

**Testimony of the New York City Department of Consumer Affairs
Before the
New York City Council Committee on Consumer Affairs**

**Hearing on
Introduction 1149: In Relation to the Licensing of Ticket Sellers**

April 12th, 2016

Introduction

Good afternoon Chairperson Espinal, Council Member Garodnick, and members of the New York City Council Committee on Consumer Affairs. I am Alba Pico, Acting Commissioner of the Department of Consumer Affairs (“DCA”) and I am joined by my colleagues, Amit S. Bagga, Deputy Commissioner of External Affairs, Tamala Boyd, Deputy General Counsel, Nancy Schindler, Associate Commissioner of the Legal and Regulatory Compliance Division, Mary Cooley, Director of City Legislative Affairs, and Casey Adams, Deputy Director of City Legislative Affairs.

We greatly appreciate the opportunity to speak with you today about Intro. 1149, which would require DCA to license individuals who sell tickets to tours, modes of transportation, or places of entertainment in New York City’s public spaces. We would like to thank Chairperson Espinal for convening today’s hearing, Council Member Garodnick for his leadership on this important issue, and the members of the committee for coming to hear our testimony.

DCA is the largest municipal consumer protection agency in the country, and it is our mission to empower consumers and businesses alike to ensure a fair and vibrant marketplace. The agency licenses approximately 80,000 businesses across 55 different industries, mediates complaints between consumers and businesses, conducts patrol inspections and legal investigations, educates businesses about laws and rules, and also enforces New York City’s Earned Sick Time Act, commonly known as the “Paid Sick Leave” law. In addition to its licensing, consumer protection, and labor-related work, DCA operates the Office of Financial Empowerment (“OFE”) to connect low-income New Yorkers with valuable financial services and education.

Ticket Sellers: The Landscape

We can all agree that New York City’s tourism industry is a vital source of economic development, contributing an estimated \$60 billion annually to our City’s economy.¹ Tourist-oriented businesses, such as sightseeing bus companies, comedy clubs, and ferry operators, among others, rely on the ticket seller model to be able to meet tourist demand for different types

¹ http://www.crainsnewyork.com/article/20150104/HOSPITALITY_TOURISM/301049986/strong-dollar-could-stifle-tourism-boom

of attractions. With the continual increase in the number of tourists visiting New York City – a record 59.7 million are expected to visit this year – many of these businesses have had the opportunity to grow.² This is indeed a welcome development, and DCA is committed to ensuring that these businesses – and the ticket sellers they employ – can continue to thrive.

As these businesses have grown, so too has the number of ticket sellers. While this increase has ensured continued access to in-demand attractions, it has also presented certain challenges. There have been multiple reports of tourists being aggressively harassed or being the victims of deceptive practices, such as overpayment and false advertising.³ There have also been reports of violence breaking out between rival ticket sellers.⁴ Additionally, as any New Yorker walking down lower Broadway can attest, the number and concentration of ticket sellers have both increased, often impeding the flow of pedestrian traffic and causing congestion.

The presence of these types of consumer protection and public safety challenges underscores the need for regulation of ticket sellers. The creation of a regulatory scheme is essential to ensuring that consumers can be confident that they are adequately protected in their transactions with ticket sellers and that they have effective recourse should a transaction become problematic. Because each of these challenges is unique, we seek to work with the Council and all relevant stakeholders to craft a regulatory scheme that is both sufficiently broad and also carefully tailored to ensure that the challenges are appropriately and fairly addressed. The de Blasio administration has no intention of restricting the ability of ticket sellers to earn their livelihoods and we believe that a balanced regulatory approach will expand consumer protections without endangering the industry.

In recent weeks, DCA has conducted significant stakeholder engagement to better understand the ticket seller industry and also solicit feedback on different elements of this bill. As a result of this process, which has included discussions with the New York City Police Department (“NYPD”), the New York City Economic Development Corporation (“EDC”), the Department of Transportation (“DOT”), NYC & Company, sightseeing bus companies, ferry companies, labor groups, business improvement districts, and others, we hope to take today’s hearing as an opportunity to respectfully offer to the Council proposed changes that we believe could strengthen and clarify this bill. On behalf of Mayor de Blasio and his administration, we thank the Council for considering this important bill, and we seek to work closely with you to ensure its passage.

² <http://www.nytimes.com/2016/03/09/nyregion/record-number-of-tourists-visited-new-york-city-in-2015-and-more-are-expected-this-year.html>

³ <http://www.nytimes.com/2016/02/22/nyregion/ticket-sellers-promise-marquee-names-but-the-comics-rarely-show.html>

⁴ <http://www.downtownexpress.com/2015/07/02/cops-crack-down-on-vendors-targeting-tourists/>
<http://www.nydailynews.com/new-york/nyc-crime/fake-statue-liberty-ticket-seller-attacks-legit-rival-article-1.2523846>

http://www.silive.com/opinion/index.ssf/2016/03/reining_in_aggressive_ferry_ha.html

We will now take this opportunity to provide a brief overview of what the legislation does, as well as discuss additions and edits to this legislation that we believe will enable us to establish and implement a balanced regulatory approach.

Intro. 1149: An Overview

Intro. 1149 creates a one-year, renewable ticket seller license for individuals who vend tickets to tours, modes of transportation, or places of entertainment in New York City's public spaces. All individuals engaged in this activity would be required to have a license. The legislation gives DCA the power to revoke, suspend, or decline to renew ticket seller licenses in cases where licensees engage in fraud, misrepresentation, making false statements, or aggressive vending.

This legislation also sets out certain duties, requirements, and restrictions for licensed ticket sellers. Ticket sellers must conspicuously display their licenses and keep detailed records of their ticket sales subject to inspection. The bill also lays out a variety of restrictions in terms of where ticket sellers can vend, some of which we will provide comments on shortly. The bill also empowers the NYPD to move ticket sellers from a location in cases of exigent circumstances. Violations of the bill's licensing requirements or vending restrictions could result in civil or criminal penalties, as well as the assessment of administrative fines.

DCA would like to note that the bill neither establishes a numerical cap on the number of licenses available, nor does it set forth restrictions on the density and concentration of ticket sellers. While we agree that proliferation and concentration of ticket sellers, both of which are issues that have been raised by many stakeholders, are worthy of discussion, in order to ensure that we are collectively pursuing as balanced a regulatory approach as possible, the Administration believes that these issues need to be carefully studied and considered before they are addressed by legislation.

Consideration of these issues, as well as several others, would strengthen and clarify this bill, and I will now ask my colleague Amit Bagga to discuss these with you.

Intro. 1149: Additional Opportunities

Based on our experience enforcing New York City's Consumer Protection and licensing laws, analysis with our sister agencies, and the results of engagement with a variety of stakeholders, we respectfully suggest that the Council consider amending the bill to ensure that it is comprehensive.

First, DCA believes that this legislation would benefit from the inclusion of a comprehensive study of the current ticket seller environment. Such a study would enrich the regulatory process with detailed analysis of certain industry and ticket seller practices, making the law more appropriately responsive to the concerns of all stakeholders. Including the authorization for such a study in this legislation would ensure that the Administration and the Council are equipped

with the knowledge and data necessary to measure the success of the regulatory scheme and make improvements and adjustments as needed.

In addition, DCA feels that Intro. 1149 should more clearly require those individuals that purchase tickets in bulk from businesses and then utilize the ticket seller model to sell tickets in public spaces to also obtain licenses. Based on feedback DCA has received from different businesses that utilize the ticket seller model, it is our understanding that these ticket “re-sellers” or “dealers” purchase tickets, sometimes from multiple venues, at a bulk discount and then distribute them to a network of ticket sellers for final sale to the consumer, allowing the dealers to retain the difference as a profit. DCA believes that individuals operating in this way should be subject to the similar licensing requirements as the ticket sellers they employ or with whom they contract. Ticket re-sellers are a key link in the ticket vending chain and should be accounted for in the regulatory scheme.

It is not, however, only the ticket re-sellers who need to be held accountable for ensuring that consumers are not harmed. Based on reports of deceptive advertising engaged in by ticket sellers, as well as the results of select undercover investigations DCA has conducted, those businesses on whose behalf tickets are sold must also be held to the highest standards of advertising and sales practices. Establishing a rebuttable presumption that the business whose information appears on the face of a ticket is liable for the behavior of the individual selling the ticket would allow the City to hold businesses, and not just individual ticket sellers, accountable for problematic behavior. This will ensure that those businesses – and we are not suggesting that this applies to most businesses – that are encouraging or directing their affiliated ticket sellers to engage in deceptive advertising and sales practices face consequences for doing so.

As we have stated, the Administration is committed to ensuring that Intro. 1149 adopts a balanced approach to regulation that will protect consumers and also allow for our city’s businesses to thrive. In order to achieve this, we propose three changes with respect to locational restrictions that will ensure that businesses utilizing the ticket seller model will not be unduly burdened.

First, we recommend the removal of the proposed prohibition on ticket sellers from vending in pedestrian plazas, which, thanks to the Council’s leadership, are in the process of being largely regulated by DOT. Additionally, we recommend amending the prohibition against selling in “bus stops” generally to clarify that ticket sellers will be able to vend tickets at certain non-MTA bus stops. Being able to sell tickets where consumers are boarding or alighting buses is critical to ensuring that the bus companies can operate efficiently and without significant adverse impact to their businesses. Third, for the purposes of clarity and consistency, we also suggest that ticket sellers could be restricted from vending in a prescribed area around the World Trade Center site; this would be the same area from which general and food vendors are currently prohibited from vending. Allowing for exceptions to this general prohibition would make enforcement on the

ground more difficult by requiring NYPD officers to enforce differing standards for tickets sellers and other vendors.

Additional minor adjustments would make Intro. 1149 easier to administer and enforce. For example, licensed ticket sellers could be required to wear an identifiable garment that features their DCA license number times while selling tickets. This would allow consumers and NYPD officers to easily identify ticket sellers who are duly licensed by DCA. We also recommend amending the proposed prohibition against the use of any “equipment” in connection with the vending of tickets. Many ticket sellers use handheld devices, tablets, or other equipment carried on their person while vending tickets, and we believe that the use of equipment that can be carried on one’s person should be permissible.

With respect to the license fee, the current version of Intro. 1149 establishes a fee of \$125 per license. Based on an analysis conducted by DCA and the Office of Management and Budget (“OMB”), we believe that this fee could be lowered significantly – to \$45 – making the license accessible to a larger universe of prospective licensees.

Lastly, the civil penalties laid out in this legislation could be brought in line with those in the general vendor law, reflecting the deep commitment to equity held by both the Council and the Administration.

Conclusion

The de Blasio Administration and DCA are both deeply committed to ensuring that New York’s consumers, and the millions of tourists who come to visit our great city every year, are informed, educated, and protected, and that any new regulatory schemes considered by us and the Council are both balanced and effective.

We would like to thank Chairman Espinal, Council Member Garodnick, and the members of the Consumer Affairs Committee for highlighting the ticket seller issue, and we look forward to working with the Council to establish a reasonable regulatory framework that protects consumers, businesses, and ticket sellers alike.

Thank you for the opportunity to testify today. My colleagues and I are happy to answer any questions that you might have.



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**Alliance for Downtown New York Testimony
New York City Council Committee on Consumer Affairs
Int. No. 1149 – 2016: To license ticket sellers
April 12, 2016**

Good afternoon Chair Espinal and members of the Council. I am Jessica Lappin, President of the Downtown Alliance, the business improvement district for Lower Manhattan. We serve an area roughly from City Hall to the Battery, from the East River to West Street. I am here to testify in support of Intro 1149 and to offer some suggestions to make it stronger.

For the past decade, Lower Manhattan's tourism industry has been expanding very rapidly. In 2015, we had over 14 million visitors, almost triple the number from a decade ago. In the years ahead, that will only increase.

While the tourism boom has been positive for the local and citywide economy, it has also led to a fast and steep rise in attraction ticket vending. This involves "ticket sellers" who promote and sell ferry rides and harbor cruises, helicopter tours, double-decker bus rides and other attractions. Recently we have been canvassing twice daily and on a Saturday afternoon we counted 80 different individuals selling tickets. And I can tell you that ticket sellers generally operate in and around the Staten Island Ferry Terminal, Battery Park, the World Trade Center site (especially outside the PATH station), Bowling Green Park and other smaller, but frequently-used, public spaces.

The increased presence of ticket sellers has not only added to the congestion of Lower Manhattan's narrow streets and sidewalks – it has also prompted more and more frequent, aggressive behavior from competing ticket sellers. The free-for-all stemming from a lack of regulations has led to a survival-of-the-fittest mentality on the street. Over the past month, various stakeholders have reported to us multiple instances of harassment and assault by ticket sellers. They block building and subway entrances. Follow and intimate. They have also slashed each other over turf and sent one man to Bellevue Hospital, with a fractured skull. This is a very real public safety concern for the city and, most certainly, makes for an unpleasant experience for those who live, work, and visit the area.

While we greatly appreciate the recent efforts by the New York City Police Department and the New York City Department of Parks and Recreation to crack down on illegal ticket selling in restricted areas,

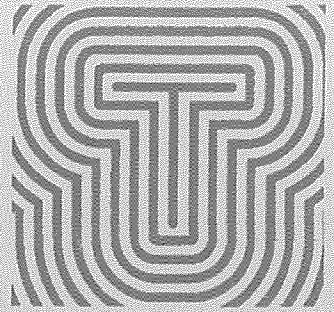
like parks, it hasn't eliminated the problem. Just shifted it. Touters have relocated to sidewalks and other prime locations, like State Street, Battery Place, and 7 World Trade Center.

That is why we are heartened to see the Council tackling this issue. The city needs to address the root cause of this problem by regulating this industry, in tandem with increased enforcement.

This bill is a strong step in the right direction. And to strengthen it further, we recommend amending it in the following ways:

1. Mandate the licensing of both 3rd party ticket-selling companies and their respective agents.
2. Impose a cap on the number of ticket sellers per company and on each block.
3. Require sellers to wear a clearly identifiable vest or garment that lists the name of their employer.
4. Acknowledge the pre-existing "no vending zone" around the World Trade Center site.
5. Prohibit ticket sellers from vending less than 25 feet from subway and building entrances, including loading docks.
6. Modify language to better define what constitutes a ticket vendor, to include vendors who distribute pamphlets or information on how and where to purchase tickets.
7. Include construction zones and scaffolding to restricted areas, as these impede pedestrian flow and safety.
8. Include within the bill's definition of "sight-seeing tour" helicopter tours.

Thank you, again, for your this hearing and attention to this issue. We look forward to this bill's swift passage and to making Lower Manhattan safer and more welcoming to New Yorkers and those who come to visit from all over the world.



March 30, 2016

Commissioner Polly Trottenberg
NYC Department of Transportation
55 Water Street
New York, NY 10041

Dear Commissioner Trottenberg:

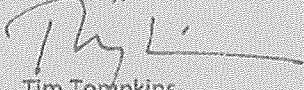
As you know, some concerns have been expressed by members of the Transport Workers Union about the potential effect of Intro 1109 on their members, who sell tickets for hop-on hop-off busses. Specifically, they fear that using its new rulemaking powers created by Intro 1109, DOT may either now, or through future rulemaking, ban sellers from being able to work in the pedestrian plazas.

We are aware that that has certainly not been your intent; nor has it been ours. Indeed, in recent and repeated conversations with the leadership of Gray Line and others in the industry, we have indicated that we have no issue with ticket sellers being able to operate in the plazas, and that contrary to some of the costume characters, commercial solicitors and other ticket sellers in the plazas, the hop-on bus ticket sellers have consistently been professional, positive and respectful and are not associated with complaints about aggressive or predatory behaviors in the plazas.

Accordingly, we want to formally go on record as stating that we would oppose any rulemaking that would ban such sellers from working in the pedestrian plazas; stated another way, we fully support their right to operate in the plazas and, as is the case with costume characters or other commercial solicitors, do not seek a numerical limit on the number of sellers who could be working in or employed by bus companies operating in the Times Square area.

In the weeks and months to come, we look forward to working with you, the rest of the administration, the City Council, and the hard-working members of the Transport Workers Union to ensure their continued employment and presence in Times Square, including on the pedestrian plazas.

Sincerely,



Tim Tompkins
President

cc: James Muessig, TWU
Councilmember Dan Garodnick
Councilmember Corey Johnson
Borough President Gale Brewer
Deputy Mayor Tony Shorris
Deputy Mayor Alicia Glen

TIMES
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Testimony of Sarafa Sanoussi
Professional Ticket Agent and Member
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller Licenses



My name is Sarafa Sanoussi. I am an immigrant from Togo. I arrived in America ten years ago. I got my first job selling double decker bus tour tickets in Times Square. I continue to do so to this day.

The money I make selling tickets for double decker bus tours is the only money coming into my household. I am raising two children with my earnings.

There are restrictions in the proposed law that would harm the hardworking ticket sellers. I would like to speak today about the provision outlawing selling tickets on sidewalks less than twelve feet across. At first glance this seems reasonable.

New York City and particularly Manhattan are filled with pedestrians rushing to their next appointment. The provision in the proposed NYC Ticket Seller License Law banning ticket sales on sidewalks less than twelve feet across is copy and pasted from the General Vendor Law. The intent was to make sure that vendors with tables full of items for sale did not set up their tables on narrow sidewalks. If a sidewalk is less than twelve feet wide and a general vendor sets up a three feet wide table then indeed there may be very little space for pedestrians to move.

We have no issue with not selling our tickets on sidewalks less than twelve feet wide. We do disagree with how the law states the measurement should be made. The law envisions calculating the distance from either the curb or the building to any obstruction "in the sidewalk". An obstruction in the sidewalk refers to subway gratings. The City does not want general vendors setting up their tables on subway ventilation gratings.

Ticket sellers on the other hand do not set up tables. We stand on our feet. We just walk away when pedestrian traffic is too heavy. We do stand on subway gratings in frigid temperatures. On winter days the only comfort we have is standing over the warm air rising from the vents.

Please amend the proposed law to read that the width of sidewalks will be measured from the building to the curb not including any gratings in the sidewalk.



Transport Workers Union of America, AFL-CIO Local 225

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Testimony of Codjogan Gavi
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller Licenses



My name is Codjogan Gavi. I came to America fifteen years ago from the west African nation of Togo. I have been selling tickets for Gray Line New York Tours for the last dozen years. The money I have earned I have used to support my family. I have three children and am the only one who earns money in my home.

I work long hours in the winter when it is cold. Business is slow, but I keep coming back because I want to maintain my location for the summer months. When the summer comes the bus companies hire everyone they can to fill the streets with ticket sellers. I can't sell as many tickets in the summer because of all these ticket sellers. If ticket sellers had to be licensed I think there would be fewer ticket sellers and those ticket sellers that were licensed would have a long term interest in keeping standards high.

I support the NYC Ticket Seller License Law as long as the ticket sellers themselves are the people receiving the sales licenses. It should not be the bus companies who receive the sales licenses.

I do object to certain provisions in the current proposed law. Today, I would like to speak about the restriction on selling tickets within ten feet of the intersection. On the surface this makes sense. Pedestrians cross the street at intersections and can't have ticket sellers blocking the area by the walk and don't walk lights. If ticket sellers blocked this area where would pedestrians stand while waiting to cross the street?

The proposed law does not measure ten feet from the curb of the intersection. The law plans on measuring from an imaginary line drawn perpendicular to the corner building on each block facing the curb. Some of these buildings are twenty feet from the curb. So in reality the new law would start measuring twenty feet from the intersection and then push us back another ten feet.

Tourists have a lot of distractions in New York City. It is hard enough to catch their attention. If I and my colleagues were positioned thirty feet away from where tourists cross the street our sales would suffer dramatically. I suppose the bus companies could compensate by doubling or tripling the number of ticket sellers on side streets. However, that would not benefit me and I don't think an increase in ticket sellers in midtown would benefit the City.

Please amend the proposed law. Measure ten feet from the actual intersection and not from an imaginary line.



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Testimony of Rene Caceres
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
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Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller Licenses



My name is Rene Caceres. I am originally from Ecuador. I have been selling tickets for Gray Line for seventeen years. The money I make supports my family. I'm raising two children in Ozone Park, Queens.

For many years I have worked near the Plaza Hotel in Manhattan. I come in contact with many tourists. Tourists ask me directions and questions every minute. I'm happy to help.

I work all winter in harsh conditions hoping to make money in the summertime. But all the bus companies hire anyone they can in the summer. The streets are full of ticket sellers. I find it harder and harder to make enough money in the summer to make it through the cold months.

I believe that when the City licenses ticket sellers that many of the summer ticket sellers that are just there to make a fast buck no matter what they say or do will be weeded out. I welcome licensing and so do many of my coworkers.

I do have issues with the proposed law. I work near a subway entrance. I don't stand in front of the stairs. Why would I? My customers are tourists walking down the street, not commuters coming out of the subway.

The way the law is currently written a police officer may think that I cannot stand within ten feet of the wall surrounding the cutout in the sidewalk for the subway entrance. I believe the intent of the law was to stop ticket sellers from blocking the actual entrance to the subway.

I suggest that the City Council rewrite the law to state that ticket sellers will not sell within ten feet of the stairs to the subway.

I would also like to add that I believe that only ticket sellers should receive the sales licenses. The sales licenses should not be given to the bus companies. We do the work. We earn the right to maintain our licenses with our honesty and professionalism. If we should leave the employ of a bus company then we should carry our sales license with us just like tour guides do.



