

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES  
AND ELECTIONS

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August 2, 2017  
Start: 11:21 a.m.  
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HELD AT: Council Chambers - City Hall

B E F O R E: Brad S. Lander  
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick  
Ydanis A. Rodriguez  
Margaret S. Chin  
Deborah L. Rose  
Helen K. Rosenthal  
Jumaane D. Williams  
Rafael L. Espinal, Jr.  
Mark Levine  
Steven Matteo

## A P P E A R A N C E S (CONTINUED)

Speaker Melissa Mark-Viverito

Nasr Sheta

Michael Rivadeneyra

2 CHAIRPERSON LANDER: Good morning and  
3 welcome to the New York City Council Committee on  
4 Rules, Privileges and Elections. I'm Brad Lander,  
5 Chair of the Committee. We're joined this morning  
6 by several other members of the Committee and the  
7 Council. We have Committee Member Jumaane Williams  
8 from Brooklyn and we're also joined by some other  
9 Council Members, Council Member Bill Perkins from  
10 Manhattan, Council Member Jimmy Vacca from the Bronx,  
11 and I suspect some others may join us along the way.  
12 Thanks to our Counsel, Elizabeth Gusman [sp?], and to  
13 the staff of the Council's Investigative Unit, Chuck  
14 Davis, the Director, as well as Andre Johnson Brown;  
15 they've prepared background materials on both of the  
16 nominees that we'll be considering this morning. So,  
17 background materials are in front of members along  
18 with written answers they prepared in advance to a  
19 set of questions that the staff gave them. We're  
20 doing two hearings this morning. Today, the Council  
21 will consider two candidates, Nasr Sheta for  
22 appointment to the New York City Board of Standards  
23 and Appeals, or the BSA, as the Engineer Member to  
24 fill a vacancy and serve the remainder of a six-year  
25 term that expires on January 1<sup>st</sup>, 2023, and Michael

2 Rivadeneyra-- Rivadeneyra, am I saying that right?

3 Rivadeneyra for appointment as the Bronx

4 Representative. We're glad to have Jimmy Vacca here

5 from the Bronx as the Bronx Representative nominated

6 by the Council to the Civilian Complaint Review Board

7 to succeed Youngik Yoon and serve the remainder of a

8 three-year term that expires on July 4<sup>th</sup>, 2019.

9 We're going to hear from and ask questions of Mr.

10 Sheta first, and then after that Mr. Rivadeneyra.

11 The New York Board of Standards and Appeals consists

12 of five Commissioners, each appointed by the Mayor

13 for a term of six years, and I'll flag for members

14 and for the public, this is different from some of

15 the commissions that we appoint where folks sort of

16 are more like a board. This is a full-time, paid job

17 that involves an awful lot of technical expertise.

18 These are the folks who together with the Chair

19 really review applications that come before the BSA.

20 The charter provides that one of the BSA members

21 needs to be a planner with professional

22 qualifications and tenuous experience as a planner, a

23 registered architect, and one of the members needs to

24 be a licenses professional engineer with at least 10

25 years' experience as an engineer. No more than two

2 mayors may reside in any one borough. Each of those  
3 members, as I mentioned, receives a salary and may  
4 not engage in any other occupation, profession or  
5 employment. This is their full-time job, and the  
6 members of Board in general receive a salary of  
7 158,156 dollars. The BSA, as members know, has the  
8 power to determine and vary the applications of the  
9 zoning resolution and to issue special permits as  
10 authorized by the zoning resolution. The BSA may  
11 also consider appeals to vary or modify any rule or  
12 regulation or provisions of the law relating to  
13 construction use, structural changes, equipment  
14 alteration, or removal of buildings or structures, or  
15 vaults in the sidewalk where there are practical  
16 difficulties or hardships in carrying out the strict  
17 letter of the law so that the spirit of the law shall  
18 be observed, public safety secured and substantial  
19 justice done. And I'll make one or two other notes  
20 here. I had the opportunity to talk to the Chair of  
21 the BSA in advance about this position in particular.  
22 As we know, people will come before the Board seeking  
23 to vary a rule for a wide range of reasons. Some of  
24 those reasons I've been made to understand relate to  
25 subsoil conditions and engineering issues and

2 structural issues on the property. So, an owner who  
3 wants to build a bigger building, for example, will  
4 hire an engineer to come and say that-- who comes and  
5 presents evidence that the conditions on the site  
6 subsoil mandate an extensive foundation or other  
7 building structural issues, and therefore to justify  
8 the cost of that building, more FAR is needed. The  
9 BSA needs someone who can-- who has that knowledge  
10 and expertise to be able to evaluate those  
11 applications and determine whether that is on the  
12 merits or not, and that's the position here. So, you  
13 can see why it's important. It's not just oen more  
14 vote. It's a staff position of substantial  
15 expertise, and you know, there are only so many  
16 people that have that expertise. So we're glad to  
17 Nasr Sheta here to be nominated for that position. I  
18 will flag before his testimony, and I'll ask some  
19 questions about it after, that he, unlike most of the  
20 people we review, has not been previously a resident  
21 of New York City. He was living in New Jersey.  
22 You'll hear that he's moving to New York City as part  
23 of taking this job. The Charter requires that this  
24 position be held by someone who's a resident, but  
25 unlike sort of I guess more representative boards

2 where you kind of have one person from each borough  
3 who sits and represents the people. You know, the  
4 primary requirements here are technical expertise,  
5 which is what we are reviewing him for. So, we'll  
6 ask some more questions about that after his  
7 testimony just to make sure we've got everything  
8 straightforward and as it should be pursuant to the  
9 Charter. Mr. Sheta, thank you for being here. If  
10 you will please raise your right hand to be sworn or  
11 affirmed in?

