

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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July 15, 2015
Start: 10:50 a.m.
Recess: 12:44 p.m.

HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS:

Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
Speaker Melissa Mark-Viverito

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

Mary A. Valverde
Nominee for Public Design Commission

Ellen Hoffman
Nominee for President of NYC Tax Commission

Ramon Peguero
Nominee for NYC Civilian Complaint Review Board

Priscilla Consolo
Nominee for Youth Board

Jeff Biles
Fine Art Federation of New York

2 CHAIRPERSON LANDER: Alright, good
3 morning. Welcome to our new Sergeants who are
4 learning on the job here. Well, that was so--
5 welcome to the Ser--alright. Good morning and
6 welcome to the New York City Council Committee on
7 Rules, Privileges and Elections. I'm City Council
8 Member Brad Lander, Chair of the Committee, and we've
9 been joined this morning by members of the committee,
10 Council Member Margaret Chin from Manhattan, Debbie
11 Rose from Staten Island, Dan Garodnick from
12 Manhattan, Inez Dickens from Manhattan, and I think
13 we'll be joined by some other members of the
14 committee, including the Speaker in a few minutes.
15 Welcome and thank you to our new Sergeants at Arms
16 who are learning on the job here, gaveling us in.
17 Also want to acknowledge our Committee Counsel Jason
18 Atonyo [sp?] and the staff of the Council's
19 Investigative Unit, Chuck Davis, the Director, and
20 Deandre Johnson [sp?], and Diana Arriaga [sp?] for
21 preparing all of the materials, both public materials
22 and background materials that members have in the red
23 binder on your desk, including if you want to start
24 looking some really nice pictures of the sculpture of
25 the nominee for the Public Design Commission that's

2 behind her resume. This morning we will be
3 considering four nominees for the Art Commission, the
4 Tax Commission, the Civil Complaint Review Board, and
5 the Youth Board in letters dated June 24th, 2015,
6 Mayor Bill de Blasio formally submitted to the
7 Council for advice and consent the names of Mary
8 Valverde for nomination to the New York City Art
9 Commission, also known as the Public Design
10 Commission, and Ellen Hoffman for nomination to the
11 New York City Tax Commission and to serve as its
12 Chair, and the Council will also consider Ramon
13 Peguero for appointment to the New York City Civilian
14 Complaint Review Board, and Priscilla Consolo for
15 recommendation for appointment to the Youth Board,
16 the latter two being Council-designated nominees. We
17 are going to take all four. We'll go in that order
18 through the four nominees to hear opening statements
19 and then questions from Council Members. After that
20 we'll be open for public testimony. If there are any
21 members of the public here, make sure you check in
22 with the Sergeant at Arms at the back and fil out one
23 of these cards. We won't be voting today on any of
24 these nominees. As is practice in the committee, we
25 do the hearing, give ourselves a little time to

2 reflect, make sure we have all the information, and
3 we'll recess the hearing today and then reopen it
4 sometime next week before the Stated Meeting for a
5 vote in Committee. So, we will now proceed to get
6 started, and our first topic to consider is Mary
7 Valverde's nomination for appointment to the New
8 York--to the Art Commission. If the Council gives
9 its consent, Ms. Valverde, a Queens's resident, will
10 be appointed to the Art Commission in the seat
11 designated for a sculptor as required by the charter
12 and eligible to complete the remainder of a three-
13 year term that expires on December 31st, 2016. We've
14 had a fair amount of dialogue in the committee here
15 and at the Council before about the New York City Art
16 Commission also known as the Public Design
17 Commission. It reviews permanent works of art,
18 architecture and landscape architecture proposed on
19 or over city-owned property, a whole set of projects,
20 construction, renovation, restoration, museums,
21 libraries, parks, playgrounds, lighting, streetscape,
22 and design installation and conservation of artwork.
23 The Commission's composed of the Mayor or his
24 representative, President of the Metropolitan Museum
25 of Art, President of New York Public Library, the

2 President of the Brooklyn Public Library, one
3 painter, one sculptor, one architect, one landscape
4 architect, all of whom have to be residents of the
5 city as well as three other residents of the city
6 with broader set of possibilities. The appointed
7 members who--skip that part. And I'll guess I'll
8 just say here before Ms. Valverde testifies that this
9 council considered the nomination and approve the
10 nomination of Hank Willis Thomas. We talked a lot in
11 some broader ways about the Art Commission, the
12 Public Design Commission and had a very good follow-
13 up meeting with Faith Rose, the Chair of that
14 committee and heard from here quite a lot about what
15 she and the de Blasio Administration have been doing
16 to improve the functioning of the Art Commission,
17 speed up the time it takes for projects to get
18 reviewed. One fact that was reported is whereas
19 previously 80 percent of the Parks Department
20 projects--wow--were rejected on their first hearing.
21 That number is down to 20 percent. So, we're really
22 seeing some significant progress forward, and we can
23 continue to have that dialogue with Ms. Rose. So, I
24 just want to mention that before we welcome Ms.
25 Valverde. If you will please raise your right hand

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 7

2 to be sworn in by the Counsel, and then give your
3 opening statement?

4 COMMITTEE COUNSEL: Do you swear or
5 affirm that you will tell the truth, the whole and
6 nothing but the truth in the testimony that you are
7 about to provide? Thank you.

8 CHAIRPERSON LANDER: I'll just point
9 members to Ms. Valverde's resume, answers to
10 questions that were previously submitted, and as I
11 said, nice photos of her sculpture are in your
12 materials. We really appreciate and welcome you
13 here, and if you'll go ahead and give your opening
14 statement?

15 MARY VALVERDE: Good morning--[off mic].

16 CHAIRPERSON LANDER: Just press that
17 button.

18 MARY VALVERDE: My apologies. Good
19 morning, Chair Lander, members of the Rules,
20 Privileges and Elections Committee of this New York
21 City Council. It's a pleasure and an honor to stand
22 before you today as a nominee to be considered for
23 the position of Commissioner as sculptor for the
24 Public Design Commission is humbling and beyond
25 fathomable for this Latina from Queens. I'm a native

2 New Yorker born and raised in Queens. I'm a child of
3 a very proud, hard-working immigrants that came to
4 New York from Ecuador. I'm a mother of three young
5 boys who attend public schools in the city. I'm a
6 professor at CUNY teaching art to young bright minds,
7 and I'm an artist in the greatest place to be an
8 artist in the world by my--that's my opinion. I went
9 to school in Queens, studied Fine Arts at FIT, and
10 finished my BFA at New York City's School of Visual
11 Arts. Upon graduating I spent over 10 years in New
12 York City establishing myself and exhibiting my work.
13 During this time I had the opportunity to work as an
14 artist, an educator and an administrator for several
15 cultural institutions around the boroughs. In fact,
16 those experiences allowed me to serve as sort of a
17 translator of art and creative projects to different
18 groups including institutional leaders, department
19 heads, educators and audience members varying from
20 school-aged children to seniors. It has prepared me
21 to see both the creative intent and the practical
22 application of projects in order for successful
23 completion. These opportunities took me from Queens
24 to the Lower East Side to Harlem and Wassaic to the
25 Bronx, Chelsea, and it later afforded me

1 opportunities nationally/internationally. In 2000 I
2 was able to bring forth a project that I proposed
3 which later became documented as a model for
4 successful pedagogy. It was a class that surveyed
5 public artworks, cultural institutions and art
6 studios as real references and inspiration for art-
7 making, investigating material and open discourse.
8 Those experiences made me a unique candidate when
9 applying to graduate school at the University of
10 Pennsylvania, unique enough that they afforded me a
11 full fellowship to the program. Those years at Penn
12 were the most rigorous, the most stressful, the most
13 amazing memorable and life changing years of my life.
14 I was able to visualize a broader sense of myself as
15 an artist, a thinker, a colleague, and now as a
16 mentor. As professor, I make use of all of my
17 experiences, actively engaged my adult students in
18 similar forms of creative discourse, always reminding
19 them that art and design is found in everything, and
20 it is the quickest way to hone in your problem-
21 solving skills. Sorry. Yes. To see the whole
22 picture, to understand the concept and manage the
23 time, effort, communication, and labor that it takes
24 to resolve an idea. There was no short cuts and no
25

2 easy answers, just a lot of ambition and a whole lot
3 of hard work. I walk the same streets I did as when I
4 was growing up. I commute daily with my children to
5 their schools and to work. So, I suppose you can say
6 I have a vested interest in keeping things beautiful
7 in the city. This nomination is an amazing
8 opportunity. I was excited to meet with the
9 Commission's Executive Director Faith Rose and hear
10 her speak about the new vision of the Design
11 Commission. If appointed, I look forward to the
12 opportunity to build relationships and trust with the
13 members of the City Council. I have an enormous
14 respect and an admiration for the participants and
15 representatives that make it possible for my family
16 and myself to enjoy this beautiful city on a daily
17 basis. It would be absolutely incredible to be a
18 part of the Public Design Commission's team and
19 contribute my experience and time positively to the
20 Commission as Commissioner.

21 CHAIRPERSON LANDER: Thank you very much.

22 We've been joined by Council Member Kallos, Ben
23 Kallos, from Manhattan. I will kick question off
24 with one or two questions. Then we'll open it up to
25 members. We're going to--we will do a time clock on

2 member questions, only because we have four nominees
3 to get through. We want to make sure we give the
4 opportunity to have good consideration to all of
5 them. So, my first question, the Art Commission is
6 in some ways a kind of an unusual body. We want
7 people's aest--you know, people who have, you know,
8 wonderful aesthetic judgment and talent which you
9 clearly do, and then to bring that to a regulatory
10 table, which is obviously, you know, more of a, you
11 know, more objective more public process, less
12 inspirationally oriented. So how do you see
13 balancing those things? I think that you clearly
14 have great aesthetic talents, judgements, ability to
15 teach. How do you imagine balancing that with the,
16 you know, what often can be more the drudgery of
17 public process in which we're trying to move a lot of
18 projects and bring in that aesthetic wisdom and
19 guidance, but also move things forward through making
20 sure we get all the projects approved?

21 MARY VALVERDE: Well, I think that in
22 general I think I should--it's just an opportunity to
23 consider all the aspects of public design. So, the
24 intent, the formal intent as an artist, but also
25 considering the relationship with the proposed

2 project and the public spaces and who lives in that
3 neighborhood and how is this going to affect
4 everyone, and also just the practicality of making
5 and how long it takes to get stuff done. As an
6 artist and as a sculptor I understand that there's
7 several components that are required when assessing a
8 project and seeing it through to the end and its
9 completion. So, I think my experience especially as
10 an administrator, you sort of have to have all those
11 hats on at the same time. You have--you want
12 something beautiful. You want something that works,
13 but you also have deadlines and timelines, and I hope
14 in being more informed about the Commission that I
15 can contribute that way and sort of have access or be
16 able to see it in both--through both lenses I guess.

17 CHAIRPERSON LANDER: Thank you. And I'll
18 just call member's attention to the answer that you
19 gave, which I thought was very good to question 3B,
20 which really flags those sort of three things of the
21 kind of intent or the real spirit of the project,
22 thoughtfulness about the neighborhood and the
23 community it's in, which is important, and these
24 practical issues. So, I appreciate that framing and
25 think it makes sense. And I guess my last question

2 will be maybe just drilling down a little here as I
3 mentioned in my opening statement as you and I have
4 discussed while the Council is supportive of the idea
5 of making sure our public realm is produced
6 thoughtfully and even inspirationally. Many of us
7 have had the challenges that a project we're trying
8 to move forward in one of our parks or in other
9 places has in the past hit the black hole of the
10 Public Design Commission, and we've seen good new
11 tone in this Administration so far where their
12 recognition that in addition to inspiration there's
13 attention to cost and practicality [sic], but I just
14 want to, you know, make sure that, you know, you've
15 heard us on those issues and commit to working in a
16 way that is collaborative with the Council,
17 collaborative with communities and mindful of our
18 ability to move things along in ways that don't
19 increase the budget or the timeline so long that
20 nothing gets done.