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My name is Tefe Amewo. I live in Brooklyn where I raise three children. I have the only income in my household. I am from Togo. For 23 years I have worked selling tickets for Gray Line. I sell tickets at Gray Line bus stop number one in the heart of Times Square.

I support the New York City Ticket Seller License Law. In the summer the bus companies hire hundreds of people to sell tickets. The companies don't check their backgrounds. The companies don't care who they put on the street. The summer hires are mindful only of money. They care not for the reputation of this industry. They take sales away from the permanent ticket agents who care about this business. Indeed, we actually built this business from nothing. When I started selling tickets there were only a few double decker buses in New York.

Maybe licensing will stop the reckless hiring. We who have worked for decades and see this as an honorable profession hope so. I am concerned that after the hearings are over that the bus companies will lobby the Department of Consumer Affairs to issue sales licenses to the companies and not to the ticket sellers who actually do the job. Please make it clear that it is the intent of the City Council that we, the actual ticket sellers are issued the sales licenses and not the bus companies.

Also, please remove language banning the sale of double decker bus tours at bus stops. This language came from the General Vendor Law. It is meant to stop vendors from setting up tables full of items for sale at bus stops. That makes sense. Banning tickets sales for bus tours at bus stops is crazy. What would happen to the ticket sales at the Airpporter bus stops? Those sales also happen at the bus stops. Often those customers are late for their planes. Will it be illegal to issue them a ticket? What about trips to Woodbury Outlet Mall? Those tickets are sold at the Woodbury bus stops.

We want regulation. Please make it sensible regulation. Make it a violation to lie and mislead the customer. Have a system for discipline and license revocation if necessary. Please do not tell us we can't seek refuge from the rain or sell our tickets at bus stops. We have done this for twenty years. If double decker bus tour ticket sellers were the problem then the city would have dealt with us a long time ago. Don't punish us for the behavior of others.



225

Transport Workers Union, AFL-CIO

Local 225

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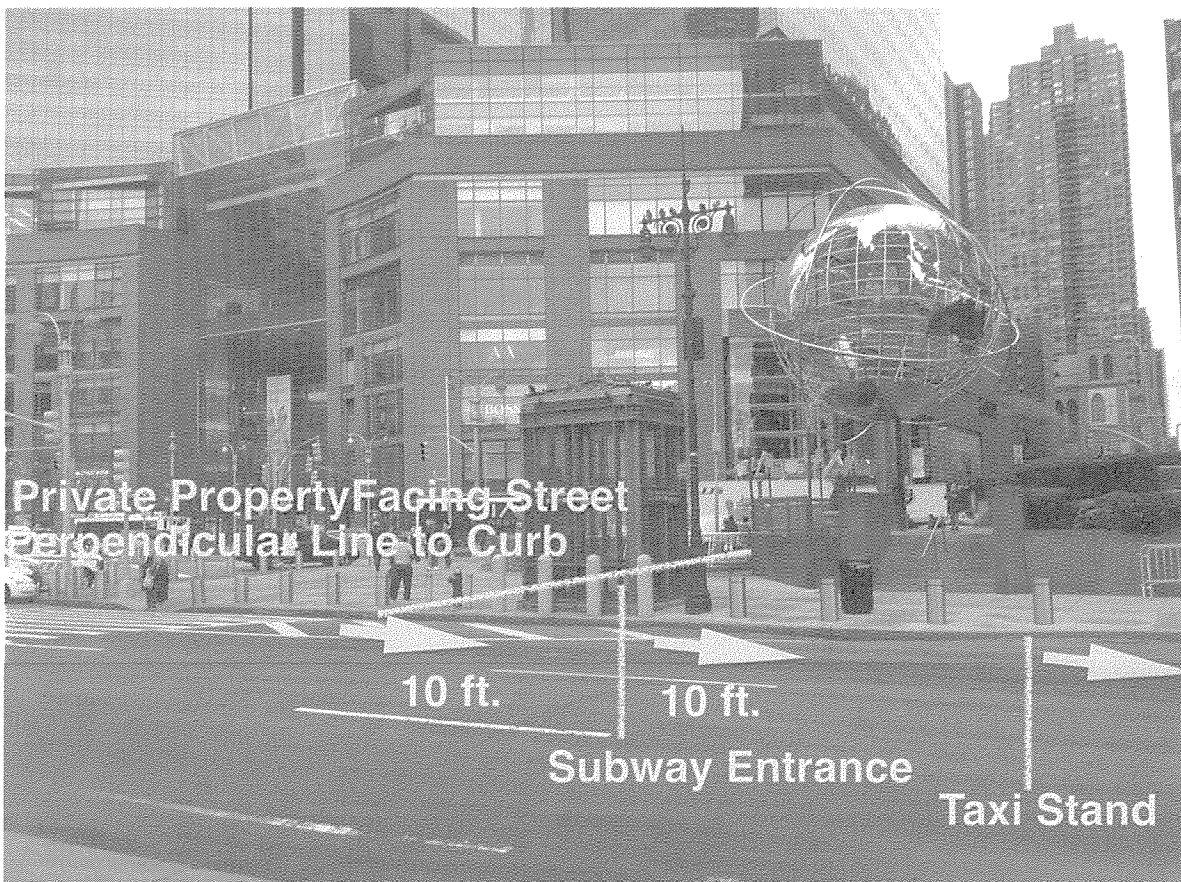
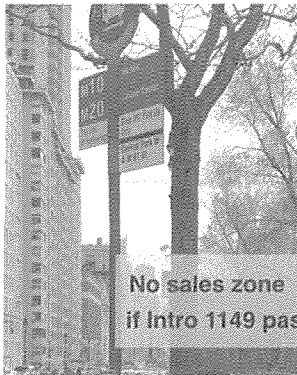
Ventilation Gratings

Taxi Stand

Subway Elevator

Private Property Line

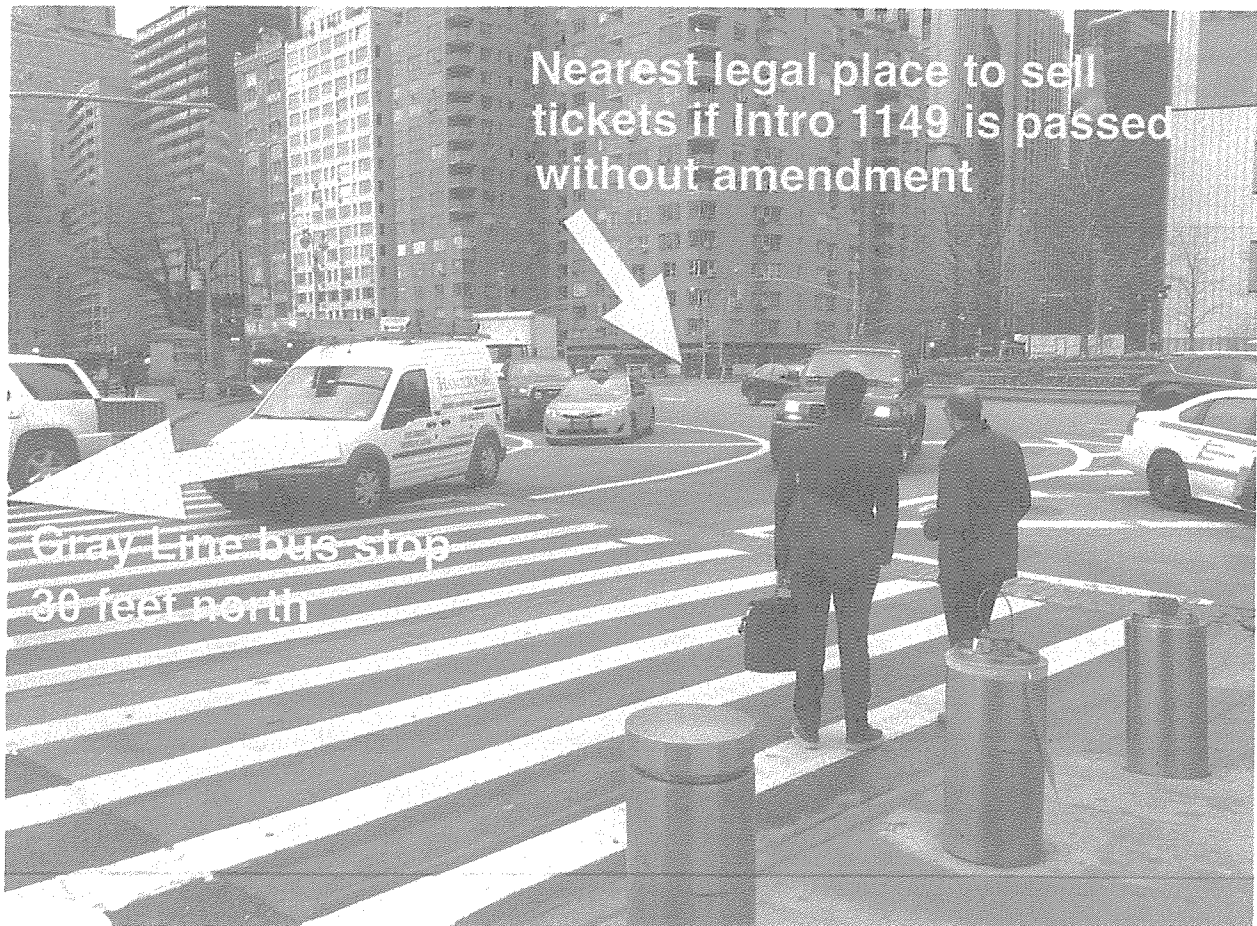
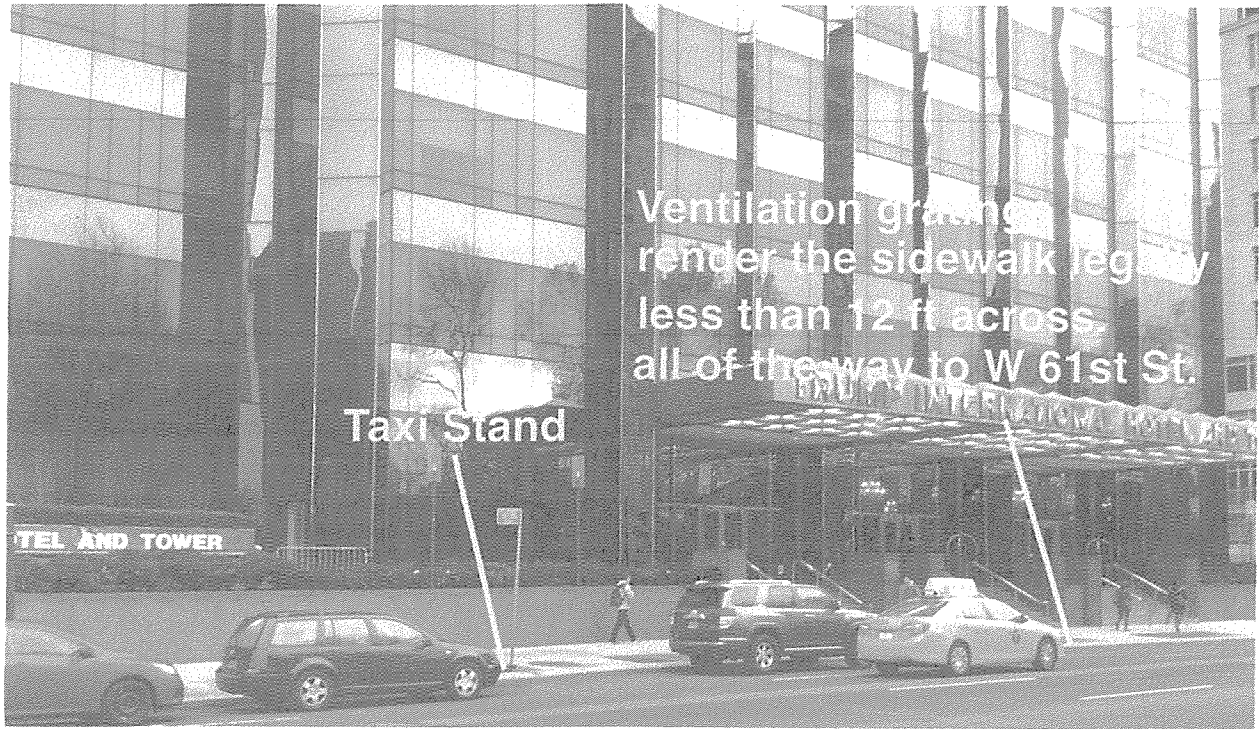
Gray Line Bus Stop





225

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My name is James Muessig. I am the Financial Secretary - Treasurer of TWU Local 225.

Other members of our union offer testimony today outlining objections that TWU has to the law as proposed. In general TWU believes that the law ought to set a framework to license ticket sellers and regulate their behavior. It does not help the reputation of either the industry or of New York City itself to have ticket sellers misleading the public or engaging in harassing behavior.

However, please do not attempt to regulate where ticket sellers may walk or stand except in ways that are most obviously for the public benefit. For example a restriction on blocking entrances to buildings and businesses would be reasonable.

I have included with my written testimony some diagrams. Walking home from Times Square recently I passed the Gray Line bus stop at Columbus Circle. The Parks Department forbids our TWU ticket agents from standing by the bus stop because the Parks Department considers the perimeter sidewalks of Central Park as their land. So our ticket sellers migrate across Central Park West to the sidewalk between Central Park West and Broadway. The ticket sellers are in view of potential tourists and they can point tourists to the bus stop across the street. The diagram that I have provided explains what would happen to those ticket sellers if this law was adopted as currently written.

The ticket sellers could not be within ten feet of the intersection but as we know that would not be measured from the actual intersection but from an imaginary perpendicular line drawn from the edge of the Trump Hotel property to the curb. Set the ticket sellers ten feet back from that and now they would be within ten feet of an elevator shaft to the subway. Move them another ten feet and now they would be standing within ten feet of a taxi stand. Move past the hotel and there are double subway gratings in the sidewalk rendering the sidewalk legally less than twelve feet across. In fact it would be illegal to sell bus tickets on the entire block north of Columbus Circle. The nearest possible legal sales position would be Central Park South and Broadway hundreds of feet from the Gray Line bus stop and out of view of the bus stop but that is not even certain because I note that there are two subway exits on that corner.

Please be very careful. Regulate behavior not where our fellow citizens may walk or stand.



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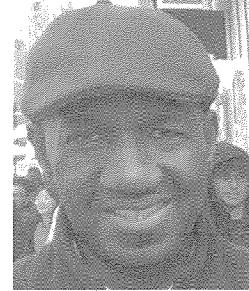
Local Recording Secretary
Yanildy Taveras

Executive Board Member Branch 1
Sheila Brand

Executive Board Member Branch 2
Jean Valade

Executive Board Member Branch 3
Todd McGue

**Testimony of Lenwood McKoy
President
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller Licenses**



My name is Lenwood McKoy. I am president of the Transport Workers Union, Local 225, AFL – CIO. The TWU has 115,000 members nationwide, and over 40,000 reside in the five boroughs of New York City. Our union has represented employees at Gray Line New York Tours since 1941. Today, we represent tour guides, sidewalk sales agents, and dispatchers.

TWU Local 225 supports the licensing of our professional ticket sellers in New York City. We thank Council Member Garodnick for introducing this legislation and for meeting with TWU 225 to discuss it.

However, as currently written the license law would do our members harm. We ask the City Council to amend the proposed law. TWU 225 has issues with the following provisions:

1. **No sales on sidewalks less than twelve feet (12ft) across.** The proposal includes obstructions in the sidewalks such as subway ventilation gratings in the calculation. The sidewalks should be measured from building to curb.
2. **No sales within ten feet (10ft) of the corner.** The corner is measured not from the actual corner but from the private property line usually indicated by the wall of a building facing the street. Measure from the actual corner.
3. **No sales at bus stops.** One of the most popular places for tourists to purchase their tickets is at the bus stop where the tourists begin their tour.
4. **No sales in pedestrian plazas.**

The Times Square Alliance has stated that our ticket sellers are professionals who are welcome in the pedestrian plazas of Times Square.

5. **No sales within ten feet (10 ft) of a subway entrance or exit.**

Better language would be to ban sales within ten feet (10 ft) of the stairs leading to the subway.

6. **No sales except on the area of the sidewalk directly facing the curb.**

Our members should not be forced to stand by the curb getting splashed by motor traffic during inclement weather.

If the Council would adopt these minor revisions then TWU 225 welcomes swift passage of the legislation.



Transport Workers Union of America, AFL-CIO Local 225

10 - 20 Banta Place Suite 105 Hackensack, NJ 07601

President
Lenwood McKoy

Vice President
Pedro Mercado

Financial Secretary - Treasurer
James Muessig

Local Recording Secretary
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Todd McGue

Testimony of Yanildy Taveras
Local Recording Secretary
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149
NYC Ticket Seller License Law



My name is Yanildy Taveras. I am a ticket seller and the Local Recording Secretary of Transport Workers Union, Local 225, AFL – CIO.

The ticket sellers for double decker bus tours are pleased that we will be receiving licenses. It legitimizes what we do among ourselves as a professional community and importantly in the eyes of our customers.

I think that the New York City Ticket Seller License Law will go a long way towards getting rid of bad apples in the industry. I do have a few concerns.

Firstly, the City must issue the sales licenses to the hardworking ticket sellers who stand on the streets. Do not issue the licenses to bus company owners sitting on easy street in their climate controlled offices. If I choose to leave my employer then I should carry my ticket seller license with me. That's how it is with the licensed tour guides.

Secondly, there is a provision in the proposed law that I object to. It states that I must stand on the portion of the sidewalk near the curb. This language is copy and pasted from the General Vendor Law. It makes sense that the City would not want vendors setting up tables filled with items for sale in the center of the sidewalk. It would be crazy if they set up their tables perpendicular to the sidewalk and blocked the entire sidewalk. Building owners do not want tables set up against their buildings. This all makes sense for general vendors.

However, we are ticket sellers. We don't have tables. We walk around as the weather changes. I don't want to be forced to stand by the curb and get splashed by puddles and slush. I'd like to seek shelter under the cornice of a building during the brief but common summer thunder showers. If the concern is that ticket agents will block the entrances to buildings then write into the law that we won't block entrances to buildings. The current language is too broad and goes too far.



Transport Workers Union of America, AFL-CIO Local 225

10 - 20 Banta Place Suite 105 Hackensack, NJ 07601

President
Lenwood McKoy

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Todd McGue

Testimony of Marc Ruiz
Professional Ticket Agent and
Section Chair
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller Licenses



My name is Marc Ruiz. I am an immigrant from Haiti and have now lived in New York City for over twenty years. I have worked for Gray Line City Sightseeing as a ticket agent since 1994. I am the Shop Steward for the ticket agents at Gray Line represented by TWU Local 225.

I'm married and have two kids. My commissions from selling tickets are the sole income that my family relies upon. I also support my parents. My story is similar to many of the ticket sellers that I represent.

I speak French, Spanish, and English. On the job as an ambassador for New York City my fluency in different languages helps me communicate with tourists. I answer questions for tourists and New Yorkers on a daily basis. I take pride in the service that I provide.

When I began selling tickets in Times Square it was not a neighborhood that parents would want to bring their children. My colleagues and I helped change that. We stood on the sidewalks in the heat, in the rain, and in the cold as symbols that Times Square was reborn as a family friendly environment.

We welcome licenses. The City is finally recognizing our contribution. I will happily wear my new ticket seller license.

But there are problems with this proposed law. I will speak today to the issue of this law banning ticket sales in pedestrian plazas. This is misguided. Ticket sellers have been selling tickets for double decker bus tours for two decades on Broadway. Now this law would forbid us from doing so. Many tourists who wish to ride on the buses come to the pedestrian plazas in Times Square.

The Times Square Alliance says that we behave honorably and the Alliance wants us to sell tickets in the pedestrian plazas. Trust the Times Square Alliance and trust me. Ticket sellers should be able to sell double decker bus tour tickets in pedestrian plazas.



Transport Workers Union of America, AFL-CIO Local 225

10 - 20 Banta Place Suite 105 Hackensack, NJ 07601

President
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**Testimony of Sumaila Asamed
Professional Ticket Agent and
Assistant Section Chair
Transport Workers Union Local 225, AFL-CIO
before the New York City Council
Committee on Consumer Affairs
Tuesday April 12, 2016
Intro 1149-2016
NYC Ticket Seller License Law**



My name is Sumaila Asamed and I am a sidewalk sales agent for Gray Line City Sightseeing New York. I am also the assistant shop steward for ticket agents represented by TWU Local 225. I live in the Bronx and I have been doing this job for almost 10 years. Commissions from ticket sales are the only source of income for the upkeep of my three kids and other extended family members, and dependents.

A cursory look at the impending Ticket Seller Licensing Law and its limitations establishes that the law is an attempt to systematically deprive us of our income and drive us away from our jobs. We have operated on the sidewalks and pedestrian plazas for years without a single reported, or recorded incident of harassment towards tourists by our members.

Assigning us to stand at curbs will open us up to all manner of risks including endangering the safety of our guests. Also, if we should be selling a ticket and it begins to rain then the simple act of walking with our customers under the cornice or eaves of a building would be a crime. In fact, if I chose to offer no product but simply beg for money then I could legally stand in the center of the sidewalk or by the side of a building but because I choose to work to support my family it is proposed that I cannot stand anywhere but at the curb. This is not just.