12 COMMITTEE COUNSEL: Welcome. Do you  
13 swear or affirm to tell the whole truth and nothing  
14 but the truth?

15 CHAIRPERSON LANDER: Rules Committee  
16 Members, you've got a written copy of both opening  
17 statements and Mr. Sheta's response to questions in  
18 your booklet, and Mr. Sheta, if you would like to  
19 make an opening statement, please do so now. Thank  
20 you.

21 NASR SHETA: Thank you, sir. Morning,  
22 Chair Lander, members of the Committee on Rules,  
23 Privileges and Elections. My name is Nasr Sheta. I'm  
24 greatly honored to be here today to present my  
25 testimony regarding my recommended appointment as a

2 Commissioner of New York City Board of Standards and  
3 Appeals, BSA. If appointed to the Board of Standards  
4 and Appeals, I would fulfil the Board requirements  
5 for an engineer as mandated by the City Charter. For  
6 the past 25 years, my career has been dedicated to  
7 serving the civil engineering community and the  
8 public by providing high-quality engineering. In  
9 addition to my role as an engineer, I teach and  
10 assist new generations of civil engineering  
11 professionals by enhancing their skills and helping  
12 them obtain state license. If I'm appointed, I will  
13 look forward to embracing the new role as Engineering  
14 Commissioner of the City BSA. I'm up to the challenge  
15 of this role and brining my experience and expertise  
16 to serve the people of New York. I have Bachelor  
17 Degree, Master and Doctoral Degrees in Civil  
18 Engineering with focus on Structural to Technical  
19 areas, and I'm a licensed professional engineer in  
20 New York State, the State of New Jersey and Delaware.  
21 I have also published more than 12 technical papers  
22 which cover diversified topics in structural, geo-  
23 technical and geo-environmental engineering, and were  
24 presented in international journals and events.  
25 Having more than 25 years of experience in academia



2 and in construction industry, my professional  
3 experience cover several fields, including  
4 structural, geo-technical and site civil engineering,  
5 teaching and research. After graduating from Cairo  
6 University in Egypt with an honor degree in Civil  
7 Engineering, I started my career in Cairo at the  
8 Egyptian School Construction Authority, SCA, as a  
9 Civil Engineer. For about six years at the SCA, my  
10 job was to design and inspect construction of  
11 educational buildings and made sure they are planned  
12 and built in such a way to ensure the safety and the  
13 interest of public. In 1999, I obtained my Master's  
14 Degree after joining the National Housing and  
15 Building Research Center of Egypt, which is the top  
16 Egyptian Civil Engineering Institution responsible  
17 for creating [sic] construction codes and standards.  
18 My main job at the HBRC was to perform and publish  
19 engineering research, advise Master-level students  
20 and provide engineering consultation and practice in  
21 examining, and participate in examining civil  
22 engineers seeking licenses to practice civil  
23 engineering in Egypt. By the end of 2003, I obtained  
24 my PHD degree in Geotechnical/Structural Engineering,  
25 and later in 2007 I moved to the United States.

2 During the past 15 years my experience has mainly  
3 focused in geotechnical and structural engineering  
4 fields, including performing sub-surface  
5 investigation, studying sub-surface conditions and  
6 designing and constructing various types of  
7 foundations, excavation support, the watering systems  
8 and waterfront structures and ground improvement. I  
9 have worked on various projects with a focus on  
10 projects across New York State, the State of New  
11 Jersey and other projects nationwide. The projects  
12 included high-rise schools, retail, residential,  
13 commercial, and waterfront developments. I'm  
14 currently employed by one of the top consulting firms  
15 providing geotechnical, site civil and environmental  
16 engineering services nationwide, and abroad. During  
17 my employment with this firm, I volunteered to teach  
18 our staff and senior staff engineers various civil  
19 engineering topics to help them prepare for and pass  
20 the exam typically required to obtain a professional  
21 engineering license. My resume indicates how hard I  
22 have worked to build and advance my career and to  
23 develop my skills and knowledge which will help me  
24 reach sound decisions at the BSA. I hope to become a  
25 valuable resource, not only to the board, but also

2 for the entire system of the New York City  
3 engineering agencies. If appointed, I would ensure  
4 the Board decisions are made for the interest of the  
5 public and with the utmost rigor [sic], integrity and  
6 care. It would be a privilege to serve as a  
7 Commissioner on the Board of Standards and Appeals,  
8 and I welcome any questions you may have for me.  
9 Thank you.

10 CHAIRPERSON LANDER: Mr. Sheta, thank you  
11 very much for that opening statement. We've been  
12 joined by Council Member Margaret Chin, welcome, and  
13 Council Member Mark Levine. I'll encourage people to  
14 look at Mr. Sheta's resume and other materials.  
15 You'll see a lot of information there. I wonder--  
16 you know, we're lay people here, but if you could  
17 just walk us through when you would be reviewing an  
18 application of the kind that we're talking about,  
19 someone's come in to say we need a variance because  
20 of subsurface engineering conditions. You know, just  
21 walk us through what are the kind of materials you're  
22 going to look at to figure out whether that variance  
23 is warranted. How will you do that analysis or  
24 investigation and share your consideration with the  
25 other members of the Board?

