of proceeding immediately with a judge if he or she is ready or schedule a future time that is more convenient.

How Does the “On Demand” Program Enhance the Hearing Process?

- Results in swift hearing and outcome
- Makes contesting an alleged violation more efficient
- Provides convenience and ease for the recipient of ticket



An ECB judge conducts a Hearing by Phone. The hearing is conducted on speakerphone and electronically recorded and stored.

Hearings by Phone in 2012

- ECB conducted 1,350 Hearings by Phone
- The number of Hearings by Phone increased by 300% in 2012
- Nearly 50% of all ECB Hearings by Phone were conducted “On Demand”

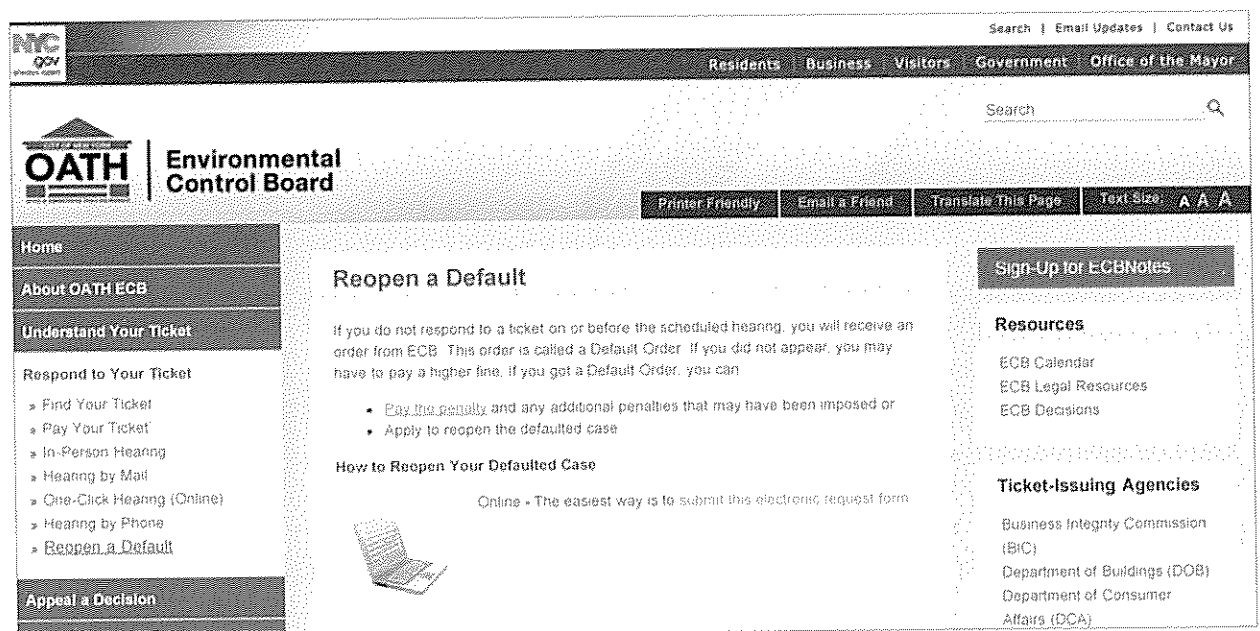
Environmental Control Board

Online Request for a New Hearing

In 2012, ECB created an online request form to make it easier to request a new hearing after failing to appear at a scheduled hearing.

How Does the Online Application Enhance the Process for the Public?

- It is simple to use and quick to submit
- The need for the request form to be notarized is eliminated
- It takes the applicant through the request process step-by-step
- It allows the applicant to upload documents to support their claims
- It gives applicant examples of the types of documents they should submit
- When the form is submitted, it goes directly to an ECB judge who is specialized in deciding these types of cases



The online form is found on the ECB website.

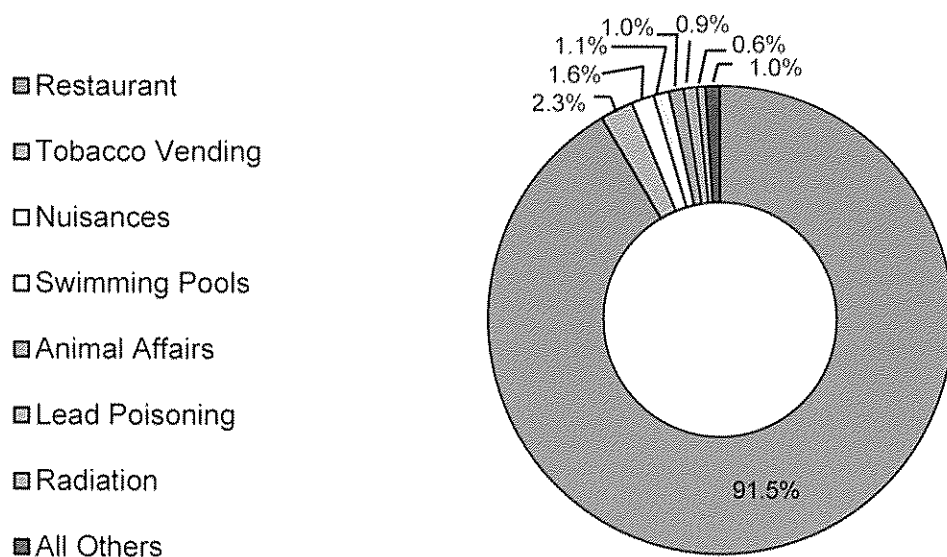
Since the form became available in April 2012, ECB has processed approximately 500 electronic requests each month.

OATH Health Tribunal

2012 Highlights from the OATH Health Tribunal

- Opened First-ever Hearing Office in the Bronx
- Opened First-ever Hearing Office in Queens
- Implemented Virtual Hearings by Webcam
- Launched One-Click (online) Hearings
- Translated informational brochures into top 6 languages spoken by visitors to the tribunal

Types of violations received by
OATH Health Tribunal from
Department of Health and Mental
Hygiene (DOHMH)



OATH Health Tribunal

New Hearing Office Locations

When OATH took over the management of the Health Tribunal from the NYC Department of Health in July of 2011, all restaurant and food service establishments had scheduled hearings at one location, in Manhattan. Since taking over the Health Tribunal, OATH has worked to expand it by opening offices across the City.

How Do More Locations Enhance the OATH Health Tribunal?

- Reduces wait times
- Reduces adjournments
- Improves Tribunal efficiency
- Makes attending hearings easier
- Saves restaurant-owners time and money



An OATH Health Tribunal judge conducts a hearing at the new Bronx location.

Hearings are Now Taking Place at the Following Locations:

- OATH Health Tribunal in the South Bronx
- OATH Health Tribunal in Jamaica, Queens
- OATH Health Tribunal in Downtown Manhattan
- OATH Health Tribunal in St. George on Staten Island

OATH Health Tribunal

Virtual Hearings by Webcam

OATH continues to use technology in innovative ways in order to make the hearing process more convenient and accessible for the public and increase efficiency for the City. In 2012, OATH instituted its Virtual Hearings program at the Health Tribunal.

What are the Benefits of Virtual Hearings at the OATH Health Tribunal?

- Reduces wait times
- Saves cost to the City
- Reduces adjournments
- Increases Tribunal efficiency



An OATH Health Tribunal judge conducts a hearing at the Staten Island office. Health Department inspectors can testify using OATH's webcams.

Virtual Hearing Process

- Allows Health Department inspectors to testify remotely from other OATH Health Tribunal hearing offices
- Gives restaurant-owners the chance to confront and question the Health Department Inspector who issued the alleged violation

OATH Health Tribunal

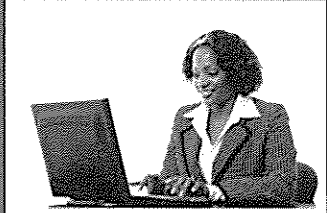
One-Click (online) Hearings

Based on the proven success of One-Click Hearings at the Environmental Control Board, in 2012, OATH implemented One-Click Hearings at the OATH Health Tribunal. The hearing involves submitting a defense using an easy-to-use electronic form found on the OATH website.