21 MARY VALVERDE: Absolutely. I agree. I
22 think that there are valid concerns. I hope to learn
23 more about the process if I'm appointed, and then I
24 can sort of understand where--what your concerns are
25 more in detail and I agree, I think that there's an

2 opportunity for more open communication, and if I'm
3 appointed I would be open to having, you know, that
4 sort of formal communication but also trust and have
5 people in City Council view me as someone that they
6 can sort of know that I'll stand up for whatever it
7 is that their concerns are.

8 CHAIRPERSON LANDER: Thank you. Let me
9 open it up to other Council Members for questions.
10 Council Member Kallos?

11 COUNCIL MEMBER KALLOS: Thank you for
12 your interest in service on the Public Design
13 Commission. I represent the East Side and we've had
14 a number of projects where the community has
15 specifically brought up concerns with design
16 elements. It's something that is of importance to
17 the East Side, and we were disappointed when the
18 Public Design Commission didn't actually engage.
19 They actually just almost rubber stamped stating that
20 they had no power and that they were somewhat
21 advisory and unable to make changes. Given your
22 initial statements regarding standing up, will you
23 join 51 Council Members and the community in standing
24 up with the City is trying to force through items
25

2 that do not take into account design elements and
3 ignore the design requests of the community?

4 MARY VALVERDE: Again, I'm fairly new to
5 the process, so I'm not sure what the guidelines are,
6 but I can let you know that in speaking to Faith Rose
7 and also hearing her new vision for it, I hope to
8 contribute that way. I hope to be successful in
9 communicating with City Council Members and just
10 hearing what the concerns are, and I agree that there
11 is things that are valid and I hope to be able to
12 answer to that more effectively and that everyone
13 sees me as somebody they can sort of go to.

14 COUNCIL MEMBER KALLOS: Hoping to have a
15 strong advocate on the Commission to fight for the
16 community. Thank you.

17 MARY VALVERDE: Thank you.

18 CHAIRPERSON LANDER: Council Member Chin?

19 COUNCIL MEMBER CHIN: Good morning.

20 MARY VALVERDE: Good morning.

21 COUNCIL MEMBER CHIN: And thank you for
22 being here, and its wonderful seeing, you know, your
23 experience, your background, and you will be a
24 wonderful addition to the Arts Commission. And I was
25 really glad also to hear in your answer that you do

2 take the concern in terms of the community where the
3 project will be developing in. A lot of time it's we
4 do a lot of works with the Parks Department and
5 that's where the delay lies in. It's that often times
6 a project doesn't even get completed, you know, years
7 after years. We put the money in the capital budget
8 and we don't see any result, and often times the
9 Parks Commission says, "Well, this got to get
10 approved by the Arts Commission." And it really gives
11 us a very negative image of the Arts Commission like
12 to the point in the last session there were Council
13 Members who wanted to get rid of the Arts Commission
14 because of all the delays and the--so I hope that by
15 you joining the Art Commission that you can really
16 help us speed up the process, but also help the
17 community to understand what the Art Commission is
18 all about and to help promote more public art
19 projects and Parks, you know, projects that really
20 could relate to the population that are living in
21 those community, especially the new immigrant
22 population that they can really find way to
23 appreciate and get involved, because in my district
24 right now we're trying to get a statue installed in
25 the park permanently, and one of the biggest hurdle

2 that we have to get over is getting the Arts
3 Commission. So, I think that really understanding
4 the community and the cultural aspect of the
5 community will really go a long way. So, I look
6 forward to working with you and hopefully you will be
7 a strong advocate--

8 MARY VALVERDE: [interposing] Likewise, I-

9 -

10 COUNCIL MEMBER CHIN: [interposing] in
11 the Arts Commission for us.

12 MARY VALVERDE: look forward to know more
13 about the Commission, and I hope that my personal
14 experience as well as, you know, being an active
15 member of the community and having children and
16 understanding how important public parks are. That
17 would give me a sort of broader understanding of why
18 certain things need to sort of be more affective and
19 timely. I hope to learn more, like I said, before
20 about the process and to contribute and hopefully you
21 will see me as an advocate. I hope to be one.

22 COUNCIL MEMBER CHIN: Thank you. Thank
23 you, Chair.

24 CHAIRPERSON LANDER: Thank you, Council
25 Member. Any other questions? Alright, Ms. Valverde,

2 thank you very much for your testimony and the
3 answers to the questions. I know there is at least
4 one person who signed up to testify in favor when we
5 get to the public section. So we look forward to
6 hearing that as well.

7 MARY VALVERDE: Thank you.

8 CHAIRPERSON LANDER: Thank you. Okay.
9 Moving from the sublime to the meticulous. Come on,
10 that's worth more than that. Thank you. Thank you.
11 Thank you. I appreciate that. We will now move
12 along to our second topic, Ellen Hoffman, candidate
13 for the Presidency of the New York City Tax
14 Commission. If the Council gives its advice and
15 consent, Ms. Hoffman, a Manhattan resident will fill
16 a vacancy and serve for the remainder of a six year
17 term that expires on January 6th, 2020. The Tax
18 Commission is charged with the duty of reviewing and
19 collecting all assessments of real property within
20 the City of New York that are set by the New York
21 City Department of Finance. Any Commissioner shall
22 exercise such other powers and duties as the
23 President may from time to time assign. The
24 Commission has a president and six Commissioners, all
25 of whom have to have at least three years' experience

2 in the field of real estate or real estate law. The
3 President receives an annual salary of 192,198
4 dollars, and the other Commissioners receive an
5 annual salary of 25,677. We want to welcome Ms.
6 Hoffman who as you'll hear shortly and have had the
7 chance to review in the materials has extensive
8 background in this area and field, already serving
9 the people of the city in very related ways. So, Ms.
10 Hoffman, if you'll raise your hand to be sworn in and
11 then we'll take your opening statement. Let me first
12 welcome and note that we've been joined by Council
13 Member Jumaane Williams from Brooklyn.

14 COMMITTEE COUNSEL: Do you swear or
15 affirm that the testimony you're about to give will
16 be the truth, the whole truth and nothing but the
17 truth?

18 ELLEN HOFFMAN: I do.

19 COMMITTEE COUNSEL: Thank you.

20 ELLEN HOFFMAN: Good morning, Chair
21 Lander and members of the New York City Council Rules
22 Committee and Council Member Kallos. Thank you for
23 considering my appointment as President of the New
24 York City Tax Commission. It's a privilege to be
25 here. I look forward to answering any questions you

2 may have. The real property tax affects virtually
3 every city resident directly or indirectly. It's the
4 city's largest source of tax revenue, but individual
5 property owners can find the assessment and review
6 process confusing. The Tax Commission was created
7 under the City Charter to provide an opportunity for
8 property owners to have an independent review of
9 their property assessment. As President of the Tax
10 Commission, I would hope to be able to help property
11 owners better understand the tax and make their
12 experience with Property Tax Administration as
13 efficient and seamless as possible. I believe my
14 experience well qualifies me for the responsibilities
15 of President of the Tax Commission. I've had the
16 pleasure of working in city government and serving
17 the people of the city for 25 years. Since 2005 I've
18 been a Commissioner of the New York City Tax Appeals
19 Tribunal, which hears appeals from determinations of
20 administrative law judges on petitions involving all
21 city administered taxes other than the property tax,
22 but during that same time under a delegation from the
23 previous Tax Commission President Glenn Newman I've
24 conducted well over 5,000 Tax Commission hearings on
25 applications for review involving evaluation,

2 classification and nonprofit exemptions. As both the
3 Tax Commission and Tax appeals tribunal provide
4 independent administrative review of tax assessments,
5 since 2008 the Tax Commission and the Tax Tribunal
6 have been combined under the umbrella of the Office
7 of Administrative Tax Appeals, which jointly
8 administers the two agencies achieving economies of
9 scale on efficient use of resources and personnel.
10 Since June 1st I've been Acting Director of that
11 Office. Prior to joining the tribunal I was with
12 Department of Finance for 16 years serving initially
13 as Director of Tax Law overseeing letter rulings,
14 regulations, forms development, and legislation. In
15 1995 I took on the supervision of the Conciliation
16 Bureau, which provides a mediation function within
17 the Department of Finance to resolve non-property tax
18 disputes with tax payers. While at the Finance
19 Department I oversaw the Tax Amnesty Program from the
20 drafting of the legislation and regulations to
21 implementing the program and coordinating all of the
22 divisions within the department involved in making
23 that program a success. Apart from my work directly
24 with the Tax Commission, much of the work I've done
25 with the Tribunal and with the Finance Department

2 before that involved the city's real property
3 transfer tax and commercial rent tax, both of which
4 require an understanding of real estate leasing,
5 ownership and transfer. Before joining the
6 Department of Finance I was a tax attorney in private
7 practice here in the city for 11 years. A large
8 portion of my work was with the real estate
9 Departments so much so that three of the partners in
10 one of my firms invited me to go with them when that
11 firm dissolved. The laws governing the city's
12 property tax were enacted over 30 years ago and are
13 unquestionably complicated. I believe my experience
14 well qualifies me to administer the tax in a way that
15 is clear and efficient as possible. So, I thank you
16 for your attention this morning, and I'm happy to
17 take any of your questions.

18 CHAIRPERSON LANDER: Thank you very much
19 and thanks for the service you provided to the city
20 far and your interest in the position, and I think
21 there's just obviously no question that you have the
22 qualifications and experience for the position and no
23 conflicts or anything else that we can review. So, I
24 guess I'm going to ask a couple of more substantive
25 questions. You know, you identify in your questions,

2 your answers prepared for the pre-hearing questions
3 and in interest in conducting a review, as you
4 pointed out. It's a confusing complex process, and I
5 think for Council Members what we hear are, of
6 course, the people who are most frustrated with in
7 some range of different ways. You talk about, you
8 know, obviously we're constrained in many ways by
9 state law at what can be done at the Commission, what
10 can be done at the Council, but you talk about
11 conducting a comprehensive review and taking a look
12 at some of the procedures, some of which you've been
13 working with for a long time. And just talk a little
14 more about what that review looks like and what you'd
15 hope to accomplish and what kind of changes you might
16 be considering.

17 ELLEN HOFFMAN: Although I'm well aware
18 of the substantive work of the Tax Commission, I've
19 only been administering it since the beginning of
20 June. So, I'd rather--it's going to take some time
21 to really familiarize myself with all of the
22 procedures before I start implementing any major
23 changes, but one aspect of it that I'm familiar with
24 is the amount of paper involved, and we have, as I
25 indicated in my prepared answers, we have over 100

2 filing cabinets filled with case files, and every
3 season we have to move those files around so that the
4 hearing officers can review the cases. I'd like to
5 look at ways that we might reduce the amount of paper
6 going forward and manage that paper more efficiently.
7 One possibility is electronic filing, at least part
8 of the papers. I would note that the Finance
9 Department has implemented a--in the process of
10 implementing a program to replace all of its main
11 frame computer systems for property tax assessment.
12 The Tax Commission's computer system are fully
13 integrated with that system, both receiving data and
14 transmitting data to that, to the Finance
15 Department's computer system. So, until that system
16 is fully implemented, is working smoothly and all of
17 the people of the Tax Commission who would have to
18 use it are comfortable with it, we really couldn't
19 begin to implement some additional electronic system.
20 So that's a little bit a ways off because it will
21 take a couple of years for that program to be fully
22 implemented, but I will look at whatever other
23 procedures we can implement more quickly.

24 CHAIRPERSON LANDER: And as part of that,
25 kind of, additional review work that you do when you

2 come in, I wonder if you'd be open to some dialogue
3 both with applicants, whether some kind of survey in
4 with Council Members so that the experienced members
5 of the public have and the experience Council Members
6 have as a result of the experienced members of the
7 public have can help inform your, you know, your
8 thoughts on changes and procedures.