2 NASR SHETA: Sure. First, all we will  
3 look at the kind of request he's making, what kind of  
4 application he's submitted, and after that we'll look  
5 at the evidences that the applicant has submitted.  
6 This evidence could include geotechnical reports,  
7 geotechnical studies, testing, environmental reports  
8 and studies. We'll take a look at the nature of  
9 testing, whether they are suitable for that kind of  
10 request, whether they seem to support that kind of  
11 request this applicant is seeking, and based on the  
12 testing, we'll determine whether the studies and the  
13 reports and the testing submitted to the Board are  
14 sufficient to make a determination, and if not, we  
15 might ask him to submit additional studies, reports,  
16 testing, but if they are enough or sufficient to make  
17 a determination, we'll make such determination.

18 CHAIRPERSON LANDER: I'll just speak for  
19 myself here, although I suspect some of my colleagues  
20 feel the same way, that my time in public office has  
21 made me more suspicious or skeptical in some cases  
22 than I might have been before. So, I am sure there  
23 are plenty of times when there is a subway right  
24 below the site or very soft soil, and so, you know, a  
25 stronger foundation or more expensive one is needed,

2 but I'm sure there are also times when a developer  
3 looking to build a bigger building than the rules  
4 would otherwise allow is looking for any way they  
5 could to do it, and that this might be a case where  
6 they would come in and make a case that it was-- that  
7 they just had to because of the condition. So, you  
8 know, how would that possibility factor in as you're  
9 reviewing, obviously based on technical and objective  
10 scientific information, but in a context that might  
11 involve a situation of that type?

12 NASR SHETA: In general, we'll look at  
13 the kind of material he's submitting. We look at the  
14 site conditions. We'll have site visits. We'll look  
15 at the drawings he's submitting, and we'll make an  
16 evaluation based on the information. If we doubt the  
17 information he's submitting, or if I believe that the  
18 information is not sufficient, I believe I have the  
19 right to ask him to submit further evidence to  
20 support his request, but if it's evident from the  
21 beginning that it's done deal, this application  
22 cannot be granted, we'll make a determination and  
23 just reject that application.

24 CHAIRPERSON LANDER: And you know, it  
25 sounds that you're prepared to represent the people

2 here, not the, you know, sort of, you know,  
3 rubberstamp to a developer proposal, but bring an  
4 independent, critical, technical eye to these  
5 reviews.

6 NASR SHETA: I do totally understand  
7 that, and I hate to be a rubberstamp for anybody. I  
8 totally understand that.

9 CHAIRPERSON LANDER: I don't doubt it,  
10 but I want you to know that's part of what's  
11 important to us. So, and it's important to us  
12 because we hear it from our constituents. So, two  
13 more quick questions, and then I'll turn it over to  
14 colleagues if they have them. You submitted a letter  
15 from the New York City Conflicts of Interest Board.  
16 As you mentioned in your testimony, you currently  
17 work for Langan, one of the big engineering  
18 companies, and exactly where the person who has the  
19 expertise we're seeking might work. Langan, of  
20 course, submits-- it does work on projects which may  
21 have in the past and will likely in the future find  
22 themselves before the BSA. It's not specifically a  
23 BSA agency. It's a giant engineering firm, but their  
24 engineering work might wind up there. You have a  
25 letter from the COIB. We just ask in all cases that

2 folks indicate, you know, what the quick guidance is  
3 and commit to follow it. I note that you there  
4 perfectly-- you're not remaining as a partner or  
5 keeping any relationship to Langan. You've  
6 identified 25 projects that you worked on which are  
7 not slated to come before the BSA, but could, but if  
8 you could just reprise briefly what guidance COIB  
9 gave you and commit to following.

10 NASR SHETA: Yeah. Regarding my relation  
11 to Langan, I'm not a partner. I'm not an associate.  
12 I'm a senior project manager. My intention, if  
13 appointed to that position with the BSA, I'm going to  
14 resign. I believe the only tie that's going to be  
15 remaining is the 401K which my intention is to move  
16 that to roll it into another private account. On the  
17 other part of the question regarding the projects I  
18 did work on with Langan, first of all, none of my  
19 projects has to come to the BSA on the scope that I  
20 participated in. Usually for any engineering  
21 construction projects, you have a project team which  
22 could include structural engineer, geotechnical  
23 engineer, somebody who's handling parking, and the  
24 three projects that I'm aware of that came through  
25 the board, the part that was submitted to the Board

2 didn't include any scope for myself or for Langan.

3 So, the scope that was submitted, I believe on one of

4 the projects which is Sheepshead Bay, the submission

5 was about parking which was handled by somebody else.

6 Yes, Langan was part of that project team, but Langan

7 wasn't part of that specific submission. I believe

8 this is the case for the other two projects also. I

9 have submitted a list of projects that I did work on

10 with Langan through the Board and my intention if

11 appointed to that position. If one of these projects

12 shows up before the Board, my intention is recuse

13 myself and not be part of that judgment on that

14 project.

15 CHAIRPERSON LANDER: Thank you. I'll

16 note that that goes further than what the COIB letter

17 even says, which is that since you will have severed

18 and not be getting anymore compensation from Langan,

19 that wouldn't even be technically required. So,

20 you're going beyond what is required in the COIB

21 statement. Appreciate that. And then I want to just

22 ask you to talk just about the residency issues which

23 I mentioned in my opening statement. You have been a

24 resident of New Jersey. As I understand it, you saw

25 the ad for this position online. We're obviously



2 looking for someone with technical expertise and you  
3 applied. As you know, pursuant to the Public  
4 Office's Law, Section Three, you will be required,  
5 would be required if appointed into this position to  
6 be a resident of the City of New York upon  
7 appointment to the BSA. So, if you could please  
8 explain to the Committee the steps you have already  
9 taken to establish residency, when you will establish  
10 residency, and what evidence or indicia of residency  
11 that you will provide to the committee as proof of  
12 residency? I appreciate that you want to know you  
13 will be appointed to the position before you quit  
14 your current and job move. You appreciate that we  
15 need to follow the Public Officer's Law. So, if you  
16 could just give us the-- you know, tell me, give us  
17 the answer to that question.