How Do One-Click Hearings Enhance the Hearing Process?

- Gives restaurant-owners an alternative way to have their hearing
- Restaurant-owners don't have to take time to come to a hearing in-person
- Allows restaurant-owners to contest Health Department charges at a time convenient for them


The Health Tribunal is More Convenient!



The OATH Health Tribunal now offers online hearings. "One-Click Hearings" lets you contest tickets issued by the Health Department without coming to the OATH Health Tribunal in person.

To electronically submit your defense to an OATH Health Tribunal judge, please visit the *One-Click Hearings* page on the Health Tribunal website at www.nyc.gov/oath.

OATH must receive your defense before the hearing date listed on your ticket.















250 One-Click hearings were conducted at the OATH Health Tribunal in 2012.







OATH Health Tribunal

Making Information Accessible

The OATH Health Tribunal serves a diverse population, including restaurant-owners and other residents from all over the City. For that reason, OATH's informational brochures about the hearing process and the appeal process were translated into the top six languages spoken by visitors to the Tribunal:

- . English
- . Spanish
- . Mandarin
- . Cantonese
- . Russian
- . Korean

					
					
<p>What is the OATH Health Tribunal?</p> <p>The OATH Health Tribunal is an administrative body. It is a division of the NYC Office of Administrative Trials and Hearings (OATH). It is a neutral place where hearings on alleged violations issued by the NYC Department of Health and Mental Hygiene (DOHMH) are held.</p>	<p>什麼是 OATH 健康裁判所 (OATH Health Tribunal)?</p> <p>OATH 健康裁判所(OATH Health Tribunal)是法庭、也是紐約市行政裁判及聽證辦公室(Office of Administrative Trials and Hearings, OATH)的一個部門。這裡的法庭聽證由衛生局(NYC Department of Health and Mental Hygiene, DOHMH)所發出的被控違規個案在行政法庭聽證。</p>	<p>OATH 보건 법원(OATH Health Tribunal)이란 어떤 곳입니까?</p> <p>OATH 보건 법원(OATH Health Tribunal)은 행정 법원입니다. 이 법원은 뉴욕시 행정기관인 행정소송처(Office of Administrative Trials and Hearings, OATH)의 일부입니다. 이곳은 뉴욕시 보건 및 정신건강부(NYC Department of Health and Mental Hygiene, DOHMH)가 발령한 위법사항에 대한 공청회가 열리는 중립적인 장소입니다.</p>	<p>什么是 OATH 健康裁判所 (OATH Health Tribunal)?</p> <p>OATH 健康裁判所(OATH Health Tribunal)是行政法庭。也是紐約市行政裁判及聽證辦公室(Office of Administrative Trials and Hearings, OATH)的一個部門。這裡的法庭聽證由衛生局(NYC Department of Health and Mental Hygiene, DOHMH)所發出的被控違規個案在行政法庭聽證。</p>	<p>Что такое Трибунал OATH по вопросам здравоохранения (OATH Health Tribunal)?</p> <p>Трибунал OATH по вопросам здравоохранения (OATH Health Tribunal) — это административный суд. Это часть подразделения Трибуналы административных процессов и слушаний (OATH) в Нью-Йорке. NYC Office of Administrative Trials and Hearings. Это нейтральное место, где проводятся слушания по поводу предполагаемых нарушений, наложенных Департаментом по вопросам здравоохранения и психического здоровья (NYC Department of Health and Mental Hygiene, DOHMH).</p>	<p>¿Qué es el Tribunal de salud de OATH (OATH Health Tribunal)?</p> <p>Tribunal de salud de OATH (OATH Health Tribunal) es un tribunal administrativo. Es una división de O'Hona administrativa de juicios y audiencias de NYC, OATH (NYC Office of Administrative Trials and Hearings). OATH es un lugar neutral en donde se llevan a cabo las audiencias sobre presuntas violaciones emitidas por el Departamento de salud e higiene mental de NYC, DOHMH (NYC Department of Health and Mental Hygiene, DOHMH).</p>
<p>Why did I get a Violation?</p> <p>The OATH Health Tribunal does not issue violations or conduct inspections. You should contact DOHMH if you have questions about why you received a violation.</p> <p>The OATH Health Tribunal can give you information about your hearing and the results of your case.</p>	<p>為什麼我會收到違規通知?</p> <p>OATH 健康裁判所(OATH Health Tribunal)不負責違規通知的發出。如果您對於自己為何收到違規通知有疑問，請與 DOHMH 聯絡。</p> <p>OATH 健康裁判所(OATH Health Tribunal)負責提供有關聽證和案件結果的相關資訊。</p>	<p>위반 고지서를 받은 이유는 무엇인가요?</p> <p>OATH 보건 법원(OATH Health Tribunal)은 위법사항을 통지하지도 조사할 일도하지 않습니다. 만약 고지서를 받으셨다면, 이유에 대해 질문하신 후 보건(DOHMH)에 문의하십시오.</p> <p>OATH 보건 법원(OATH Health Tribunal)은 공청회나 사건 사실 청취에 대한 정보를 제공할 수 없습니다.</p>	<p>为什么会收到违规通知?</p> <p>OATH 健康裁判所(OATH Health Tribunal)不会向其成员或调查违规行为。如果您收到任何违规通知或传票，请与 DOHMH 联系。</p> <p>OATH 健康裁判所(OATH Health Tribunal)不提供有关听证会和案件结果的任何信息。</p>	<p>Что я нарушил?</p> <p>Трибунал по вопросам здравоохранения (OATH Health Tribunal) не выдает нарушения или проводит инспекции. Пожалуйста, обратитесь по вопросам нарушения в Департамент по вопросам здравоохранения и психического здоровья (NYC Department of Health and Mental Hygiene, DOHMH).</p> <p>Трибунал по вопросам здравоохранения (OATH Health Tribunal) может предоставить Вам информацию о слушании и результате Вашего дела.</p>	<p>¿Por qué se me acusa de una violación de la ley?</p> <p>Tribunal de salud de OATH (OATH Health Tribunal) no emite infracciones de regulaciones ni de sanciones. Debe comunicarse con DOHMH si tiene preguntas sobre por qué recibió un aviso de violación.</p> <p>Tribunal de salud de OATH (OATH Health Tribunal) puede proporcionar información acerca de su audiencia y el estado de su caso.</p>