9 ELLEN HOFFMAN: Absolutely. The Tax
10 Commission now conducts a number of outreach
11 programs. This year we did at least 10, two in each
12 borough, one in the morning or during the day and one
13 in the evening. In February, after the first round
14 of bills and notices of property value have gone out,
15 we can expand on that. We do our best to work with
16 members of the Council to provide information in
17 their districts. I think we can probably do some more
18 of that. I'd like to look at our website to see what
19 additional information we can put up there, maybe in
20 a more user-friendly way in how we might integrate
21 information with the Finance Department's website so
22 that the various functions of the two agencies are
23 clear and there can be a direct link between them.

24 CHAIRPERSON LANDER: And I guess related
25 to that one thing that you said in your answers that

2 I thought was interesting is that there's beyond the
3 information that's currently available within the
4 appeals process that additional information from
5 other government agencies might be useful. What sort
6 of things do you have in mind there?

7 ELLEN HOFFMAN: There are a number of
8 bodies both within government and outside of
9 government that do research on demographic
10 information that is relevant to property values.
11 There's the Furman Institute at NYU, for example.
12 Rent Guidelines Board collects a lot of information.
13 I'm sure there are other bodies out there that
14 collect that kind of information as well.
15 Information about schools and various other kinds of
16 community characteristics are relevant to property
17 values, and I think we could make better use of some
18 of that information to refine our procedures.

19 CHAIRPERSON LANDER: Great, thank you.
20 We've been joined by our Speaker, Melissa Mark-
21 Viverito as well as Council Member Levine from
22 Manhattan. Let me throw it open to question from
23 members. Council Member Garodnick?

24 COUNCIL MEMBER GARODNICK: Thank you very
25 much, Mr. Chairman. Ms. Hoffman, welcome, and I want

2 to say your background and credentials are very
3 impressive and I think that you're extremely well
4 suited for this. So, I will say in advance a
5 congratulations to you, but I did want to ask since
6 you raised the issue in your testimony about your
7 work related to the transfer tax and on the
8 commercial rent tax, we've been having increasing
9 conversations here at the Council about the fairness
10 and applicability of the commercial rent tax in
11 particular and whether there are ways for us to amend
12 it to create more fairness for businesses in
13 Manhattan south of 96th Street, the only ones to whom
14 this tax today applies. I wanted to see if you had
15 from your experience any insight or feeling about
16 that tax and how you might advise us in the way we
17 think about that issue.

18 ELLEN HOFFMAN: I've had a fair amount of
19 experience with that tax. It is virtually unique in
20 the country. There are a few other jurisdictions
21 that have something comparable. The main issue with
22 it, it has been as you indicated--it's now limited to
23 lower Manhattan, the levels of credits. It has
24 lifted the floor below which it doesn't apply. So,
25 we have, the city has lowered the number of tax

2 payers who are subject to it, although there are
3 still quite a few who pay it, and the primary issue
4 is really replacing the revenue from it. So, but
5 there are other possibilities about--that might be
6 explored for further limiting it, to slowly phase it
7 out.

8 COUNCIL MEMBER GARODNICK: So give us a
9 few of those thoughts as to how you think we might do
10 that.

11 ELLEN HOFFMAN: Well, there are credits
12 and exemption levels that are within the authority, I
13 believe, of the City Council. So, part of the tax is
14 governed by state law and part of it is governed by
15 the City Council. So, those are the areas where the
16 city has more flexibility in making adjustments to
17 the tax.

18 COUNCIL MEMBER GARODNICK: You noted that
19 you don't know of any--you said it's virtually unique
20 of any jurisdiction in the country. Is there any
21 analog at all to this tax that you can think of where
22 you're taxing commercial rent? It seems like an
23 oddity to me and obviously it is so limited in its
24 applicability at this point. You know, is there any
25 other--anything which even closely resembles it?

2 ELLEN HOFFMAN: I know there are a couple
3 jurisdictions that have something comparable. It's
4 been a while since I've looked at that, so I would
5 have to go back and--

6 COUNCIL MEMBER GARODNICK: [interposing]
7 But nothing in New York?

8 ELLEN HOFFMAN: Nothing in New York, no.

9 COUNCIL MEMBER GARODNICK: Okay. Well, we
10 may call on you for your expertise on this one.
11 There's a--

12 ELLEN HOFFMAN: [interposing] I'd be
13 happy to.

14 COUNCIL MEMBER GARODNICK: There's a bill
15 pending and we're having this conversation now as to
16 whether we should phase out, whether we should
17 eliminate, whether we should eliminate for small
18 businesses only, whether you should balance out loss
19 of revenue from the relief of small business with
20 increase on larger businesses. There's a lot of
21 things that are on the table. So, you know, to the
22 extent that you are interested or willing to advise
23 us on that, we certainly would welcome it.

24 ELLEN HOFFMAN: I'd certainly be open to
25 hearing anything you have to say.

2 COUNCIL MEMBER GARODNICK: Thank you and
3 thanks for your willingness to take this up.

4 CHAIRPERSON LANDER: Council Member
5 Kallos?

6 COUNCIL MEMBER KALLOS: Thank you, Chair
7 Lander, for your hearing. I'm Council Member Ben
8 Kallos. For those of you who don't know, it's
9 @benkallos over social media. I'm Chair of the
10 Governmental Operations Committee with oversight over
11 the Tax Commission. I want to thank Ellen Hoffman who
12 is not only a neighbor but a constituent for her
13 years of service to the city at the Commission for 10
14 years and 16 years at the Department of Finance. In
15 2014 alone the Tax Commission received 52,221
16 applications covering 193,305 separately assessed tax
17 slots encompassing 177.6 billion in an assessed value
18 conducting 24,254 hearings and in the aggregate
19 granting only 5.85 billion in assessment reductions
20 yielding approximately 521 million in tax relief to
21 aggrieved tax payers according to your agency's
22 testimony at the preliminary budget hearing. The Tax
23 Commission organized under the Office of
24 Administrative tax appeals with a staff of 37
25 fulltime employees and a budget of only 4.3 million

2 dollars. So, thank you for all of that great work.
3 You're ready to take on all those cases?

4 ELLEN HOFFMAN: I am.

5 COUNCIL MEMBER KALLOS: The Commission
6 has had three vacancies in Commissioners and
7 following your appointment I believe it will have
8 four vacancies in Commissioners while you serve as
9 president. How would you intend to fill those
10 vacancies? How quickly, and how will you maintain
11 functionality of the Commission?

12 ELLEN HOFFMAN: The three vacancies,
13 they'll remain three vacancies with my appointment as
14 president. They're six Commissioners and the
15 President. I am a Commissioner of the Tax Appeals
16 Tribunal, not one of the part time Commissioners.
17 So, there won't be an additional vacancy created by
18 my appointment. But it's my understanding that City
19 Hall is actively exploring identifying candidates for
20 those vacancies. The Tax Commission can sit as a
21 single body of seven individuals. The City Charter
22 allows certain types of property owners to require
23 that the board, that the Tax Commission sit as a body
24 to hear their cases. That hasn't in fact been
25 requested by any of those properties. They're

2 generally utility properties. It's a very
3 specialized category. Those hearings now and have
4 been since I've been with the Tax Commission have
5 been conducted by the President along with one of
6 senior assessors with expertise in those particular
7 areas. So, the vacancies don't currently create a
8 significant issue or any issue at all in terms of
9 processing the cases, but we would like to see those
10 vacancies filled and we're open to working with the
11 Mayor's Office to interview and meet candidates with.

12 COUNCIL MEMBER KALLOS: Hopefully, you can
13 continue to advertise in applicable newspapers. The
14 previous president had advertised in applicable CPA
15 journals and industry publications.

16 ELLEN HOFFMAN: We'll continue to look
17 for them and work with the Mayor's Office to identify
18 candidates, yes.

19 COUNCIL MEMBER KALLOS: I have additional
20 questions. I'll wait for my colleagues. I'll
21 redirect.

22 CHAIRPERSON LANDER: Council Member Chin
23 followed by Council Member Dickens.

24 COUNCIL MEMBER CHIN: Thank you, Chair.
25 Good morning, Ms. Hoffman. In looking at your, you

2 known, your resume and your background, your
3 extensive experience and we're very hopeful that you
4 can help us really make a difference in the Tax
5 Commission and bring some relief to a lot of the
6 small businesses and small property owners, I think
7 in our community the biggest problem, the biggest
8 complaint that we have, I mean, especially in my
9 district. I represent lower Manhattan, and you know,
10 the commercial tax burden, but also a lot of property
11 owners who owns these old tenement building are
12 seeing their tax bills goes up every year, and a lot
13 of them provide affordable housing. They have rent
14 control, rent regulated unit, and they're just like
15 seeing their tax bill going sky high and they say we
16 can't afford to maintain our building. So, how do you
17 see like bringing some relief to these property
18 owners? They don't want to sell their building.
19 They want to preserve the building, but they are just
20 inundated, you know, with these huge tax increase in
21 terms of their property tax. At the same time, they
22 often times they pass it on to the small business,
23 the stores within that building, and so it's really
24 causing hardship not just to tenants but also to the
25 small business. And the second part of that question

2 is, yeah, they can go and fight to get an appeal, but
3 they have to hire somebody to represent them, and
4 often time maybe they'll get a little bit increase,
5 but that doesn't solve the overall problem of how
6 these type of property are assessed and how does the
7 city help bring some relief to them because often
8 times they are the one that's providing affordable
9 housing in our communities.

10 ELLEN HOFFMAN: On the issue of having
11 representation, we have a number of individuals who
12 come before the Tax Commission and represent
13 themselves. We do a lot of outreach to explain the
14 process and at those sessions we take individual
15 questions from property owners and help them prepare
16 the applicants. We treat all applicants the same
17 way, whether or not they're represented by attorneys
18 or accountants or other professional representatives.
19 In terms of providing relief, our analysis at every
20 hearing looks at the precise income from each
21 building, the expenses they incur, any particular
22 characteristics of that property, if there's been
23 damage of some sort. After hurricane Sandy we did a
24 lot of adjustments because of damage incurred, and we
25 also, as I mentioned before, look at area

2 characteristics, demographics around those
3 properties. So if there are particular problems that
4 would affect property values, but we do also take
5 into account the fact that tenants have regulated
6 rents so that there are limitations on the income
7 that the landlord can receive.

8 COUNCIL MEMBER CHIN: So, how often do you
9 do outreach? I have never heard of any Tax
10 Commission outreach in my district since the time
11 that I've been here, and the people who filed the
12 complaint, these are community organizations, they
13 have never mentioned that there has been any type of
14 session like that in the community with them, and
15 that's where the frustration lies. You know, they
16 don't know who to turn to, and they look at us. They
17 say, "City Council, you need to do something."

18 ELLEN HOFFMAN: I understand. It is
19 frustrating to many property owners. We did do two
20 outreach sessions in Manhattan at the municipal
21 building, one in the evening and one during the day,
22 but we are open to working with any member of the
23 Council to provide outreach programs more often and
24 earlier in the process for members of the community.

2 COUNCIL MEMBER CHIN: I urge the Chair, I
3 guess. We need to really work with the Tax
4 Commission to get those outreach in our community,
5 because like even the one that you did in lower
6 Manhattan, I don't think people knew about it. So,
7 we need to get that information out. Thank you.

8 CHAIRPERSON LANDER: Agreed. No, you
9 know, I mean obviously there are two big challenges
10 here. One is just how complex this system and the
11 process is and the other, of course, is that, you
12 know, you often don't know you're going to be--you
13 know, it's like anything else where you at the moment
14 that we do the outreach isn't necessarily the--so we
15 have some things to do, some work to do here, and I
16 appreciate your commitment to work with us to find
17 ways to improve the outreach and information and
18 education process. Council Member Dickens?