18 NASR SHETA: Sure. In regarding applying  
19 to the job, I have seen the advert [sic] on one of  
20 the website, I don't recall the name exactly, but I  
21 have seen it online and I have submitted the  
22 application, and I've been interviewed with the Board  
23 Chair with some of the Board Members, and yes, they  
24 told me that the residency is needed before starting  
25 the job, and I have already started taking steps

2 towards moving and establishing residency in the  
3 City. I have submitted a lease. I have signed the  
4 lease yesterday, and I have put a security deposit  
5 and the first month's rent, and my intention within  
6 the next week before the voting is to obtain a New  
7 York State driver's license in addition to a voter  
8 registration. So, this is the steadily [sic]  
9 progress.

10 CHAIRPERSON LANDER: Great. And I'll  
11 note for members that we have the lease agreement in  
12 your packet along with a letter from the Mayor about  
13 not appointing Mr. Sheta until he has proved the  
14 establishment of residency. If you can provide us  
15 with evidence on the voter's-- the Voter Registration  
16 Form and the driver's license, you know, I guess they  
17 give temporary cards, you know, before we vote next  
18 Wednesday. That will help--

19 NASR SHETA: [interposing] That's my  
20 intention is to submit a voter registration and the--  
21 a copy of the driver's license, New York driver's  
22 license, before the night [sic].

23 CHAIRPERSON LANDER: Wonderful. Thank  
24 you. Those are all of my questions. Council Members  
25 Chin or Vacca, do you have any questions for Mr.

2 Sheta? Okay, so-- yes, okay, one question from  
3 Council Member Chin.

4 COUNCIL MEMBER CHIN: Yeah. Thank you.  
5 Thank you, Chair. Good morning. Thank you for  
6 willing to serve, and looking at your background,  
7 you're quite, you know, the experience to serve in  
8 this position. Often times in the community we get  
9 very frustrated as Council Members because we don't  
10 really have too much oversight on these projects that  
11 goes directly to BSA. We can voice our opinion and  
12 we can voice our concern. So, I just wanted to hear  
13 directly from you, as the Chair also asked earlier,  
14 how would you make sure that when you review this  
15 project that you do take into consideration of  
16 concerns and commenting from the community, from  
17 elected officials, you know, from the City Council to  
18 make sure that it's a full, you know, comprehensive  
19 review. Because often times, you know, developers  
20 use that as a way to get their projects done. They  
21 go to BSA. They bypass the Council and they bypass  
22 the review process and they-- because they have a  
23 hardship and they go directly to BSA. So, I just  
24 wanted to hear directly from you, how do you assure  
25 us that you will take, you know, into consideration

2 in terms of what the community say and their  
3 comments, and also the elected officials?

4 NASR SHETA: Sure. When looking at-- and  
5 this is coming from my background in the private  
6 sector as well. When looking at a specific issue or  
7 problem, the-- usually we look at the global picture.  
8 We look at all the sides of the picture, positive and  
9 negative. So, in case of an application from one of  
10 the property owners, we not-- I'm not going to just  
11 look at the technical documents and testing and these  
12 kinds of solid documents, but we'll also talk to the  
13 public, see-- try to understand the impact of such,  
14 where stand [sic] the public. And at the end of the  
15 day, it's not just a technical document. These  
16 technical document supposed to be prepared to serve  
17 the public. So, if making a determination or a  
18 decision, it will not be in the favor of the public.  
19 We're not going to make that decision, or we're not  
20 going to grant that application. So, I believe the  
21 process should be-- on one side, it should be looking  
22 at technical side. On the other side, it should be  
23 looking at the impact of whether decision A or  
24 decision B, the impact of that decision on the public

2 themselves. So, that will be taken into  
3 consideration.

4 COUNCIL MEMBER CHIN: Thank you. Thank  
5 you, Chair.

6 CHAIRPERSON LANDER: Thank you, Council  
7 Member Chin. Council Member Williams for a question?

8 COUNCIL MEMBER WILLIAMS: Thank you, Mr.  
9 Chair, and thank you for being here to testify. If I  
10 repeat any questions, please let me know. I had to  
11 step out. It was just-- I'm interested, you have a  
12 wonderful resume, but it doesn't look like many of it  
13 was from New York City, and I'm just trying to find  
14 out why do you want to focus so much now on New York  
15 City as opposed to so many of the other places that  
16 you've worked and brought your expertise to.

17 NASR SHETA: You're talking about my  
18 credentials or my projects?

19 COUNCIL MEMBER WILLIAMS: I'm talking  
20 about your practice. Your credentials are great. It  
21 just didn't seem like most of what you've done-- I  
22 know you're registered here in New York City, but  
23 most of the work that you've done didn't seem to be  
24 in New York City, unless I'm misreading. So, if you

2 can just talk about the experience you had working in  
3 New York City and when that was.

4 NASR SHETA: I would say 85 percent of  
5 the projects that I did work on within the United  
6 States are in the City. The other 15 percent I would  
7 say probably 12 percent in New Jersey, by nature, and  
8 the other three percent could be somewhere else in  
9 California or in D.C. or in other states, but 85  
10 percent of the projects I did work on are in the  
11 City.