It is also strange that we cannot sell tickets even at our bus stops. The logical conclusion to this thinking would be to ban the sales of train tickets at Grand Central Terminal. After all, those lines at the ticket counters get in the way of people walking across the concourse.

Finally, who should the sales licenses be assigned to: the ticket sellers, or the bus companies? The ticket sellers should get the sales licenses. We, ticket sellers are ready to own our personal licenses in our own names and will behave responsibly to maintain and secure them, having in mind that we are responsible for any violations of the pertaining rules. Empower the vulnerable and not the powerful. Thank you for considering our lives and the lives of our families before voting on this legislation.

**Council of the City of New York
Council Committee on Consumer Affairs
Intro 1149**

Tuesday, April 12, 2016

**Testimony: Dan Biederman, President
34th Street Partnership
1065 Avenue of the Americas, Suite 2400, New York, NY 10110
Tel: 212-719-3434**

Members of the Council Committee on Consumer Affairs, I am Dan Biederman, President of the 34th Street Partnership. Thank you for allowing me to testify today about this important Intro 1149.

The Partnership fully supports Intro 1149, the licensing of sidewalk ticket sellers by the Department of Consumer Affairs.

Our district is the home of global icons, including the Empire State Building, Madison Square Garden, and Macy's; collectively they attract millions of visitors every year. Penn Station is often cited as the busiest railroad station in the nation.

We also have some of the most heavily-trafficked sidewalks in New York.

The glut of sidewalk ticket sellers is a daily nuisance to our constituents and visitors. In the act of vending their tickets, they block pedestrians, are overly-aggressive with prospective ticket buyers, who are frequently intimidated – and coerced – by ticket sellers.

The licensing and proposed enforcement of ticket sellers is a significant first step but the legislation should also take into account the huge number of ticket vendors who clog our sidewalks every day. If a study is to be done by DCA, the Department of Transportation, and the police department, I would ask you to consider limiting the number of sidewalk ticket sellers per blockface at any given time. I also suggest that all violations issued should include the name and address of the ticket seller's employer; the employer should be held responsible.

Thank you.



**34th Street
Partnership**





NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO

President
VINCENT ALVAREZ

Secretary-Treasurer
JANELLA T. HINDS



Testimony of Anthony Thomas, Political Director New York City Central Labor Council, AFL-CIO

Int. No. 1149

New York City Council Committee on Consumer Affairs

April 12, 2016

Good afternoon, my name is Anthony Thomas, and I am the Political Director of the New York City Central Labor Council. Representing 1.3 million workers across 300 affiliated unions, the Central Labor Council supports Int. No. 1149 with specific amendments protecting high-road actors and industries already abiding by the rule of law. Taken in conjunction with the recently passed Int. No. 1109, Int. No. 1149 could have ruinous effect on the sale of sightseeing tour bus tickets, and the highly trained, knowledgeable workers who make their living in the industry. The Central Labor Council cannot support this legislation without addressing the merited concerns of our members, and advocating for moderate adjustments to Int. No. 1149.

Int. No. 1109 was drafted and introduced as a solution to mitigate crime and enforce safety standards, but the unintended consequences of the legislation could have negative impacts on legitimate businesses and workers. The Central Labor Council would like to see Int. No. 1149 stake a clear position that those following the rule of law and already licensed should have the freedom to continue with their regular operation. In particular, the Central Labor Council encourages the City Council to amend subsection 20-556, section e of the legislation to read, "No ticket seller shall vend in a pedestrian plaza except for sellers engaging in the sale of tickets for a sightseeing tour." This reasonable adjustment would acknowledge the long history of the licensed vendors who already comply with a regulatory framework.

The Central Labor Council finds a number of additional concerns in the current incarnation of Int. No. 1149. The boundaries established in subsection 20-556 section b do not leave sufficient space for a licensed vendor to utilize the sidewalk. If measurement from private property includes subway grates and other obstructions, then the licensed vendor is given at most a three foot space to work in, and in the worst case no space at all¹. Preventing sales on street corners also push vendors back approximately 25 feet, which will seriously limit access to prospective customers, and the long-term viability of the industry. Taken in concert with the provisions precluding ticket sales at both bus stops and ten feet surrounding a subway entrance/exit, it quickly becomes unclear where exactly the City is allowing tour bus vendors to sell their tickets.

For over half a century the members of TWU Local 225 have sold exceptional views of New York City to the world. The Central Labor Council also hopes to ensure any license issued will be done so directly to the worker—allowing for autonomy and flexibility—rather than to the employer. Without these pragmatic amendments the Central Labor Council cannot support Int. No. 1149. Adjustments must be made to support and encourage high-road vendors, while targeting those who break the law, and harm the general public.

¹ This is also dependent on what the definition of "boundary" is interpreted to be, which was not defined in the legislation.



April 12, 2016

Testimony of Mark Marmurstein, President of Twin America/Gray Line CitySightseeing New York, before the New York City Council Committee on Consumer Affairs Intro 1149-2016

Good afternoon. My name is Mark Marmurstein and I am the President of Twin America/Gray Line CitySightseeing New York.

Gray Line CitySightseeing New York employs over 300 ticket sellers throughout the City who are also unionized members of the company. Our ticket sellers adhere to a strict code of conduct, do not sell in prohibited areas and do not act aggressively towards tourists under the penalty of termination.

Twin America is in favor of licensing Ticket Sellers. We are in favor of enforcement of laws that prohibit aggressive conduct and that regulate, in a reasonable manner and for public safety concerns, certain NYC locations where ticket selling is prohibited.

Twin America is in favor of raising the bar for all ticket sellers to improve tourism, promote tourism and to improve New York City for its residents and businesses.

Twin America's corporate policies mandate best practices which are followed by our very competent and diligent 1,100 Union employees.

However, with regard to the current ticket selling legislation, we do not believe it accomplishes what is

intended and in fact, we believe it will increase the problems that are trying to be resolved. We also believe that certain portions of this Bill are duplicative of laws that already exist and therefore, are not required.

I would like to take this opportunity to highlight some of our concerns.

1. Legislation needs to be written so there is a substantial probability that it can be enforced. Ticket Seller conduct must be monitored, controlled and disciplined by the Employer of the ticket seller whom, most likely itself, is a New York City licensed operator.

However, this Bill allows for the licensing of ticket sellers who are unaffiliated with any licensed operator.

The Bill requires no corporate affiliation or sponsor. The Bill has the potential of creating a new industry; independent ticket sellers with no corporate affiliation and no one to answer to or control their conduct.

We suggest that the Bill be amended to require that the ticket seller, as a condition of obtaining a license, have a direct relationship with a City-licensed employer and authorized ticket seller. This way, the operator would also be responsible for any fines or penalties and most significantly, would have their license at risk. This would ensure enhanced accountability.

2. The Bill prohibits ticket selling in Pedestrian Plazas unless DOT provides otherwise. We have been

told by the Bill Sponsor that this will be deleted from the next Bill draft but we have not seen that. Pedestrian Plazas ticket sales must be permitted to the extent not otherwise regulated.

3. Also troubling about this bill, is that it outlines so many physical restrictions for ticket selling that there will be effectively little or no place for a ticket seller to earn a living. The specific language in the bill seems to be adopted from the existing language of the law restricting the placement of vehicles and pushcarts in the city, but the language does not make sense for street ticket selling. If ticket sellers cannot sell a ticket on a sidewalk unless there is a 12 foot pedestrian path, on any

part of the sidewalk except for that abutting a curb, within any bus stop (even our own tour bus stops), within 10 feet of any driveway or subway entrance or exit or any corner, or within a pedestrian plaza, then where exactly can ticket sellers operate? These restrictions need to be reviewed and modified.

This legislation places in jeopardy the jobs of many ticket sellers and thousands more in the tour bus industry because if the ticket sellers' participation in the business is so limited, this will also have a trickle-down effect on the jobs of our guides, drivers, mechanics and all our other workers. About 50% of the customers in the hop on/hop off sightseeing bus industry buy tour bus

tickets on the streets via ticket agents and I strongly urge you not to put that industry in jeopardy by passing this legislation in its current form.

Lastly, I would suggest that much of what this Bill is trying to provide as for restrictive conduct of ticket sellers is already provided for in the law. I direct your attention to, and respectfully urge you to review, Section 10-136 of the New York City Administrative Code – Public Safety "Prohibition against certain forms of aggressive solicitation." In very brief summary that law prohibits:

- Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or is likely to cause a reasonable

person to fear bodily harm to oneself or otherwise be intimidated into giving money or other thing of value.

- Intentionally touching or causing physical contact with another person.
- Intentionally blocking or interfering with the safe or free passage of a pedestrian.
- Using violent or threatening gestures toward a person solicited.

I would also ask you to review New York State Penal Law Sections 240.25 and 240.26 where similar conduct is addressed and prohibited.

While we appreciate Council Member Garodnick's attempt to address the street-selling problems in New York City, we believe the Bill is in need of major amendment along the lines of what we have outlined above.

Thank you.

United Service Workers Union
Statement to the Committee on Consumer Affairs
New York City Council
Intro. 1149-2016 Ticket Sellers

Good morning. Mr. **Chairman and Committee Members** My name is GARY ROTHMAN and I am here on behalf of the United Service Workers Union. Our union represents some 30,000 members in and around the tri-state area, with the bulk of them living and working in the five boroughs. **Among our membership are** hundreds of ticket agents, tour guides, and drivers of City Sightseeing Gray Line buses in New York City. Our members act as brand ambassadors, not just **for** City Sightseeing Gray lines, but **for** New York City as a whole, as we greet the 60 million visitors to the city each year from around the world and take them to neighborhoods **and points of interest** throughout the City.

The USWU objects to the many manifestations of Intro 1149 as it affects the ability of our members to earn an honest living in the City of New York. As it relates to the need for this legislation, USWU observes that in over 15 years of representing ticket sellers there have been but a handful of incidents of inappropriate conduct between a ticket seller and the public or another employee.

The legitimate employers in this industry with whom our members are employed maintain and enforce a strict non-tolerance policy regarding violence or inappropriate conduct toward the public and other employees and our members, who work mainly for commissions, know that aggressive, discourteous conduct toward customers is bad for business. In this sense, the industry has and does police its own behavior and there is no great documented need for public intervention in this area.

Also, the Committee must be mindful that regulations resulting in reduced ticket sales not only effects the income of those ticket agents, but also the income of the tour guides and bus drivers who earn their livings from the sales of ticket agents.

If public licensing under this bill is the route you are committed to take, there are several amendments to Section 20-556 we would urge you to consider in this bill.

First and foremost is the prohibition of vending in any pedestrian plaza unless so authorized pursuant to rules of the Dep't of Transportation. This Committee is no doubt aware that the full Council approved Intro 1109 on April 7th in relation to pedestrian plazas. Rather than creating a default position prohibiting ticket vending in pedestrian plazas in Section 556, default to letting our hard working New Yorkers earn their livings and respect the province the Council has placed in the DOT to make reasonable rules for economic activity in these areas.

Second – delete the last sentence of Section 556 (b), which prohibits vending anywhere on a sidewalk but at the curb. This provision creates a safety issue rather than making the sidewalk safer, because many times after striking up initial interest with a customer, who may be surrounded by their family, the ticket seller and the customers back up from the curb and close their deal closer to the building, out of the way of passersby.

Third, delete or better define the references to “equipment” and “displays” which are prohibited from being used in Section 556 (i). The fact of the matter is that our ticket sellers use hand held and waste mounted automated equipment and receipt machines and all of our members’ sales are electronically transmitted and monitored at their offices; and they have with them at all times laminated books from which they display the various ticket options they sell. This provision would make them violators immediately upon passage.

Finally, as a technical amendment, we note in Section 556 (c), the reference to subway entrance or “exist” contains a transposition that should be “exit”.

As counsel for the United Service Workers Union I have had discussions with Committee counsel about these matters and the Union stands ready to work with the

Committee to draft the most reasonable legislation possible to protect our members and the people and visitors to our great city.

Gary Rothman, Esq.

Rothman Rocco LaRuffa, LLP

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Brookfield Property Partners**Owners and Managers of One New York Plaza****Testimony Regarding Attraction Ticket Touting****April 12, 2016**

Good morning Chairperson Espinal and members of the Council. I am Joseph Syslo, Senior Property Manager, of One New York Plaza, for Brookfield Property Partners, the owner and operator for One New York Plaza located at Water and Whitehall Streets across the street from the Staten Island Ferry Terminal.

Brookfield Property Partners is a real estate company that owns, develops, and manages office properties. We have a headquarters and major holdings in NYC – in Lower Manhattan alone, Brookfield owns and operates over 12.5 million square feet of real estate space, with major holdings including One Liberty Plaza, One New York Plaza, and Brookfield Place in our portfolio.

Over the past several weeks, we have noticed a significant uptick in aggressive attraction ticket selling around One New York Plaza. Located across from the Staten Island Ferry terminal, I have witnessed a daily presence of roughly a dozen aggressive ticket sellers promoting helicopter tickets, harbor cruises and double-decker bus rides.

This intrusive behavior not only reflects poorly on New York City and our property, but is also dangerous for pedestrians – over the past month there have been multiple observed instances of assaults near the Staten Island Ferry terminal. These ticket sellers block access to our loading docks and stand directly outside of the subway stations blocking the paths of commuters on their way to work. There are too many of these ticket sellers and they are too aggressive. Further, those who work at One New York Plaza, including employees of Morgan Stanley, law firm Fried Frank, and Revlon find these actions to be an affront on their personal space and borderline harassment.

We understand that the New York Police Department and New York City Parks Department have recently cracked down on this activity in the local parks. While we applaud this effort, the crackdown has made the situation on our sidewalk much worse. Enforcement of existing regulations has pushed the problem out of the parks and onto the surrounding sidewalks.

We would like to see legislation that regulates this activity by licensing these ticket sellers, prohibiting them by more than 25 feet from subway and building entrances, including loading docks, and places a cap on the number of ticket sellers that can operate on any given block.

We thank you for your continued efforts and look forward to finding a solution to this problem.



FOR THE RECORD

DATE: April 12, 2016
TO: New York City Council - Committee on Consumer Affairs
FROM: Greg Charles
RE: **PROPOSED BILL TO LICENSE TICKET SELLERS**

I would like to thank the committee, specifically Council Member Garodnick and Chairman Espinal, for this opportunity to provide testimony on this matter.

My name is Greg Charles and I am the director of publicity for Carolines on Broadway, the comedy venue located at 1626 Broadway, between 49th and 50th Streets, in Times Square.

Working at Carolines on Broadway, I spend much time in the Times Square area and have witnessed first hand the deceptive practices of those who are selling tickets to comedy clubs. In fact, I've been solicited myself.

Recently, while walking through the plaza I was approached by two young men, each holding a clipboard with "Comedy Central Taping" posted on the back. I work closely with Comedy Central, both through the club and as our partner in the New York Comedy Festival. As such, I am keenly aware through my dealings with them that neither these show, the clubs or the ticket sellers are in any way affiliated with Comedy Central and that they are using the Comedy Central name without their consent. The men told me that I could see Louis C.K. as part of a Comedy Central taping for \$20.

I very politely informed them that I am in the comedy business, I work closely with Comedy Central and that the shows they were promoting were not affiliated with Comedy Central. As I said this, one of the two men removed cash from his pocket and started to loudly count off the amount in my face. "This is what I earned tonight. What did you make?" he said. "But you made that by telling people something that wasn't true," I replied. "And I'm going to keep telling that after you walk away," he said.

This is but one example of many. I have personally encountered and witnessed these tickets sellers engaging in numerous acts of fraudulent and deceptive business practices, as well as displaying aggressive and inappropriate behavior towards visitors to Times Square. I've heard many negative stories from friends and colleagues who have encountered these ticket sellers in Times Square.

We work very hard at Carolines on Broadway to create a great customer experience — a great show, great food and great service. We want people to leave having had a good time here. We want them to come back. We want them to share their experience with their family and friends, so that they will want to come, as well. Positive experiences reflect well on Times

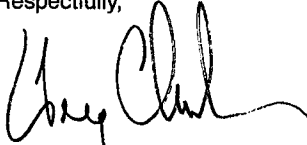
Square and on New York City. Conversely, when visitors are deceived by comedy club ticket hawkers, this reflects poorly on comedy clubs, the Times Square community and the City.

The unscrupulous actions of these ticket sellers undermine what legitimate businesses like Carolines on Broadway seek to achieve.

We strongly feel that it is imperative that this legislation be passed to regulate ticket sellers in Times Square in a way that will enforce the legitimization of their practices. By licensing these ticket sellers, New Yorkers and tourists will know that they are purchasing tickets from legitimate sellers.

Thank you very much for your time and consideration of this testimony.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Charles", with a stylized, flowing script.

Greg Charles
Director of Publicity

Testimony before the City Council Committee on Consumer Affairs

Ticket Sellers (file # T2016-4269) April 12, 2016

Laurence A. Levy, Greenberg Traurig

Mr. Chairman, members of the Committee, thank you for allowing me to share some thoughts about the proposed Ticket Sellers' bill you are examining today.

First, let me introduce myself, I'm currently an attorney with the firm of Greenberg Traurig, in New York and represent Big Bus Tours in this city. However, for 32 years I was an employee of this great city, including 17 years as an executive member of the Corporation Counsel's Office, and 4 years as Deputy Counsel to the Mayor. The majority of my professional life has been devoted to helping to make this city work effectively, from my role in creating the vendex system and contractor responsibility standards, to working on the fingerprint law for child care workers to the cleanup of the Fulton Fish through a combination of regulatory and law enforcement activities, effective governance has always been my goal.

I join my clients in applauding your effort to regulate ticket sellers in public venues, and appreciate this opportunity to share our thoughts.

The Ticket Sellers bill will place a series of restrictions on ticket sellers, for tours, transportation, or entertainment, but will not in any way regulate entertainers, sellers of music, art or other expressive material, or general or food vendors operating in public spaces, including the newly formed plazas. The new law, discussed below, will create many new rules through a licensing regime to be created and regulated by the Department of Consumer Affairs ("DCA"), rules that we can not know until published some weeks or month after you complete this legislation. Only then can we even comment on rules that may have a significant negative impact on the ability of Big Bus New York to operate in the tourist industry and to continue to employ hundreds of New Yorkers. This is on the heels of the new pedestrian plaza rules to be issued by the Department of Transportation ("DOT"), that will also likely place further restrictions on legitimate commercial activity that helps fuel the city's economy and the positive experience enjoyed by millions of city tourists.

Big Bus supports the concept of having all tour operator sales personnel operating in public places be licensed to sell tickets, indeed, for over a year Big Bus has advocated with the regulatory agencies, and other elected and appointed officials to create a better regulatory scheme for sight-seeing ticket sales, including meaningful enforcement, without any official or employee willing to engage in any discussion of the issues. The guideline Ms. Conway is again providing today is a demonstration of our commitment to effective and honest ticket vending in public venues.

Below I've summarized many of the key provisions of the bill, along with italicized comments or questions regarding specific provisions. We are prepared to offer further written material with suggested language for an amended bill, and/or more detailed analysis of the issues.

The License

20-550 Definitions

Mode of transportation is defined to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, or body of water. *As such this would appear to include Pedi cabs, horse drawn carriages, buses, cabs, cars, water taxis, ferries, trolley lines, tour boats, subways and bicycles. Some of these are otherwise regulated and may present conflicting rules. Of concern is what impact would these rules have on sales through Apps for taxi or other services? Certainly a metro card must be included in this definition if it is sold in public spaces. As could passage on an interstate bus, which means this bill could be in conflict with federal regulations regarding interstate transport.*

The term sight-seeing tour means any event during which a person acts as a guide. *Are street walking tours, architecture tours, and the like now included in the bill and therefore require special licenses. Will organizations like the Big Apple Greeters and the New York Historical Society require licensed sales agents?*

Vend means to hawk, peddle, sell, lease, or offer to sell or lease, at **retail**, tickets. *This appears to exempt anyone selling tickets at a discount, or wholesale, rather it should regulate sales of tickets at any cost.*

Vend in an aggressive manner, which is prohibited, means: (1) approaching or speaking to a person, or following a person before, during or after vending, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in section ten of the penal law upon oneself or another; or

(2) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle in the course of vending by any means.

Starting with #2, blocking pedestrian or vehicle traffic is the offense of disorderly conduct, but only when it is done with the intent to cause public inconvenience, annoyance or alarm, or is obstructing vehicle traffic on a public street. As this bill is written, if a ticket seller is standing still and printing out a ticket for one or more willing customers interested in buying said tickets, s/he is necessarily intentionally blocking a part of the public passageway. This bill doesn't require the intent to interfere for the purpose of obstructing passage, only interfering while vending, as such simply doing one's job could be grounds for enforcement. Indeed, simply standing still while holding up a brochure for a tour company could invite an enforcement action for blocking a pedestrian while vending.

Something as benign as approaching a person to ask if the person is interested in buying a ticket could be grounds for a summons, requiring the ticket seller to rebut the charge. Once again turning to the penal law regarding disorderly conduct, there must be some overt act, such as the making of unreasonable noise, using abusive or obscene language, or engaging in violent or threatening behavior. For example, multiple salespeople surrounding a tourist, or continuing to

press a sale after a tourist declines or attempts to move away, would clearly justify, and hopefully result in swift enforcement activity. Moreover, it is unfortunate but true that some people will fear being approached by a stranger, especially if that person looks or sounds different than the pedestrian so approached. This definition appears to go beyond what conduct the City can properly regulate and may lead to litigation, similar to the challenges to the loitering laws of a few years ago.