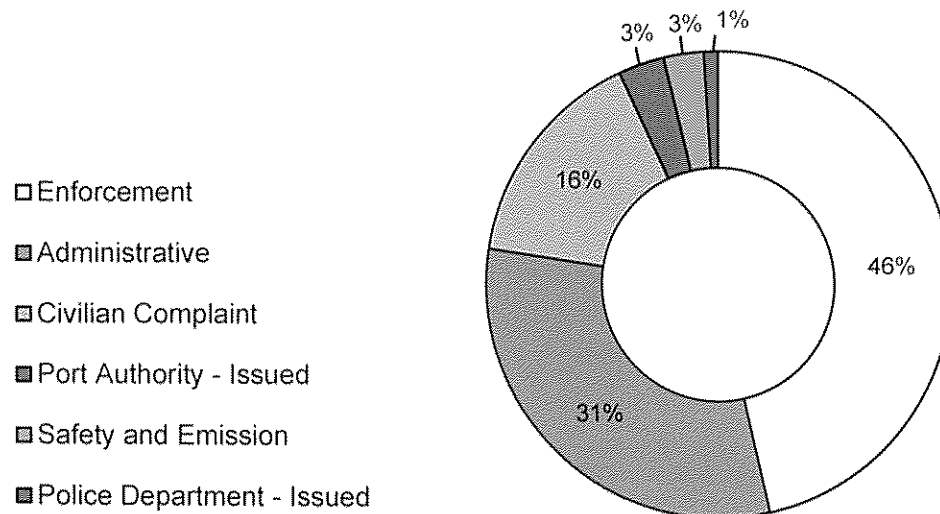
					
<p>APPEALS UNIT</p>	<p>上訴部門</p>	<p>이의신청부</p>	<p>上訴委員會</p>	<p>ОТДЕЛ РАССМОТРЕНИЯ АПЕЛЛЯЦИЙ</p>	<p>UNIDAD DE APELACIONES</p>
<p>Should I Appeal?</p>	<p>我應該提出上訴嗎?</p>	<p>이의신청을 해야 하는가?</p>	<p>我应该申请吗?</p>	<p>Стоит ли подавать апелляцию?</p>	<p>¿Debo apelar?</p>
<ul style="list-style-type: none"> • Did the decision <ul style="list-style-type: none"> - get the facts wrong? - ignore something presented at the hearing? - get the meaning of the law wrong? <p>If so, you have the right to appeal.</p> <p><i>An appeal is not a new hearing. Just being unhappy about paying the penalty is not a reason to appeal.</i></p>	<ul style="list-style-type: none"> • 作出裁決 <ul style="list-style-type: none"> - 不符事實? - 忽略聽證會中顯示的某些內容? - 對法律的解釋有誤? <p>若是如此，您便有權利提出上訴。</p> <p><i>上訴不是新的聽證會。只是對罰款感到不滿並不能提出上訴的正當理由。</i></p>	<ul style="list-style-type: none"> • 결정 내용은 <ul style="list-style-type: none"> - 잘못한 사실을 모르고 있는가? - 공청회에서 발표된 사실을 무시하고 있는가? - 법적 의미를 잘못 해석하고 있는가? <p>그렇다면 이의신청을 신청 권리가 있습니다.</p> <p><i>잘못 남기어 놓았거나 불량이 있다면, 그것은 이의신청을 할 수 있습니다.</i></p>	<ul style="list-style-type: none"> • 作出判決 <ul style="list-style-type: none"> - 与事实不符? - 忽略听证会上的某些信息? - 曲解法律? <p>倘若如此，您有权进行申诉。</p> <p><i>申诉不代表新的听证会。对支付罚款不满不能成为申诉理由。</i></p>	<ul style="list-style-type: none"> • Были ли в решении <ul style="list-style-type: none"> - неверно изложены факты? - пропущены показания, представленные на слушании? - неверно трактован закон? <p>В этом случае у Вас есть право подавать апелляцию.</p> <p><i>Апелляция не является новым слушанием. Недовольство штрафом не является поводом для подачи жалобы.</i></p>	<ul style="list-style-type: none"> • La decisión <ul style="list-style-type: none"> - ¿se basa en información incorrecta? - ¿no se toma en cuenta algo que se presentó en la audiencia? - ¿no hace uso correcto de la ley? <p>Si es así, tiene derecho a apelar.</p> <p><i>Una apelación no representa una nueva audiencia. No estar conforme con el pago de la multa no es motivo para apelar.</i></p>

OATH Taxi & Limousine Tribunal

2012 Highlights from the OATH Taxi & Limousine Tribunal

- Reduced Wait Times for Respondents
- Launched Electronic Case Management System to Reduce Waste and Increase Efficiency
- Created Informational Materials About the Hearing Process

Types of violations received by
OATH Taxi & Limousine Tribunal



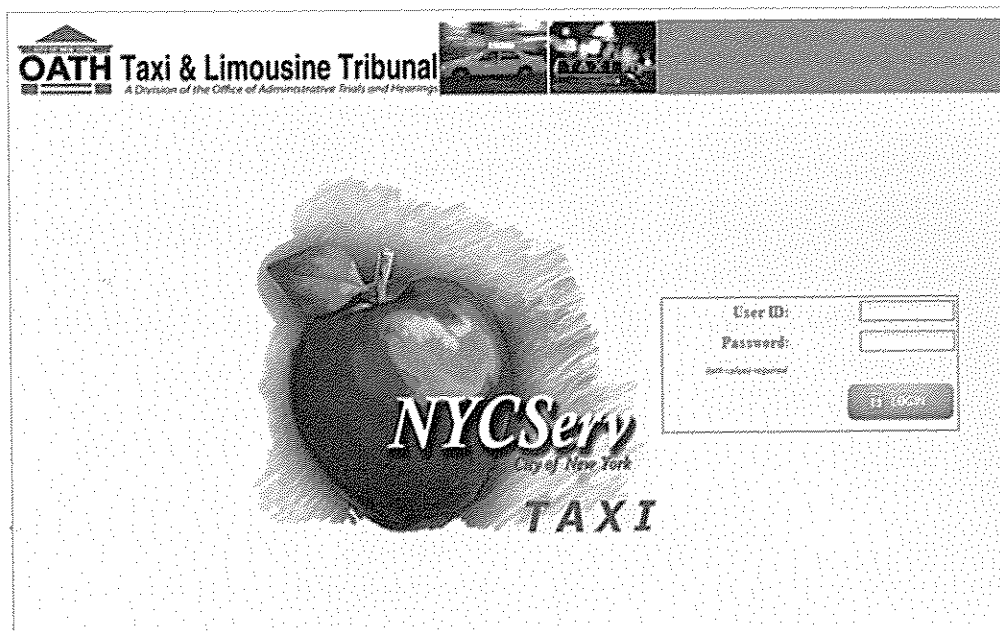
OATH Taxi & Limousine Tribunal

Reducing Waste and Increasing Efficiency

In 2012, OATH developed software called NYCserv-Taxi in an effort to modernize operations at the Taxi Tribunal and increase efficiency. The case-tracking technology allows cases to be scheduled more efficiently and the program replaces paper case files with electronic files to save City space and resources. Increasing efficiency will also serve to lower wait times and increase the satisfaction of visitors to the tribunal.

What are the Benefits of the New Technology?

- Allows entire case file to be saved and stored electronically
- Can digitally record and store audio recordings of the hearings
- Can digitally scan evidentiary materials presented during a hearing
- Allows automatic intake of cases from the enforcement agencies
- Automates the mailings of formal tribunal notices that are sent to the parties
- Allows case-tracking to be viewed in real-time, ensuring better case assignment throughout the workday



OATH Taxi & Limousine Tribunal

Creating More Transparency

The OATH Taxi & Limousine Tribunal created an informational brochure about the hearing process. The brochure is meant to educate drivers who may not be familiar with how to proceed after they are issued a summons by TLC or another enforcement agency. The first-of-its-kind brochure makes the hearing process fairer as drivers who are issued summonses now have easy access to information not previously available to them.

OATH Taxi & Limousine Tribunal
A Division of the Office of Administrative Trials and Hearings

What is the OATH Taxi & Limousine Tribunal?
The OATH Taxi & Limousine Tribunal is a division of the NYC Office of Administrative Trials and Hearings (OATH). This court holds hearings for summonses issued by the NYC Taxi and Limousine Commission (TLC). OATH Taxi & Limousine Tribunal judges are independent decision-makers who will hear your case.

Why did I get a Summons?
The OATH Taxi & Limousine Tribunal does not issue summonses. If you need more information, call the TLC.

Your License
OATH is separate from the TLC. The TLC is the agency responsible for enforcing rules and issuing licenses. For questions about your license, please contact the TLC.

What can I do if I get a summons?