12 COUNCIL MEMBER WILLIAMS: Okay. I just  
13 see a lot of--

14 NASR SHETA: [interposing] If you look at  
15 the resume,--

16 COUNCIL MEMBER WILLIAMS: [interposing]  
17 Yeah, it just-- a lot of stuff says New Jersey,  
18 Tennessee, Egypt. There's a couple of New York. It  
19 doesn't seem like it's 80 percent of--

20 NASR SHETA: [interposing] It's-- the  
21 resume doesn't include all the projects I did work  
22 on.

23 COUNCIL MEMBER WILLIAMS: I see.

24 NASR SHETA: They resume just includes  
25 samples, and this, these samples, it's-- I'm trying

2 to present the different types of projects that I  
3 handled.

4 COUNCIL MEMBER WILLIAMS: I see.

5 NASR SHETA: But the-- like, if I to  
6 gather all the projects I did work on in US, at least  
7 85 percent of these projects are within the City.

8 COUNCIL MEMBER WILLIAMS: Okay. And how  
9 did you hear about the position?

10 NASR SHETA: From web advert and internet  
11 advert. I have seen an advert--

12 COUNCIL MEMBER WILLIAMS: An ad, you saw  
13 an ad for it?

14 NASR SHETA: Yes, yes.

15 COUNCIL MEMBER WILLIAMS: Okay.

16 NASR SHETA: On the internet, and then I-  
17 - that's how I applied. I submitted my application  
18 online enough so that I was interviewed by the Board.

19 COUNCIL MEMBER WILLIAMS: Okay. Thank  
20 you very much. Thank you.

21 CHAIRPERSON LANDER: Thank you, Council  
22 Member Williams. If that is all the questions, then  
23 we'll close the hearing. We'll reopen it on  
24 Wednesday just for the purpose in all likelihood of  
25 admitting into evidence the voting file and the

2 interim driver's license so we can have that as  
3 evidence. In any case, and this goes for both  
4 applications, we don't vote on the day of the  
5 hearing. We do the hearing. That gives us time to  
6 talk amongst ourselves and then vote before the  
7 Council Stated Meeting next Wednesday. So, we may  
8 call you back for other questions, but in all  
9 likelihood we'll just take that evidence and add it  
10 to the file, and vote on Wednesday. So, thank you  
11 very much.

12 NASR SHETA: Thank you.

13 CHAIRPERSON LANDER: We will now move to  
14 our second topic, and invite Mr. Rivadeneyra to come  
15 up and make his statement and answer questions. As I  
16 mentioned before, if designated by the Council and  
17 subsequently appointed by the Mayor, Mr. Rivadeneyra,  
18 who is a resident of the Bronx, will replace Youngik  
19 Yoon and serve for the remainder of a three-year term  
20 that expires July 4<sup>th</sup>, 2019. The Civilian Complaint  
21 Review Board is an independent body charged with a  
22 duty to investigate complaints of misconduct by  
23 police officers toward the public. Board Members are  
24 required to reflect the City's diversity. CCRB  
25 consists of 13 members, five designated by the



2 Council for appointment by the Mayor, and generally  
3 one from each borough on the recommendation of the  
4 borough delegation to the Speaker, five appointed by  
5 the Mayor, and then three designated for the Police  
6 Commissioner. Those three are the only members who  
7 have law enforcement experience. And in general a  
8 review panel at CCRB consists of one of the members  
9 appointed by the Mayor, one of the members nominated  
10 by the Council and one of the members designated by  
11 the Police Commissioner. CCRB has civilian staff  
12 responsible for conducting investigations of  
13 complaints received by the Board. Their jurisdiction  
14 includes claims, civilian complaints of excessive  
15 force, abuse of authority, discourtesy or use of  
16 offensive language. CCRB members are eligible for  
17 compensation on a per diem rate at 315 dollars a day,  
18 but unlike the prior nominee, this is a Board  
19 membership and not a fulltime job. The CCRB, as I  
20 mentioned, separately has civilian staff. So, Mr.  
21 Rivadeneyra is a new nominee for the Bronx position  
22 of the Council's nominations to the Mayor for  
23 appointment on the Board. So, we welcome you here.  
24 You come highly recommended by the Bronx delegation,  
25 and if you will raise your right hand to be sworn or

2 affirmed in, you can make your opening statement, and  
3 then we'll take statements and questions from the  
4 Board, from the Committee.

5 COMMITTEE COUNSEL: Welcome. Do you  
6 swear or affirm to tell the truth, the whole truth  
7 and nothing but the truth?

8 CHAIRPERSON LANDER: If you want to go  
9 ahead and make your opening statement.

10 MICHAEL RIVADENEYRA: Good morning. My  
11 name is Michael Rivadeneyra, and I am a resident of  
12 the Bronx. I would like to thank Chairperson Lander  
13 and the members of the Rules, Privilege and Election  
14 Committee for this opportunity to testify regarding  
15 my potential appointment as board member for the  
16 Civilian Complaint Review Board. I would also like to  
17 thank Speaker and Council Member James Vacca for  
18 putting my name forward for consideration. I want to  
19 be a CCRB Board Member to help rebuild trust between  
20 the community and the NYPD. I view the CCRB's  
21 grievance process as a vital part of diffusing the  
22 tension between the community and the Police  
23 Department and replacing it with a culture of trust.  
24 A strong community/police relationship is a critical  
25 component of public safety, and this relationship is

2 only achieved when the parties have mutual trust.

3 Empowering members of the community to express

4 grievances against the misconduct of an officer

5 offers the opportunity for the community to feel

6 respected and gives the Department the opportunity to

7 correct the behavior, which essentially is a trust

8 building exercise. I reside in the borough of the

9 Bronx with my family, and I've worked for Council

10 Member Annabel Palma and Council Member James Vacca.

11 While working for Council Member Vacca I attended

12 CUNY School of Law where I received my GED. I am

13 currently admitted to the first department and have

14 maintained a spotless record as an attorney. I

15 currently work for the YMCA of Greater New York as

16 Senior Director for Government Relations. My daughter

17 will be attending UPK in the Bronx this September.