Ticket Seller License 220-551

No one may sell a ticket without having first obtained a ticket seller license, which shall be good for one year and cost \$125.

Will the regulators provide sufficient lead time for employees to complete an application, have it acted on by DCA, and issued such that workers are not prevented from performing their jobs, and regulated businesses aren't unduly burdened by delayed implementation?

Is \$125 per year for the cost of a license the reasonable costs to the city for issuing same, what is the justification?

Business licenses from DCA for the bus operations are for two years, why should the ticket sellers have to go through a separate process twice as often as the businesses they serve? Moreover, the general rule is that a license be issued for two years, what is the reason for treating this license differently? If the intent is to issue one year licenses in the first year to determine if changes should be made, the law should indicate so and allow for licenses to be issued for two years pursuant to the commissioner's rules, or after the first year of the law.

There is no indicated limit on the number of ticket seller licenses, might DCA promulgate such a rule, and what will happen to individuals currently employed as ticket sellers, including those in unions, if the existing work force number more than the commission determines to issue? Will persons currently employed as a ticket seller get "grandfathered" for a license, assuming such employees are otherwise qualified, or must they risk losing their current employment, including seniority and union benefits?

The only standards currently listed for getting a ticket seller license is to provide the applicant's name, address, and a recent photo. If the applicant doesn't have a city address she must provide the city address of an agent, and if the applicant is employed she must provide the name of her employer.

We believe the licensed ticket seller must be sponsored or connected to a regulated or licensed city business, to avoid the kinds of problems that have been documented all too often by rogue ticket sellers. All ticket sellers for Big Bus are employees, trained by Big Bus and supervised by the company. They are all customer service representatives, not simply sales people and they are paid a regular wage, rather than being paid by the sale, a process that invites aggressive selling. Moreover, over half of the patrons of big bus purchase their tours on line, and then need to convert their reservation for a physical ticket, which is issued by the customer service representatives. As such, well over half the interactions Big Bus Tours customer service

representative have in public settings result from customers seeking them out to obtain the physical ticket they previously purchased, or to obtain information regarding schedules and special services. Infractions by customer service representatives are dealt with by the Big Bus, which strives to provide a positive experience to its customers in every location it operates in, as well as by the city through these new laws and regulations.

Employer or contractor discipline, including possible loss of position or of a contract is a far more immediate and effective means of enforcement than the progressive ticketing program contemplated by these rules. Moreover, employees are usually screened more effectively than this licensing regulation appears to contemplate.

Independent contractors should also be accommodated through this process, by simply requiring the entity contracting with the independent ticket seller to be identified on the license. In this way any rogue sellers could be readily identified, thereby protecting both the public and the legitimate business, while allowing independent ticket sellers to flourish. Because the business as well as the ticket seller could be held liable for any infractions, the market would self-regulate out bad actors more quickly and effectively than could otherwise be done. And, the DCA rules already require that any change of information that was provided by an applicant for a (ticket seller) license, or for a renewal of a license, must be supplied to the commissioner within 10 days. Simply add that if a ticket seller loses his or her job, or contract(s) as an independent contractor, the license must be turned in to the department, or be appropriately amended to reflect changed the circumstances.

By analogy if a corporation or partnership is licensed by DCA, and there is a change of ownership, DCA must immediately be notified and there either will need to be a new license issued reflecting the changed ownership, or at least the records will be changed to reflect the changed circumstances.

Tying licensed sales agents to the entities they work for or contract with will promote real accountability and allow the combination of market forces and city enforcement to ensure vibrant and compliant sales activity in public space.

Duties of ticket sellers 20-555

Each ticket seller shall keep written records required by the commissioner, and shall permit inspection by authorized city agents of any tickets sold, including the address and name of each business providing or operating entertainment, transportation, or admission to events or places of amusement.

Accepting that the ticket seller must maintain and provide the above records, which relate to the entity's tickets that are being sold, why is it unreasonable to require evidence that such ticket seller is in fact authorized to sell such tickets on behalf of such entity?

We also suggest the ticket seller be identified on the ticket, by name or number, to ensure accountability for issued tickets.

Restrictions on ticket sellers 20-556

No ticket seller shall vend on any sidewalk unless such sidewalk has at least a 12 foot wide clear pedestrian path, absent any obstructions, and in no event may s/he vend on any part of the sidewalk other than that which abuts the curb.

This regulation appears to be copied from the general vendor rules related to the erection of a kiosk or newsstand that would provide a significant obstruction on any sidewalk. To require 12 foot free sidewalks, eliminates about half the public sidewalks in the city, without any rationale basis for the rule, and to require individuals selling tickets to stand on the curb line is potentially dangerous to the ticket sellers. This rule as applied to individual ticket sellers is subject to challenge as capricious and arbitrary.

No ticket seller shall vend within a bus stop or taxi stand, adjacent to a hospital zone, or within 10 feet of a driveway, subway entrance or exit, or corner.

Again, while this rule may well make sense when one is talking about built or movable structures on the sidewalk it mostly creates several irrational constrictions on the rights of ticket sellers to use the public streets and engage in their licensed work. Adding all these prohibitions to the 12 foot rule above effectively makes the ticket seller license worthless. Further since ticket sellers are people, not stationary structures, it would be virtually impossible to always maintain the multiple 10 and 12 foot zones required herein, while also operating only on the curb line.

It is also very significant that the rule carries a blanket prohibition on selling in a bus stop. Rather, any licensed ticket seller must be permitted to vend tickets at a bus stop for which s/he is authorized to sell tickets because the employing or contracting company is authorized to stop its buses at such location. This is how people have purchases passage on public conveniences for untold generations, and how customers who have purchased tours on Big Bus can readily convert their on line reservation to an actual ticket. What is the logic of a rule outlawing the selling of bus tickets at a company's permitted bus stop by the company's licensed agent? This will have a significant impact on many modes of transportation, including those involved in interstate transportation, such as intercity commuter buses. If only agents for the company authorized to use any given stop can operate in that clearly labeled stop, with their clearly labeled license and identifying vest or company jacket, the public will be well served, and enforcement made very easy.

No ticket seller shall vend in a pedestrian plaza unless so authorized pursuant to rules of the department of transportation.

This rule outlaws all ticket sales in all pedestrian plazas unless specifically authorized by DOT. This now requires the DOT to go plaza by plaza to determine if ticket sales should be allowed, rather than having DOT promulgate specific rules for the limited number of pedestrian plazas that could benefit from regulated ticket sales. It is far more than a presumption, absent such specific rules allowing sales, all ticket sales are banned. We are advised the basic DOT pedestrian plaza rules will not address commercial activity, thus this prohibition interferes with the regulatory powers just granted to DOT, and places an affirmative duty on DOT to authorize

commercial activity otherwise allowed in the adjacent areas. It is also distinguishable from the prohibition of selling in parks because the Parks Department already has a well-developed set of rules regarding commercial activities, which likely makes the section on parks redundant.

No ticket seller shall use **equipment**, stands, vehicles, racks, or displays in connection with vending tickets.

This rule takes us to the absurd in an apparent effort to prevent ticket sellers from utilizing bulky equipment, or materials such as pushcarts or tables. Ticket sellers must maintain and present records of sales, and the must transact sales, which in today's economy is largely done through credit cards, yet they can't use any equipment that would allow such transactions to take place or records to be maintained and available for inspection. Further, as explained above, over half of the Big Bus riders purchase their trips in advance and need to redeem a ticket from a customer service representative who must be able to access such records on a hand held electronic device. Rather, the rule should require ticket sellers to use hand held devices to record sales and provide receipts to consumers, which receipt should include the ticket sellers identification, such as her license number as a check on fraudulent activity. Further, displays such as sandwich signs worn by a ticket seller, a jacket or hat provided by an employer advertising the business for which tickets are being sold, or literature kept on the ticket sellers' person should all be encouraged to better identify legitimate ticket sellers and to inform the public.

We also note that if all equipment is prohibited, records would have to be maintained on paper, and all transactions in public spaces would have to be by cash, thereby creating a potential law enforcement problem, and make ticket sellers likely targets of thieves. It would also hamper the tourist industry as many tourists do not carry large sums of US currency, preferring to operate through credit cards, especially foreign tourists unfamiliar with our currency.

Suspension and revocation of license 20-557

These provisions generally follow the rules in the general vendor sections of the Administrative Code and seem reasonable. However, we do again suggest that if all ticket sellers are required to be linked to an employer or a legitimate business that contracts for their services, then penalties for repeated violations could also be levied against the employing or contracting entity thereby allowing the marketplace to provide incentives for appropriate ticket selling, and for removing those who would violate these regulations.

Re: **Testimony Before the City Council Committee on Consumer Affairs**
By: Julia Conway, EVP North America & President/GM New York City
Date: April 12, 2016
Attach: Westminster Code of Conduct



Good afternoon Mr. Chairman and members of the committee. Thank you for the privilege to address you today on the matter of Ticket Sellers' Licensing and Restrictions.

My name is Julia Conway. I am the head of Big Bus Tours New York and a shareholder as well. I have been with Big Bus in several capacities for 6 years now, but I am not new to the industry as my grandfather founded our family bus and sightseeing tour company in 1926 in the State of Rhode Island.

Three years ago I was tapped to lead the Big Bus Tours New York project with a team of three great people. I sit before you today representing 400 dedicated employees – among them, customer service representatives - referred to in this proposed legislation as “ticket sellers.”

Big Bus Tours is the global leader in sightseeing. We have businesses in 18 cities on 3 continents – London, Paris, Rome, and of course New York – are the headliners. The majority of our cities have rules that regulate ticket selling on street. In many cases we have facilitated these rules by introducing the London standard, the Westminster Code of Conduct, with great success. This code was developed at time in London when similar challenges faced the city as those we face here today.

Please let me be clear - Big Bus Tours is in favor of regulation, supported by proper enforcement, which creates a safe and constructive environment for our team to work and the touristic public to be served.

In the spirit of that support, we have three strong recommendations for the committee:

1. **Customer service representatives (aka ticket sellers) absolutely must, by some mechanism, be tethered to a DCA-licensed company.** Failure to make this part of the regulation will serve to facilitate and breed more of the bad actors. I assure you the industry will self regulate with this in place. Accountability will be greater and the

businesses themselves will become an enforcement arm to the agency. This is a key element of the Westminster Code. I have witnessed it practice and it is extremely effective.

2. **It is essential that we are able to sell and redeem tickets from our NYC DOT authorized bus stops.** The rules as written do not take into account that sightseeing tours take place on buses originating from bus stops from authorized curb space. In fact, the rules as written leave virtually no place in the city for the sale of a ticket at all. The Westminster Code effectively addresses this by linking authorized stops to CSRs in both quantity and location and makes ticket selling staff easily identifiable to potential customers and enforcement officials.
3. **Ticketing machines, commonly referred to as POS devices, must be allowed.** This tool is a requirement for our businesses, not only for selling tickets, but for redeeming pre-sold vouchers and electronic tickets. Pre-sold is trending to a high percentage - hence our jargon "customer service representatives" not "ticket sellers." Our CSRs fill a variety of roles on street, including selling tickets, but more readily, redeeming vouchers, providing information, regulating our bus service and creating a safe and comfortable environment for our passengers and the visiting public in general.

Let me sum up by reiterating that Big Bus Tours is in favor of regulation and that we appreciate the committee's willingness to hear our voice. My staff of 400 + tax payers is confident that these rules, with input from the stakeholders and careful consideration from the policy makers, will be fair, enforceable and will create an hospitable and safe environment for New York City's 56 million annual visitors.

Respectfully submitted,



Julia M. Conway

EVP, North America & President/GM New York City

**“Westminster City Council”
Sightseeing Tour Bus Operators’
Voluntary Code of Conduct**

This Code of Conduct defines the Standards of Operation, Presentation and Staff Deployment agreed between the London Sightseeing Tour Bus Operators with the support and guidance of Transport for London as the regulator of the services.

“Sightseeing Bus Tours” will be the defined term for tours by bus serving any areas within Greater London from specified pick-up points on either a continuous panoramic tour or hop-on, hop-off tour basis. These tours will carry both customers who have booked in advance through various media and spontaneous purchasers who participate on impulse.

Accurate information describing the Sightseeing Bus Tour is to be made available to the customer at the point of departure and at any prior booking point via marketing media and/or publicly displayed notices.

To ensure that customers can make an informed choice, any Booking Conditions together with the individual operator's Conditions of Carriage should be displayed within the company's principal brochure, on its website and be available at every point of sale.

The following notice should be displayed prominently within each company's principal brochure and on every tour bus.

'If you have comments about your Sightseeing Bus Tour, make them to the Company by writing to (*company name*)..... If you are dissatisfied with the response, you may wish to write to. London and Partners, 2 More Riverside London SE1 2RR or Bus Appeals Body PO Box 119 Shepperton TW17 8UX'

The operators will:

1. Ensure that vehicles are clean and well presented, offering the public a high standard of service and safety.
2. Comply with London Service Permit licensed routes and published timetables at all times.
3. Ensure that a current frequency of operation is displayed at each terminal point at all times and at interim bus stops wherever possible.
4. Always position waiting vehicles within the marked bays.
5. Instruct drivers to switch off vehicle engines whilst standing.
6. A-boards will not be placed on pavements. Terminals and stops will be kept free from obstruction and tidy at all times to facilitate unobstructed passage along the footpath.
7. Buses must not be permanently parked (except on private property). Every effort

must be made to avoid disruption to other operators' services. If a vehicle is disabled at a stop or could otherwise disrupt such services, the situation should be promptly communicated to the affected operator/s. Whilst the disabled vehicle continues to occupy a bus stop shared with a fellow sightseeing operator, the 'offending' operator will immediately suspend the sales process in the vicinity of that stop (including the immobile vehicle) until the vehicle has been removed.

8. Companies should restrict the activities of their staff to the immediate area around their own terminals and licensed stops (defined as alongside the marked area of the bus bay or equivalent if no such markings are in place).
9. Only one Kerbside Conductor per company is allowed on any specific licensed stop, with the exception of the Tower Hill, Baker Street and Westminster Bridge (Lions) stops where there can be two Kerbside Conductors. Only one staff member from each company is permitted to approach a customer.
10. On licensed terminals the maximum number of Kerbside Conductors per company will be three. Where a stand has an adjacent bus stop, Controllers and other staff working at the stand must not encroach upon, nor interfere with, the activities of any staff working at the adjacent bus stop.
11. All companies will ensure that customer-facing staff receive training in customer care, which will include professional standards of conduct towards all passengers holding a valid voucher for a sightseeing tour of London, regardless of the operation for which it has been purchased. Staff will not attempt to retail attraction tickets to passengers holding tickets for alternative Sightseeing Bus Tour operations. Staff must not interfere with, nor demand to see, the travel documents of other operators' customers and if shown such documents (e.g. by customers seeking advice) should direct those passengers to the correct stop (if known) or other operator's Kerbside Conductor/s.
12. It is recognised that the recruitment by one operator of staff previously released, dismissed, or still employed by another operator has been proven to contribute to friction between the companies and lead to public displays of poor behaviour to the detriment of London and its image. Such actions should therefore be discouraged. The operators will be held responsible for the behaviour of their staff which may impact upon their reputation, their operator status, and/or their suitability to acquire or retain London Service Permits.
13. Should any dispute or argument break out between opposing staff members at a stop or terminal, all of the people involved should be moved to another location immediately to avoid continued confrontation throughout the day.
14. Each operator's vehicles must all be clearly identified with their company name and associated liveries in accordance with the Westminster City Council Terminal Points Order, 2009 and its subsequent amendments.
15. As part of its staff training programme, each operator shall ensure that all of its staff are made aware of, and required to commit to, both the letter and the spirit of this Code of Conduct.

Company:

We recognise our obligation to promote and to demonstrate professional and dignified conduct on the streets of London. We agree to adhere to the definitions and standards as stated within this document.

Signature:

Name:

Job title:

Date:

Please retain one copy and return one signed copy to
Peter Bradley, TfL, Palestra 11G8, 197 Blackfriars Road, SE1

STATEMENT OF THE BROADWAY LEAGUE In Support of Intro. 1149

April 12, 2016

Good afternoon. I am Thomas Ferrugia, the Director of Governmental Affairs for The Broadway League. The League has been the principal trade association for the commercial Broadway theatre industry in New York State and across North America for over 80 years. We represent more than 700 theatre owners, producers and road presenters nationwide – with over 400 maintaining offices in New York City. I want to thank Chairman Espinal and the other distinguished members of the Consumer Affairs Committee for this opportunity to comment on the proposal under consideration today. We also wish to express our gratitude to Council Member Garodnick for his continued support and leadership on issues affecting Times Square and the business community.

The League has always encouraged regulation that improves the quality of life in Times Square. We have appeared before the City Council to support sensible management of the activity on the streets of the Theatre District, including licensing pedicabs, improving regulation of street vendors, granting the Department of Transportation oversight of pedestrian plazas and, today, licensing and regulating outdoor ticket vendors.

Over 13 million Broadway show tickets were purchased during the 2014-to-2015 theatre season. Of those, almost 2 and a half million theatregoers were residents of New York City while approximately two million came from the surrounding suburban communities. The remaining 8.7 million theatregoers visited New York City from across the country and around the world. Sixty-nine percent of these domestic and international tourists, who spend money in our city and enhance the local economy, cited attending a Broadway show as a principal reason for trip to New York. For context, Broadway-related spending infused the City with approximately \$12.6 billion during the 2014-to-2015 theatre season. It is therefore

crucial that the experience - from the moment a theatregoer arrives in Times Square to his or her departure - is overwhelmingly positive.

We note that between 2010, when construction of the plazas began, to the end of the 2013-to-2014 theatre season, we witnessed a 33% decline in attendance from suburban residents, representing 870,000 theatregoers. Thanks to the excellent work of NYC & Co, we have seen an increase in domestic and international visitors so overall tourism is up. However, complaints documented by the Times Square Alliance have increased dramatically and the majority of grievances address congestion, persistent sales-pitches and harassment.

We now see vendors who aggressively solicit families, take advantage of their fondness for popular characters and frequently attempt to embarrass or harass visitors into paying for photographs. We have also witnessed a notable increase in the number of hawkers who aggressively sell various services and products, including access to area events and shows. Many of these vendors have no legal relationship to the productions they promote and oftentimes sell counterfeited tickets. All of this contributes to a frustrating experience and deters New Yorkers and tourists from coming to Times Square for our performances.

Licensing ticket sellers will allow tourists and residents to know, at the very least, that they are purchasing legitimate event-tickets from an authorized seller at a fair price. It will help thwart unconscionable marketers from preying on visitors and citizens, as well as ensure a level of consumer confidence.

The recently passed pedestrian plaza legislation is an important first-step towards creating a better environment for area vendors, theatre-goers, shoppers and restaurant patrons. However, we must also address the longstanding issue of unrestricted ticket selling, or businesses will continue to suffer and people will continue falling victim to aggressive behavior and fraudulent activity.

On behalf of the Broadway theatre community, the League applauds the Council's ongoing dedication to addressing this problem in a fair and balanced manner.

Again, we thank the Committee for this opportunity.

Good Afternoon.

My name is Jean-Yves Ghazi, and I have been the Director of the Empire State Building observatory for more than eight years.

With over 4 million annual visitors and 12,000 daily tenants and tenant guests, we are one of the most visited places of entertainment in New York City. We see first-hand the results of unregulated street agents. I speak in support of the proposed bill to stop their obstructive, harassing and often fraudulent sales tactics, and protect the quality of life for residents and visitors.

Street agents have an adverse impact on quality of life in our City

- They obstruct pedestrian traffic, especially in high density corridors, whether to iconic attractions or to mass transit, congregate at street corners, and interfere with the safe access/egress of our building.
 - EXHIBIT A photos and statistics illustrate the physical obstruction caused by street agents based on a study conducted March 2013 and previously shared with New York City police, department of consumer affairs, and department of transportation.
 - EXHIBIT B contains many recent obstruction and fraud complaints posted online on Trip Advisor
 - EXHIBIT C provides you with supplemental images of street agent obstructing traffic and soliciting customers on April 8, 2016
- They intimidate and harass visitors - we receive many complaints from tourists as well as office and retail tenants in our properties
 - Please refer to Exhibit B
- They falsify information about the service they sell
 - Please refer to Exhibit B

Street Agents have a negative impact on the economy of our City

- An enormous part of the City's business activity and tax revenue derives from tourism, and the photos in EXHIBITS A and C, and the comments in EXHIBIT B clearly show that unregulated street sellers have a negative impact on the experience of visitors in our City—and on its reputation for future visitors.

Street Agent Organizers must be held accountable

- The aggressive behavior of street agents is inevitably motivated by the commission-only compensation set by their organizer/ employer
 - "...they'll tell you anything to get a sale..."
- The operators who organize the street agents and profit from their activities seek to evade responsibility for the street agents' violations by claiming the agents are independent contractors.
- In fact, the agents are pawns of these operators, and the improper and illegal conduct cannot be stopped unless enforcement includes anyone who organizes and/or colludes with the street agents and garners profits from them.
- These unlicensed ticket sellers have had little or no training in customer service or public safety and courtesy.
- Twin America, a reseller of Empire State Building Observatory tickets, has succeeded in implementing agent scripts, elevating service standards, and controlling the number of its agents within a specific geography. They have demonstrated that controls are not impeding their sales.