Admit & Pay the Fine

- If a specific fine is designated on the front of the ticket, check the "guilty" box on the back of the ticket, follow the instructions and mail it with your payment within 14 days after receiving the summons.
- You may also pay in person at the Long Island City, Lower Manhattan or JFK location. Pay by cash, money order, credit cards, or debit card. The JFK Tribunal will not accept credit or debit cards.
- If your summons indicates "personal appearance required" you may not plead guilty by mail and you must come to the Tribunal.

OR

Appear for a Hearing in Person

- Come on the date, time and location listed on the ticket.

What should I expect if I choose to come to a hearing?

You do not need an attorney, you can represent yourself. However, you may hire an attorney or an authorized representative if you choose.

A TLC representative may be present at the hearing.

- The hearing will take place in a hearing room before an Administrative Law Judge (ALJ). The ALJ has the authority to decide whether or not you are guilty of the charge.
- You may bring witnesses to testify for you. You may also bring any papers that you want the judge to consider.
- After the hearing, you will be directed to the waiting room where you will receive the ALJ's decision.

Interpretation services are provided free of charge, in over 150 languages, or you may bring a translator if you prefer. Some of the languages are:

Arabic	Chinese
French	English
German	Hebrew
Haitian Creole	Hindi
Italian	Japanese
Korean	Portuguese
Polish	Russian
Spanish	Tamil
Urdu	Vietnamese
Yiddish	

The *What is the OATH Taxi & Limousine Tribunal?* brochure provides information about:

- Points on a license
- Payment options
- Rescheduling rules
- Missed hearings
- What to expect during and after the hearing

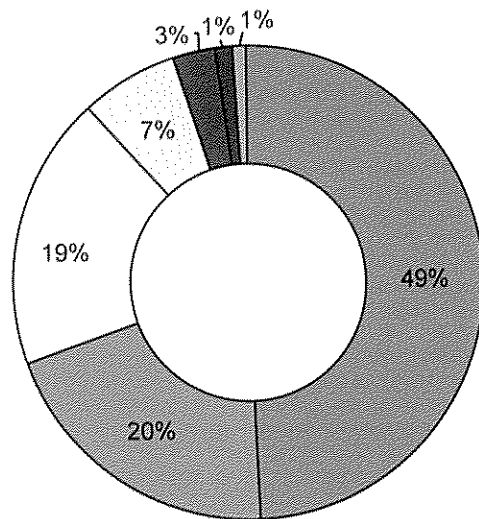
OATH Tribunal

2012 Highlights from the OATH Tribunal

- Began Hearing NYC Business Integrity Commission (BIC) Cases for First Time
- Utilized Videoconferencing Technology for Remote, Live Testimony from Witness in City Jail
- Partnered with Columbia Law School to Produce Major Forum on the Use of Technology to Enhance Access to Justice
- Enhanced Administrative Justice Institute by Appointing Faculty and Creating New Institute Website
- Launched Law School Student Summer Program

Types of cases filed by NYC Agencies at the OATH Tribunal in 2012

- Disciplinary/Disability/COIB Hearings
- City Issued Licenses
- Vehicle Forfeiture
- Loft Law Cases/Zoning Violations/SRO Certificates
- Lobbyist Registration & Other Regulatory Cases
- Discrimination Under City Human Rights Law
- City Contract Disputes



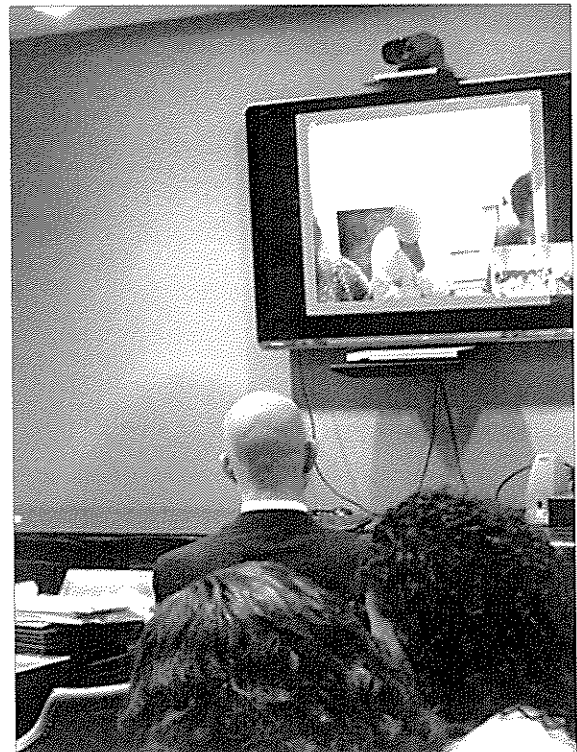
OATH Tribunal

Using Technology to Increase Efficiency

In 2012, the OATH Tribunal completed its first-ever trial by videoconference in a case involving the NYC Department of Correction (DOC) and an inmate in a City jail. The videoconferencing technology was used to take the testimony of the inmate in the case. The OATH Tribunal will continue to use the technology when appropriate.

Videoconferencing Testimony for Cases Heard by OATH Tribunal

- Reduces adjournments
- Saves City transportation cost and risk
- Ensures case proceeds in timely and efficient manner
- Allows the OATH Tribunal Judge to adequately assess credibility of the witness
- Allows the parties to cross-examine the witness in front of the OATH Tribunal Judge



Lawyers for the inmate can be present at the jail while the other parties can be in the trial room with the judge at OATH's headquarters.

OATH Tribunal

OATH & Columbia Law School Co-Host Forum on the Use of Technology to Enhance Access to Justice

On April 24, 2012, OATH's Administrative Judicial Institute (AJI) co-sponsored a forum with the Columbia Law School's Lawyering in the Digital Age Clinic, entitled *Using Technology in the 21st Century to Enhance Access to Justice: The Law School-Court-Tribunal Partnership*.

Seventeen speakers representing the Federal Court, New York State and City Courts, and New York City, State and Federal Administrative Law Tribunals, gathered together for an afternoon and evening of sharing information as to how their respective venues have been using technology to improve court processes and enhance access to justice for self-represented litigants.



(From left to right) Joan Salzman, Deputy Commissioner for the OATH Tribunal; John Spooner, OATH Administrative Law Judge; David Goldin, NYC Administrative Justice Coordinator; Suzanne Beddoe OATH Commissioner & Chief Administrative Law Judge.

Resource & Training Center for Administrative Law Judges

OATH's Administrative Judicial Institute (AJI) was created to serve as a judicial resource to provide training, continuing education, research and support services for judges. The Institute serves all the administrative law judges and tribunals throughout New York City and makes its programs available to state and federal administrative law judges as well. The Institute is an accredited Continuing Legal Education (CLE) provider.

During calendar year 2012, the Institute presented 60 programs and training classes, a 10% increase from 2011. These programs were presented to more than 1,360 attendees.

Programs for OATH Tribunal Judges

- OATH Tribunal Appeals Symposium
- Overview of Local Law 42 of 1996
- New Judge Training (5-day intensive)

Programs for OATH Taxi & Limousine Tribunal Judges

- OATH Tribunal Appeals Symposium
- New Judge Training (4-day intensive)

Programs for OATH Health Tribunal Judges

- OATH Tribunal Appeals Symposium
- New Judge Training (4-day intensive)

Programs for ECB Judges

- OATH Tribunal Appeals Symposium
- New Judge Training (4-day intensive)
- Was the Violation Served Correctly?
- Vendor Law Training
- Introduction to the Electrical Code
- Adjudicating Noise Code Violations
- Identifying proper ECB Respondents on Notices of Violation

Programs for Non-Judicial Personnel

- Ethics Update 2012 – Hot Topics in Attorney Ethics and Professionalism
- Basic Mediation Skills for EEO Professionals
- Litigation Before Municipal Administrative Tribunals

Programs for All Administrative Law Judges

- Overview of Housing Court
- Hot Topics in Attorney Ethics
- Judicial Settlement Techniques
- Electronic Evidence: Admissibility Issues
- Admissibility of Expert Witness Reports & Opinions
- Judicial Writing for Administrative Law Judges
- Overview of the Division of Housing and Community Renewal
- Using Technology in the 21st Century to Enhance Access to Justice
- Human Trafficking and Potential Intersections with Administrative Law
- Hearsay Fundamentals and Thorny Applications
- National Judicial College: Drugged Driving



**Statement by Corporation Counsel Michael A. Cardozo to the City Council
in Connection with the Executive Budget for Fiscal Year 2014**

May 13, 2013

Good afternoon Chairs Brewer and Recchia, and distinguished Members of the Government Operations and Finance Committees. It is a pleasure to come before you to discuss the Law Department's fiscal year 2014 Executive Budget.