18 Needless to say, my family has established roots in

19 the Bronx. During my tenure at the City Council,

20 while working for both community-- while working with

21 both community groups and local precincts, I came to

22 see that there was a lack of trust between the

23 community and the Police Department. That lack of

24 trust fostered a culture in the Police Department

25 that divorced officers from viewing the community as

2 equal partners. I also had the privilege of working  
3 with commanding officers and community affairs units  
4 that worked diligently towards developing meaningful  
5 and respectful relationships with the community. As  
6 a Board Member I will work towards fulfilling CCRB's  
7 mission to be the avenue for individuals to file  
8 grievances against police officers and act as an  
9 impartial, unbiased party when reviewing cases and  
10 making recommendations to the Police Commissioner. I  
11 believe there are multiple strategies that can and  
12 should be employed to improve community/police  
13 relationships and the work of CCRB is just one of  
14 those strategies. By examining alleged behavior and  
15 making corrective action recommendations, the CCRB  
16 can help improve community/police relationships by  
17 building trust, which is the foundation of a strong  
18 community/police relationship. I thank you again for  
19 this opportunity. I now look forward to answering any  
20 of your questions.

21 CHAIRPERSON LANDER: Thank you very much  
22 for your opening statement. As your recommender and  
23 representative for the Bronx delegation, I'll extend  
24 to Council Member Vacca if you'd like to make a  
25 statement or ask any questions before I ask mine.

2 COUNCIL MEMBER VACCA: Well, I just very  
3 want-- I very highly want to recommend Michael.  
4 Michael was my Director of Constituent Affairs when I  
5 first became a Councilman in 2006, and then he went  
6 on to law school, and then he went and worked with  
7 Annabel Palma as he indicated. His resume is very,  
8 very indicative of the kind of person Michael is.  
9 Michael's resume is based on his concern for the  
10 community. His temperament is one that is very well-  
11 suited to the CCRB. He's fair. He's objective. He's  
12 articulate. He's very bright. He's interested, and  
13 he's a concerned person. I can think of very few  
14 people that I would recommend more highly than  
15 Michael to this position. I'm honored to have served  
16 with him as my Chief of Staff because he came back to  
17 me in later years, just leaving in May, and he was  
18 involved in every phase of my office, the legislative  
19 phase, the community service phase, the oversight,  
20 budget oversight function that a Council Member  
21 performs, and he was my trusted advisor. So,  
22 Michael, I think your service to the City is a record  
23 you should be proud of, and I'm very proud to advance  
24 your name. I know you will serve our City well in  
25 the years ahead, and CCRB is really a place where we

2 need people like you. So, I hope the Committee will  
3 support.

4 CHAIRPERSON LANDER: Thank you, Council  
5 Member Vacca. So, I'll just ask a question or two  
6 and then open it up to my colleagues. You know I've  
7 got a great track record and resume, and you're  
8 obviously a very even-keeled, you know, level-headed  
9 person. This position is, you know, steps you into  
10 one of the most difficult and contentious spaces in  
11 our whole society right now, obviously, around  
12 civilian complaints of excessive force or police  
13 misconduct, obviously something that we're focusing  
14 on, and having that system provide genuine  
15 accountability is critical to justice and to  
16 police/community relations. There was a recent  
17 report by the CCRB about some of the concerns that  
18 even after that whole process, the NYPD disciplinary  
19 recommendations are even often reduced or not  
20 implemented. So, you know, it's a critical and  
21 challenging position, and I just wonder if you  
22 reflect a little more on. You know, I think you  
23 presented your skills in a very strong way. You  
24 know, how you see playing that role at this moment in  
25

2 the City and broader debate on this critical set of  
3 issues?

4 MICHAEL RIVADENEYRA: Yeah. First, I  
5 want to say thank you to Council Member Vacca for  
6 those kind words. To answer your question,  
7 Chairperson, I-- the landscape, you are correct, it  
8 is a contentious landscape that I'd be entering into,  
9 but I feel that the CCRB needs to hold firm its level  
10 of professionalism, its level of due diligence while  
11 examining these cases, holding itself accountable is  
12 the only way that we can push forward any changes in  
13 the NYPD and have recommendations actually considered  
14 and imposed. I feel that, you know, my skill sets as  
15 a critical thinker will add to increasing that level  
16 of professionalism. I feel that I will be able to  
17 work with my colleagues, whichever panel that I would  
18 be assigned to, to really examine thoroughly the  
19 cases and then work diligently to present an argument  
20 to the Police Commissioner that, you know, this is  
21 the best course of action.

22 CHAIRPERSON LANDER: And I can imagine,  
23 sort of, New York around the streets saying to that,  
24 well that sounds wonderful and very professional, but  
25 you know, I think there is some real-- I don't know

2 if suspicion is the right word, but concern, you  
3 know. It's like, is this really going anywhere? Do  
4 we really get the findings that we're supposed to  
5 get? Do we get the accountability that we're  
6 supposed to get? How would you respond to a  
7 skeptical New Yorker about the system that we  
8 currently have for accountability?

9           MICHAEL RIVADENEYRA: I mean, I would say  
10 that currently things have changed. I have,  
11 according to my resume, I have worked for the City  
12 well over 12 years. I've worked under different  
13 administrations, different leaderships, and I've seen  
14 a height of stop-and-frisk where, you know, there was  
15 a lack of trust, and I have seen a shift in how the  
16 police engage with the community, and I feel that  
17 that shift is leading us to where we want to be.  
18 We're not there yet. I will admit that. You know,  
19 there's a lot of work to be done, but the culture is  
20 changing between the Police Department and the  
21 community. It is a slow, dragged-out process, and I  
22 want to be part of that process to change and  
23 continue advancing it.