Street Agents are expanding their activities

- Beware that this issue is not limited to street agents representing the hop-on/hop-off tour bus industry. A new wave of agents is scalping attraction tickets to unsuspecting tourists. They purchase tickets from an attraction's website and resell them at a premium on the streets under false pretenses, victimizing New York City visitors and businesses.

In sum, licensing and regulation of street sellers is a common sense requirement, sorely needed to maintain City's quality of life, attractiveness to visitors, and vital tourist-based economic activity. Enforcement both at the street agent level and at the organizer/employer level will be critical to the success of the proposed legislation.

We respectfully and strongly urge that you amend this proposed bill to make the employers accountable and then promptly pass it. Thank you.

EXHIBIT A

EMPIRE STATE BUILDING Street Agent Violation Analysis

The Empire State Building conducted a study in March 2013 to uncover common street agent practices. The below summarizes our findings

Consolidated Report March 2013

Violation Code	Violation Description	
Code A	Agent False Identification as ESB Employee	39
Code B	Agent Falsifying Actual Wait Times	84
Code C	Agent Falsifying Actual Visibility	1
Code D	Agent Selling "Express" Tickets, Setting False Expectations	154
Code E	Agent Selling Tickets to the "Top", Not Clarifying That it does not include 102 nd floor Observatory	44
Code F	Agent Selling in Front of Prohibited Building Entry Points	127
Code G	Agent Obstructing Pedestrian Traffic	344
Code H	Other - SkyRide agent verbally threatening ESB Security Officer	57
Total Violations – March 2013		850

Agents Obstructing Pedestrian Traffic (blue jackets)

















EXHIBIT B

Street Agents References

Excerpts from Empire State Building TripAdvisor Reviews

As of 4/7/2016

“Great Views watch out for the street ticket touts !!!!!”

Reviewed 1 week ago

...Keep away from the guys selling the tickets on the street for this attraction, we bought off these guys they are very convincing, have all the uniform and Computer print out ticket machines, they tell you how they work directly for the Empire state Building and by purchasing your tickets off them you can beat a lot of the lines...

“Beautiful view”

Reviewed 1 week ago via mobile

...I also would suggest buying tickets from inside instead of from the people selling them on the street saying it gets u n faster it doesn't really.

“Worth it - but no need to go all the way to the top”

Reviewed 3 weeks ago

First off - check the line getting in prior to buying from one of the guys on the street. They tried to scare me into paying an extra \$7 ticket to save 45 minutes in line. Not even close - took me no more than 15 minutes to pay and be at the lower observation deck (84th floor?).

“Awesome view”

Reviewed 4 weeks ago via mobile

..Never buy tickets from the street. Always buy your tickets from inside the building.

“Lovely views ”

Reviewed February 28, 2016 via mobile

...Go straight to ticket desk, no need to buy on the street as they overprice!

“Long queue, great view.”

Reviewed February 17, 2016 via mobile

... Look out for dodgy people on the street selling tickets, they'll tell you anything to get a sale (we saw a few people being turned away thinking they'd been sold queue jump tickets).

“Beware”

Reviewed February 10, 2016

We were looking for the entrance to Empire State Building when a guy asked us if we were going to the top - he could get us to skip the lines (which we don't know if there were any on street level) for an extra \$6.00. Sounded good - we ended up paying for a ride that we really didn't want and still lined up to get to the top floor. Felt as though we'd been had, but the views were fantastic and I'm glad I did it

“Amazing Experience but...”

Reviewed January 29, 2016 via mobile

...Be careful of walk up W 33rd St to the ESB. There are people dressed in semi official Empire State Building gear who encourage you to try the "express VIP experience" to avoid queues. This is a rip off and complete smokescreen, so avoid at all costs...

“Amazing ”

Reviewed January 29, 2016 via mobile

...Be aware of "street hawkers" on the approach to The Empire State Building. They offered "fast pass" to Floor 104 for \$94 each !!!! We bought the same tickets inside the Empire State for \$52 each and were in the lift within 10 minutes !!

“wonderful view”

Reviewed January 24, 2016

...One tip: DO NOT buy tickets from the vendors on the street. They upcharge and advertise that if you buy from them you won't have to wait in line as long. This was not true...

“Worth a visit”

Reviewed January 16, 2016

...there are hundreds of ticket sellers on the streets that will claim they have express tickets to sell but in fact are not able to sell them...

“Pay the extra!!!”

Reviewed January 13, 2016 via mobile

...Do not purchase tickets from anyone on the street!!! BEWARE!! Purchase your tickets online or at the Empire State Building...

“Good night views but long lines.”

Reviewed January 9, 2016

... Don't buy tickets from street vendors as you don't actually skip any lines with their tickets even though you do get a slight discount...

“Beautiful views, but too much hassling on the street”

Reviewed January 9, 2016

...However, the streets around the Empire State Building are flooded with workers trying to sell you tickets...

“Christmas Day Visit”

Reviewed January 6, 2016 via mobile

...we walked over about twenty minutes after opening and the tour agents on the street were claiming there was a two hour wait - please always just walk on past them... We went straight in - no one was in front of us to buy our tickets...

“On a Clear Day...You can see forever”

Reviewed January 6, 2016

...I would advise you not to buy tickets from one of the street vendors. We were told they were with the attraction and we would get priority entry. It did not work out...

“Too many VIP passes sold!!!”

Reviewed January 5, 2016

...they should ban the hustlers from the street!!!! I watched several young couples get screwed out of lots of money and never get to advance in the line. Someone needs to arrest all those idiots who are just basically stealing money...

“A shameful disgrace”

Reviewed January 2, 2016 via mobile

...We were accosted by some " ticket vendor" on the street who followed me down the street reprimanding me for not buying tickets wishing me " good luck waiting four hours"

...Who are these new age scalpers?...

...The street ticket hawkers were the worst...

Not just here but Statue of Liberty , top of the Rock and other places

“Empire State Building”

Reviewed January 1, 2016

...Beware of the street ticket sales guys, they're a rip off. Only purchase tickets from the Empire website...

“Empire State Building December 19th 2015”

Reviewed December 25, 2015

...Beware of the people outside on the street saying they work for the ESB and quoting long wait times and they can route you around them. Last year one guy said he would get us past security...it's all nonsense. They do not work for the ESB.

“But don't be fooled!”

Reviewed October 13, 2015 via mobile

....On 11th of October 2015, we had no intention of buying ESB tour tickets from any of the street hawkers but we're approached by one who said he worked directly for the ESB (he even wore a shirt that said Empire State Building Staff) and we could save time by buying from him as the ticket line was probably over 250 people. He advised us ticket prices were \$32 each but for just \$7 more per ticket we could get "Express Front of Queue Status" for the entire tour.

So, don't be fooled, the street sellers are not authorised to sell front of queue tickets so it is just a big scam!!!!!! The tour bus company who sold us the tickets could not be less interested in resolving the issue which, in my opinion is deceptive at best and unlawful at worst.

“Don't get sucked in by the ticketsellers on the street.”

Reviewed October 6, 2015

...As my cousin and I got closer to the location, there were more and more "ticketsellers" on the street, promising that we would jump the queues etc. My cousin decided to buy tickets from them - I immediately wondered whether the tickets would be dodgy - it cost \$40 each. Upon entering the building, we then noticed that the standard ticket price was \$32.

Visited September 2015

“Skip the Empire state building”

Reviewed September 15, 2015

...There are lots of lines when you get close, and a lot of harassment from people selling tickets to the Empire State building on the streets as you are approach this iconic landmark.

“Okay experience - don't buy tickets from the people on the street”

Reviewed August 2, 2015

...DO NOT buy tickets from people on the streets. Only buy them online or INSIDE the building. The people on the street do not represent the Empire State Building. As we were walking to it, some guy really attached himself to me and got in my face. He was very rude and aggressive. He told me to not be afraid of him. Insisting he knew where I was going and that he was a staff member of the building. He then flashed an "ID" in my face. After several unsuccessful attempts I told him to leave me alone pretty rudely. It clearly says on the Empire State Building website those people are not employees and that you can only buy tickets in the building or on the website. Sorry - but anyone that approaches me on the street to buy something - whether in NYC or the middle of nowhere America - you aren't getting anything out of me. Especially if you are rude and aggressive in your sales tactic. I'm not sure how the city of New York permits this kind of activity.

“Amazing!”

Reviewed July 2, 2015 via mobile

...On our way to find the entrance we were stopped a number of times by people on the street trying to sell us skip the line tickets, etc and they were outright stating they worked for the Empire State Building. They said their tickets were only \$5 more but worth it as the lines were 2 hrs long - we took our chances! There were no lines and we saved some \$\$...

“Fabulous Views of the City.”

Reviewed June 24, 2015

...Buy your tickets online, don't buy on the street...

“Empire State Building - A must; buying tickets from the street vendors - DON'T!”

Reviewed June 18, 2015

...We were approached by the street ticket sellers who suggested that in buying their pass we would get through the lines quicker and that we would also see a tour of NY video. Well - we were suckered in and seriously wasted money in this approach. We waited in the same elevator lines as everyone who went through the front door and bought the regular \$32 ticket - and we paid nearly double that... SKIP THE STREET VENDORS, BUT DON'T MISS OUT ON THE AWESOME VIEWS FROM THE EMPIRE STATE BUILDING...

Visited June 2015

“Get rid of the con men selling tickets on the street”

Reviewed October 8, 2014

...I almost wish we did not go. When we get close to the entrance, men in uniform rush towards you and really forcefully make you buy the tickets right there. We tried to avoid the guy who targeted us, but he said “prices are the same as inside and it would be quicker”. He and his colleagues wore the same uniform (we think) as the staff inside the building. But when he said we also got a river cruise for FREE, we where quite sure we been fooled. Of course we had been, 10 dollars each more!!! We cannot understand why this is legal and that the town does not see to remove these con men. What is the point of giving people this bad experience on such a famous landmark?

Street Agents Obstructing sidewalks

Current Conditions - April 8, 2016

EXHIBIT C

3 agents obstructing south bound pedestrian traffic near the Empire State Building entrance



5 Agents – corner of 5th & 33th Street near ESB entrance



6 agents near the Empire State Building entrance on 5th Avenue



6 agents at the corner of 34th & 5th



The Shubert Organization, 225 West 44th Street, New York, NY 10036
212-944-3780

STATEMENT FROM THE SHUBERT ORGANIZATION
IN SUPPORT OF INTRODUCTORY BILL 1149

April 12, 2016 -- The Shubert Organization is in favor of Intro. 1149, regarding the regulation of ticket vending in public plazas. We are particularly concerned with conditions in Times Square. Every year, more than 13 million theatregoers pass through Times Square. All of them should feel welcome and safe.

Currently, pedestrians in Times Square are solicited by aggressive vendors selling tickets to a wide array of attractions. The intimidating practices of many ticket vendors are offensive and often bewildering to visitors looking to purchase theatre tickets.

The proposed actions outlined in Intr. 1149, including the licensure of all ticket sellers, will achieve immediate results toward significantly improving the quality of life in Times Square and other public plazas.

The legislation also addresses the pressing issue of providing safe, unobstructed pedestrian walkways. The passage of this bill will benefit all New Yorkers and enable the City to provide a safe,

welcoming environment for the millions of visitors who arrive every year.

We appreciate today's opportunity to express our views to Chairman Espinal and members of the Consumer Affairs Committee. We express our gratitude to Council Member Garodnick for recognizing the problems and creating solutions. We encourage the City to make it a top priority to enact the legislation proposed in Intro. 1149.

#

Contact: Bill Evans, Director of Media Relations, The Shubert Organization
212-944-3780 bille@shubertorg.com

Gideon Orion Oliver

Attorney at Law

277 Broadway, Suite 1501
New York, New York 10007

(646) 263-3495 (phone)

(646) 349-2914 (fax)*

Gideon@GideonLaw.com*

*Not for service

April 12, 2016

BY HAND

New York City Council
Committee on Consumer Affairs

Re: *Proposed Int. No. 1149*

Committee on Consumer Affairs Members:

I represent Go New York Tours, Inc. ("Go New York") in providing this written response to Int. No. 1149, the proposal this Committee is considering to require licensure prior to selling or offering for sale tickets, and otherwise to regulate ticket selling, in all New York City public spaces. I have been involved in First Amendment-based civil rights litigation in New York City for over a decade. I routinely represent defendants in criminal proceedings, and respondents in civil proceedings, in summons courts, New York City Criminal Court, and administrative proceedings resulting from City regulations related to vending.

Go New York does not oppose the idea of City regulation of ticket agents *per se*. However, as written, Int. No. 1149 is an unworkable – and, I submit, unconstitutional – hybrid of existing, Giuliani-era prohibitions on unlicensed general vending, soliciting in the park without a permit, and aggressive begging, with some poorly thought-through restrictions added in for bad measure.

Int. No. 1149 as drafted would prevent ticket sellers from earning a living. It would also have devastating consequences for hundreds of tour guides, bus dispatchers, drivers, mechanics, maintenance workers, and countless others who make ends meet doing related work. If passed, the bill will lead to huge financial losses for my client, layoffs, and ultimately, the possible end of Go New York's business.

The scheme requires licensure prior to engaging in conduct protected by the First Amendment to the United States Constitution as well as Article I, Section 8 of the New York State Constitution – to wit, the speech and conducted associated with promoting sightseeing tours and other, similar entertainment, including by selling and offering for sale tickets.

The scheme would create a new misdemeanor crime punishable by up to 90 days in jail and/or \$250-\$1,000 in fines whenever a police officer or other City official

charged with its enforcement believes a person to be selling or offering for sale tickets without a license, or vending in an “aggressive manner” – for example, by “intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle in the course of vending by any means.”

It would also create a separate, violation-level criminal offense punishable in New York City Criminal Court by fines ranging from \$50-\$100 for a first offense up to \$1,000 for subsequent offenses, for violations of *any* other provision of the nine-page bill. On top of that, the bill would create a further potential civil penalty of between \$250-\$1,000 per day, which could be levied in addition to any charges brought in New York City Criminal Court, for each violation of any provision of the nine-page bill, to be recovered in an administrative proceeding before the Office of Administrative Trials and Hearings.

Int. No. 1149 contains restrictions that are not content-neutral and cannot withstand strict scrutiny. For example, in order to determine whether the speech a perceived ticket seller is engaging in constitutes prohibited ticket selling, or whether the statutory exemptions apply, officials charged with enforcing it must consider and evaluate the speaker and the content of the speech, criminalizing certain speech and related, protected conduct, but not other, similar conduct that creates the same perceived ills.

Despite its close nexus with First Amendment-protected conduct, there is no *mens rea* requirement written into the proposed legislation, so a person who does not know about the need to have and display a license, or violating any other provision of the bill, before selling or offering for sale tickets, can be arrested and prosecuted for doing so innocently.

Beyond that, the proposed regulations lack narrow tailoring to specific, significant governmental interests, particularly given the existence of more reasonable, less burdensome alternatives.

Additionally, the proposed regulations fail to provide ample alternatives for expression of the protected speech and conducted associated with promoting sightseeing tours and other, similar entertainment, including by selling and offering for sale tickets.

Key aspects of the proposed regulation are vague as written and/or substantially overbroad in their sweep. The vague provisions fail to bridle law enforcement officials sufficiently in exercising the substantial discretion the bill grants. The scheme does not describe or provide for hearings or other process to be provided related to license applications, renewals, suspensions, revocations, or civil penalties related to purported violations of the scheme. Nor does the scheme provide for prompt and meaningful judicial review.

The bill defines “public space” to include all City property including all parks, pedestrian plazas, sidewalks, parking spaces, as well as all “publicly owned or leased land”. This broad definition of “public space” puts the enforcement scheme in apparent

conflict with the letter, if not the spirit, of existing time, place, and manner restrictions imposed by other regulatory schemes that place restrictions on vending goods and services, “soliciting” without a permit in a New York City Park or within one block of such a park, and on vending food.

The \$125 annual fee for licensing or renewal is too high for ticket agents to afford, and out of synch with similar fees required by DCA for tour guide and other, similar licenses. Additionally, there are no provisions in the bill related to the time within which DCA must respond to licenses. DCA should grant or deny licenses the same day applications are submitted, or within a short and reasonable time thereafter.

The scheme would give DCA a blank check to grant or deny applications for almost any reason. That grant of authority is too broad, and the Council should rein it in. For example, DCA would have the authority to deny an application outright wherever an applicant has a misdemeanor conviction on their record for violating the bill. However, taking a plea to a misdemeanor conviction may be the only option, even for a first-time offender who innocently violates the scheme by attempting to sell a ticket without a license and does not want to risk jail and substantial fines, where a prosecutor makes no other offer, as is often the case. There should not be a “one strike and you are out” provision built into the law. Similarly, DCA would have the authority to deny an application outright wherever an applicant has any unanswered summonses or unsatisfied fines or penalties related to ticket selling. That bar is unfair because the police determine when summonses are returnable – often months after they are issued – and because requiring applicants to be current on fines and penalties will frustrate their rights to appeal the determinations to fine or penalize them administratively and/or challenge them in judicial proceedings.

The scheme would also grant DCA similarly overbroad authority to suspend or revoke licenses – including on the two grounds described above, but also whenever a person has four or more violations of the bill on their record within a four-year period or makes any perceived false statement in an application or in the course of vending. There is no definition or other guidance related to what constitutes making a false or fraudulent statement in the course of vending or on an application, there is no *mens rea* requirement in the scheme, and there is no distinction made between material and other types of potentially statements that could potentially be perceived as “false.”

The scheme would further impose the following restrictions on where even licensed ticket agents could sell or offer to sell tickets:

- Ban selling or offering for sale tickets at all bus stops
- Ban selling or offering for sale tickets in New York City Parks or within one block of them
- Ban selling or offering to sell tickets in all pedestrian plazas, including throughout Times Square and Herald Square
- Ban selling or offering to sell tickets on sidewalks narrower than 12’, measured from the private property line

- Ban selling or offering to sell tickets within 10' of a "corner" – where a "corner" is measured from the private property line
- Ban selling or offering to sell tickets within 10' of a subway entrance or exit
- Ban selling or offering for sale tickets anywhere except on the part of the sidewalk abutting the curb
- Prohibit the use of any "equipment, stands, vehicles, racks or displays" in vending tickets

The scheme would also allow the police and other city agents to direct ticket sellers to "temporarily move from any location" whenever they observe "exigent circumstances" such as – but not limited to - "unusually heavy pedestrian or vehicular traffic, ...obstructions in the public space, ...a parade, demonstration, or other such event." The police would thus have unilateral authority to order ticket sellers to cease their protected conduct, and leave the area, whenever they believe that traffic is "unusually heavy."

Taken together, these restrictions on where even licensed ticket agents could sell or offer to sell tickets will effectively ban ticket sellers from selling or offering for sale tickets to Go New York's sightseeing bus tours.

The proposed ban on ticket selling in Times Square, Herald Square, and all other pedestrian plazas will have obvious, negative impacts on ticket sellers who seek to reach the audiences of tourists in and near Times Square, Herald Square, and other pedestrian plazas. The ban on ticket selling treats ticket sellers differently than similarly situated general and food vendors. The same exemptions from relegation to the proposed "commercial activity zones" afforded to licensed general vendors and food vendors should be extended to licensed ticket sellers. Because those regulations have developed along with other legislation that the Council has already passed, and will be the subject of rulemaking and related hearings before the City's Department of Transportation, they are not addressed further here.

The proposed ban on ticket selling in or near City Parks is unnecessary because Parks already has a scheme that comprehensively covers selling or offering for sale tickets for entertainment.

Go New York's business thrives on selling tickets at and near bus stops and on City sidewalks. The prohibition on vending tickets at bus stops will not significantly reduce the impact of ticket selling on pedestrian traffic, but it totally ban Go New York from selling or offering for sale tickets at or near its City-approved bus stops.

Similarly, Go New York agents often use pieces of cardboard or other signs to identify themselves as ticket sellers and to advertise their offerings and rates. Those signs could be construed as "equipment" or "displays" under the scheme and prohibiting them will ban that means of communication, without improving the conditions sought to be addressed by the regulation.

Beyond that, there is virtually no New York City sidewalk on which ticket sellers could vend in compliance with the 12' and 10' restrictions and ban on vending anywhere but curbside.

In light of these concerns, and the other concerns to be raised at today's hearing, Go New York suggests that the Council re-think, and re-draft, the bill, after taking into account the input provided by Go New York, other businesses, ticket sellers, and others today, and after soliciting and considering further input from business owners, workers, and all others who will be impacted by the proposed regulation.

Thank you for your attention to these concerns.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gideon Orion Oliver", followed by a horizontal line.

Gideon Orion Oliver



GANYC

GUIDES ASSOCIATION OF NEW YORK CITY
WWW.GANYC.ORG

For further information contact: info@ganyc.org

April 11, 2016

Dear Council Member:

To introduce ourselves, the Guides Association of New York City, or GANYC, is the leading membership organization representing sightseeing guides licensed by the Department of Consumer Affairs. We endeavor to create and uphold the highest ethical and professional standards for guides working in New York City. Toward that goal we often partner with government officials and related professions, businesses, and cultural institutions to insure that our clients experience New York at its best.

We join TWU Local 225 in their support of a law requiring that ticket sellers in New York City be licensed and fully expect that the licenses are to be the property of individual vendors and not of the bus companies for which they work.