The Corporation Counsel is the attorney for the City and its agencies and has responsibility for all litigation and other legal matters involving the City. The Department employs approximately 670 attorneys and 590 support staff. Let me add that approximately 21% of our attorneys are members of minority groups and 58% are women. Eleven years ago, at the beginning of the Bloomberg Administration, only 14% of our attorneys were minorities.

Our total proposed appropriation (PS and OTPS) for fiscal year 2014 is \$147,433,073. This is an increase of \$4,844,949 from the Preliminary Budget. Our proposed FY 2014 headcount is 1,370.

I have attached a copy of my more detailed statement to the Government Operations Committee for the Preliminary 2014 Budget. I thank you for your support of the Law Department and look forward to our continued cooperation. I would be happy to answer any questions you may have.

**Statement by Corporation Counsel Michael A. Cardozo to the City Council
in Connection with the Preliminary Budget for Fiscal Year 2014**

March 14, 2013

Good afternoon Chair Brewer and distinguished Members of the Government Operations Committee. It is a pleasure to come before you to discuss the Law Department's fiscal year 2014 Preliminary Budget.

The Corporation Counsel is the attorney for the City and its agencies and has responsibility for all litigation and other legal matters involving the City. The Department employs approximately 670 attorneys and 590 support staff. Let me add that of our 670 attorneys approximately 20% are members of minority groups and 58% are women. Eleven years ago, at the beginning of the Bloomberg Administration, only 14% of our attorneys were minorities.

The Law Department consists of seventeen legal and three support divisions. We handle an extraordinary array of cases and non-litigation matters: from tort to tax, from environmental and administrative issues to economic development and municipal financing. We also represent the City as plaintiff in a wide variety of affirmative matters.

The Law Department spends the overwhelming majority of its time and budget in three particular activities: defending cases where money damages or lower property taxes are being sought against the City, bringing cases seeking damages or restitution, and prosecuting juveniles. The first two activities are directly related to protecting and enhancing the public fisc. The third is directly related to public safety. An additional major area of focus is bringing and defending cases involving major public policy and environmental challenges.

I would like to highlight for you some of the major initiatives of the past year including litigation in connection with the Mayor's quality of life initiatives and a couple of the more important current cases where we have joined with others, including the Council, in briefs as *amicus curiae*.

Police Cases

At the beginning of fiscal year 2012, we embarked upon a project aimed at reversing the then five year trend of escalating levels of incoming federal cases, with new Police Department civil rights cases being more than 27% higher in fiscal year 2011 than in fiscal year 2010. The project's focus has been on cases that previously may have been settled for relatively low dollar amounts, since the cases would be more expensive to litigate than to settle. However, as was reported in a New York Times article on February 25, 2013, a cottage industry developed amongst attorneys who brought increasing numbers of marginal cases in search of a quick settlement. In order to change this, additional attorneys and paralegals were retained for the division in order to push more marginal cases to trial and to seek more dismissals through motion practice. In the first year of the project, we tripled the number of cases tried to verdict, winning a majority of the cases tried. Further, cases dismissed on motion increased more than 75% by the end of fiscal year 2012. As a result of these efforts, there was a 3% decrease in new Police

Department cases in fiscal year 2012 and the downward trend has continued into fiscal year 2013, with a further decrease in new cases projected by the end of fiscal year 2013. The Preliminary Budget includes staffing to continue this project through fiscal year 2015.

While we have seen a positive trend in Federal Court, we have seen the opposite in the State Court, where between fiscal year 2011 and fiscal year 2012 there was a jump of 35% in new Police Department officer action matters filed, largely in the Bronx. We have received funding to staff a new police unit in the Bronx to deal with this increase. We hope we will have similar positive results.

Cost Avoidance

I am happy to report that the long term trend for Judgments and Claims payouts for City damage actions remained flat in fiscal year 2012 and the past year's totals are over 10% lower than fiscal year 2011. In fiscal year 2003, Judgment and Claims payouts was over twenty-three times the amount they had been in fiscal year 1977. Every year since 2003, the payout has been less than the 2003 figure of \$598 million. This represents a cost avoidance of hundreds of million of dollars.

As part of our effort to keep payouts as low as possible, we meet regularly with the Departments of Transportation, Sanitation, Parks and Police to discuss issues that arise from the cases we litigate involving those agencies. We also meet with smaller agencies from time to time to address these issues. The tort division has a risk management unit that has developed a consulting role with agency counsel to render advice relating to such things as major events, indemnifications agreements and insurance issues.

Electronic Discovery

As I explained to this Committee last year, the biggest challenge the Law Department continues to face is dealing with the explosion in electronic discovery. This explosive growth, which began in federal court, is starting to be felt in the state courts as well, where most of our cases are based. The state courts have adopted the same approach to e-discovery as the federal bench, which is an aggressive attitude to litigation holds, setting e-discovery searches early in the litigation and a rule requiring the party whose documents are being searched to pay the costs of e-discovery.

The consequence of all of this is that agencies must be made aware of -- and carry out -- their obligation to retain emails or other electronic documents once a party "reasonably anticipates" litigation and to produce that electronic discovery, at the City's cost, when such litigation is brought. In addition, the Law Department, as the lawyer for each agency, has the obligation to ensure that agencies are in fact carrying out their electronic discovery obligations.

In the Preliminary Budget for fiscal year 2014, the Law Department has received funding to help staff this growing electronic discovery challenge.

Quality of Life Litigation

A number of different Law Departments divisions have been handling a wide variety of quality of life initiatives undertaken by the City.

Smokeless Tobacco Litigation and Untaxed Cigarettes.

First, cigarettes.

On February 26, 2013, the U.S. Court of Appeals for the Second Circuit handed down a unanimous decision in which the Court rejected plaintiffs' claim that the City's restrictions on the sale of smokeless flavored tobacco products was preempted by federal law. The Court found that the federal preemption provision expressly left undisturbed the power of States and localities to regulate the sale of the products such as flavored tobacco. The Court also ruled that the City's regulation, which was intended to prevent children from becoming addicted to tobacco products with flavors such as bubble gum and cinnamon that masked the pungent flavored of tobacco, was consistent with the intent of Congress to reduce tobacco addiction among youth.

In 2012, we also built upon our previous successful efforts to curb untaxed cigarettes routed into the City by Native American retailers, New York wholesalers, and internet cigarette sellers, all in support of the City's efforts to decrease smoking and facilitate collection of cigarette taxes.

In the case against Native American retailers on the Poospatuck Reservation in Mastic, New York, where we had previously obtained a preliminary injunction, the City has now moved for summary judgment and for damages and penalties under the federal Contraband Cigarette Trafficking Act (CCTA). In a separate suit against the two major wholesalers to Poospatuck Reservation retailers, the City's summary judgment motion on CCTA liability was granted, and the City is preparing for a hearing on civil penalties.

A court denied efforts to dismiss the City's action against out-of-state internet sellers, their suppliers, and in-City buyers involved in a scheme to avoid up to \$18 million in taxes by shipping out-of-state cigarettes into the City. Separately, in the City's ongoing case against an internet smoke shop owned by a Seneca tribal member and the shop's delivery service, the City has moved for a preliminary injunction.