24

25



2 CHAIRPERSON LANDER: Alright, other--  
3 Council Member Perkins and then Council Member  
4 Williams.

5 COUNCIL MEMBER PERKINS: Thank you for  
6 your presentation and your presence. You know, this  
7 is the biggest, one of the biggest volatile,  
8 troublesome issues, policy areas that we have going  
9 on for in our City, you know? It's the relation--  
10 especially with people of color, and the  
11 relationships, generally speaking, are not very good.  
12 We may not have riots and all the other related  
13 things that might sometimes come to people's mind,  
14 but it's really a challenging situation that's taking  
15 place. Communities don't, I would say, really trust  
16 the police at the level that one would expect  
17 citizens to feel about those who are supposed to be  
18 protecting them. Are you familiar with that  
19 sentiment that takes place prior to the Bronx? I  
20 know-- I come out of the Bronx too, so I know a  
21 little bit about what's happening in the Bronx. My  
22 district is basically in Harlem and East Harlem, the  
23 Upper West Side, Morningside Heights. What is your  
24 sense of the temperature of the community vis-a-vis  
25

2 the relationship with the Police Department in your  
3 area or in the City in general?

4 MICHAEL RIVADENEYRA: You know, in the  
5 Bronx I can speak to that. The temperature is that  
6 there are parts of the Bronx that there is that level  
7 of distrust, and you know, I've seen the Mayor and  
8 this particular Police Commissioner put forth, you  
9 know, more community policing and wanting to engage.  
10 I don't see that we are going backwards in terms of  
11 how the Police Department is interacting with the  
12 community. You know, it-- you know, the national  
13 discourse right now, of course, is, you know, the  
14 police and the community aren't working together.  
15 There is unfortunate leadership that is, you know,  
16 putting forth a lot of myths in terms of how  
17 communities of color are. I feel that, you know, our  
18 communities are safe communities, and I feel that our  
19 communities could become even safer communities when  
20 we develop better relationships with the Police  
21 Department. I feel that more conversation, more  
22 discourse between the community and the Police  
23 Department is how we achieve trust, but we will not  
24 achieve that if we stop and go backwards, and I don't

2 see this particular administration or this particular  
3 Police Commissioner looking to go backwards.

4 COUNCIL MEMBER PERKINS: So, given the  
5 opportunity to sort of make a significant difference,  
6 what would you recommend in terms of that  
7 relationship?

8 MICHAEL RIVADENEYRA: You know, I think  
9 the Administration would have to look at different  
10 prongs. It is not just one particular path to  
11 answering the question. I feel that CCRB itself is  
12 one of those particular prongs, but there are other  
13 prongs to better engage the Police Department with  
14 the community. I feel that it is a multi-level  
15 strategy which I feel based on what I read in the  
16 paper about his administration and the Police  
17 Department, that that is their goal to work on  
18 different strategies, and CCRB being one of those  
19 pieces.

20 COUNCIL MEMBER PERKINS: So, I hope that  
21 you will be useful in that regard, because it's  
22 really very touching, even though we don't see some  
23 of the volatile kind of interactions that we may have  
24 seen, but it's always simmering it seems that  
25 something might happen. So, I just hope that you'll

2 be able to recognize that and attempt to bring some  
3 reconciliation so to speak of better interaction  
4 because we should be trusting the police in our  
5 communities, and I don't think we're there yet.  
6 Thank you.

7 CHAIRPERSON LANDER: Thank you, Council  
8 Member. Council Member Williams.

9 COUNCIL MEMBER WILLIAMS: Thank you very  
10 much, and thank you for being here. Obviously, you  
11 have a nice record behind you, and we appreciate you  
12 wanting to get involved, particularly at CCRB. I am-  
13 - I actually believe that this administration has  
14 done more work on this issue than is felt on the  
15 ground, and it hasn't been the commensurate change in  
16 trust. I don't think the trust has increased from  
17 last administration to this one on the ground,  
18 although I think there have been some significant  
19 changes that they deserve credit for. I don't think  
20 we're doing community policing. I always want to  
21 make that distinction. I think we're doing some nice  
22 things with neighborhood policing, and I'm in favor  
23 of it. I just don't think its community policing, I  
24 think is going well. The reason I believe that is is  
25 because unfortunately with those changes, this

2 administration has basically done nothing when it  
3 comes to accountability, same as the last  
4 administration, and they're doing worse on  
5 transparency than the last administration. So  
6 they've actually gone backwards, and because of those  
7 two things I think it's what's preventing a lot of  
8 the trust from moving forward. CCRB in peoples'  
9 minds is a way to deal with some of the  
10 accountability, but we know that that hasn't been as  
11 real as we want it to be. I'm trying to see what you  
12 think you can bring, if it's anything different, if  
13 it's anything creative to helping the public  
14 understand what CCRB does and doesn't do, and help  
15 push some accountability in maybe ways that I haven't  
16 thought of. There's a young man Dwayne June [sp?]  
17 that was shot and killed in my district about two  
18 days ago, emotionally disturbed people. The police  
19 has an account, and we would love to just believe and  
20 accept what they are saying, but we can't  
21 unfortunately because of some of the things that I  
22 mentioned previously. We'd like to get to that  
23 point. We're not there. Also, my incident that  
24 people may remember on Easton [sic] Parkway a few  
25 years ago, I had a different look, some more hair. A

2 friend of mine encountered some unfortunate things.