19 COUNCIL MEMBER DICKENS: Thank you,
20 Chair, and thank you. Good morning, Ms. Hoffman, and
21 thank you for your service. I was listening to my
22 colleague Council Member Kallos talk about the number
23 of cases and I was listening to Council Member Chin
24 talk about the outreach. Now, the City Council has
25 not raised the rate for real estate taxes. However,

2 the assessments have gone up significantly on
3 buildings, which therefore causes the real estate
4 taxes to skyrocket, which negatively impacts upon the
5 ability of owners to provide the quality and
6 effective affordable housing. Many small owners in
7 particular because of the lack of outreach from the
8 Tax Commission don't even understand the process of
9 sociary [sic] filings. They're confused. They don't
10 even know about it, and they're subjected to
11 attorneys who take 50 percent of not what they--
12 because you don't get anything back. It's a
13 reduction in the assessment. What do you see now
14 that you're going to be the President, how do you see
15 that you can effectively change the way the process
16 is being done so that small owners-- see, the large
17 owners, they have attorneys. They know what to do.
18 It's the small owners that have under 10 families or
19 under 20 families that really don't know and don't
20 understand, and I've had homeowner's forums, and the
21 Tax Commission didn't come; DOF did to try to be of
22 assistance. How do you see that you will be able to
23 affect policy change at the Commission in order to
24 really effectively help small owners in what they can
25 do to reduce their assessments, because the

2 assessments really frequently are unfair? They
3 don't--they base it upon sales and not necessarily
4 the site visit of a building.

5 ELLEN HOFFMAN: Well, the initial
6 assessments are done by the Finance Department. So,
7 in terms of doing site visits or other information,
8 we have assessors who can go out and look at a
9 property for a particular reason, but our staff
10 doesn't do that as a routine basis because we're just
11 too small during the season when we have 50,000
12 applications. For the small rental properties, the
13 state law requires the appraisal to be based on
14 income rather than comparable sales for class one,
15 which are one, two and three family homes. Its
16 comparable sales. So we are always looking at
17 income. We take into account rent regulations that
18 keeps rents from going up to market rates at some
19 times. So, for landlords that aren't collecting
20 market rate rents necessarily, that is taken into
21 account in terms of doing an income analysis for the
22 property evaluation. Outreach is always something
23 we're looking to improve, to improve information, and
24 it's something that I really want to focus on because
25 I talk to tax payers very often and hear their

2 frustration and their confusion about aspects of the
3 process.

4 COUNCIL MEMBER DICKENS: Thank you so
5 much for your answer. However, the form that the
6 owners submit does not allow for debt service to be
7 included as part of expenses, and the form doesn't
8 even allow for the reduction of uncollected and under
9 collectable rental income. So, I would venture to
10 say that it is not really a fair assessment as part
11 of how you would determine whether you would reduce
12 an assessed value for property, and I'm going to ask
13 if possible, and it may not be, if you would be able
14 to work with associations so that maybe the
15 Commission could kind of understand how they can help
16 small owners, and maybe you can because the
17 Commission is small and I understand that.

18 ELLEN HOFFMAN: We do take into account
19 collection issues and concerns, if those are
20 established by the individual owner, if they can show
21 that they've had problems collecting rents. We do
22 not take into account mortgage debt because it's--we
23 try to treat properties that are the same in terms of
24 their tenants and rents and operating expenses. So,
25 if one owner chooses to finance their acquisition and

2 another does not, that shouldn't change the relative
3 assessment of a particular property, and that's why
4 the debt isn't taking into account. But we're open
5 to hearing of other factors that maybe we aren't
6 taking into account that should be.

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

9 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
10 Chair. I thank you for the testimony. Some of what
11 I'm going to say may have been brought up because I
12 stepped out of the room, but I--you know, when we
13 think about tax, I think you said it was confusing,
14 which is an understatement. I think a lot of it
15 appears to be arbitrary how it's assessed, which is
16 also very frustrating, but I know a lot of that has
17 to do--a lot of what we may want to change may have
18 to do with the state powers. I just wanted to know
19 if you in your position would be empowered or is
20 there anything we can do to fix it? particularly
21 what I am concerned about is I know in an effort
22 years ago to try to make sure people's tax didn't
23 raise too much we did an account for amazing price
24 surges that would go in parts of the city. So, I
25 have people's homes who are assessed much larger than

2 other parts of the city that are worth a lot more
3 than their property. I mean, within the--they're
4 worth a lot more. Their property is worth a lot more
5 and they're paying less in taxes, and in my district
6 their property is worth less and they're paying much
7 more in taxes, and a lot of that happens with co-ops
8 as well and condos. Is there anything that you're
9 empowered to do to try to fix that, or are you
10 thinking about a study to try to propose to the state
11 anything that can be changed? Because it is very
12 unfortunate and very unfair the properties that were
13 retained for much less are just paying more in taxes.

14 ELLEN HOFFMAN: In terms of what the Tax
15 Commission can do in terms of overall policy, it's
16 limited in terms of what we can do. There are a
17 number of credits that individual homeowners may be
18 eligible for depending on--based on senior status,
19 income levels, veteran's disabilities, that kind of
20 thing. In terms of there are things that state law
21 can implement to give relief to homeowners of low
22 income who are struggling to pay taxes because the
23 value of their home has gone up, although it's locked
24 into the real estate, it's not a liquid value. But

2 that would really require state law, things like
3 circuit breakers and that kind of--

4 COUNCIL MEMBER WILLIAMS: [interposing]

5 Yeah, so I'm focused a lot on just assessing it
6 equitably, and I know that you're limited, but are
7 you empowered to do any kind of studies of ways that
8 we can make it more equitable that you can then
9 recommend to the state, and if so, would you be
10 amenable [sic] to doing that?

11 ELLEN HOFFMAN: We'd certainly be willing
12 to participate in a study. We're not equipped to
13 conduct a study itself, but we do have a lot of
14 information that we've accumulated in the course of
15 doing the review process that we'd be happy to share
16 with any members of the council who are looking into
17 that.

18 COUNCIL MEMBER WILLIAMS: So, you couldn't
19 take a lead, but you think you could assist?

20 ELLEN HOFFMAN: I'm sorry?

21 COUNCIL MEMBER WILLIAMS: You would not
22 be able to take a lead, but you think you could
23 assist, is that correct?

24 CHAIRPERSON LANDER: Thank you, Council
25 Member. We have one second round, Council Member

2 Kallos, and we'll keep the clock on for this, and
3 this is obviously stuff we could spend many, many--
4 and clearly we need to spend a lot more time on--both
5 on the outreach issues and on the equity issues. I
6 will also remind we're here for the appointment
7 hearing of an obviously qualified candidate and we
8 have two more behind her. So, thank you.

9 COUNCIL MEMBER KALLOS: All of my
10 colleagues are always welcome at Government
11 Operations Committee meetings where we deal with
12 these issues on an ongoing basis, and I want to thank
13 Margaret Chin and Inez Dickens for following up on an
14 issues that was next on our list, which is--your
15 predecessor at the Commission focused almost
16 exclusively on single-family homeowners and community
17 outreach. Is there an opportunity to reorient to
18 include brownstones with 10 units or less, which
19 could benefit from your outreach, and could we target
20 outreach around January when initial notices go out
21 to building owners, but before June when it is too
22 late for them to appeal the assessments?

23 ELLEN HOFFMAN: Absolutely. We can
24 tailor the outreach to particular categories of
25 property owners. We can--a lot of the property

2 owners who come to the outreach sections actually are
3 owners of the smaller rental properties that are in
4 class two, the under 10 unit buildings, but we can do
5 more specific presentations for those because the
6 issues are slightly different and the methodology is
7 different. So, yes, we'd be happy to work with the
8 Council to tailor those outreach sessions.

9 COUNCIL MEMBER KALLOS: And for what it's
10 worth, this is something that the applicant came to
11 me with, which was her proposal to start targeting
12 the 10 unit buildings. So that should do a lot for
13 district one and upper Manhattan as well as my
14 district where we have a lot of brownstones. One
15 other question that just seems to have come up is in
16 your 10 years at the Tax Commission have you had
17 occasion to come across multiple story buildings with
18 street level store fronts or commercial and vacant
19 residential properties above them?

20 ELLEN HOFFMAN: I have seen those
21 instances, yes.

22 COUNCIL MEMBER KALLOS: Is there any way-
23 -how prevalent is it? How many vacant residential
24 properties do we have above commercials because of
25 peculiarities and the tax law and is there anything

2 we can do about it on a state level or a city level
3 just in terms of your background and policy?

4 ELLEN HOFFMAN: Well, I don't have any
5 statistics on it. All I have is anecdotal
6 information based on the individual properties that
7 I've examined. There are a number of reasons why a
8 landlord might keep those residential properties
9 vacant. Commercial tenants, they're not subject to
10 rent regulation. They may be sufficient to cover
11 their cost of the property, and they have--they may
12 have longer term leases.

13 COUNCIL MEMBER KALLOS: And landlords,
14 have landlords ever applied for reductions based on
15 the fact that they weren't collecting rent on those
16 residential properties, and were they denied or
17 approved?

18 ELLEN HOFFMAN: If a landlord argues that
19 they're unable to rent residential space in a
20 building, we will look at that argument, but we will
21 not necessarily reduce a property simply because the
22 landlord keeps the residential space vacant. We will
23 assume that that space could be rented at a certain
24 market, at a certain rent depending on the type of
25 property and the area. So we will normalize those

2 income items so it doesn't benefit a property owner
3 from a property tax perspective to keep the space
4 vacant.

5 COUNCIL MEMBER KALLOS: Thank you very
6 much for your testimony today and answering so many
7 questions, your willingness to come into the
8 communities. I recommend that my colleagues who
9 serve on this committee please vote yes.

10 CHAIRPERSON LANDER: And attend the
11 Government Ops hearing at which these issues will be
12 delved into in further detail at a later date.
13 Alright, thank you very much for your time and your
14 service and your diligent answers to all of those
15 questions. I think you can hear this is something
16 that, you know, the Council and our constituents care
17 a lot about. So, thank you.

18 ELLEN HOFFMAN: Thank you.

19 CHAIRPERSON LANDER: Alright. We will
20 move onto our third topic of the morning. Yep, still
21 the morning. The candidacy of Ramon Peguero for New
22 York City's Civilian Complaint Review Board. This,
23 as I mentioned before, is actually a Council-
24 designated position. If the Council votes to appoint
25 Mr. Peguero as a resident of Queens, he'll be

2 eligible to serve for the remainder of a three year
3 term which expires on July 4th, 2018. As people
4 know, CCRB is an independent body charged with a duty
5 to investigate complaints of misconduct by police
6 officers toward the public. Board members are
7 required to reflect the city's diversity in a range
8 of ways including geographically. CCRB consists of
9 13 members, five designated by the Council for
10 appointment by the Mayor, which is what this position
11 would be, five appointed by the Mayor and three
12 designated by the Police Commissioner. CCRB has a
13 civilian staff responsible for conducting
14 investigations of complaints received by the board.
15 CCRB's jurisdiction is limited to complaints claiming
16 excessive force, abuse of authority, discourtesy, or
17 use of offensive language. The Board operates in
18 panels of at least three members. All CCRB members
19 are eligible for compensation on a per diem basis, a
20 per diem rate of 315 dollars. Obviously CCRB is, you
21 know, essential to the city in all times and
22 especially at times where we're having a dialogue
23 about criminal justice and about instances of police
24 abuse, and of course today we're very mindful of the
25 anniversary of Eric Garner's death. So, the

2 importance of having a strong attentive CCRB that can
3 be fair and judicious, listen, be objective, and
4 provide confidence to members of the public that
5 there's a place they can comfortably go with a
6 complaint, that those complaints will be reviewed
7 thoroughly and in a timely way, and that
8 recommendations will be made in an appropriate way
9 and taken seriously. Also, obviously that members of
10 the NYPD know that they will get a fair hearing and a
11 fair opportunity to make sure that they're not
12 accused falsely and have due process, and that's a
13 significant and challenging set of issues, and we're
14 also mindful that all the discipline authority rests
15 with the Police Commissioner. So, what the CCRB does
16 is makes recommendations, but whether those
17 recommendations are accepted is in the hands of the
18 NYPD, and as we saw in the first report by the NYPD
19 Inspector General, at least in the prior
20 Administration, many of the recommendations made
21 weren't followed up on. So, there's a set of issues
22 that are really important to the Council and to
23 members of the public. So, it is really important to
24 have good people on the CCRB. And so we welcome you,
25 Mr. Peguero. We appreciate your interest and the

2 service you've provided to the city in the past. I
3 ask that you raise your right hand to be sworn in.

