

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS

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April 12, 2016
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HELD AT: 250 Broadway - Committee Rm,
14th Fl.

B E F O R E:

RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman
Daniel R. Garodnick

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

Alba Pico
Acting Commissioner
New York City Department of Consumer
Affairs

Amit Bagga
Deputy Commissioner
External Affairs
New York City Department of Consumer
Affairs

Lieutenant Daniel Albano
Legal Bureau
New York City Police Department

Captain Mark Iocco
Commanding Officer, 1st Precinct
New York City Police Department

Tamala Boyd
Deputy General Counsel
New York City Department of Consumer
Affairs

Rene Caceres
Ticket Seller for Gray Line

Janilda Caveiras [sp?]
Recording Secretary
Transport Workers Union Local 225

Tefa Ameo [sp?]
Ticket Seller

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

James Muessig
Treasurer
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Jessica Lappin
President
Downtown Alliance

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Senior Property Manager
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Patrick Condren
Representative, Tour Bus Industry

Dan Biederman
President
34th Street Partnership

Mark Marmurstein
Representative
Gray Line New York

Alex Gleason
Policy Associate
New York City Central Labor Council
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Gary Rothman
Representative
United Service Workers Union

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

Manny Behar
Tour Guide
Gray Line City Sightseeing

Drew Carey
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Big Bus Tours New York

Larry Levy
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Al Martin
Broadway Comedy Club

Tom Ferrugia
Director of Government Affairs
The Broadway League

Gilbert Hoover
General Counsel
The Shubert Organization

Caitlin Lewis
Director of External Affairs
Times Square Alliance

Jean-Yves Ghazi
Director of Empire State Building
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A P P E A R A N C E S (CONTINUED)

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Representative
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Mike Molina
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Judy Richheimer
Chair of Government Relations Committee
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A P P E A R A N C E S (CONTINUED)

Mohamed
Ticket Agent
Gray Line City Sightseeing New York

Moro Abdul Latif
Ticket Agent
Go New York Tours

Linwood McCoy
President
Local 225, AFL-CIO

[gavel]

CHAIRPERSON ESPINAL: Good afternoon. My

name is Rafael Espinal; I am the Chair of the Consumer Affairs Committee. I am joined by other members of the committee, Vinnie Gentile from Brooklyn, Rory Lancman from Queens and we also have Dan Garodnick, who's a sponsor of the bill. Today we'll be conducting a hearing on a bill, Int. 1149, which would create a licensing scheme for ticket sellers.

In the summer of 2015, following various incidents of aggressive solicitation, primarily in Times Square, the City government formed a task force to address quality of life issues in Times Square and its pedestrian plaza. In the course of its investigation, the task force found that similar concerns existed regarding ticket sellers. The task force noted that ticket sellers currently overwhelm areas of Times Square; furthermore, a survey conducted by the Times Square Alliance noted that 40 percent of respondents said they had an unpleasant interaction with ticket sellers; as many as 75-100 persons selling tickets for sightseeing buses or comedy clubs have been regularly observed in and

1 around Times Square. Individual ticket sellers have
2 been accused of intentionally misleading potential
3 buyers by promising shows that'll [sic] feature
4 prominent comedians on **[inaudible]** television taping
5 to secure [sic] purchases. In Lower Manhattan, the
6 Staten Island Ferry Terminal attracts tourists and
7 individuals selling tickets for various services,
8 including helicopter rides and cruises. The
9 competition has at times turned violent, including
10 attacks of employees of Statue Cruises, the official
11 operator authorized by the U.S. Parks Department to
12 offer ferry service to both Liberty and Ellis
13 Islands. Additionally, there have been unfortunate
14 incidents of violence towards tourists; most notably,
15 a man who suffered a fractured skull after he was
16 attacked for refusing to buy a cruise ticket. There
17 have also been incidents in which tourists were
18 scammed and sold tickets for the Staten Island Ferry,
19 which is free.