Finally in the cigarette area, working with the State Attorney General's Office, we obtained an injunction against two "roll-your-own" cigarette shops—which provide customers with loose tobacco, tubes of cigarette paper, and access to machinery that rapidly produces finished cigarettes onsite—and settled with other stores to permanently discontinue their "roll-your-own" businesses.

Sugary Drinks

Another health related matter involves a challenge by various groups, including the American Beverage Association, other trade associations of grocers, restaurants and movie theaters, and a beverage workers union, challenging the Health Code provision adopted by the

Board of Health in September 2012 mandating portion caps for sugary drinks sold by food service establishments. They claim that the Board of Health exceeded its authority when it enacted the provision and that the restriction is arbitrary and capricious. On March 11, 2013, the trial court declared the law invalid. We are appealing and expect to prevail.

Billboards

After successfully fending off a series of challenges, in both State and Federal courts, to newly adopted laws which gave the City effective tools to eliminate the proliferation of illegal billboards, we are now defending multiple challenges to determinations concerning the legal status of individual billboards. At the same time we are also defending challenges to the imposition of enhanced penalties, authorized by the new law, against billboard companies as well as the owners of the properties where those illegal billboards are located.

Taxis

The Law Department is defending a number of cases challenging statutory and regulatory initiatives involving the Taxi and Limousine Commission. In federal court, we were successful in a case where disability rights advocates alleged that the TLC's failure to require more wheelchair accessible taxicabs violated the Americans with Disabilities Act. We also are defending suits challenging first, a TLC pilot program authorizing yellow taxicabs to respond to electronic hails; second TLC regulations requiring most medallion holders to utilize the "Taxi of Tomorrow," a Nissan NV200 purpose-built as a taxicab starting in October 2013; and third TLC rules regulating the leasing relationship between fleet owners and their drivers.

Of special budget import is our defense of the validity of the State's Street Hail Livery Law, enacted in 2012 which authorizes the City to issue and sell 18,000 "HAIL" licenses allowing livery vehicles to accept street-hail passengers in the outer boroughs; and 2,000 new yellow taxi medallions for use by wheelchair-accessible taxicabs. The issuance and sale of 2,000 new taxi medallions would generate approximately \$1 billion in new City revenues.

Last September, the trial court accepted the plaintiffs' arguments that the Act violates three provisions of the New York State Constitution, including its "Home Rule" clause. The New York Court of Appeals has agreed to hear direct appeals from the Supreme Court's judgments and oral argument is scheduled for April 24, 2013 with a decision anticipated before the end of June.

Firearms

Although efforts to regulate the ownership of firearms are now in the news, the City has long been in the forefront of bringing affirmative suits against illegal gun activity trafficking. In addition we continue to defend the Police Department and its decisions regarding who is fit and may lawfully possess a firearm in the City. Recent Supreme Court decisions concerning the Second Amendment have brought greater attention to the issue but thus far they have not had a marked effect on our ability to successfully defend the Police Department's decisions. However, we are presently defending a case, now in the Second Circuit, alleging that the registration fee charged for gun permits is illegal.

Family Court

The Family Court Division is comprised of two units: the Juvenile Delinquency Unit and the Interstate Child Support Unit. The Juvenile Delinquency Unit serves as the Presentment Agency (prosecutor) in juvenile delinquency cases in NYC Family Court. The Unit handles cases where youth between the ages of 7 and 15 are accused of committing acts that would be crimes if they were adults. The Interstate Child Support Unit appears in NYC Family Court on behalf of out-of-state custodial parent petitioners seeking to establish paternity and obtain child support from City residents. The Unit also assists City-based custodial parents who wish to file for child support from parents outside the State or country.

The Division's Juvenile Delinquency Unit has been implementing a number of initiatives in order to enhance outcomes in juvenile delinquency matters consistent with youths' needs and best interests and community safety. In 2012 the Division successfully "diverted" more than 400 matters from prosecution by referring youth who were arrested for mostly first-time, low-level offenses to youth court, mediation, graffiti or shoplifting prevention programs, and other community-based programs that provide appropriate out-of-court interventions. At the same time, the Division, through its Major Case Unit, has continued to enhance its practice in prosecuting and seeking appropriate dispositions for the most serious offenses. In addition, the Division continues to implement a community prosecution initiative that involves coordinating with police precincts, using data to review trends in particular precincts as well as recidivism, and enhanced community outreach with the goal of preventing youth crime.

In 2012, the Division's Interstate Child Support Unit (ICSU) handled 5,426 new cases which are identified into the following categories: paternity, child support, modification of an existing order by the custodial or non-custodial parent, enforcement of an existing order and motions to vacate a foreign registration. During 2012, 1,386 final orders of support and 487 orders of filiation (establishing paternity) were established. Outgoing cases were filed to 28 other states and several other countries including: Australia, Canada, Israel, Poland, Puerto Rico, Switzerland, the United Kingdom and the US Virgin Islands.

The City as Amicus

The Law Department has recently filed amicus curiae in two very important cases pending in the United States Supreme Court.

Defense of the Voting Rights Act of 1965

Under Section 5 of the Voting Rights Act of 1965 ("VRA" or the "Act"), New York, Bronx, and Kings county are subject to "pre-clearance" by the Justice Department. This requires the City to either pre-clear any change with respect to voting in the covered counties by submitting the change to the Justice Department for administrative review by the U.S. Attorney General, or to file a lawsuit before the U.S. District Court for the District of Columbia. In addition, for each decennial redistricting, pre-clearance is required for the entire City.

In 2011, Shelby County, Alabama sued the Justice Department, alleging that the VRA violated the Constitution and that Congress went beyond its enumerated powers in reauthorizing the Act in 2006. The case was recently argued before the United States Supreme Court.

The Law Department filed an amicus brief with the Court, on behalf of the Mayor and the Council supporting the Justice Department's argument that Section 5, including its reauthorization, was a Constitutional exercise of legislative power. The City's brief contended that, based on the City's experience as a covered jurisdiction, Section 5 pre-clearance requirements do not impose an undue burden on or interfere with governmental function in covered jurisdictions, and that pre-clearance requirement has, and continues to, provide substantial benefits to the nation in eliminating voting discrimination.

Defense of Marriage Act (DOMA)

In two weeks the United States Supreme Court will hear arguments on the constitutionality of Section 3 of the Defense of Marriage Act (DOMA). The issue before the Court is whether Section 3 of DOMA, which defines marriage for the purposes of federal law as a legal union between one man and one woman as husband and wife, violates the Equal Protection Clause by discriminating against individuals who are legally married to a spouse of the same sex. The City of New York and City Council have signed onto an amicus in support of the plaintiff, Edith Windsor, who was denied a spousal tax deduction following the death of her same-sex spouse.

Budget

Our total proposed appropriation (PS and OTPS) for fiscal year 2014 is \$142,588,124. That figure is \$5,600,206 less than the fiscal year 2013 budget, as modified, of \$148,188,330. Our proposed fiscal year 2014 headcount is 1,357, an increase of thirty-five heads or 3% over our November Plan headcount.

Conclusion

I thank you for your support of the Law Department and look forward to our continued cooperation. I would be happy to answer any questions you may have.



FY 2014 EXECUTIVE BUDGET HEARING
NEW YORK CITY COUNCIL
COMMITTEE ON FINANCE
COMMITTEE ON GOVERNMENTAL OPERATIONS

TESTIMONY BY EDNA WELLS HANDY
COMMISSIONER, DEPARTMENT OF CITYWIDE ADMINISTRATIVE
SERVICES
MAY 13, 2013

Good morning Chair Recchia, Chair Brewer, and members of the Finance and Governmental Operations Committees. I am Edna Wells Handy, Commissioner for the Department of Citywide Administrative Services (DCAS). I am here with our Chief Financial Officer, Richard Badillo, and General Counsel, Russell Ann Nobles, as well as other DCAS senior staff, to discuss the planned expenditures and revenues for FY14, as well as highlights of the DCAS capital plan.