4 COMMITTEE COUNSEL: Do you swear or
5 affirm that you will tell the truth, the whole truth
6 and nothing but the truth in the testimony that you
7 are about to provide?

8 RAMON PEGUERO: I do.

9 COMMITTEE COUNSEL: Thank you.

10 CHAIRPERSON LANDER: So if you could go
11 ahead and give your opening statement.

12 RAMON PEGUERO: Good morning. My name is
13 Ramon Peguero, and it is an honor and a privilege to
14 be here before the New York City Council's Committee
15 on Rules, Privilege and Elections, its Chair Brad
16 Lander and other members of the committee. I am
17 humbled by the opportunity to be here before you as a
18 possible candidate for appointment to the Civilian
19 Complaint Review Board. This board has a long
20 history dating back to 1950. Its main goal was and
21 continues to be to ensure the government's
22 responsibility to enforce the laws of the city of New
23 York, its balance with the rights of citizens of the
24 city not to be unduly treated, but in contact with a
25 government agent in charge of enforcement, in this

2 case the Police Department and its officers. I look
3 forward to your questions, and again, thank you for
4 this opportunity.

5 CHAIRPERSON LANDER: Thank you very much.

6 Let me direct members to Mr. Peguero's resume, some
7 news articles and response to questions that are in
8 the binder, and I should have pointed out two things
9 ahead of time. I mentioned that this is one of the
10 five slots for which the Council makes essentially a
11 recommendation to the Mayor for appointment. The
12 charter doesn't provide that it is a requirement that
13 those be one from each borough, but that has
14 historically been the practice and the way that we
15 have done things and seems wise. Mr. Peguero resides
16 in Queens and this nomination, you know, a
17 recommendation for him originated from Queens and the
18 Queens delegation of the Council, though it is a
19 recommendation from the Speaker on the Council to the
20 Mayor for appointment. Mr. Perguero, I guess the
21 question I want to ask you is there's no question
22 looking at your resume of your commitment to the
23 city, your engagement in public service, your work
24 with public sector, with nonprofit, with community
25 organizations, your understanding of this city and

2 its issues, and issues related to government. You
3 know, what doesn't jump off the page of your resume
4 is experience around issues of criminal justice and
5 law enforcement or, you know, sort of this quasi-
6 judicial oversight that the CCRB has. So, could you
7 speak to things that maybe are less in the formal
8 jobs that you've had that you feel you will bring to
9 this position and that would make you a good member
10 of CCRB?

11 RAMON PEGUERO: Sure. Well, not only
12 will you see in my resume, but let me give you a
13 little bit of my personal background. The fact that
14 my son, I'm proud to say, just finished, graduated
15 from the police academy. So he is now working in
16 Bronxville [sic] Brooklyn. In addition to that, I
17 grew up with a lot of my good friends are police
18 officers. So, that's the balance. I worked with not
19 for profits. I work with elected officials, but also
20 I have very good relationship with police officers.
21 On top of that, I believe that my law degree allows
22 me to look at issues and concerns in a very logical,
23 very methodical fashion. It gives me the opportunity
24 to put aside, for lack of better word, the feelings
25 and sentiments individually held and look at the

2 facts in front of me to make a determination of
3 whether or not something did in fact occur. So, I
4 believe that I'm in a rare position given not only
5 that work that I have--I mean, the public sector, the
6 grassroots community organizations, but also my
7 Master's Degree in Administration. I've been--some
8 people argue that as an Executive Director of a not
9 for profit, I adjudicate many cases on a daily basis.
10 There are issues that come before me, whether it be
11 with a union negotiation or union contract, whether
12 it be two employees having issues with another or
13 whether it is imparting a fair and equitable
14 distribution of benefits to the staff and the
15 constituency that we serve. So, I think that all
16 those things balance me out and put me in a good
17 position to be a fair and impartial CCRB board
18 member.

19 CHAIRPERSON LANDER: And I wonder if you
20 could just--I think other members will ask you this
21 as well. Speak to the moment that we're in, you
22 know, certainly from the moment a year ago when Eric
23 Garner was killed. There is a--not just in New York
24 City, but around the United States a crisis of
25 confidence in the system that is supposed to be in

2 place for reviewing incidents of use of force by
3 police officers around the country heavily influenced
4 by race and the experience especially of African-
5 American men, but more broadly that there just isn't
6 a system in place to give people a fair shake to
7 honestly listen to those complaints and to rule on
8 them that has any chance of bringing anything like
9 justice. We obviously saw that over the last year in
10 the black lives matters movement. I spent some of
11 the last weekend reading Tanahasi Coates [sp?] new
12 book, which is very powerful on this point, and as I
13 mentioned, the first report by the NYPD Inspector
14 General that we created showed that, you know, a
15 track record in which the CCR--even the CCRB
16 recommendations, which are relatively few compared to
17 very few, compared to the number of cases that are
18 brought, even where there are recommendations for
19 discipline, those aren't--you know, the disciplinary,
20 that's not on the CCRB, but those recommendations
21 haven't been taken by the Police Commissioner. So,
22 on the one hand, we want that fair objective due
23 process in which every single officer can count on
24 real fair due process and only be charged with or a
25 recommendation of discipline if it's merited on the

2 merits of the case. On the other hand, I just don't-
3 -you know, we have a crisis of confidence in the
4 system for considering those situations. And I just
5 wonder how you would step into this position on the
6 CCRB at this very charged, serious and important
7 moment given those realities.

8 RAMON PEGUERO: Chairman, I think you're
9 100 percent correct. It is a very difficult time in
10 our history as it relates to community/police
11 relations. I was having a very brief conversation
12 with Council Member Rose, and I believe--before the
13 meeting, and I believe that one of the biggest issues
14 that CCRB has to overcome as an independent agency is
15 that it has to be perceived, it has to be believed to
16 be independent. And the way to do that is to have a
17 closer relationship with our communities that is
18 attempting to convince of its independence. Before
19 the possibility of being appointed to the CCRB was
20 presented to me, I spoke to many friends and family
21 members and people in the community, and I said,
22 "What do you think about the CCRB?" And they said,
23 "What's that?" So, I believe that even if the CCRB
24 were to be independent and were to be just in their
25 deliberation of cases, the court of public opinion

2 believes that government agencies will take care of
3 government officials. Unless that we debunk that
4 myth and make the CCRB independent, and how do we do
5 that? I think that we have to take the CCRB to the
6 streets. What I mean by that is we have to engage
7 grassroots organizations throughout the city of New
8 York, and also to Council Member Rose, I think that
9 the CCRB has to hold meetings, and I noticed that it
10 is starting to do that, hold meeting in different
11 boroughs and in different communities. And when you
12 identify those communities that have been
13 historically at odds with the police, that's where
14 you want to go and explain your position and explain
15 your authority and explain your process. I believe
16 through transparency, the communities and the
17 individuals in those communities will feel a little
18 bit more comfortable that there will be a fair and
19 impartial review of their complaints, but in addition
20 to that, because sometimes people tend to forget also
21 like the police officer is a citizen of the City of
22 New York and that he or she should also be responded
23 to. I think that when the CCRB goes to these
24 communities and goes to police council meetings and
25 engages both parts of the issue, the citizenship and

2 the--the citizens and the police officer I think they
3 both start to see the barriers that may exist in the
4 CCRB, and perhaps then the CCRB's recommendations
5 will have a little bit more weight, because the
6 public will then be more respectful of it.

7 CHAIRPERSON LANDER: Alright, I may come
8 back on this, but colleagues are on the stack to ask
9 questions as well. Council Member Williams?

10 UNIDENTIFIED: You can.

11 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
12 Chair. Thank you so much for volunteering to be in
13 this position. I have a couple of questions to try to
14 get through what I could. I did want to follow up on
15 the first question that was brought up. I too was
16 struck of there wasn't any particular criminal
17 justice kind of slant to you work. I just want to
18 know if you could expound anymore on what you've
19 done, besides having friends that are police officers
20 that will lend yourself to the discussions that will
21 probably take place in CCRB.

22 RAMON PEGUERO: Sure. So, for--so, let
23 me give you a little bit of background. For the past
24 10 years I've been working for a nonprofit,
25 [inaudible 01:07:53] not for profiting in

2 Williamsburg, Brooklyn, and we serve the most needy.

3 We develop, we manage affordable housing. We have a

4 food pantry, a senior center, youth services, and one

5 of the things that I did prior to working in this

6 community organization was I established a, 12 years

7 ago, a thanksgiving dinner, community thanksgiving

8 dinner. And one of the things that I wanted to do

9 was to bring people together and to say there is an

10 opportunity for us outside of politics, outside of

11 race, outside of any other issue to come together

12 once a year and get to know each other, because I

13 believe that when we do that we're in a better

14 position to understand where we're coming from.

15 We're in a better position to understand each other's

16 issues. Through that initiative where we invited the

17 police, we were able to get the police so excited

18 that they reached out to me, and they said, "You

19 know, what? You've done such a wonderful job, we

20 want to do a toy drive with you." And we were able

21 to get toys for 1,000 children in the community. I

22 believe that when you talk about adjudication of

23 cases, it is not about were you part of a trial. The

24 question is do you believe you have the capacity to

25 look at an issue objectively and come with a solution

2 based on the facts presented before you, and I
3 believe that I do that on a daily basis. As an
4 Executive Director that deals with hundreds of people
5 a day, my relationship with the elected officials,
6 with the Police Department, I do that on a daily
7 basis where I have to make decisions that are
8 balanced. I made multi-million dollar decisions on
9 developments of affordable housing. And we have to
10 talk about what is affordability and what is the AMI
11 that we're going to get. So, we are always
12 deliberating and we are always adjudicating issues on
13 a daily basis.

14 COUNCIL MEMBER WILLIAMS: Thank you. I
15 get more one more question and please put me on a
16 second round. So, I think it's great that your son
17 is now a police officer at NYPD. Thank him for his
18 service for us. So, I think that's great that you
19 would bring that experience as well to CCRB. I have
20 no issue with you. I wonder [sic] what you felt,
21 because some people have had issue with people being
22 put on the CCRB that have a kind of different
23 experience, that are either involved directly with
24 police reform issues, or they themselves have filed
25 complaints against police officers from CCRB or other

2 means or maybe sued because of your interaction with
3 police officers. Do you think that should prevent
4 that type of person from serving on CCRB?

5 RAMON PEGUERO: Absolutely not. I believe
6 that for you to serve in the CCRB, you have to be
7 able to look at an issue, look at a concern, look at
8 a complaint and be able to objectively adjudicate
9 that situation. Whether--I cannot take the fact that
10 I have friends that are police officer or that my son
11 is a police officer, and that cannot be construed as
12 I am police friendly, therefore, any complaint that
13 comes before me is going to be put to the side. It
14 has be an objectivity that comes with an individual
15 whether or not the father [sic] complained in the
16 past, or whether or not they were victims of abuse
17 from the police or from any place else.