21 Int. 1149 will create a ticket sellers
22 license and require that anyone selling tickets for
23 events towards transportation or other forms of
24 amusement in a public space possess a ticket seller
25 license issued by DCA. The proposed law will

1 prohibit the aggressive solicitation, fraud or
2 misrepresentation relating to sales and prohibit
3 venues and businesses from giving tickets to
4 unlicensed ticket sellers to sell. The committee
5 looks forward to hearing testimony from DCA and other
6 stakeholders regarding this legislative effort to
7 reign in on an unregulated industry and protect
8 consumers as well as legitimate good actors in the
9 tourism industry.
10

11 We have the first panel -- [background
12 comments] -- Sorry, my colleague, Councilman Dan
13 Garodnick would like to say a few words on the bill.

14 COUNCIL MEMBER GARODNICK: Thank you,
15 Mr. Chairman; I'll be brief, 'cause I know you wanna
16 get right into it, but I thank you for holding a
17 hearing on 1149, which I had the privilege of
18 introducing with Council Members Chin and Cohen and
19 as you noted, the bill will require that the
20 Department of Consumer Affairs create a licensing
21 scheme for a new class of vendors, ticket sellers,
22 bringing much needed additional regulation to the
23 tourism and entertainment landscape of New York City.

24 The Department of Consumer Affairs
25 requires businesses and individuals in dozens of

1 industries to obtain DCA licenses in order to operate
2 legally, including newsstands, pedicabs and general
3 vendors, but ticket sellers, people taking cash and
4 credit cards right there on the street are not
5 included in these licensing requirements, despite the
6 potential for illegal behavior on behalf of sellers,
7 such as aggressive solicitation and passing off
8 fraudulent tickets as legitimate. Licensing these
9 sellers would give consumers more assurances that the
10 transactions that they conduct are not scams and
11 provide additional enforcement tools so that we can
12 better target those operating unlawfully.

14 Ticket sellers are not a monolithic
15 group, I would note, and most of them are good
16 actors; they range from direct employees of companies
17 that offer services like bus tours who wear uniforms
18 with their companies clearly identified, to third-
19 party sellers hocking anything from ferry rides to
20 Broadway shows, but some unfortunately do not operate
21 aboveboard. For instance, if someone in Times Square
22 offers you a ticket and tells you that Tina Fey is
23 going to be at a comedy club, you might wanna walk
24 away; it's very likely she may not be there on the
25 other end. The bill would benefit both the people

1
2 looking to purchase these tickets and the good actors
3 in the industry, who will be easily identifiable as
4 legitimate sellers.

5 This group of sellers has gone
6 unregulated for too long; people looking to ride a
7 tour bus, cruise the Hudson or see a show deserve the
8 confidence that the money they spend will get them
9 what they bought. Licensing is a simple and
10 effective way to hold ticket sellers to a minimum
11 operating standard so that officers can better
12 identify people who are breaking the law and give
13 consumers some tools to complain if they find a bad
14 actor out there.

15 Some changes to the bill right off the
16 bat that I wanted to note. We are going to be
17 editing out the ban for sellers of tickets in
18 pedestrian plazas, we will allow for bus ticket
19 sellers to sell on their own bus stops and we will
20 ensure that the bill allows for hand-held processing
21 equipment and obviously we've heard from a variety of
22 different entities that we need to tweak distances
23 and things like that; we certainly look forward to
24 the hearing today to hear from DCA and anybody
25

1 interested to tell us what you all think we should be
2 doing differently.

3
4 So with that, I believe that this bill is
5 going to add some important consumer protections and
6 increased enforcement capabilities to the ticket-
7 selling industry and I look forward to hearing
8 today's testimony, so again, Chair Espinal, I
9 appreciate your willingness to have this bill on
10 today's agenda.

11 CHAIRPERSON ESPINAL: Thank you, Council
12 Member Garodnick. With that said, I'd like to call
13 up the first panel; we have Alba Pico, Commissioner
14 of DCA; Amit Bagga, Deputy Commissioner of DCA;
15 Tamala Boyd, Deputy General Counsel; Mary Cooley, the
16 City Leg. Director; Nancy Schindler, Associate
17 Commissioner; Lieutenant Daniel Albano, and Captain
18 Mark Yocco [sic]... yeah... Coc... [background comment]
19 Iocco. Sorry 'bout that.

20 So please all raise your right hand so we
21 can administer the oath. Do you affirm to tell the
22 truth, the whole truth and nothing but the truth in
23 your testimony before this committee and to respond
24 honestly to council members' questions?

25 [collective affirmations]

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2 CHAIRPERSON ESPINAL: Great, thank you;
3 you may begin.