OVERVIEW

As you know, DCAS ensures that City agencies have the critical resources and support needed to provide the best possible services to the public in six key areas:

Asset Management: We provide safe, clean, and efficient office space for the City's workforce through our management of 55 public buildings, 15 million square feet of owned space and 21.5 million square feet of leased space. We also purchase, sell, and lease real property, and locate and secure space for City agencies, with a focus on more efficient use of office space as an important cost-saving action that also improves delivery of City services. Since 2010, Asset Management has been working to achieve the goal of reducing City office space by 1.2 million square feet by June 2014. We are currently on track to surpass that goal.

Human Capital: We provide civil service administration for over 200,000 City workers in 40 mayoral agencies and 44 other governmental entities. We annually test over 100,000 candidates through civil service exams, respond to over 130,000 calls and emails to NYCAPS (New York City Automated Personnel System), and train 15,000 City employees through 1,400 classes. We are continuing to

expand eHire—an applicant tracking system, and a fundamental addition to NYCAPS. There are 41 agencies currently on eHire, with additional mayoral and non-mayoral agencies expected to join later this year. Through eHire, the City’s recruitment and hiring processes are uniform, streamlined, and fully automated, so the City can attract a large and diverse pool of qualified applicants.

Citywide Diversity & EEO (CDEEO): We are responsible for the creation and execution of Diversity and Inclusion strategy for the City, and for guiding 40 mayoral agencies in devising and carrying out their annual Diversity and Equal Opportunity plans. We have launched a Citywide Diversity Initiative, which rests on three strategic planks: workforce, workplace and community. This launch was accompanied by extensive changes to our charter mandated annual agency EEO plans. These plans now have specific strategies with diversity and inclusion commitment statements from Commissioners, actions for targeted recruitment and development of City employees, best practices in selection, and steps taken to provide inclusive services to our diverse New York City communities. We are currently at 100% submission of all plans. Engagement among EEO Officers has greatly increased through the establishment of a Citywide diversity and EEO best practices group focused on strategy, metrics and professional development.

Purchasing: We purchase, inspect, and distribute supplies and equipment at the lowest net cost, as well as assist in the disposal of surplus heavy equipment and surplus goods. We purchase approximately \$1 billion annually in goods and services for the City, through 1,100 Citywide contracts. In addition, we are moving to increase the City’s purchase of local food products. Through leveraging price preferences and extensive outreach to New York State growers and producers, we will improve the quality and freshness of the produce purchased by the City, reduce transportation costs and impacts, and support sustainable food production.

Fleet: We monitor City agency fleets and the City’s overall compliance with fleet purchasing laws and environmental goals. We manage nearly 27,000 light-, medium- and heavy-duty vehicles, representing over \$2 billion in assets. We provide service and maintenance solutions to 56 City agencies that operate vehicles. In addition, we manage the City’s fueling infrastructure that encompasses the purchase and use of over 28 million gallons annually.

Energy Management: DCAS Energy Management, led by the recently appointed Kristin Barbato, pays, monitors and reports on the annual Heat, Light, and Power budget for City agencies and others, which is \$801 million in FY14. This represents a reduction from the preliminary FY14 budget, which I will talk more about later. To control energy costs, DCAS has engaged in the following: a) we review utility costs for potential savings; b) we work directly with agencies through incentive programs and energy efficiency projects; and c) we achieve savings by identifying billing issues. DCAS works directly with the Mayor's Office of Long-Term Planning and Sustainability (OLTPS) and leads the effort to accomplish the City's goal of reducing energy consumption and greenhouse gas (GHG) emissions from City government operations 30 percent by 2017, as described in the City's long-term sustainability plan, known as PlaNYC.

DCAS EXPENDITURES

DCAS' expense budget reflects funding of \$1.2 billion in FY14, including a budgeted headcount of 1,975. The most significant change to DCAS' FY14 Operating Budget from the January Plan is an adjustment to the Citywide Energy Budget.

Of our planned expenditures, the largest amount is allocated for Citywide energy expenses. DCAS worked with the Office of Management and Budget to develop the FY14 Energy Budget, factoring in rate and usage adjustments. The FY14 Energy Budget is \$801 million—a decrease of \$67 million from the FY14 Preliminary Budget amount of \$868 million. This reduction is nearly 8% less than last year, due to net reductions in rates and in agency energy needs. DCAS continues to work closely with agencies Citywide to enhance the energy performance of their facilities through a range of programs, which include retrofitting equipment, improving operations and maintenance, and training and outreach to reduce the City's energy costs.

DCAS REVENUES

The total DCAS revenue budget for FY14 is \$93.3 million.

- Our largest source of revenue, projected to be \$75 million in FY14, is through DCAS' Asset Management. Most of this revenue derives from commercial rentals of City-owned property,

the largest of which is the \$22.5 million annual income from a long-term ground lease with the Marriott Marquis.

- Another significant revenue source is the sale of surplus vehicles through auto auctions. The projected revenue from the auto auction is \$4.7 million in FY14. DCAS also expects to earn \$2.2 million in FY14 from the sale of non-vehicle surplus goods at public auction and by competitive sealed bids.
- DCAS also receives revenue from applicant filing fees for civil service examinations, which is expected to be \$3.5 million in FY14, from administration of over 100 exams. The exams planned include promotional exams for police, fire, correction and sanitation positions, as well as a new exam for sanitation workers.

DCAS NEW NEEDS

Now, I would like to discuss new needs for DCAS in FY14. DCAS received expense funding for the following categories of expenditures: 1) Life and Safety, 2) Citywide Initiatives and 3) Post Superstorm Sandy Action Plan. DCAS will use these funds to ensure the safety of people who work in or visit our buildings, purchase equipment to assist in future emergencies, reduce greenhouse gases, and make certain governmental functions more efficient.

Life and Safety:

- \$900,000 for Fire Safety Directors/Emergency Action Plan Directors at buildings that require the presence of fire safety personnel.
- \$ 1.1 million for the installation of photo luminescent markings and signage at DCAS managed buildings to aid in evacuation during emergencies where lighting is minimal.

- \$400,000 for a prevailing wage increase approved by the Comptroller for contracted security guards, effective January 1, 2013.

DCAS Citywide Initiatives

- \$3.7 million for the Civic Center Project. These additional funds will be used to relocate City agencies from the two buildings that were sold (49-51 Chambers Street and 346 Broadway) to new locations, and to provide furniture and cabling at the new locations.
- Funding in support of the Enterprise Print Management (EPM) Initiative. EPM will introduce a managed print environment to the City, enabling agencies to identify and eliminate redundancy, streamline operations, improve sustainability, and increase digitization.
- Funding to achieve the PlaNYC greenhouse gas reduction of 30 percent by 2017 and to comply with Local Law 84 of 2009. LL84 requires DCAS to benchmark the energy performance of City owned buildings larger than 10,000 square feet. This process helps to identify buildings with the greatest opportunities for energy efficiency improvements and upgrades.

Post Superstorm Sandy Action Plan

- The Mayor recently released the Superstorm Sandy After Action report, detailing the City's preparation for future emergencies. In connection with the action plan, DCAS received a total of \$25.8 million—\$22 million in the Capital Budget and \$3.8 million in the Expense Budget. These funds are allocated for the purchase of emergency equipment, such as fuel trucks, generators, light towers and fork lifts.