18 COUNCIL MEMBER WILLIAMS: Thank you very
19 much.

20 CHAIRPERSON LANDER: Council Member Rose?

21 COUNCIL MEMBER ROSE: Thank you, Chair
22 Lander. This Committee is very important to me as my
23 district is the home of Eric Garner incident. And,
24 it's made me acutely aware of some of the deficits
25 that we see in terms of reporting to CCRB. I first

2 want to preface my remarks that I am a mother of a
3 son, and I know that I have a tendency to be very
4 empathetic to the stories, the things that my son
5 comes home and talks about in terms of his job, and
6 so I need to ask you that you have a son who is a
7 police officer, how are you going to be objective in
8 terms of how you feel about police officers? We saw
9 with the Eric Garner case how it became very
10 polarized. It was either pro-police or negative
11 police, if in fact you questioned anything to do with
12 police procedures or activities. So, how would you
13 be able to remain objective in the hearings of cases
14 against maybe obsessive force with officers?

15 RAMON PEGUERO: Well, I mean, first of
16 all if my son were ever to be before the CCRB,
17 obviously I would recuse myself. So, I would never
18 be adjudicating a case where my son was--

19 COUNCIL MEMBER ROSE: [interposing] I'm
20 not saying your son.

21 RAMON PEGUERO: No, no.

22 COUNCIL MEMBER ROSE: I'm saying because
23 they're our children, we have a tendency to adopt
24 certain sympathies. We're sympathetic and empathetic
25 to, you know, what they experience on their jobs,

2 regardless of what kind of job they have. So, I'm
3 asking you, how do you remain objective?

4 RAMON PEGUERO: Well, first of all, I
5 don't go around sitting down with my son on a daily
6 basis to get the details of what happens at his job,
7 as he doesn't come to me and ask me of the specifics
8 of my job. I know that his job is difficult. I know
9 that his job is dangerous. And that's the level.
10 How was your day today? And that's it. So, I don't
11 go into the details and talk about, you know, who did
12 you arrest and what was your involvement with these
13 particular individuals, etcetera, etcetera. So, I
14 don't believe that that's going to be an issue.
15 Second of all, I don't think that because your son or
16 daughter is in a profession that everything that he's
17 done in that particular profession, that particular
18 institution, you automatically adopt it and turn a
19 blind eye to it. I believe that, as I said before, I
20 have very good people that I know that are police
21 officers, but every institution and every walk of
22 life there are people that try to do good and there
23 are people that don't, and that's a fact a life. And
24 the Police Department has very good officers, but I
25 believe that there might be some people that might

2 exceed the real authority given to them, and the
3 response from the CCRB is to be objective and to look
4 objectively at the case before them. It is not to
5 look at the collective.

6 COUNCIL MEMBER ROSE: Right. I'm
7 convinced that you can do that. I know that all of my
8 friends and family members who are uniformed
9 officers, they only see this thing. It's black or
10 white for them, and they don't see, you know, the
11 other--any other thing. So, I just wanted to ask you
12 about, the CCRB makes a determination about what
13 should be actually--what complaints should be sent to
14 the Police Commissioner for discipline, but often
15 times the discipline doesn't happen. What do you
16 plan to do to sort of ensure that the next step
17 actually takes place, and what would you do in terms
18 of if--do you think that the CCRB should monitor in
19 any way situations that are public knowledge, but no
20 one actually makes a complaint about should there be
21 some process whereby CCRB could address those types
22 of issues?

23 RAMON PEGUERO: Sure. Well, I think the
24 first thing that I looked at that I noticed that
25 should be a little bit more tight is the fact that

2 when you have a committee of three CCRB board
3 members, if two out of the three recommend and it
4 goes on to the Police Commissioner, and I think that
5 when you're talking about other people's lives, it
6 should really be a unanimous consent, that the
7 committee comes forward and says, "Yes, all three of
8 us looked at the facts, looked at the issues and we
9 agree." Because when you have a majority decision,
10 then you give the Commissioner a way out to say,
11 "Well, you know, not all of you agree, so therefore I
12 don't necessarily have to per say." And I'm speaking
13 on behalf of somebody I don't know how he's thinking,
14 but when there's a unanimity to the decision, we have
15 unanimously recommended this to you, it is harder to
16 explain away why you're not following that
17 recommendation from an independent source. And I
18 also think that the other thing that needs to be done
19 is, the CCRB should be meeting and having more direct
20 conversations with the Commissioner to understand the
21 thinking behind the failure to respond to the
22 recommendations. What is it that he sees that the
23 CCRB is not doing, but gives him the confidence that
24 the decision and the recommendations of the CCRB are
25 solid, are legitimate? Is there a disconnect? Is

2 there a distrust in the CCRB in the same way that the
3 community is distrusting the CCRB to adjudicate cases
4 against the police or concerns against the police?

5 And second of all, I believe that if there is an
6 issue that is prevalent in the community

7 notwithstanding whether or not someone has come forth
8 whether it be for lack of knowledge that the CCRB
9 exists or because of fear of retaliation, the CCRB
10 should have a responsibility to investigate and
11 follow up to make sure that in fact the police is
12 acting in a way that is appropriate and the policies
13 and protocol that exist are appropriate for the
14 situation that we have received knowledge of.

15 UNIDENTIFIED: Council Member Levine
16 followed by Council Member Garodnick [sic].

17 COUNCIL MEMBER LEVINE: Thank you, Mr.
18 Chair, and thank you, Mr. Peguero for your testimony
19 so far. The NYPD has instituted a program to use
20 data to combat crime, and its gained world renowned--
21 it's undoubtedly contributed to the city being safer,
22 COMSTAT, I'm sure you're familiar with it. We
23 haven't done as much to use data to manage, to bring
24 about accountability for police conduct. There's been
25 some increasing talk about this among at One Police

2 Plaza and I think the CCRB. But why not publish data
3 about CCRB complaints and rulings by precinct? The
4 same way we do on a weekly basis for crime
5 statistics. Why not hold individual commanders of
6 individual precincts accountable for this kind of
7 conduct? And why not use this kind of gate [sic] as
8 a way to intervene to identify problem hot spots,
9 precincts where misconduct started to become a
10 pattern? Tell me your thoughts on the power of data
11 to better manage police conduct.

12 RAMON PEGUERO: I totally agree with you,
13 Council Member. I think that data is important
14 because it removes feelings. Council Member Rose was
15 talking about a little bit about how people see it
16 black and white. Well, data is black and white. I
17 think that the more open and transparent that the
18 CCRB is with the data that it receives, the
19 information that it receives, the more there will be
20 trust in the CCRB. I think it's a wonderful idea to
21 have meetings with the precinct commanders and
22 question what is being done at the local level,
23 because we're always talking about the Police
24 Commissioner. What are we doing at the local level
25 where we know that these department, these precincts

2 are having historical difficult issues in dealing
3 with the community in an appropriate manner. So, I
4 think that everything that you said as far as the
5 data being shared and the CCRB being more transparent
6 are things that if I am a member of the board, I
7 would be pushing to make sure they're more accessible
8 to the public.

9 COUNCIL MEMBER LEVINE: So you agree that
10 it's appropriate to hold individual precinct
11 commanders accountable for misconduct in their--

12 RAMON PEGUERO: [interposing] Absolutely.
13 Absolutely. I think that, you know, if you area a
14 leader at any level, you should be held accountable
15 for the work or for the actions of those that you
16 represent.

17 COUNCIL MEMBER LEVINE: In fact, can you
18 just, in the time I have left, ask a bigger picture
19 question. To what extent do you think police
20 conduct, misconduct as the case maybe is the result
21 of what people often call a few bad apples? And to
22 what extent do you think police conduct/misconduct as
23 the case may be is a result of people often call a
24 few bad apples? And to what extent you think it is a
25 result of cultural problems in the department that

2 has tolerated misconduct or created a culture of
3 misconduct?

4 RAMON PEGUERO: I think that we have a
5 wonderful Police Department, and people are asked to
6 put their life on the line to protect the rights and
7 the way of life that we have gotten accustomed to
8 living. I believe that in any institution you always
9 have a couple of bad apples that are going to at one
10 point or another scar the image and the reputation of
11 the larger population of that entity, but I also
12 believe that cultural awareness is also very
13 important, and I'm not only talking about a race and
14 ethnicity. I'm talking about communities.

15 Communities have different cultures and it is very
16 important to get to know who the leaders of those
17 communities are vis-a-vi the City Council Members
18 should be playing a very big role in how we
19 disseminate information and how we work as--the CCRB
20 works with a community disseminating information to
21 make sure that the Police Department and those bad
22 apples that I may believe that may exist are filtered
23 and removed, but at the same time to make sure that
24 the reputation of those bad apples does not stain
25 [sic] the wonderful job and the sacrifice of the many

2 other officers that do a wonderful job on a daily
3 basis.

4 COUNCIL MEMBER LEVINE: Thank you.

5 CHAIRPERSON LANDER: Thank you Council
6 Member Levine. Council Member Williams has a second
7 round question and then we'll go back to Council
8 Member Garodnick who had to step out for a minute.
9 Oh, did you-- Council Member Chin, do you have a
10 question? No? Okay.

11 COUNCIL MEMBER WILLIAMS: Thank you
12 again. I did want to follow up on Council Member
13 Rose was mentioning. It's about just CCRB in
14 general. The best thing that I usually tell people
15 what CCRB helps give a catalog of what has occurred.
16 One, do you see it as a different tool besides that
17 based on what actually happens when they do provide
18 recommendations? Do you--how do you see the use of
19 the subpoena power that they now have, if that's
20 going to provide any benefit? And do you think there
21 should be a way for--the Commissioner should not be
22 solely the person that can overturn what a CCRB
23 recommendation is, that kind of juxtaposition seems
24 to be problematic, and even though it's an
25 independent agency, it doesn't really hold any

2 weight. So, can you just respond to those three
3 things?

4 RAMON PERGUERO: Well, first of all, I
5 believe that if the CCRB is to be affective, I think
6 we have to take it to the communities. I think that
7 we have to be more visible. I think that they have to
8 be more transparent. I also believe that the CCRB
9 needs to be more proactive and not reactive, because
10 by the time that a case is coming to the CCRB,
11 somebody feels that they were mistreated, that had a
12 bad relationship or bad experience with a Police
13 Department. I believe that if the CCRB were to have--
14 -and I know Council Member Rose mentioned a satellite
15 office in her council office. If the CCRB was to
16 branch out into the communities and have more of a
17 day to day presence, there will be--there will not be
18 as much of a need for somebody to come forth maybe in
19 fear and report something. The CCRB will be hearing
20 about it, knowing about it and using its subpoena
21 power to gather information to be able to make the
22 recommendations. Now, to your second part of the
23 question, it is a tough all to ask the leader of an
24 agency to give up the authority to discipline its
25 members. So, to say that the CCRB or some other

2 entity should have the right to overrule the Police
3 Commissioner. It is not something that I necessarily
4 feel strongly about, but I do believe that the Mayor
5 has the authority if he feels that in reviewing the
6 CCRB's recommendations throughout the year that the
7 Police Commissioner is not being responsive to facts
8 presented before him, then the Mayor has the choice
9 to replace the Commissioner with somebody that he
10 feels is more responsive to the needs and to the
11 facts and recommendations presented before him, but
12 not that the CCRB should be taking over the authority
13 of the Police Commissioner.

14 COUNCIL MEMBER WILLIAMS: Let me just
15 squeeze in two things to respond. I'll try to do it
16 quickly. The first, in the answers that you talked
17 about what kind of recommended changes to the NYPD
18 policy, most of your answer had to do with giving
19 time to see if those changes have had any effect. So
20 I just want to know if you could say one or two of
21 the changes that has happened and what you thought
22 the effect has been so far. And then also just to
23 see if I can tease out from my former question, you
24 did respond about some of the balance that you think
25 you provide as being a black Latino and also being

2 able to see individuals who have disrespected
3 authority figures without provocation as a balance,
4 just to kind of tease out some more of your
5 experience, if you can expound on that a little bit
6 more.