4 ALBA PICO: Good afternoon, Chair
5 Espinal, Council Member Garodnick and members of the
6 New York City Council Committee on Consumer Affairs.

7 I'm Alba Pico, Acting Commission of the
8 Department of Consumer Affairs (DCA) and I'm joined
9 by my colleagues, Amit Bagga, Deputy Commissioner,
10 External Affairs; Tamala Boyd, Deputy General
11 Counsel; Nancy Schindler, Associate Commissioner of
12 the Legal and Regulatory Compliance Division; Mary
13 Cooley, Director of City Legislative Affairs; Casey
14 Adams, Deputy Director of City Legislative Affairs,
15 and our colleagues from NYPD, Lieutenant Daniel
16 Albano and Captain Iocco.

17 We greatly appreciate the opportunity to
18 speak with you today about Int. 1149, which will
19 require the DCA to license individuals who sell
20 tickets to tours, modes of transportation or places
21 of entertainment in New York City public spaces. We
22 would like to thank Chair Espinal for convening
23 today's hearing, Council Member Garodnick for his
24 leadership on this important issue and the members of
25 the committee for coming to hear our testimony.

1
2 DCA is the largest municipal consumer
3 protection agency in the country and it is our
4 mission to empower consumers and businesses alike to
5 ensure a fair and vibrant marketplace. The agency
6 licenses approximately 80,000 businesses across 55
7 different industries, mediates complaints between
8 consumers and businesses, conducts patrolling [sic]
9 sections and legal investigations, educates
10 businesses about laws and rules and also enforces New
11 York City Earned Sick Time Act, commonly known as the
12 Paid Sick Leave Law.

13 In addition to its licensing, consumer
14 protection and labor work, DCA operates the Office of
15 Financial Empowerment (OFE) to connect low-income New
16 Yorkers with valuable financial services and
17 education.

18 Ticket sellers. We can all agree that in
19 New York City tourism industry is a vital source of
20 economic development, contributing an estimated \$60
21 billion annually to our city economy. Tourist-
22 oriented businesses, such as sightseeing bus
23 companies, comedy clubs and ferry operators, among
24 others, rely on the ticket seller model to be able to
25 meet tourist demands for different types of

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2 attractions. With the continuing increase in the
3 number of tourists visiting New York City, a record
4 59.7 million are expected to visit this year. Many
5 of these businesses have had the opportunity to grow;
6 this is indeed a welcome development and DCA is
7 committed to ensuring that these businesses and the
8 ticket sellers they employ can continue to thrive.

9 All these businesses have grown; so too
10 has the number of ticket sellers; while this increase
11 has ensured continued access to in-demand
12 attractions, it has also presented certain
13 challenges; there have been multiple reports of
14 tourists being aggressively harassed or being the
15 victims of deceptive practices, such as overpayment
16 and false advertisement. There have also been
17 reports of violence breaking out between rival ticket
18 sellers. As any New Yorker walking down Lower
19 Broadway can attest, the number and concentration of
20 ticket sellers have both increased, often impeding
21 the flow of pedestrian traffic and causing
22 congestion. The presence of this type of consumer
23 protection and public safety challenge is underscores
24 the need for regulation of ticket sellers. The
25 creation of a regulatory scheme is essential to

1 ensuring that consumers can be confident that they
2 are adequately protected in their transactions with
3 ticket sellers and that they have effective recourse
4 should a transaction become problematic. Because
5 each of these challenges is unique, we seek to work
6 with the Council and all relevant stakeholders to
7 craft a regulatory scheme that is both sufficiently
8 broad and also carefully tailored to ensure that the
9 challenges are appropriately and fairly addressed.

11 The de Blasio Administration has no
12 intention of restricting the ability of ticket
13 sellers to earn their livelihood and believe that a
14 balanced regulatory approach will expand consumer
15 protection without endangering the industry.

16 In recent weeks DCA has conducted
17 significant stakeholder engagement to better
18 understand the ticket seller industry and also
19 solicit feedback on different elements of this bill.
20 As a result of this process which has included
21 discussions with the New York City Police Department
22 and New York City Economic Development Corporation,
23 the Department of Transportation, NYC and company,
24 sightseeing **[inaudible]** companies, ferry companies,
25 labor groups, business improvement districts, and

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2 others, we hope to take today's hearing as an
3 opportunity to respectfully offer to the Council
4 proposed changes that we believe could strengthen and
5 clarify this bill.