A number of provisions in Intro 1149 (which addresses such licensing) present us with concern. They include (but are not limited to):

1. No sales at bus stops. Vendors often sell tickets for double decker rides at bus stops designated for double decker drop-off and pick-up. Many visitors without tickets but desirous of obtaining them go to those stops to make that purchase.
2. No sales within ten feet (10 ft.) of a subway entrance or exit. Better language would be to ban sales within ten feet (10 ft.) of the stairs leading to the subway. Otherwise, it could be interpreted that the ten feet (10ft) exclusion zone applies to within ten feet (10 ft.) of the sidewalk cutout for the subway entrance.
3. No sales except on the area of the sidewalk directly facing the curb. This language makes sense when applied to solicitors who attempt to set up tables against private property or perpendicularly across the sidewalk. Solo vendors should not be mandated to sell curbside and risk getting splashed by traffic during inclement weather.

GANYC respectfully requests that your committee avoid a one-size-fits-all approach to the important aim of regulating outdoor vendors. We request also that you work closely with Local 225 to create language that takes into account the goals of the tourism industry and of legitimate outdoor ticket sellers along with those of safety and pedestrian flow.

Thank you for considering our position on this matter.

Sincerely yours,

Judy Richheimer

Chair/Government Relations Committee/GANYC

Testimony on behalf of the Times Square Alliance

Intro. 1149 -2016: Licensing Ticket Sellers

New York City Council on Consumer Affairs

April 12, 2016

Thank you Chairman Espinal, Council Member Garodnick, and Members of the Committee on Consumer Affairs for allowing me the opportunity to testify today. My name is Caitlin Lewis, Director of External Affairs for the Times Square Alliance. Tim Tompkins is out of town for a long-scheduled commitment, so I have been asked to testify.

The Times Square Alliance supports Intro. 1149-2016, which is consistent with and fulfills one of the Times Square Task Force recommendations from the last fall. The Alliance does not support banning ticket sellers from the pedestrian plazas, however we do support requiring a license for ticket sellers, as well as reasonable time, place and manner restrictions, as needed.

Times Square is one of the world's most iconic locations. Approximately 450,000 pedestrians pass through the area daily, and over 39 million tourists visit Times Square annually. The creation of the pedestrian plazas in 2009 added new space for visitors and locals to sit and relax, take in the spectacular sights, or simply pass through the area with ease. At the same time, this new space has become a magnet for commercial activity, with up to 181 ticket sellers of various types vending in Times Square on a given Saturday night.

There are many legitimate ticket sellers in Times Square who earn an honest living by providing visitors with the opportunity to take a sightseeing tour, see a comedy show, or partake in the countless entertainment options that Times Square is known for. Those individuals should be allowed to continue making a living on the Times Square plazas. However, some less scrupulous ticket hawkers resort to fraudulent and deceptive means to make a quick dollar off of unsuspecting tourists. The instances of aggressive and fraudulent ticket sales in Times Square are well-documented: theatergoers tricked into spending hundreds of dollars on fake "Hamilton" tickets, visitors promised comedy shows with celebrity headliners like Tina Fey, and New Year's Eve revelers sold tickets to non-existent ball drop parties. Some engage in aggressive or intrusive tactics. These practices perpetuate negative perceptions of Times Square, leading some New Yorkers and tourists to avoid both the sellers in general and the area entirely. In fact, in an October 2015 survey, 61% of Times Square employees reported having had a negative interaction with a commercial solicitor of some sort, with half of those employees saying that interaction made them feel less safe.

New Yorkers and visitors have also taken to social media to document these negative experiences, further amplifying the message that Times Square is a place to avoid. On Trip Advisor, someone named Alex wrote, "We were sold \$20 tickets off a street vendor in Times Square who lied to us about who was going to be appearing, telling us 'Seth McFarlane' and 'Tina Fey' we're going to be performing along with a host of other comedians I'd recognised. They weren't there... I feel completely swindled out of my money and like we've been

completely taken advantage of.” In a Yelp review of a Times Square comedy club, Antonia wrote: “What a scam! They have a street team that harasses you on the street then completely lies to your face about who is performing that night.” And on Twitter, several users mentioned ticket sellers offering to sell them drugs. Dozens of testimonials documenting similar tales can be found online, a sampling of which are attached to my testimony.

Times Square is home to dozens of entertainment venues and almost 40 Broadway theaters. These venues drive our thriving tourism economy. Hawkers that deliberately mislead visitors, or that are especially aggressive in approaching them, not only threaten the hundreds of thousands of tourism-related jobs citywide, but also the livelihood of the legitimate and hardworking ticket sellers trying making a living on the plazas and sidewalks of Times Square. It is worth noting that a 2012 study showed that Times Square directly and indirectly is responsible for one-tenth of all New York City jobs, and that 61% of the people who work in Times Square – many in the tourism industry – work north of 96th Street or in the outer boroughs. Annual direct spending on hotels, entertainment and retail in Times Square is \$4.8 billion, and Broadway-related spending infused the City with approximately \$12.6 billion during the 2014-2015 theater season. In addition, Times Square has 20 percent of the hotel rooms in the City. For this level of economic activity and job creation to continue, we must ensure that Times Square is welcoming to both New Yorkers and tourists.


The Times Square Alliance urges the Council to pass this sensible legislation that will establish a clear licensing scheme and give the City the tools to better protect consumers and thereby enhance the reputations of the many honest, hardworking and legitimate ticket sellers in the area.

Thank you for the opportunity to testify.

Sample of Social Media Posts re: Times Square Ticket Sellers – 4.18.16

<div data-bbox="110 247 162 296"></div> <div data-bbox="164 249 258 289"> Derek @DerekMater </div> <div data-bbox="519 258 641 279"> Follow </div> <p>@PIX11News @gregmocker from costumed characters to tour bus ticket sellers, Times Square is a Mecca for harassment it's very annoying</p> <p>5:12 AM - 7 Apr 2016</p>	<div data-bbox="849 258 909 317"></div> <div data-bbox="915 264 1027 308"> Louise @wheezeface </div> <div data-bbox="1347 273 1508 296"> Follow </div> <p>Obnoxious guy in Times Square: "White ladies, why don't you go see comedy?" Me: "Nooooooooooooope."</p> <p>9:34 PM - 5 Apr 2016</p>
<div data-bbox="105 556 138 619"></div> <div data-bbox="155 548 488 594"> Amy Schumer @amyschumer · Apr 4 You should be able to call in "angry" to work </div> <div data-bbox="155 602 474 623"> 4.7K 10K ... </div> <div data-bbox="94 672 154 730"></div> <div data-bbox="155 676 748 724"> rachel leishman @RachelLeishman </div> <div data-bbox="597 684 748 707"> Follow </div> <p>@amyschumer today the comedy show sales men in times square are saying you're performing tonight.</p> <p>11:14 AM - 4 Apr 2016</p>	<div data-bbox="873 598 917 646"></div> <div data-bbox="922 598 1040 640"> Kita @Watashwa_xatt </div> <div data-bbox="1279 606 1409 630"> Follow </div> <p>*walking through Times Square past men advertising comedy show* "How about a comedy show... And how about a tall black man for you"</p> <p>1 </p> <p>9:12 PM - 14 Mar 2016</p>
<div data-bbox="116 1054 162 1108"></div> <div data-bbox="167 1056 287 1100"> Ben Jammin @BenFrankIV </div> <div data-bbox="548 1064 682 1087"> Follow </div> <p>Comedy Central showcase peddlers in Times Square might be bigger scammers than mixtape hustlers.</p> <p>4:18 PM - 12 Mar 2016</p>	<div data-bbox="865 1018 917 1073"></div> <div data-bbox="922 1022 1034 1064"> Nora Hafez @nommzz </div> <div data-bbox="1312 1031 1458 1054"> Follow </div> <p>Rare outing in Times Square: guy w/ American accent to me "comedy tickets here", same guy 2 seconds later in German accent "also marijuana"</p> <p>2 </p> <p>7:25 PM - 3 Mar 2016</p>
<div data-bbox="97 1480 146 1516"></div> <div data-bbox="151 1476 253 1516"> natalieer @natalieevilla_ </div> <div data-bbox="519 1484 646 1505"> Follow </div> <p>when a comedy guy in Times Square asked me if i needed weed and if we can be friends cause he wanted a white friend 🤔🤔</p> <p>1 </p> <p>9:24 PM - 1 Mar 2016</p>	<div data-bbox="865 1455 917 1509"></div> <div data-bbox="922 1457 1104 1501"> Nicolette Angelina @NicoletteAngel </div> <div data-bbox="1323 1465 1474 1488"> Follow </div> <p>Man in Times Square asked if I wanted comedy show tickets then followed with if I wanted some weed too</p> <p>15 </p> <p>9:28 PM - 20 Feb 2016</p>

Sample of Social Media Posts re: Times Square Ticket Sellers – 4.18.16

<div data-bbox="108 270 303 315">  Jimmy LeChase @JLeChase0 </div> <div data-bbox="509 277 628 298"> ⚙️ Follow </div> <p>@TheSixFinger @jsdtweets never buy comedy tickets from a barker selling for shows in Times Square. You will get lied to and ripped off.</p> <div data-bbox="108 436 238 533"> <div>  2 </div> <div>  </div> <div>  </div> <div>  </div> </div> <div> <div>7:50 AM · 17 Feb 2016</div> </div>	<div data-bbox="863 270 1039 323">  greentea. @BonemianTn </div> <div data-bbox="1321 277 1472 298"> ⚙️ Follow </div> <p>"You like comedy? ...I got drugs too." ,-things you hear in Times Square</p> <div data-bbox="863 417 1156 476"> <div> <div>4:19 PM · 11 Feb 2016</div> </div> <div>     </div> </div>
<div data-bbox="120 602 292 648">  David Lawson @DLAWSON </div> <div data-bbox="509 609 628 630"> ⚙️ Follow </div> <p>Heard a Times Square comedy hawkker say "I'll split your skull and gut you like a fish!" Better than lying about Louis CK being at your club!</p> <div data-bbox="120 760 365 861"> <div> <div>RETWEET</div> <div>1</div> </div> <div> <div>LIKE</div> <div>2</div> </div> <div>    </div> <div> <div>1:28 PM · 9 Feb 2016</div> </div> </div>	<div data-bbox="839 625 1364 651">  Amanda Rose @Amanda_Rose1122 · Jan 8 </div> <p>"Comedy show ladies?" "No thanks." "How about some drugs then?" *actual conversation that just occurred in times square*</p> <div data-bbox="932 783 1347 808">    6 </div>

Yelp Reviews – Comedy Club Ticket Seller Testimonials

Broadway Comedy Club

Andrea D, 1/5 stars, 4/6/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=nycQHEb06ErIXD363syB9Q&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=nycQHEb06ErIXD363syB9Q&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"I do have myself to blame for falling into a tourist scam trap even though I'm not a tourist...

Wandering through Times Square, guy selling tickets promises big name performers and \$20 tickets - we buy them and walk to the place - thankfully we asked before we sat down and the lady said no those performers were not there.

She then proceeds to give me the number for the street team manager - saying the club sells tickets to them and they're not responsible if the ticket sellers lie. She claims if I call the manager he will call me back and give me a refund.

This is clearly a scam - the ticket guy is there then gone forever - club pushes responsibility back on the "ticket seller" and gives you a contact number so you don't scream at them to get your money back - naturally no one calls you back to reimburse you.

With all of the drama surrounding street performers and Times Square, and the comedy show ticket sellers getting caught up in it and swearing they're legitimate and shouldn't be affected, you would think they would be more careful. Additionally I'm not sure how the city allows an actual business to clearly participate in an ongoing scam and basically theft."

Caitlyn A, 1/5 stars, 4/2/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=RC5yU6C1i8LPUA21puBZ3w&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=RC5yU6C1i8LPUA21puBZ3w&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"Sold tickets to Amy Schumer in Time Square. Ha! Total rip off! Place was awful. Terrible comedians, drinks and food. When the last performer went on and I realized I had been had so I found the manager. Told her I had a problem because I was sold tickets to a Amy Schumer show, she rattled off some unsympathetic answer that we purchased from a 3rd party and basically it wasn't her problem. New York 1, me 0."

Jessica T, 1/5 stars, 4/1/2016

"If I could give a 0, I would. Awful. First, "Jim" in Times Square approached us on 2 different nights trying to sell us tickets. We declined the first time, then the second time he won us over by flattery and name dropping celeb comedians and saying that it was the New York comedy festival and they were doing taping for the show.

Just a rip off. It's my own fault for not reading reviews before hand. It's in a DARK HOT SMELLY BASEMENT. Don't go.

We made it 40 minutes in, it was not good. Subpar comedian at best.

Seriously don't waste your time and be scammed like we were. Rip off.

Head down to Gotham comedy club, if you're looking for a real NYC comedy club experience."

Deanne H, 1/5 stars, 3/31/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=R91ZjRhkkubEp6rHZhRS5A&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=R91ZjRhkkubEp6rHZhRS5A&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"This was a big disappointment! The comedians that we were supposed to see were not there. The announcer was not funny & could barely finish a sentence. Very overpriced drinks so it was not worth almost \$50 per person. The last 2 acts were funny but by then it was so hot & boring that we were just waiting for it to be over. Use your money somewhere else, I wished I checked here first."

Matt B, 1/5 stars, 2/26/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=EAuOjL2-jiZlleAK0uJeOA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=EAuOjL2-jiZlleAK0uJeOA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"Don't go here! The tickets on the streets are scams! Don't believe any claims about famous comedians being here. We were told that Louis CK was here and then when we got here he was definitely not here. The club does nothing to prevent people from selling fraudulent tickets, so you cannot trust anyone selling you tickets"

Holly S, 1/5 stars, 2/20/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=OzZu-rSBiVV5um1eLsyRow&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=OzZu-rSBiVV5um1eLsyRow&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"I only blame myself for not reading the yelp reviews before attending this extremely subpar performance.

My boyfriend and I were hustled on 42nd street and falsely believed that the comedians that were mentioned would actually be performing at the show. He (the salesperson) name dropped a few from last comic standing, SNL, etc. NONE of which were even close to being there. When we agreed to pay for the tickets, he called and made us fake reservations for a fake table.

The show was in a small, dark basement. The 5 comedians did improv and it sucked. 5/10. It's something I'd expect from a free college performance, but that's about it.

The two drink minimum is a sales scheme. We each bought one drink and got away with it.

Totally wasted \$50 in total. Even thought about speaking with management after the show to tell them what we were promised vs what was delivered but decided against it. From another yelpers review, I see that complaints did not help anyway.

On a positive note, I have learned to read more reviews before attending events blindly!"

Angelique A, 1/5 stars, 1/17/2016

[http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=YRYMpQI9nSzTHI0UL72nMq&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=YRYMpQI9nSzTHI0UL72nMq&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"Don't get snowed by the people outside the theatres selling tickets. Such a scam. We paid \$60 for two tickets to a show time that didn't exist for a comic that isn't even in the US right now. Caught 3 out of 6 acts, and practically had to beg to get served. I usually like to post when things are awesome, but felt a duty to the public to post this. Very bad! Booooooooooooo....in addition, we just figured out that they switched our credit card with someone else's. Worst experience ever!"

Wil T, 1/5 stars, 11/16/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=tOt60MYqpVZely623DsOng&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"Wow... Where do I start?! Sorry I have to do this. I normally like giving good reviews. Well let me start by saying that the people that hustle you in the street are ridiculous. They will lie to you about what you are actually paying for to get you to pay \$30 to go to their show.

So we were walking by and a lady claiming to be a street team manager showed up with a badge offering tickets to this Broadway comedy show. Claimed there would be famous comedians there and named people that weren't even on the paper work she was promoting saying 100% they would be there. She also told us there was a two drink min after buying the ticket which we could pay \$5 - \$10 for and could wait til the end of the show so that we could get 2 for 1 drinks instead of wasting money during the show. They tell us it's only a few min away. She tells us she is actually one of the comedians as well. So we buy the tickets.

We get to the Broadway comedy club which turns out to be 8 to 10 blocks away... Way more than a few min. She told us she radioed in our reservation so they would be expecting us. Now after getting there, we realized that this was a bit far from the tourist parts of Manhattan and we already missed 25 min of the 90 min show.

...

Then the waiter arrived. We told him we would like to do the 2 for 1 at the end of the show and he said there is no 2 for 1 and that it was over at 9pm and we were sold the 11pm. We told him that the lady in the street told us about 2 for 1 and he says he doesn't care what she said, she doesn't work for them, he just wants our drink order. Now with the waiter talking loud to us we became the center of attention and the comedians started dissing us.

I exited and asked for a manager. The manager came to us and was very rude. Almost as if everyone complains to him. He started with telling me that he has no control over what the promoters say cause they are not part of his company, and that he can't do anything for me. He says that he doesn't get anything from the \$30 ticket and that all that money goes to the promoters in the street. He says We can leave if we'd like but we may not get our money back from the street team. & In order for us to stay we have to buy 2 drinks each which were priced at 10-14 drinks instead of what the promoter told us."

Antonia C, 1/5 stars, 12/22/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=wBB4rXEyX5eyXb5i9l9KPQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"What a scam! They have a street team that harasses you on the street then completely lies to your face about who is performing that night. They tell you its right down the street but then takes 15 minutes to get there. They will sell you tickets to an 11pm show saying it starts at 11:30 (it doesn't). Complete waste of money and a scam. Can't believe that a ticket selling operation like that isn't illegal. I am no nyc tourist but cannot believe I was that gullible that night. Skipped out on the 2 drink minimum and fled after finding out the whole show was a total lie."

Joshua T, 1/5 stars, 6/22/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=WSlbiNCyYd87HtG-vyzn9w&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"If your "street team" lies about the people performing, you get the lowest rating. In this case, it was Tosh and Louis CK. (Tosh was actually in Rhode Island.) The Times Square sellers are actually knowingly committing a felony."

Jennifer S, 1/5 stars, 5/3/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=TNxA8L-omMYSPI5pmlQuSQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"We bought tickets from one of their street vendors in Times Square who told us Tina Faye and Ryan Stiles would be performing. When we went to make reservations neither were there as promised. The girl at the box office acknowledged that they were in fact valid tickets but said she couldn't give us our money back, we would have to talk with the "street team." She gave us a number for some guy named "Jeff" who of course never called back. It's a scam, don't do it."

K.D., 1/5 stars, 4/28/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=T99vqG-pS0ntukF0-dEqA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"BEWARE OF THIS PLACE. I don't appreciate being scammed and I don't care if it's NY or Hawaii. It pisses me off. Therefore I am going to not only tell NY Yelp but I am also going to contact the Manhattan Chamber of Commerce and let them know exactly what The Broadway Comedy Club is doing to tourist. My Story: My husband I were approached by John D at Time Square to see a comedy show with many different well known comedians including a special guest star comedian. He showed us a book w/ pictures and it had many known comedians in it that were going to be there that night. He said that Tina Fey was going to be there in support of the other comedians and will be doing a little stand up herself. We purchased the tickets for \$20.00 each/\$40.00 total. There is a 2 drink minimum. We waited and waited and waited and guess what. No Tina Fey and no other comedians that were in that book John D. showed us. You are basically paying to see not so funny amateurs stand up put on a show. It was a waste of time and money in a really great city and we could have done something else with our time and money. Not a lot of money to lose but it pissed us off. Note to club: If you have to scam people into seeing your show than you might want to pack it up and go home."

Lisa C, 2/5 stars, 3/3/2015

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=jG3Dfjit8XVUI2Cnsacsjw&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"This isn't a TOTAL scam, but it is scummy. Here's the straight dope:

1. Don't believe anything the guys at Times Square say. NOTHING. The club is not taping for Comedy Central, no one from Saturday Night Live will appear, big headliners like Ryan Stiles will not be there. LIES, LIES, LIES. However, there will be some funny comics, and you will laugh."

Dan G, 1/5 stars, 10/31/2014

http://www.yelp.com/biz/broadway-comedy-club-new-york?hrid=2dybDFK41rKtmQcv2JMqdQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"The guy who tries to sell you a ticket in Times Square will drop names of comedians that simply are NOT performing there. This is an unfortunate scam."

Ha Comedy Club

Jeff B, 1/5 stars, 5/25/2014

http://www.yelp.com/biz/ha-comedy-club-new-york-2?hrid=jZzX-7Gu1iUKNntNcSeBQA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"BEWARE!! This place has guys roaming around selling tix. What they DON'T tell you is that you are not getting a ticket to a specific show. If you happen to show up when more than 50 of your tourist friends (no locals fall for this crap) also show up, your butt is left waiting on the street. The comedians were actually very good, but mgrs/front guys are lying bastards."

Tim H, 1/5 stars, 3/22/2014

http://www.yelp.com/biz/ha-comedy-club-new-york-2?hrid=WVy9F1gVMsDmWmb-qU4w1A&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"If I could negative stars I would! This place is a dump! I was walking in Times Square when I was approached by a guy who told me that Louis CK was performing. I happen to be a really big fan of Louis CK so I thought it was fate. The guy told me 20 bucks a ticket plus when you get in you have to order two drinks. It was midnight and I was ready to go home so I walked away and told him no thank you. That's when he screwed me and got really creative. He told me that he was ending his shift and that he could discount the tickets 2 FOR 20. He knew that I was skeptical about the place so he even said that he would have walked to me to the club but he was ordered to stay on that block. He said that Louis CK was going to do in an hour and a half set which I replied was really long and asked if they were taping it? He went on to say that it was common for him to do a long set but that he was known to cut it short depending on the crowd.