7 RAMON PEGUERO: Sure. So, as a black
8 Latino that has raised five black Latino males--

9 COUNCIL MEMBER WILLIAMS: [interposing]
10 Sorry, just can you answer the first question also.
11 The first question had to do with what changes in the
12 past few years.

13 RAMON PEGUERO: So, as far as
14 recommendations, what I noticed is that I was part of
15 a conference call about two weeks ago where the
16 police was unveiling his new initiatives as far as
17 training new police officers, and what I noticed is
18 that new officers are no longer graduating and going
19 directly into impact, having direct access to the
20 public. We are a senior officer. Now we have senior
21 officers that will come together with newly graduated
22 officers, and they're going to be training them and
23 they're going to be assisting them, and they're going
24 to be assessing their performance before they are let
25 go, so to speak, and allowed to police on their own.

2 I believe there is something new that we have to look
3 at whether or not a seasoned officer working with a
4 rookie officer is going to have an impact on how that
5 officer reacts or overreacts in a particular
6 community. So that's what I'm talking about when I
7 say we have to first look to see what's happening.

8 In addition to that, I would have to look at the CCRB
9 recommendations and determine whether those

10 recommendations which I am not privy to have been
11 followed or not followed to determine whether new
12 ways should be made or whether we should question why
13 the old ones were not accepted. So, again, you know,

14 I've been a victim of police abuse. I remember as a
15 14 year old coming from a charge [sic] very dirty and

16 a police officer that was trying to open a stolen
17 car, looking at me across the street and telling me,

18 "I bet you know how to do this, don't you?" He had
19 no reason to tell me that other than because of my--

20 the color of my skin. So, I understand how a
21 civilian would feel with those type of rules [sic]

22 being thrown at them. I remember my brother, very
23 dark skin Latino, and a group of us in a car double
24 parked, and there was a row of double parked cars,

25 only we were the only people of color that were

2 double parked, and police officer came to us and
3 said, "You're double parked. You either move or we'll
4 give you a ticket." We tried to question why we were
5 the only ones he asked to move, and the police
6 officer became belligerent because of that. So, I
7 understand that there are bad apples. I understand
8 that there are police officers that I believe that do
9 not belong in the Department that perhaps my math
10 [sic] changed even with training, but I also
11 understand that there are some communities where
12 there is because of the history and the frustration
13 and the fact that maybe they believe that CCRB and
14 other institutions have been put in place are not
15 listening to them, get a little bit overwhelmed when
16 they are dealing with the police, or because of the
17 history or because of a bad apple, and they over-
18 react. They curse, or they refuse to follow the
19 orders of the directives of the police officers and
20 that also escalates the situation. So I've seen both
21 sides, and I believe that I've had bad experiences
22 with the police, but at the same time I also remember
23 a group of gang members trying to rob me and police
24 officers racing to the scene and helping me and
25 defending me. So, I believe that that's the balance

2 that I'm talking about. That'll come with any pre-
3 conceived notion that the police is good or bad and
4 that the person doing the complaint against the
5 police is an honorable person or dishonorable person.
6 I'm looking at the facts and making that
7 determination of these arrests before me.

8 CHAIRPERSON LANDER: Thank you, Council
9 Member. Council Member Garodnick?

10 COUNCIL MEMBER GARODNICK: Thank you, Mr.
11 Chairman, and very briefly, thank you for your
12 testimony today. I want to follow up on your colloquy
13 with Council Member Williams. My understanding of
14 your response to his question is that you believe
15 that when it comes to the decision on discipline, it
16 should rest in the hands of the Police Commissioner
17 and the ultimate authority there is the Mayor if he
18 believes that that's not being handled appropriately,
19 you replace the Police Commissioner. Just to follow
20 up on that, there are a variety of different
21 component parts of this process, everything from
22 complaint all the way to discipline. Who do you
23 think should have the power to bring the cases in the
24 first instance? Who do you think should be doing
25

2 that, deciding whether or not to pursue a police
3 officer on a case of civilian complaints?

4 RAMON PEGUERO: I believe that the Police
5 Department should be reviewing the actions of the
6 police and what I mean by that is if I am a commander
7 of a precinct and there is a complaint, I should
8 really take that seriously, because that particular
9 complaint is going to be reflective of all of us, but
10 I also believe that CCRB should not only wait for a
11 civilian to come before and put a complaint. That's
12 why I believe that the CCRB should be more local
13 where they have eyes and ears throughout the City of
14 New York and they should be able to automatically not
15 be reactive but be proactive and be able to say, "You
16 know what? I went to a town hall meeting. I went a
17 police council meeting or I went to an event where
18 people are concerned about XYZ issues concerning the
19 police. Let us now look into this."

20 COUNCIL MEMBER GARODNICK: So, it sounds
21 like your vision for the CCRB is one of a broader
22 policy effort where CCRB is out in communities being
23 an access point for people to express their
24 complaints more generally, but your point about a
25 precinct commander being the one who should be

2 dealing with this sort of thing, say a little bit
3 more about how you think the process should unfold if
4 I have a complaint against a police officer, where
5 should I be going with that?

6 RAMON PEGUERO: I believe that if--follow
7 up on your scenario, the person should go to the
8 commander and complain, "Your officer did xyz, which
9 was inappropriate." Whether it be discrepancy [sic],
10 whether it was foul language, etcetera, excessive
11 force. But at the same time, if that commander does
12 not give you a satisfactory answer or follow up, the
13 CCRB then comes in. You say, "You know what? Let me
14 take this to the CCRB. I gave the commander an
15 opportunity to rectify what I believe to be
16 inappropriate behavior on the part of the officer.
17 They did not. I want to take it to the next level,
18 which is the CCRB." And part of the investigation of
19 the CCRB should not only be the officer, but also the
20 commander and why the commander did not, he or she
21 did not seek actions to rectify that before now
22 taking it to the Police Commissioner.

23 COUNCIL MEMBER GARODNICK: As a--may I,
24 Mr. Chairman? As a CCRB member, how would you view a
25 case in which somebody did not first go to a precinct

2 commander to try to resolve the issue internally
3 within the Police Department, but instead took the
4 case directly to the CCRB?

5 RAMON PEGUERO: Well, I'm not suggesting
6 that that is the--that is what is being followed or
7 that is what is being done. I'm saying
8 hypothetically that's what I would recommend should
9 be the first step, but I also understand that, you
10 know, there's a lot of distrust with the Police
11 Department and ideally, yes, I would love that to
12 happen, but most people won't do that. Most people
13 now trust the police, the commander of the police
14 unit to actually do something against that so-called
15 blue wall of silence. So, I will not think anything
16 less or anything more if the person came directly to
17 the CCRB to try to seek relief from an unjust act
18 that they perceive or they received.

19 COUNCIL MEMBER GARODNICK: Okay. So it's
20 your personal view that people should go to the
21 precinct commander first, but you would not hold it
22 against them if they came to the CCRB first?

23 RAMON PEGUERO: Not at all. Not at all.

24 COUNCIL MEMBER GARODNICK: Okay. I think
25 that's obviously important. But let me go to the

2 question that I was asking before, and the question
3 that I was asking was, who should have the right in
4 this conversation to actually bring the case against
5 the police officer? Should it be the Police
6 Department deciding whether or not the case should
7 move forward, or should it be the CCRB making that
8 determination?

9 RAMON PEGUERO: The CCRB. That is the
10 role of the CCRB. The role of the CCRB is as an
11 independent agency to look objectively at the matter
12 at hand and making a determination whether or not
13 that police officer did something that requires
14 recommendation of disciplinary action by the Police
15 Commissioner.

16 COUNCIL MEMBER GARODNICK: And what has
17 happened at least historically is that the CCRB would
18 then refer the case over to the Police Department,
19 and the Police Department would make the decision of
20 whether or not to commence an action against that
21 police officer. So my question for you is, do you
22 think that the decision of whether to commence a
23 formal action against the police officer should be
24 done internally within the Police Department or
25

2 whether that decision should be also made by the
3 CCRB?

4 RAMON PEGUERO: Repeat your question.
5 I'm trying to understand.

6 COUNCIL MEMBER GARODNICK: So, the--there
7 is a formal process of commencing some sort of a
8 disciplinary procedure against a police officer.
9 Most of this lies, as you know, within the framework
10 of the NYPD right up to the Commissioner who decides
11 on what the discipline is at the end of the day. The
12 law prescribes that it is the Police Department that
13 makes the decision on whether or not to pursue the
14 cases that the CCRB has substantiated. My question
15 for you is whether you agree with that process that
16 the Police Department should be making those
17 determinations after the CCRB substantiates or
18 whether the CCRB should be substantiate and then have
19 the authority to commence the action against the
20 police officer.

21 RAMON PEGUERO: I believe that you have
22 two processes. You have the one where the Police
23 Commissioner and the Police Department has their own
24 investigative abilities to investigate actions of a
25 police officer and the one where there is a complaint

2 brought by a civilian to the CCRB on the actions of
3 the police officers. So, I--again, I feel that to
4 ask the CCRB--better yet, to ask the Commissioner to
5 give up his authority to discipline his force. I
6 don't know if that's what you're asking.

7 COUNCIL MEMBER GARODNICK: Well, the
8 disciplinary authority would always rest with the
9 Police Commissioner's power. The question about
10 commencing the case, not just substantiating saying
11 we have a complaint to the CCRB, we believe this to
12 be relevant and real and legitimate and we are
13 substantiating it. Something happens at that point.
14 And what has happened in history is that it gets
15 referred to the Police Department. They do as you
16 say their own investigation and then they make the
17 decision about whether to even pursue it well before
18 it gets to a point of the Police Commissioner
19 deciding what the disciplinary action would be. But
20 there is a critical juncture in there in which
21 there's a decision made as to whether or not to
22 actually pursue this sort of a case against a police
23 officer for a matter of civilian, you know, dispute
24 or police misconduct. I'm really just asking you as
25 to whether or not you think that that decision should

2 be made at the CCRB level or whether you think that
3 that decision should be made at the NYPD level.

4 RAMON PEGUERO: Well, I believe that the
5 CCRB investigates the cases, and because it has
6 investigators. It investigates the cases, and I
7 believe that they should be looking at all the facts,
8 and they should be adjudicating the case, and thought
9 that adjudication that's where their recommendation
10 to the Police Commissioner will come based on those
11 facts, and that's why I'm saying that if, you know,
12 actually right now we have a committee of three in
13 the CCRB. It is broken down in committees of three.
14 If two out of the three committee members believe
15 that the case has been investigated and that matter
16 is being taken to the Police Commissioner, that's
17 when they do so. I believe that that policy should
18 be changed to all three members to give it a little
19 bit more weight, saying, you know, in unanimity we
20 all agree that this is egregious enough for the
21 Police Commissioner to take actions against this
22 police officer. If that was the case, then I believe
23 that there should be a better relationship given the
24 statistics that 30 to 40 percent of those
25 recommendations are not followed based on the chart

2 that I saw on the CCRB website are not followed by
3 the Police Commissioner to have the CCRB talk to the
4 Mayor saying that we have a problem here. Their
5 solution, "Well, you have an ordinance in place to
6 adjudicate, to investigate, and somehow the Police
7 Commissioner is ignoring those investigative
8 results." And that is a problem because that means
9 that the citizens [sic] is feeling that they're not
10 being heard. And at that time, I believe the Mayor
11 should then take steps to make a determination
12 whether that Police Commissioner is feeling the pulse
13 of the people and understanding the magnitude of the
14 seriousness of what's going on with each department.

15 COUNCIL MEMBER GARODNICK: Okay. So, just
16 to summarize, I don't want to hog up all the time
17 here. From what I hear you saying, and you can tell
18 me if I heard you correctly, that your belief is that
19 when it comes to the evaluation of the complaint from
20 a civilian, the current practices that you need two
21 of the three members of the of CCRB panel to
22 substantiate and recommend that it move over to the
23 next step.