3 When I went to the CCRB process, the only thing that

4 was substantiated was anything that had a picture or

5 a video. Anything else was not substantiated. And I

6 say that because I appreciate you being even-keeled,

7 but sometimes there's some false equivalency that if

8 you do anything against a police officer you're anti-

9 cop or something like that, and that's frustrating to

10 me because I know we have the tendency to just

11 automatically believe what the police says. I

12 understand why it's set up that way. I am a City

13 Council Member, so I think I should have deserved at

14 least some similar thought process, and I wasn't.

15 How do you fix that? Like, they just-- whatever I

16 didn't have a picture of didn't happen. That's

17 unfortunate. I don't think that fosters trust. I

18 don't think that fosters faith if people come to

19 CCRB, and if they don't have the evidence of a camera

20 or a video, then they're just not taken seriously.

21 My hope is that some of that will be absolved with

22 two things. One, we got to roll out these body cams

23 sooner than later. I have a bill that says, "Right

24 to record, allowing people an affirmative right to

25 film the police." But with that, of course, we know

2 just because it's on camera, doesn't mean that we get  
3 justice, but at least we're all looking at the same  
4 thing. So, I'll just stop here and give you a chance  
5 to respond to anything I said.

6 MICHAEL RIVADENEYRA: No, Council Member,  
7 you're correct in terms like there are different  
8 strategies and that there are set backs in terms of  
9 moving forward. I feel that, you know, the CCRB  
10 itself is a place where more outreach, more training  
11 for the investigators can be done, that that is  
12 something that the agency could look into doing. The  
13 other broader, larger conversation of how do we  
14 develop better relationships, I think you are correct  
15 by pointing out that, you know, we need the body  
16 cameras to be rolled out soon. We do need to hold  
17 both-- all parties accountable in terms of like what  
18 information is being put out there. And when  
19 information is put out there, people have a tendency  
20 to speak out in terms of, you know, it is okay for me  
21 to now make a complaint if others are sharing this  
22 experience. You know, I think we have to dispel the  
23 belief that there is no room to express any  
24 opposition to what's being done. I feel that the  
25 CCRB as a grievance agency helps dispel those things.

2 We're, you know, we're trying to encourage  
3 individuals to make more complaints about police  
4 conduct. I feel that the partnership that the CCRB  
5 and the Council is engaged in right now where there  
6 are five council offices throughout the summer opened  
7 as Drop-in Centers to make complaints. I feel that  
8 those are small, but those are also things that need  
9 to be implemented to try to put out information about  
10 what CCRB is about, and also, you know, help the  
11 community understand that your complaint will be  
12 reviewed, and that, you know, there won't be any  
13 retaliation. It is a process. It is not something  
14 that's going to happen overnight, and I know your  
15 work, Council Member, here at the Council has been  
16 for the full term pushing for more police  
17 accountability, and as you see that it is a long  
18 process. And I think that's what the CCRB and one of  
19 the things that I want to take to the CCRB is that  
20 this is a process, and we have to keep moving  
21 forward. We can't let things set us back.

22 COUNCIL MEMBER WILLIAMS: Thank you very  
23 much. Just to reiterate again, there's been a lot of  
24 good work done, and I appreciate all the discussion  
25 with police and community working together, which I



2 continue to push forward. all of that good work,  
3 just for clarity, without real accountability,  
4 without transparency, doesn't get to the heart of  
5 what we're trying to do which is substantive change  
6 in the trust relationship. And so, CCRB is important  
7 there. I wish they had some stronger authority to do  
8 things, but they don't, and so hopefully whatever you  
9 can bring at least can help with what powers that  
10 they do have. Thank you.

11 CHAIRPERSON LANDER: And then I'll just  
12 extend this a little. You know, we had-- when we had  
13 the budget hearing with CCRB earlier this spring,  
14 they presented a very good new data transparency  
15 initiative, and I think that things at CCRB in terms  
16 of their process for investigating and substantiating  
17 complaints, making people feel comfortable reaching  
18 out to offices and making recommendations has grown  
19 stronger. Unfortunately, as their most recent report  
20 shows, it's also increasingly true that the NYPD  
21 don't utilize those recommendations or they either  
22 downgrade them or don't take them altogether. So,  
23 it's hard to figure out how you could ask New Yorkers  
24 to feel more trust in the accountability system, but  
25 you know, that's nothing something that goes to what

2 you can do inside the CCRB and it remains a  
3 critically important function.

4 COUNCIL MEMBER WILLIAMS: I'm sorry. I  
5 just want to say one thing on the record which is a  
6 nod, because you know, the space we're in is  
7 different, I want to make sure I acknowledge that.  
8 We have-- stops are down. I do know that there are  
9 stops happening that are not being counted, which is  
10 troublesome, but I think even with that stops are  
11 down, and hopefully they're being done  
12 constitutionally. Shootings are down. Murders are  
13 down. And to the credit of the NYPD, complaints  
14 against officers are down, and I think that is  
15 something that we have to account for, which is why  
16 I'm saying even with that the trust level I don't  
17 think has changed, and those are the reasons I  
18 mentioned before are part of that. Thank you.

19 CHAIRPERSON LANDER: Thank you very much  
20 for your willingness to serve and for coming down  
21 here this morning to answer our questions, because I  
22 mentioned earlier, we don't vote at the end of the  
23 hearings. We have some time to talk amongst our  
24 colleagues and the Committee will go into recess and  
25 then resume form recess on the ninth in advance of

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2 the Stated Council Meeting. So, thanks everyone for  
3 their attendance, and with that, the committee is in  
4 recess.

5 [gavel]

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C E R T I F I C A T E

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



Date August 13, 2017