...

I walked in and was quickly escorted into a small room with about 10 people inside. I walked right out in asked to speak with the manager. I explained to the manager that I had been hustled by one of his employees on Times Square. I told him that he promised me Louis CK. At that point he laughed in my face and said Louis CK has never done a performance there ever. No refund, no apologies, just a laugh in my face. The worst part is that the manager knew exactly what was going on. He said that it happens all the time."

Elnaz S, 1/5 stars, 12/16/2013

http://www.yelp.com/biz/ha-comedy-club-new-york-2?hrid=qfsnZ5Lxcl01cHYS0NCFXg&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"We bought tickets for this place out on the road in NYC... worst mistake ever. The comedians were horrible.... the guy told us they were from TV.... not true.
Don't waste your money or your time"

LoL Times Square Comedy Club

Claudia A, 1/5 stars, 4/3/2016

[http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=ijYpeEr2Qb_78yT5WUHQOw&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=ijYpeEr2Qb_78yT5WUHQOw&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"It's a tourist scam. They sell you the tickets by dropping big headliner names but the performers are amateurs and the place is sketchy. Stay away at all costs..."

Jimmy S, 1/5 stars, 1/29/2016

[http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=4ZFHpQgFnpfhncLCIvTmQw&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=4ZFHpQgFnpfhncLCIvTmQw&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct))

"What a scam! They promise headliners with the caveat that "lineup is subject to change". On top of ticket prices, there's a two item minimum, and its severely overpriced crap food/drinks. The headliner never comes...and it's amateur hour, and unfunny. When the "jokes" start, and no one laughs they start picking on the audience and telling you what a waste of time this is for them.

****avoid at all costs!****. There are way too many other comedy clubs in the city to waste your time and money here. Don't be fooled by the promise of a headliner...all you're going to see are hacks that have chips on their shoulder."

Robert S, 1/5 stars, 1/1/2016

http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=u-bT_yuja-FpUWD91s9LZA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"My experience was HORRIBLE!!! We arrived 2 hours early for an evening show only to be told that the Chief of NYPD (New York Police Dept) was no longer letting patrons in because the venue was selling fake tickets to others. This totally ruined the sequence of our NYE plans and forced my wife and I to be out in the cold when we dressed and prepared to be indoors. This was a terrible experience and I want an immediate refund before I contact the many local and national authorities and media that would love to take action against this sort of malicious business activity. I expect a prompt response and refund. I've been to MANY MANY comedy clubs in NYC and this is by far the worst."

Jason M, 1/5 stars, 12/10/2015

http://www.yelp.com/biz/lol-times-square-comedy-club-new-york?hrid=UmEh-X9tn1uEyxnwOmBroQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"Sucked! Worst comedy club i have ever been to. Beware people outside on street will try and sell you tickets for ck lewis and when you get to the club with say he is not playing. You cam be sure they are working together with those people on the outside even though they say they are a third party...major scam. Made a mistake in going there once...never again!"

Times Square Arts Center

Katy S, 1/5 stars, 3/13/2011

http://www.yelp.com/biz/times-square-arts-center-new-york?hrid=xWoprlzmlyiDzYzEe7Uh1g&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=%28direct%29

"Wow! What a bunch of crooks!!!

Here's the story:

As two tourists (who have visited NYC several times before) are walking through times square, we got stopped by an annoying guy with a sign that says "comedy central." A friend of mine had given me a tip before leaving Miami to always try out a comedy show one of these people in Times Square advertise. So my boyfriend and I listened to the guy's shepel. This is how the crook sold the store:

The guy from Sex and The City will be at this Comedy show on Saturday night at 10:30, it's a live taping for Showtime!!! Also, do you guys watch True Blood? That guy will be there too!! You guys will love this. Also, have you seen White boys can't jump, a guy from that show will be a comedian there too!

Even though my boyfriend and I were extremely sketched out, we decided to give it a chance. We purchased the tickets at went to the show.

...

none of the comedians were there that night that the original annoying salesman from Times Square promised."

TripAdvisor Reviews – Comedy Club Ticket Seller Testimonials

Broadway Comedy Club

123bethy, 1/5 stars, 1/20/2016

"SCAM"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r341546384-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"My 67 year old Mother and I were walking in Times Square when a vendor approached us about going to see a comedy show starring Amy Shumer. He said they were last minute tickets and would only cost \$20 each and we would get 2 free drinks. He said it started at 9:15pm and we started to walk at 8:45pm. We were excited and walked to the venue, we got there with 5 minutes to spare but when we got there it had already started was just a guy on stage and he was bombing. We left and asked to talk to who was in charge as we wanted a refund for being mislead. They informed us the vendor was a third party seller and they had no responsibility and even made light of the fact that we were duped. They just kept repeating "Amy Schumer isn't even in New York at the moment", how should I know? Does that mean if she was in NYC, she would be performing there? I think not. The third party guy was named Tim (clearly not his real name) and as an establishment you should cut ties with this company/employees or whoever they are if they're misrepresenting you over and over again. That becomes YOUR responsibility when you ignore people getting scammed. Have some integrity."

Ileana G, 1/5 stars, 1/1/2016

"Ripped off "

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r336514732-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"We were ripped off by a guy in Times Square selling tickets for NYE, it turns out NYPD would not even let us close to the alleged location. DO NOT trust anyone selling you tickets for this place."

Janice B, 1/5 stars, 12/31/2015

"Beware, NOT a Reputable Business"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r336245505-Broadway_Comedy_Club-New_York_City_New_York.html#REVIEWS

"I had the pleasure of visiting NYC but had the worst experience with the Broadway Comedy Club. First, it starts as the vendors on the street(Time Square) attempts to sell you a ticket. The cost on the ticket says \$30 so someone could pay as little as \$10 for a ticket. So once you arrive to the comedy club, someone will come down the line of people and ask who has made reservations and they should have a number. If your vendor called and made a reservation for you but didn't give you a number that's the SCAM! I purchased the ticket and the vendor informed me that I was set for the 9pm show when actually I was only set for what was available. When I asked for a refund once at the venue and found this was the worst establishment ever. I was given a number to call because the tickets are sold from a

3rd party. Of course, when the number was called there was no answer/voicemail full from people like myself infuriated of what I had to deal with."

Alex N, 1/5 stars, 12/30/2015

"Don't let the street vendors rip you off!"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r336083025-Broadway_Comedy_Club-New_York_City_New_York.html#REVIEWS

"We were sold \$20 tickets off a street vendor in Times Square who lied to us about who was going to be appearing telling us "Seth McFarlane" and "Tina Fey" we're going to be performing along with a host of other comedians I'd recognised. They weren't there. ... I feel completely swindled out of my money and like we've been completely taken advantage of. Don't do it guys :("

VandCWpg, 1/5 stars, 9/10/2015

"What a boring waste of Time"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r309097606-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"A Club-authorized dude, Tim, hanging around Times Square outright lied us about who would be performing on a Tues. evening when he offered us a pair of \$30 tickets for \$40 total. We walked away and so he reduced the price to \$30. Only after we paid did he mention the two drink minimum, but we were prepared for that. Since the names that he gave should draw a bit of a crowd, we persuaded him to call the Club to get us a reservation number and I spoke to Sophie at the other end to confirm. ... Fairly lame comedians and not even one headliner. Shoulda gone to Caroline's on Broadway, which at least promised up and comers would be performing, not any familiar names with SNL affiliation etc. like this Club's rep promised."

Brad S, 4/5 stars, 8/25/2015

"Funny "

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r303538612-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"Some dude in Times Square was selling tickets for the show. He told us it was funny and we bought tickets for 20\$ each. The comedians were different then he told us but still very funny"

mccanss, 1/5 stars, 8/2/2015

"Grubby venue, a rip-off & just a terrible experience."

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r294923298-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"... As with a lot of the other reviews here, we were promised various high profile comedians etc would be performing which was just lies. ... There was a line up of about 10 comedians, each doing a set & one female, nervous, & inexperienced compere / MC. In fairness, two of them were genuinely funny & entertaining. One poor guy gave up & had to leave the stage early."

Visited June 2015

AMcD79, 1/5 stars, 7/23/2015

"Their outright lies robbed us of close to \$100."

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r291681977-Broadway_Comedy_Club-New_York_City_New_York.html#REVIEWS

"I only put 1 star because you can't go any lower.

The vendors they employ selling the tickets on the walkways lied about the high profile comedians that I would see that night (the ones there were funny though) ...

The manager did the whole "its not our fault, its the street vendor" classic deflection tactic; he doesn't get it (or seem to care at the time) that those people are their 'first contact' ambassadors and are ruining their reputation. The tickets totalled \$40 for 2 people and the 2 drink minimum plus the forced gratuity (never mentioned anywhere there was a compulsory tip when we went in) for service was close to totalling \$100"

Visited June 2015

Randall M, 1/5 stars, 7/15/2015

"Broadway Comedy Club Review "

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r289367461-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"Me and my friend, who is actually going into the military soon, decided to go to New York City for the day, and it was pretty awesome but sadly this was majorly disappointing. We had walked to Times Square from the freedom tower and after a while we decided to talk to Tim, who was selling tickets to a comedy show at the Broadway Comedy Club, and he told us that several people from SNL would be there. We paid 30 and thought that it was an awesome deal. We walk to where Tim told us, and after a while we knew that those famous comedians wouldn't be there, they did have newcomers but it still gave us a good laugh. So, on the ticket, it requires to you to pay for 2 drinks (but we were told they were free by tim) at the end they charged us 19.03 dollars (including tax) for three waters (and the only thing required is to pay for 3 drinks) When we talked to their boss, who said they knew Tim, and worked for him, then when we denied to pay the bill, the boss said they (the Broadway Comedy Club) didn't know Tim and would call the cops if we didn't pay. Like I said, it was still an awesome night but this was disappointing. Please make sure you do not visit here, and save your money for real places."

KirstenS90, 1/5 stars, 7/4/2015

"Worst NYC experience ever! Rude staff!"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1158998-r285460825-Broadway_Comedy_Club-New_York_City_New_York.html#CHECK_RATES_CONT

"We were dumb enough to buy tickets for this place off a guy named Jason in Times Square. He said that Daniel Tosh was performing and that he could offer us tickets for \$30 each through the bar, but we had

to buy 2 drinks when we got there. We stupidly didn't check to make sure that it was legit (there's so many promo people selling tickets in Times Square that we didn't think it would be a problem). We went to the venue ... and said we had a reservation for the Daniel Tosh show, and was told that he wasn't performing. We asked for a refund but were told that we had to speak to the manager (after the two people at the front desk asked us why we were dumb enough to believe that we could get Daniel Tosh tickets for \$30. Nice).

We went downstairs to the manager who put on a big show of explaining that the guy we bought tickets from doesn't work for the club, they just sell tickets on their behalf, and said that if we want our money back we have to go and find Jason in Times Square and ask him. She also called a guy who she called "Paul" (supposedly Jason's boss) and asked for him to call back to give us a refund. We told her we were leaving in the morning and She said the only way she could give us a refund is if we came back after 2pm the next day after she'd spoke to Paul (which we obviously couldn't do).

Long story short, we managed to find Jason, who didn't give us our money back, lied to us through his teeth and kept retracting his story, then threatened to HIT us if we didn't leave him alone. He said after he makes a sale he gives the money to "Paul" so he didn't have money on him to give us a refund. We asked him to walk us over to Paul but he said Paul was at the club, then down the street, then at the barber, etc, couldn't keep his story straight. In the meantime, he somehow managed to make another sale, but refused to refund us from the cash that he just made, even though he had just said that if he has any cash he would give it to us.

It was awful standing there in the middle of the street having him shout at us. It became clear quickly that "Paul" is just a name they use to get people off their backs ("call Paul! He'll sort it out! I don't know where he is right now! He's getting a hair cut! He's at the club, you didn't see him there"). The whole thing is rubbish and we saw Jason have a good laugh about it all with his colleagues after we walked away.

We were both very upset by this stage so we left it alone. We didn't get a chance to go back to the venue to tell them what happened as by this time it was after midnight and we left NYC the next day but the whole experience was awful and the staff at the venue (who obviously go through this scenario a lot) have their whole act down pat. I'm so disappointed that they obviously get away with this all the time and that we didn't get our money back."

Visited June 2015

LOL Comedy Club

Kate S, 2/16/16, 1 Star

"shame the comedians got overshadowed because we got completely RIPPED OFF"

[http://www.tripadvisor.com/ShowUserReviews-g60763-d8864733-r348338976-LoL Times Square-New York City New York.html#CHECK_RATES_CONT](http://www.tripadvisor.com/ShowUserReviews-g60763-d8864733-r348338976-LoL_Times_Square-New_York_City_New_York.html#CHECK_RATES_CONT)

"Bought tickets for \$20 each on the promise of \$4 dollar drinks and a good night. there were maybe 25 people who turned up, out of around 6 of the comedians 3 were funny which is fine by my books however when the bill came after the 2 required drinks (each, we ordered 2 beers each) were bought and we were given a \$50 bill (18% tip included of course!) I couldn't be more insulted. I questioned the price and was told happy hour was from 6-7 - no shows even run until 8.30!!! basically we got completely scammed by the guy we bought the tickets from around Times Square and unfortunately it made the comedians seem crap in comparison to the \$90 we spent on the evening. what a waste of money - don't make the same mistake..."

Ha! Comedy Club

Bonnie S, 6/17/14, 1 star

"SCAM"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1546607-r205040532-Ha_Comedy_Club-New_York_City_New_York.html#REVIEWS

"Love a good laugh, but this time the laugh was on me. Please believe ALL negative comments posted. They are accurate. Wish I had time to stand next to these guys on Times Square to warn all the unsuspecting tourists. As far as my rating....wish I could give a minus rating."

Dan S, 1 star, 5/11/14

"Be careful of this scam"

http://www.tripadvisor.com/Attraction_Review-g60763-d1546607-Reviews-Ha_Comedy_Club-New_York_City_New_York.html

This comedy club gives tickets to people who sell them on the street in Times Square. Unfortunately, the people selling the tickets lie about the show. We only found that we couldn't see the show when we arrived at the "Ha!" Comedy. So we wasted time and money on our vacation. Avoid this scam.

136NYCGirl420, 1 star, 3/9/14

"NEVER BUYING FROM THEM!"

http://www.tripadvisor.com/ShowUserReviews-g60763-d1546607-r196727804-Ha_Comedy_Club-New_York_City_New_York.html#REVIEWS

I will never be buying from them. While walking on 42nd between 8th and 7th. A sales man who works for them bombarded me with; "Guaranteed you'll smile." I ignored him where it then escalated to; "Have you even smiled all day? You need to know how to have a good time. You look miserable. YOU SHOULD GO KILL YOURSELF." I never responded to the man in fear I was dealing with a psychopath. But I want everyone to know how highly unprofessional this place is, if they have these kinds of people working from them.

I will never be buying from them, and have reported this young man to their site.

The New York Times

Ticket sellers promise marquee names, but the comics rarely show

Michael Wilson
February 21, 2016



Paige Kaden, who is new to town, stood on a frigid block in Times Square on Thursday afternoon, looking for a man named John. She was angry.

John, she said, had sold her and her parents tickets to Stand Up NY, an Upper West Side comedy club, two days before at this very spot. He had shown them pictures of Amy Schumer and Tracy Morgan performing there, Ms. Kaden said, and he gave them a tip about that night's surprise guest.

"He told us Tina Fey would be there," Ms. Kaden, 24, said. Thrilled, the family bought three tickets for \$20 each, only to arrive at the club to find a two-drink minimum and a lineup of comics they had never heard of.

"We didn't stay," Ms. Kaden said. She found two other men selling Stand Up NY tickets on Thursday, but they said John wasn't around.

The comedy hawkers of Times Square do not get as many headlines as the topless women or aggressive costumed panhandlers — Chewbacca and a Stormtrooper were arrested last week — with whom they share the crossroads. But the peddlers are out in greater numbers, with 15 or 20 people selling tickets to at least three clubs every day, greeting passers-by with a smile and a question: Do you like comedy?

The sellers are facing new scrutiny. Last year, a task force announced a series of recommendations to improve Times Square, and among them were calls to regulate vendors. According to a 2015 survey conducted by the Times Square Alliance, a nonprofit organization, 40 percent of respondents, mostly New Yorkers, experienced "an unpleasant interaction" with solicitors. The percentage of those who felt unsafe during those interactions doubled from the year before.

"They're nasty and mean and say derogatory things to women," said Caroline Hirsch, the owner of Carolines on Broadway, who said sellers sometimes hawk tickets to other clubs outside her own.

In general, the ticket sellers do not work directly for the clubs. Most show up when they want to work and sign out stacks of tickets from middlemen who run the street teams, as they are known. Many clubs have similar arrangements with the street teams, whereby the sellers keep whatever they make from the ticket sales, while the clubs make their money from drink minimums.

"I love this job," said Stuart Titelbaum, 57, who said he started selling tickets in 2007 after an unpleasant career in accounting. He likes meeting tourists from overseas and cracking jokes. He doesn't lie, he said, but it is common practice.

By the time visitors realize they have been duped, there is little recourse beyond ranting on Yelp. ("He said that Tina Fey was going to be there," one person wrote last year. Another wrote, "LIES, LIES, LIES.")

On Thursday afternoon, a man selling tickets to the Broadway Comedy Club could be overheard saying Ms. Fey and Chris Rock would be there that night. A couple visiting from Ireland, Declan and Sandra Halligan, listened patiently, brightening up when the seller said Lee Evans, the English comic, would also be there. When the seller dropped the price for two tickets to \$30 from \$60, the Halligans handed over the cash. When a reporter stopped them and broke the bad news that those comics were not likely to appear, Mr. Halligan said they wouldn't have bought the tickets had they known.

Al Martin, the owner of the Broadway Comedy Club, said one or two customers complain every night, most having been promised Ms. Fey or Louis C.K.

"Believe me, we hate this," Mr. Martin said. He said his street team members write their initials on tickets, but that "three or four or 10 of these guys who do this" buy tickets from the legitimate sellers and "go rogue."

Sherif Hamoda, 32, who sells tickets for Stand Up NY, which is on West 78th Street, works in a sort of gray area. He says he doesn't lie about Ms. Fey. But that does not mean he doesn't lie at all.

"Comedy Central taping!" he shouted to passers-by on Thursday. No such taping was planned. "That's how I get them to stop," he said. "I'm not saying it's not dishonest."

Mr. Hamoda told a couple from London on Thursday that Caroline Rhea, the comedian and former host of "The Biggest Loser," would appear that night. When asked about this claim, he said that while she was not on the schedule, he couldn't say for sure that she would not be there: "A lot of times she shows up last minute."

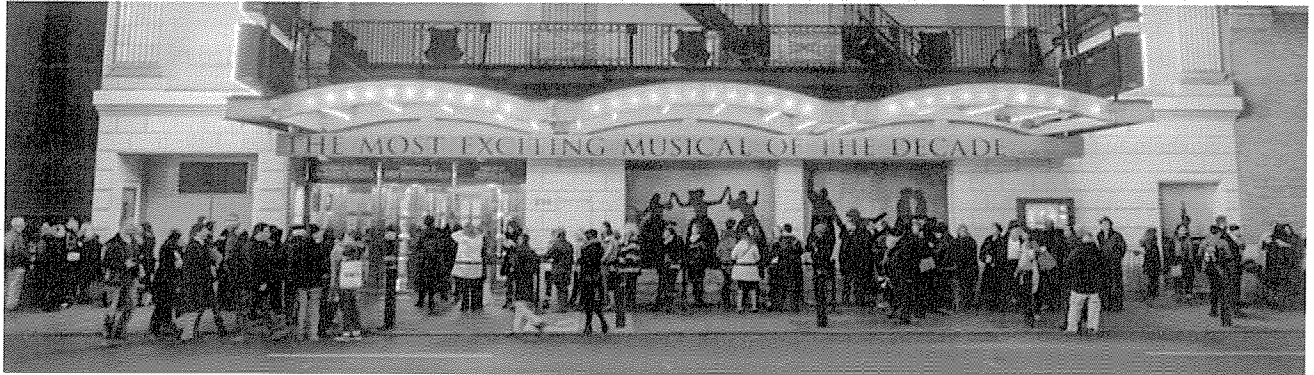
Another seller, who gave only the name Lorenzo, said he was not above shouting out Ms. Fey's name. "You say it to make them stop," he said. "Then you start your pitch."

The New York Times

Theatergoers, desperate to see 'Hamilton', fall pretty to ticket forgers

Michael Wilson

Jan 17, 2016



Jason arranged to meet the seller on a Manhattan street corner on Dec. 31. He bought two tickets for \$600 as an anniversary gift for his wife. You're going to love the show, the seller told him. It's as good as everyone says.

Jason and his wife arrived at the Richard Rodgers Theater lobby on Jan. 2. There they remained after all the other ticket holders were seated and the show began. A woman and her date stood nearby, also locked out. The woman was crying.

They all thought they had gotten their hands on the hottest tickets in town — to "Hamilton" — but their tickets weren't hot. They were fake.

Counterfeit tickets to events of all kinds abound. Fake tickets promising entry to everything from the Super Bowl to a humble Times Square comedy club have been described in this column. Representatives of other theaters and the Broadway League suggested that while counterfeit tickets were rare on Broadway, they had turned up at popular shows such as "The Book of Mormon" and "The Producers."