24 RAMON PEGUERO: Correct.

2 COUNCIL MEMBER GARODNICK: You believe
3 that it should be all three members of the CCRB
4 making it a little tougher for that to move forward.
5 Is that correct?

6 RAMON PEGUERO: No, making it a little
7 bit tougher for the Commissioner to ignore the
8 recommendation.

9 COUNCIL MEMBER GARODNICK: And for it to
10 move forward. You need an extra vote for it to move
11 forward at least in example [sic].

12 RAMON PEGUERO: Well, [inaudible
13 01:43:18] it's going to be tougher if the facts are
14 before you. I believe that there are three people
15 seeing the facts, it will be very--it might appear to
16 be tougher because it's unanimous, but I believe that
17 if the facts are there, unless that CCRB member is
18 there for the purpose of being an obstacle, he or she
19 will say, "Yes, the facts merit this to move
20 forward."

21 COUNCIL MEMBER GARODNICK: Right. I mean,
22 I'm sure we can agree that it is tougher for you to
23 get unanimity than a say a super majority of a panel,
24 right?

25 RAMON PEGUERO: Yes, that's correct.

2 COUNCIL MEMBER GARODNICK: So, this would
3 make it tougher to move the case forward. Maybe
4 people would agree. Maybe they wouldn't agree. But
5 to get a third vote on a panel, it makes it tougher
6 for the case to move forward. I also think I hear you
7 say that you believe the decision beyond that, like
8 once that panel makes its recommendation of three, if
9 the panel of three unanimously makes a recommendation
10 to the Police Commissioner, I'm sorry, to the Police
11 Department, that the Police Department should take it
12 from there, commence the case and take the
13 appropriate action. Is that correct?

14 RAMON PEGUERO: Correct. Correct.

15 COUNCIL MEMBER GARODNICK: Okay. And
16 there has been over the past year and a half to two
17 years a pilot program where it is the CCRB that has
18 actually made the decisions on which cases to pursue,
19 beyond the panel of three, but actually taking the
20 action of those cases. Do you have any reaction to
21 how that has worked out over the past year and a half
22 to two years?

23 RAMON PEGUERO: I'm not aware of that so
24 I'm not in the position to comment on it.

2 COUNCIL MEMBER GARODNICK: Okay. Alright,
3 thank you, Mr. Chairman. I appreciate it.

4 CHAIRPERSON LANDER: Thank you, Council
5 Member Garodnick. We've been joined by Council
6 Member Reynoso. [off mic] Okay, Mr. Peguero, thank
7 you very much for spending this time with us and your
8 interest in the position and all the good public
9 service that you've engaged in and your time today.
10 Alright, for the fourth and final topic on today's
11 hearing, I'd like to call up--hang on-- Ms. Priscilla
12 Consolo for a nomination to the New York City Youth
13 Board. If the Council votes to make this
14 recommendation, Ms. Consolo will be eligible to serve
15 on the New York City Youth Board for an undefined
16 term. The Youth Board Service is an advisory body to
17 the Commissioner of the Department of Youth and
18 Community Development with respect to the development
19 of programs and policies relating to youth in the
20 city. The board consists of 28 members appointed by
21 the Mayor, 14 of whom are appointed upon
22 recommendation of the Council. The board must be
23 representative of the community and include persons
24 representing the areas of social services,
25 healthcare, education, business, industry, and labor.

2 The board meets quarterly and members serve without
3 compensation. I confess Ms. Consolo and I reviewed
4 your resume and your answers. I did have trouble
5 reconciling your age and the length of your resume
6 and activities and all the many significant things
7 you've done. So, my questions are going to be pretty
8 tough because I don't really believe that, you know--
9 it's very impressive to have a 21 year old college
10 student have their resume and that experience and
11 background that you have. And I'm sorry several
12 members of our committee had to run downstairs for a
13 budget negotiating team meeting, but a few of them
14 had looked at it as well and remarked to me that you
15 seem like a remarkable applicant, nominee. So, thank
16 you very much for being here. Let me ask you to
17 raise your right hand to be sworn in by Counsel.

18 COMMITTEE COUNSEL: Do you swear or
19 affirm to tell the truth, the whole truth and nothing
20 but the truth in the testimony that you're about to
21 give?

22 PRISCILLA CONSOLO: Yes.

23 CHAIRPERSON LANDER: Let me ask you to go
24 ahead and give your opening statement.

2 PRISCILLA CONSOLO: Good afternoon. My
3 name is Priscilla Consolo. I am 21 years old. I'm a
4 student at Fordham University with a Major in history
5 and a double minor in political science and American
6 studies. I have been working on the staff of Assembly
7 Member William Colton since 2011. I've been working
8 with the youth of our city for a number of years as a
9 volunteer of Our Lady Grace's Team Group Program. I
10 have worked with middle school and high school
11 students. My work with these young people include
12 mentoring them on issues relevant to their lives,
13 tutoring them in academic subjects, teaching them how
14 to make healthy decision, and giving them guidance on
15 how to become successful young adults. In addition,
16 with Assemblyman Bill Colton, I founded the Speak Up
17 and Clean Up grassroots campaign. We partnered with
18 local high schools and community organizations
19 granting community service hours to young people who
20 volunteer for our events during which we clean
21 streets in our neighborhood. Since 2011, thousands
22 of youth have volunteered for our clean up events as
23 part of this project. In addition, I've been
24 involved in my local community through the City
25 Council's participatory budgeting program serving on

2 the Schools and Library Committee in Council Member
3 Treyger's district. I'm also a member of Brooklyn
4 Community Board 11 as a member of the Youth and
5 Education Committees. As exemplified in my record of
6 service to my community I'm committed to public
7 service. I plan on working in public service my
8 entire life, dedicating my life to helping others. I
9 hope to become a member of the New York City Youth
10 Board to represent the young people of our city. I
11 hope to be their voice, especially since our youth
12 are often left voiceless. As a member of the Youth
13 Board, I plan on working on addressing the needs and
14 concerns of our city's young people. Some of the
15 issues I'm most interested in working on are
16 improving education, social services, and employment
17 training and opportunities. Thank you for
18 considering appointing me to the City's Youth Board.

19 CHAIRPERSON LANDER: Thank you very much
20 for that opening statement and for all that
21 impressive service. I guess, talk a little bit
22 about--assuming you'll make this appointment, what
23 you would advocate for on the Youth Board, what do
24 you want to see DYCD do more of, less of, do
25 differently, what do you think are some needs that

2 the city has that you'd like to advocate for on Youth
3 Board?

4 PRISCILLA CONSOLO: One of the things I
5 would like to advocate for is with the Summer Youth
6 Employment Program to--when youth are placed with an
7 organization or, you know, a business, to determine
8 what their interests are or, you know, what field
9 they may want to work into, what kind of careers they
10 would like to have and try to place them into a
11 position that would help them gain the skills and the
12 knowledge that would help them in those careers.

13 CHAIRPERSON LANDER: Great. As you may
14 know, the Council is a very strong supporter of SYEP,
15 added a bunch of money in this year's budget and I
16 think would like to do even more to grow that
17 program, and many of us, including myself, have our
18 SYEP folks in our own offices as well as community
19 organizations throughout the city. So, I think
20 that's something that would be great to work on
21 together. As one of the first Council Members to do
22 participatory budgeting, that's something near and
23 dear to my heart. Can you talk a little bit more
24 about your experience working in the participatory
25

2 budgeting process, what you thought worked, what you
3 learned from it, how you'd apply that knowledge?

4 PRISCILLA CONSOLO: I think one of the
5 things that I learned from participatory budgeting is
6 how important it is to the engage the community. As
7 a member of the Schools and Library Committee I
8 worked on participatory budgeting in Councilman
9 Treyger's district throughout the whole process and
10 by working with some of our local schools and
11 parent/teacher associations, we were able to allocate
12 funding for certain improvements. They were
13 technological improvements in our local schools. I
14 think we got a million dollars or so for computers
15 for about three local schools in our district. So, I
16 think, you know, working with the community is
17 something that's very important, involving people
18 definitely on the grassroots level, something that's
19 very important to me.

20 CHAIRPERSON LANDER: Great. And have you
21 had any experience working with DYCD or with DYCD-
22 funded organizations or with the Youth Board in the
23 past?

24 PRISCILLA CONSOLO: No, I've never worked
25 with anyone that was funded by the Department of

2 Youth and Community Development or with anybody on
3 the Youth Board or with the Youth Board itself.

4 CHAIRPERSON LANDER: And I'll just flag
5 for the public, you know, there is--DYCD has a set of
6 conflicts rules that make it impermissible, and I
7 think some of us have questions about whether that's
8 really wise since we really want that kind of
9 feedback. So, while I appreciate that is a criteria
10 for the job, I hope one thing you'll do is reach out
11 to people who are part of those organizations to
12 understand how like the suggestion you made about
13 SYEP. We can make these programs even stronger.

14 Council Members, any questions? No, alright. As I
15 say, Ms. Consolo, I think your qualifications--

16 COUNCIL MEMBER WILLIAMS: [interposing]
17 Yeah, I just want to say congratulations on doing
18 amazing work. Thank you.

19 PRISCILLA CONSOLO: Thank you. Thank
20 you.

21 CHAIRPERSON LANDER: Great, thank you very
22 much for your time and for your patience.

23 PRISCILLA CONSOLO: Alright, thank you.

24 CHAIRPERSON LANDER: And being the last
25 nominee. And also I noted that your mom was here.

2 Congratulations. It's a big honor and a well-
3 deserved one. So, we congratulate you as well.

4 PRISCILLA CONSOLO: Thank you very much.

5 CHAIRPERSON LANDER: Ms. Consolo, thank
6 you. Alright, we do have one person from the public
7 signed up to testify. Jeff Biles [sp?], are you
8 still here? Yes, looks like it. So, let me ask you
9 to come up, and you're testifying in favor of Mary
10 Valverde for the PDC, representing the Fine Arts
11 Federation of New York. So, welcome. Please go ahead
12 and give your testimony.

13 JEFF BILES: Thank you. Thank you. Good
14 afternoon. My name is Jeff Biles. I'm President of
15 the Fine Arts Federation of New York, which nominates
16 candidates for the Public Design Commission. Thank
17 you for this opportunity to express our support for
18 Mary Valverde's appointment as a Commission Sculpture
19 Member. A Queens-born, first generation New York,
20 Mary respects the visions and needs of New York's
21 diverse communities. Her thoughtful sculptures and
22 installations born from deep research and reflection
23 express her family's Ecuadorian roots, but also a
24 sensitivity to the many audiences for art and design
25 in today's city. Having served as an educator at

2 Hunter College, Cooper Union, El Museo Debario [sp?],
3 and elsewhere, Mary brings a judicious and
4 disciplined approach to the Commission. A mature
5 critic with experience as an arts administrator and
6 manager, Mary is well suited to support design
7 excellence within the constraints that govern our
8 city's capital project pipeline. Above all, her
9 passion for the city makes Mary a natural advocate
10 for design's power to positively transform New York's
11 neighborhoods. We are proud to nominate Mary
12 Valverde for the Public Design Commission. Thank
13 you.

14 CHAIRPERSON LANDER: Great. Thank you
15 very much. As we, you know, saw and heard from her
16 earlier, I think we were persuaded of all those
17 things as well. So, thank you for sticking around to
18 give your testimony and for the work that you do in
19 this arena as well. Alright, this closes the public
20 hearing on all four of these topics. As I mentioned
21 at the beginning of the meeting, we're going to
22 recess today's meeting and we will reopen it. Do we
23 have the date set? The 23rd at probably 10:30, but
24 keep a watch on the calendar, and we'll resume from
25

2 recess and consider these nominees for a vote. Thank
3 you very much. WE stand in recess.

4 [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 July 20, 2015