DCAS CAPITAL

I will now turn to the DCAS capital plan for FY14. DCAS is undertaking a number of major construction, equipment, and energy conservation initiatives. Highlights of our program include:

DCAS City-Owned Capital Construction

DCAS' capital construction program for city-owned space in FY14 is \$286 million. Major projects include an electrical upgrade at the Brooklyn Municipal Building at 210 Joralemon Street, a rehabilitation of elevators at 253 Broadway, and a new computerized civil service exam testing center (CTC) located at 1932 Arthur Avenue in the Bronx.

Other essential projects include a new community court at 444 Boyland Street in Brownsville, Brooklyn and new elevators at the Queens Supreme Court at 88-11 Sutphin Boulevard in Jamaica, Queens.

Leased Space Construction Projects

DCAS has \$118 million for the construction and outfitting of leased space in FY14. Projects include the relocation of the following agencies from 40 Rector Street to 100 Church Street: The Civilian Complaint Review Board; the Office of Administrative Trials and Hearings; the Campaign Finance Board; and the Department of Environmental Protection.

Also included in FY14 is the relocation of the Taxi and Limousine Commission and the Office of Administrative Trials and Hearings from 32-02 Queens Boulevard and improvements to office space and the licensing customer service area for the Department of Consumer Affairs in lower Manhattan.

Energy Conservation Projects

There is \$202.5 million in capital funding set aside for Citywide energy conservation projects managed in FY14. Projects include lighting upgrades, occupancy sensor installations, high efficiency motor installations for mechanical and plumbing systems, building envelope upgrades, building controls, cool roof coatings, and clean energy installations.

CONCLUSION

Thank you for this opportunity to testify about the Department of Citywide Administrative Services' planned expenditures and revenues for FY14 and our capital commitment plan. I would be pleased to take any questions at this time.



New York City Campaign Finance Board

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**Testimony of Amy Loprest
Executive Director
New York City Campaign Finance Board**

**City Council Committees on Finance and Governmental Operations
May 13, 2013**

Good afternoon, Chairpersons Brewer and Recchia, and committee members. I am Amy Loprest, Executive Director of the New York City Campaign Finance Board (CFB). With me today are General Counsel Sue Ellen Dodell and External Affairs Director Eric Friedman.

As always, we thank you for your support of the Campaign Finance Program. As we enter the homestretch of the 2013 elections, New Yorkers can be confident that their concerns, not those of special interests, will be the center of attention thanks to the Council's strong commitment to the Campaign Finance Act.

Earlier this month, we welcomed the court decision in the *McDonald v. CFB* case upholding the common-sense contribution limits established in the Act. The decision ensures that those limits, not the State's, will apply equally to all candidates for office in New York City. New York State has the highest contribution limits in the country, behind

a dozen states that have no limits at all. Our limits guarantee that the voices of average New Yorkers are not drowned out by big donors writing \$60,000 checks.

The continuing debate over reforming New York State's campaign finance laws has focused particular attention on the Campaign Finance Board. Legislative proposals introduced in the state Senate and adopted by the Assembly use New York City's Program as a model. In the past two weeks, I have testified at hearings held by both the Independent Democratic Conference and the Senate Elections Committee. The interest in our Program as we celebrate our 25th year is a testament to the City Council's ongoing participation in improving the Campaign Finance Act. We look forward to building on our strong working relationship in the coming year and beyond.

Pursuant to the New York City Charter, Section 1052(c), the Board submitted its budget for City Fiscal Year 2014 to the Mayor on March 20, 2013 and it was included in his Executive Budget. Our budget is attached to this testimony.

The Board's fiscal year 2014 budget is \$71,864,424. This amount reflects the additional costs of administering the Program in an election year. Specifically, the Board's budget request includes \$51,000,000 for public funds payments to candidates who participate in the Campaign Finance Program. The request also includes \$9,955,000 for the non-partisan Voter Guide that the Board publishes and mails to every New York City household with a registered voter and the costs to produce the Video Voter Guide. We anticipate producing 8.1 million copies of the print Guides for the 2013 primary and

general elections combined. The Guide will be printed in English, Spanish, Chinese, Korean, and Bengali. All candidates are invited to publish information about their campaigns in the Guide, which will also include information on the citywide Debate Program, and guidance on how and where to vote.

The projected costs for the Campaign Finance Fund and the Voter Guide are consistent with our experience in previous citywide elections and the number of candidates we project will participate in the Program in 2013. As in previous years, any funds remaining from these allocations after the elections are completed will be returned to the City's General Fund. Please note that we returned to the General Fund the \$41 million that was allocated to the Campaign Finance Fund for FY 2013 in anticipation of a possible June 2013 primary election date.

The CFB has contained operating costs where possible. We have reduced our OTPS allocation for fiscal year 2014 by two percent despite onetime charges related to the agency's scheduled office relocation in December 2013. Our personal service costs increase by \$600,000 due to increased staff needs for the election and beyond.

The CFB works every day to provide good value to the City for its investment in elections and to improve the service we provide. In particular, we always try to make it easier for campaigns to comply with CFB disclosure requirements. In 2012, we launched a new web-based disclosure application, Candidate Software for Managing and Reporting

Transactions (C-SMART) Web. All candidates are now using C-SMART Web, which gives campaigns more flexibility and security when filing disclosures with the Board.

We are nearly finished with all of the audits from the 2009 elections. To date, we have completed 224 out of 232 audits from that election cycle. We are implementing changes to our process that should increase the efficiency of the post-election audits for the 2013 elections.

Finally, our Voter Assistance Unit and the members of our Voter Assistance Advisory Committee have a comprehensive and robust plan for the NYC Votes campaign to increase voter participation in the 2013 elections. The CFB's 2012-2013 Voter Assistance Annual Report, issued in April, outlines some of those initiatives and recommends changes to modernize State election law, including nonpartisan election administration and instant runoff voting. We will be holding a public hearing this evening to discuss the report and our efforts to get more New Yorkers to register to vote and to cast their ballots on Election Day.

From administering the City's matching funds program, to making campaign finance data available via our searchable database, to our voter assistance efforts, the goal of everything that we do at the Campaign Finance Board is to increase New Yorkers' participation in our elections. Participation by New Yorkers living in every neighborhood, in every public school district, along every subway line and on every city

street is the key to a healthy democracy. Their participation ultimately determines whether candidates are accountable to the public interest.

As always, the CFB looks forward to working closely with the Council to accomplish this important mission. Thank you for your time, and I am happy to answer any questions you may have.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Amy Loprest, Executive Dir. of the
Address: 40 Rector Street NYC Campaign Finance
I represent: NYC Campaign Finance Board
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 5-23-13

(PLEASE PRINT)

Name: John WARD
Address: 32 Broadway
I represent: BOARD of ELECTIONS
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Dawn Sandoz
Address: 42 Broadway
I represent: Board of Elections
Address: 42 Broadway



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Pamela Perkins

Address: 32 Broadway, 7th Floor

I represent: Board of Election's

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: STEVEN H. RICHMAN

Address: BOARD OF ELECTIONS IN THE CITY OF NEW YORK

I represent: GENERAL COUNSEL

Address: 32 Bldg, NY NY 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Richard Badillo

Address: DCAS

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Russell Ann Nobles

Address: DCAS

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Edna Wells Hardy

Address: DCAS

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: MURIEL Goode-Trauffant

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Foster Mills

Address: _____

I represent: LAW Department

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Jeff Friedlander

Address: _____

I represent: LAW Department

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Michael CARDOZO

Address: _____

I represent: NYC LAW Department

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Edward Wilton

Address: 258A 22nd St Apt NY 11215

I represent: OATH

Address: 40 Rector Street NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Amy Slifka

Address: 66 John St

I represent: OATH

Address: 40 Rector St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SUZANNE REDDIE

Address: OATH - 40 RECTOR ST. 6th FL NYC

I represent: NYC OFFICE OF ADMIN TRIALS & HEARINGS

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