But the juggernaut that is "Hamilton," the acclaimed hip-hop musical, has created a demand for tickets so high that busy counterfeiters seem to have found a fresh opportunity to trick not only unsuspecting tourists but even New Yorkers like the ones above. Fake tickets show up at the door almost daily.

Fred Santore Jr., the box office treasurer at the Richard Rodgers Theater, where "Hamilton" opened in August, said that in his 34 years there this was the first time he had seen "any counterfeit tickets to a show." Since August, about five times a week, the theater has had to turn away people bearing fake tickets, he said on Friday. (A few hours later, a photographer for The New York Times witnessed two people in line for the evening's performance — strangers to each other — learn that their tickets were fake.)

Jason, 42, said in an interview last week that he had a healthy skepticism of Craigslist, but he had used the website to buy tickets to other New York City events. An ad there for "Hamilton" tickets appeared genuine, and the asking price — not too high, not too low — seemed appropriate.

He wrote a seller who later said his name was Dan, who agreed to sell him two tickets to the Jan. 2 performance. They met outside the Urban Outfitters store on Avenue of the Americas near 14th Street. Dan, who appeared to be in his 30s, arrived and chatted about how he had already seen "Hamilton" with his fiancée, so when they received tickets as a Christmas gift, he decided to sell them. He handed over a Ticketmaster envelope containing two tickets and a receipt, counted out the \$600, said goodbye and strolled north.

A short while later, Jason noticed the date on the tickets: Jan. 2, 2015. That was a year ago, and months before the show opened. Jason hoped it was a misprint, but when he arrived with his wife that night, his fears were confirmed.

He said a ticket taker told him, "Somebody must have printed a ton of these things."

The woman crying nearby was Christina, 28, a marketing associate who had bought her two tickets from a woman on an Upper East Side corner that day. The woman had arrived late, saying, "I was babysitting."

The show was to be an impromptu treat for Christina and her boyfriend. The ticket taker had tried to scan the bar code, but nothing happened. "My heart sank," she said last week. "I was so excited."

She said she complained to Craigslist, to no avail, and swore out a complaint at her neighborhood police precinct station. (On a page about fraud, Craigslist recommends doing just that.)

A spokesman for the police said the department did not track reports of counterfeit "Hamilton" tickets.

The department has at least two reports now, from Christina and Jason, who asked that their full names not be used because they have pressed charges and the ticket forgers remain at large. Jason followed up later, calling a detective who told him the police had a similar case involving a man with the same cellphone number as the one Dan had given him.

Thinking back about Dan, Jason said he was struck by how relaxed he seemed when he accepted the cash. "No offense," he told Jason, "but I just want to count it."

The show's creator and star, Lin-Manuel Miranda, issued a warning in a Twitter post in October that would seem to bear repeating.

"I have friends who have been scammed on Craig and his so-called List," he wrote. "Don't buy Hamilton tickets off there please."

The New York Times

Sold on a view, New Year's revelers fall to a forgery scheme

Michael Wilson

Jan 10, 2016



Getting into the LOL Times Square Comedy Club should not be difficult: Go to Times Square, and when a person with an LOL sign or identification badge approaches you and asks, “Hey, do you like comedy?” say yes. You’re in. Make your way to the club on Seventh Avenue and head upstairs to the windowless bar and black-box theater crowded with tables for two. Enjoy the show.

So the club’s owner and workers and the police were surprised to find the club suddenly become, for one night only, the hottest ticket in the area. So hot that counterfeit tickets started showing up at the doorman’s podium out front. Was a famous comic rumored to be making an appearance?

No. The spike in demand was based not on what was happening inside the club, which is four months old, but rather on what was going on outside. Location, location, location — it was New Year’s Eve, and a few blocks away, a big, bright ball would soon drop slowly down a pole while the world watched.

“I don’t remember in other years having issues like this,” said Lt. Sean Burke, who has worked in Times Square for 12 of his almost 20 years with the Police Department. “This was an unprecedented level.”

The scene played out in front of many revelers, including Robert Judson, a house framer from Rochester who had watched the ball drop on television many times — “our whole life.” He brought his family to Manhattan for the first time last month to see it in person. His experience that night — a chain of hassle and deceit and frustration and empty promises — matched that of many others who thought they held tickets to the club and yet found themselves stranded on the flanks of the famous crossroads.

The Rochester group arrived in Times Square the morning of New Year’s Eve and was met by the familiar question: Do you like comedy?

“They are selling tickets,” Mr. Judson recalled last week. But there was more, the promoter told them. The club offered a prime view of the ball drop. “If we buy tickets for \$75 apiece, we can come right out the front door and see from the patio,” Mr. Judson said.

The family members bought five tickets and left the area, thinking they were all set for later and would not have to spend the day in a holding pen like so many other tourists.

They were wrong. When they arrived at West 47th Street and Avenue of the Americas, a long block from the club, they found it blocked off by a police barricade. Officers directed them up the avenue, where they were met by a similar sight at West 48th Street and onward, all the way to West 52nd Street. They asked an officer for help: Lieutenant Burke. He had already seen others in their predicament.

"There's a whole bunch of people holding the same ticket," he recalled last week. So he led them back downtown, planning to speak to the officers at 48th Street to allow access to the club to ticket holders.

He noticed people with lanyards and laminated badges selling tickets to the club, holding signs promising "Ball Drop Access," he said. He heard them tell buyers they would see the ball drop. And more ticket holders had fallen in with his group.

"By now, I've got 20 people," he said. "It's a parade."

Officers posted on other corners were reporting that they were also being approached by groups of people with tickets to LOL, Lieutenant Burke said. He led his group to the club's door.

There, more confusion: Some ticket holders did not have reservations, and others wanted refunds. All were told there was no such thing as "ball drop access" here. A freelance reporter for The New York Times, Jeffrey E. Singer, noticed and chatted with angry ticket holders. Lieutenant Burke led the group from Rochester and other grateful visitors ("If I ever go to Australia, I'll never pay for a beer") to a side door of the club and left.

The club's owner, Roy Arias, was called down. This being his first New Year's Eve in the location, he admitted he had not accounted for the difficulty that ticket holders would face getting there, he said. But he said he was shocked by what he heard about the promises surrounding the ball drop. After all, there aren't even windows. He pointed out text on the front of the special New Year's Eve ticket that read, "You will NOT see the ball drop."

Then, the larger issue began to unfold. People were showing up at the club with fake tickets. They looked good at a long arm's length, but up close, they were missing the individual ticket numbers that are present on the real tickets, as well as the perforation along the stub. A man who works with the club, Tyler Fuller, walked to Eighth Avenue to meet another lieutenant who was with a group of ticket holders. He said the lieutenant showed him stacks of tickets that, the lieutenant told him, officers had seized.

Some were photocopies of real tickets, which had been available to the public for a few days. Some were from a previous location for the club. Mixed in were fake identification badges for sellers, the names handwritten under photos. A counterfeiting cottage industry had sprung up around the humble LOL, where the biggest headache is usually a rogue promoter who tells people Louis C. K. is performing to quicker offload his tickets. Then customers vent online.

And the club was not alone in its sudden popularity that night. Two men were selling \$50 tickets to a New Year's Eve party at the pizza chain Sbarro off West 49th Street. A woman who had bought two tickets arrived at the pizzeria ready to party, only to be told there was no party. She flagged the police, who found 140 more tickets in one of the men's drawstring bags.

Mr. Arias said the ticket sellers did not work for him, but they did buy club tickets in bulk to sell on the street. Ironically, in all the commotion, the club was dead on New Year's Eve, he said, pointing to unopened cases of liquor in his small office days later. Police officers, finding fake tickets and believing the club was spreading ball-drop misinformation, were not allowing ticket holders to pass barricades, Mr. Arias said. The patrons the club did admit had tickets both real and fake, Jazzlyn Douglas, a manager, said. Five comedians performed to mostly empty rooms.

At midnight, Mr. Arias planned on serving a champagne toast, but the crowd of 40 or so had stepped outside to look up.

By then, Mr. Judson and his group had come and gone. They paid more than \$50 for two soft drinks, a margarita and a beer, Mr. Judson said, then left in disgust. Finally, good news: They, along with some other aggrieved ticket holders, were led by the police to a nearby pen.

He thought back days later. What was the highlight of the trip?

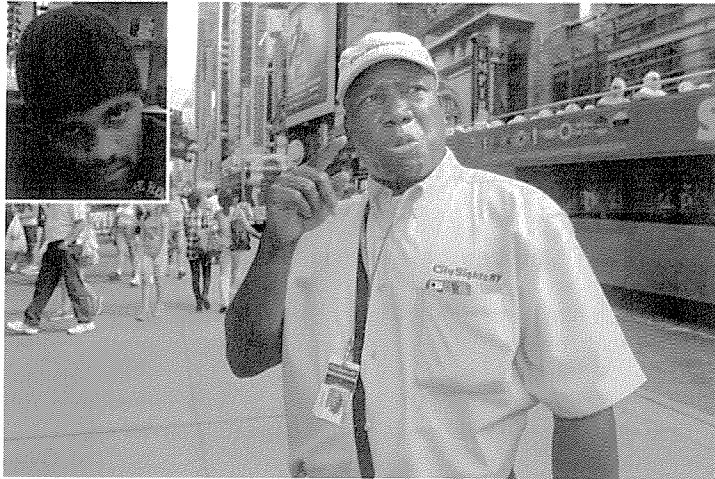
"Seeing the ball drop," he replied. "I wouldn't take it back for anything."

NEW YORK POST

Times Square bus-tour ticket hawker says rival stabbed him

Kathianne Boniello

August 14, 2014



It's not just costumed panhandlers raising hell in Times Square — a veteran tour-bus ticket hawker says he was stabbed in the face by a competitor as they battled for customers along West 42nd Street.

Al Mamann, 54, says in a lawsuit that he was selling tickets for CitySights NY bus tours and had wandered a few steps from his spot on the corner of Eighth Avenue when a seller with rival Skyline Sightseeing raced across the street to confront him.

The worker demanded to know why he was selling tickets there, even as his own partner urged him to leave Mamann alone, the Manhattan man said.

Mamann began walking away, but the encounter got violent, he says.

"He came behind me and stabbed me from behind," he recalled of the August 2013 dispute. "I grabbed my face, and there was blood all over my body, and when he saw the blood, he tried to run away."

Mamann said a pen punctured his cheek, entered his mouth and knocked out two teeth, leaving a wound that required 14 stitches.

He's suing Skyline and the worker, Romeo Marishaw, in Manhattan Supreme Court for \$5 million.

After the attack, cops nabbed Marishaw, 27, of The Bronx, a block away and charged him with assault.

Marishaw faces charges in a second assault case, in which he allegedly punched and broke the jaw of another rival worker a month earlier. Both cases are pending.

Marishaw has since returned to work, infuriating Mamann.

"When I see him, I'm boiling, but I can't do anything," Mamann said.

The case is just another example of rising mayhem in Times Square.

This month, a Gray Line tour-bus driver crashed into a CitySights bus, injuring 14. And tensions between costumed beggars and police have resulted in a “Spider-Man” allegedly punching a cop and a protest rally by the panhandlers.

Mamann and his co-workers, who all work on commission, say Skyline, which joined the cluttered bus-tour market about 15 months ago, uses intimidation to get ahead.

“It’s gotten really bad. There are some aggressive elements coming into the business,” CitySights manager Collin West said.

Ticket sellers say their Skyline counterparts threaten them, interrupt their exchanges with potential customers as well as assault them.

Marishaw denies breaking anyone’s jaw or stabbing Mamann.

“That’s definitely not what happened,” Marishaw said.

He says he was selling tickets at Skyline’s stop outside the Starbucks on West 42nd Street when Mamann came into Skyline territory to sell.

When he confronted the older man, Marishaw says, Mamann intentionally bumped into him twice.

“After the second time, I punched him. I assaulted a man. I’m not disputing the incident, not at all, but there was no stabbing going on,” Marishaw told The Post.

“This bus company stuff is very territorial. One of their tactics is to send someone in front of our bus stop. They sent him to cause a little ruckus. They try to get you frustrated. I was completely provoked.”

Skyline could not be reached for comment. The NYPD did not respond to a request for comment.



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

New York City Council

Committee on Consumer Affairs

Hearing in relation to licensing ticket vendors

Testimony by Diana Switaj, Director of Planning & Land Use

250 Broadway, 14th Fl Committee Room

Tuesday, April 12, 2016, 1:00 pm

Good afternoon. I am Diana Switaj, Director of Planning and Land Use at Manhattan Community Board 1 (CB1). Thank you for the opportunity to comment on the proposed legislation to license ticket vendors.

CB1 thanks the City for initiating legislation to better control ticket vending, including sanctions for violations and aggressive behavior. We have had a long history in dealing with quality of life issues derived from ticket vendors in our district. Vendors congregate around the ferry terminals at the southern tip of Manhattan, the World Trade Center, The Battery, subway exits and tourist bus drop-offs throughout the district (e.g. Park Row at City Hall Park, Battery Place, Route 9A/West Street, Broadway just north of Vesey Street), targeting tourists for sale of tickets to bus, helicopter and ferry tours. The issues with ticket vendors in our district have been escalating in the recent past.

Many ticket vendors take advantage of tourists who are unfamiliar with the area by telling people that you can't actually go to Liberty Island in order to sell tickets to ferry trips going around the Island, or by selling tickets to ride the Staten Island Ferry which is free. In February 2016, a tourist suffered a fractured skull after he refused to buy a ticket to the Statue of Liberty and was punched, causing him to fall backward and hit his head on the pavement. The vendors can create a chaotic and menacing atmosphere, often physically blocking and harassing visitors. Ticket vendors turn busy sidewalks into congested sidewalks and potentially dangerous areas since pedestrians walk into the street to avoid the clusters of people. There have even been cases of fighting and violence among the vendors themselves as they compete over prime locations and sales.

CB1 applauds and welcomes such initiatives to better control ticket vending, and believe the proposed legislation can be improved in the following ways:

- 1) In addition to streets and bodies of water, "though the air" should be added to the definition of "mode of transportation" -- or Helicopter tours could be included in the definition of "sightseeing tour" whether or not a person is acting as a guide
- 2) Include language to put fines on employers and companies to avoid a loophole in which companies may simply fire vendors who have incurred violations and hire new vendors
- 3) Adequate resources for enforcement must be dedicated

- 4) Adjust language to better define what constitutes a ticket vendor, to include vendors who distribute pamphlets or information on how and where to purchase tickets
- 5) Require licensed vendors to wear vests that easily and clearly identify their employer and license information, similar to those worn by commercial cyclists
- 6) Consideration of adding areas of construction and scaffolding to restricted areas, as these impede pedestrian flow and safety

Finally, a “no vending” zone currently exists around the World Trade Center. However, the zone does not apply to ticket vendors who cluster around the PATH exit and nearby intersections. The no vending zone was established under careful consideration for the unique circumstances surrounding the World Trade Center. Allowing ticket vendors to operate at the World Trade Center is contrary to the intent of the no vending zone, and we believe the no vending zone should be expanded to include ticket vendors.

Thank you for the opportunity to testify.



Ticket vendors block exit to Whitehall Station
4/8/2016
12:00PM

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Sunday Chamele

Address: 1035 Clarkson Ave Brooklyn

I represent: _____

Address: _____

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(PLEASE PRINT)

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Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Dan Biederman

Address: 3474 St Partnership/Bryant Park

I represent: 5 Bryant Park

Address: _____

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Address: 107-17 95th Ave

I represent: T W U Local 225

Address: L

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Date: 4/12/16

(PLEASE PRINT)

Name: Mark Marmurstein

Address: 1430 Broadway New York, NY

I represent: Twin America/Gray Line City Sightseeing

Address: 1430 Broadway New York, NY

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Name: TEFE AMENIO

Address: 200 E 17 ST. BROOKLYN NY

I represent: Gray Line & TWU 225

Address: 777 8 Ave

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(PLEASE PRINT)

Name: Nancy Schunder, Associate Commissioner

Address: 1001 1st Ave

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

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Date: _____

(PLEASE PRINT)

Name: Ataniana Boyd, Deputy Gen Counsel

Address: _____

I represent: DCA

Address: _____

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Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alba Tice, Deputy Commissioner

Address: DCA

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alba Pico, Commissioner

Address: _____

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Cooley, City Leg Director

Address: _____

I represent: DCA

Address: _____

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Appearance Card

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

☒ in favor ☐ in opposition

Date: 5/13/2013

(PLEASE PRINT)

Name: Guillermo Taveras

Address: 16-20 B'way Pl Hicksville, NY

I represent: Transport Workers Union Local 65

Address: _____

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THE CITY OF NEW YORK**

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: James Moessly

Address: 10 Burt St, Hockessin, NJ

I represent: TWO Local 225

Address: Treasurer

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1149-2016

☐ in favor ☒ in opposition

Date: 4/12/2016

(PLEASE PRINT)
Name: Manuel Belcher

Address: 67-66 108th Street, F.H., NY 11375

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/12/16

(PLEASE PRINT)
Name: Lieutenant Daniel Albano

Address: 1 Police Plaza

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/12/16

Name: Captain Mark Iocco (PLEASE PRINT)

Address: 1 Police Plaza

I represent: NYPD

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 1149 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/12/16

Name: Gary Rothman (PLEASE PRINT)

Address: 3W. Main St Elmsford NY 10523

I represent: United Service Workers Union

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 1149 Res. No. _____

☒ in favor ☐ in opposition
LSW Amnnts

Date: 4/12/16

(PLEASE PRINT)

Name: Alex Gleason

Address: 275 7th Ave (glea0182@gmail.com)

I represent: NYC Central Labor Council, AFL-CIO

Address: 275 7th Ave

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☐ in favor ☐ in opposition

Date: 04/12/16

(PLEASE PRINT)

Name: CHARLES NOLEN

Address: 723 7th AVENUE, NY 10019

I represent: BIG BUS TOURS

Address: 723 7th Ave NY 10019

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THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: DRU Carey

Address: 525 WEST END AVE

I represent: SELF

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1129 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/12/2016

(PLEASE PRINT)

Name: JULIA CONWAY

Address: 723 7th AVE. NY, NY 10019

I represent: BIG BUS TOURS NEW YORK

Address: SAME AS ABOVE

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1129 Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK CONNEN

Address: 345 E 80th St 10075

I represent: Patcon Associates

Address: 9201 4th Ave 11209

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Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Laurence Levy

Address: 200 Park Ave New York NY 10166

I represent: Boz Bus Doors

Address: 723 Seventh Ave New York

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Syslo

Address: _____

I represent: Brookfield Properties

Address: 1 New York Plaza

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jessica Lappin

Address: _____

I represent: Downtown Alliance

Address: 120 Broadway.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: AL MARTIN

Address: 139 Ridge Ave

I represent: Comedy Ticket Series

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MORO ABDUL LATIF

Address: 85 WEST 174 ST APT. 2 BRONX, NY

I represent: G.O. NY Tours Inc.

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☒ in opposition

Date: _____

Name: ASAMEN Shmaha (PLEASE PRINT)

Address: 1055 STERMAN AVE NYC NY

I represent: LOCAL 225 TINY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

Name: DENIS BERTRAND (PLEASE PRINT)

Address: SO E 190 ST BRONX NY APT 3F

I represent: GO NEW YORK TOUR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 4/12/16

Name: LEWIS MCKAY (PLEASE PRINT)

Address: 175 HIGH ST

I represent: TWD 225

Address: 777 8th AVE NYC NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☒ in opposition

Date: 4/12/16

(PLEASE PRINT)

Name: Frank Wood

Address: 629 Chancery St

I represent: Go NY TOURS

Address: 2 E 42 St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 4/12/16

(PLEASE PRINT)

Name: Ricoberto CHAAS SURICO

Address: 2535 Astoria Blvd Apt 2L

I represent: GO NY TOURS

Address: 2 E 42 St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 04/12/16

(PLEASE PRINT)

Name: ADA ONITIRI

Address: 110-50, 207TH STREET, QUEENS

I represent: GO NY TOURS

Address: 2 E 42ND STREET, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 4/12/16

(PLEASE PRINT)
Name: Michael Molina

Address: _____

I represent: GO NY Towns

Address: 2 East 42 St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☐ in favor ☒ in opposition

Date: 04-12-2016

(PLEASE PRINT)
Name: Frederick Nyamakeh

Address: GO New York Towns 2E 42

I represent: GO NY Towns

Address: 2 E 42nd Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1149 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: GILBERT + DOVER

Address: 234 W. 44th Street

I represent: The Schubert Organization

Address: 234 W. 44th Street

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☒ in opposition

Date: 4/12/16

(PLEASE PRINT)

Name: Gideon Orion Oliver

Address: 277 Broadway, Suite 1501, NY, NY

I represent: Go NY Towers, Inc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: 4/12/16

(PLEASE PRINT)

Name: Caitlin Lewis

Address: _____

I represent: Times Square Alliance

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: 4/17/16

(PLEASE PRINT)

Name: Gil Hoover

Address: _____

I represent: General Counsel For Shubert Theaters

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: 4/12/16

(PLEASE PRINT)

Name: Tom Ferrugia

Address: _____

I represent: the Broadway league

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JEAN-YVES GHASI

Address: EMPIRE STATE BUILDING

I represent: EMPIRE STATE BUILDING

Address: 350 5th Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Joe RICHESMER

Address: 415 W 23rd

I represent: Guides Association of NYC

Address: _____

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