6 On behalf of Mayor de Blasio and his
7 administration, we thank the Council for considering
8 this bill and we seek to work closely with you to
9 ensure its passage.

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

16 Int. 1149 creates a one-year renewable
17 ticket seller license for individuals who vend to
18 tours, modes of transportation or places for
19 entertainment in New York City public spaces; all
20 individuals engaged in this activity will be required
21 to have a license. The legislation gives DCA the
22 power to revoke, suspend or decline to renew ticket
23 seller licenses in cases where licensees engage in
24 fraud, misrepresentation, making false statements, or
25 **[inaudible]**. This legislation also sets out certain

1 duties, requirements and restrictions for licensed
2 ticket sellers. Ticket sellers must conspicuously
3 [sic] -- can't pronounce it -- display their licenses
4 and keep sale records of the tickets sales subject to
5 inspection. The bill also lays out a variety of
6 restrictions in terms of where ticket sellers can
7 vend, some of which we will provide comments on
8 shortly. The bill also empowers the NYPD to move
9 ticket sellers from a location in cases of
10 extenuating circumstances.

12 Violations of the bill licensing
13 requirements of vend [sic] registrations can result
14 in civil or criminal penalties as well as the
15 assessment of administrative fines. DCA would like
16 to note that the bill neither establishes a numerical
17 cap on the number of licenses available nor that they
18 set forth restrictions on the density and
19 concentration of ticket sellers. While we agree that
20 proliferation [sic] and concentration of ticket
21 sellers, both of which are issues that have been
22 raised by many stakeholders, are worthy of discussion
23 in order to ensure that we are collectively pursuing
24 as balanced a regulatory approach as possible. The
25 administration believes that these issues need to be

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2 carefully studied and considered before they are
3 addressed by legislation. Consideration of these
4 issues as well as several others will strengthen and
5 clarify this bill and I will now ask my colleague
6 Amit Bagga to discuss this with you.

7 AMIT BAGGA: Thank you, Commissioner
8 Pico.

9 I'd like to begin by first thanking
10 Council Member Garodnick, the sponsor of the bill,
11 for noting that there will be some changes made to
12 the bill and some of these changes are changes that I
13 will be discussing briefly as well.

14 Based on our experience enforcing New
15 York City's consumer protection and licensing laws,
16 analysis with our sister agencies and the results of
17 engagement with a variety of stakeholders, we
18 respectfully suggest that the Council consider
19 amending the bill to ensure that it is comprehensive.

20 First, DCA believes that this legislation
21 would benefit from the inclusion of a comprehensive
22 study of the current ticket seller environment. Such
23 a study would enrich the regulatory process with
24 detailed analysis of certain industry and ticket
25 seller practices, making the law more appropriately

1 responsive to the concerns of all stakeholders.

2 Including the authorization for such a study in this
3 legislation would ensure that the administration and
4 the Council are equipped with the knowledge and data
5 necessary to measure the success of the regulatory
6 scheme and make improvements and adjustments as
7 needed.
8

9 In addition, DCA feels that Int. 1149
10 should more clearly require those individuals that
11 purchase tickets in bulk from businesses and then
12 utilize the ticket seller model to sell tickets in
13 public spaces to also obtain licenses. Based on
14 feedback DCA has received from different businesses
15 that utilize this model, it is our understanding that
16 these ticket "resellers" or "dealers" purchase
17 tickets sometimes from multiple venues at a bulk
18 discount and then distribute them to a network of
19 ticket sellers for final sale to the consumer,
20 allowing the dealers to retain the difference as a
21 profit. DCA believes that individuals operating in
22 this way should be subject to similar licensing
23 requirements as ticket sellers. Ticket resellers are
24 a key link in the ticket vending chain and should be
25 accounted for in this regulatory scheme.

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2 It is not however only these ticket
3 resellers who need to be held accountable for
4 ensuring that consumers are not harmed. Based on
5 reports of deceptive advertising engaged by ticket
6 sellers, as well as the result of select undercover
7 investigations DCA has conducted, those businesses on
8 whose behalf tickets are sold must also be held to
9 the highest standards of advertising and sales
10 practices. Establishing a rebuttable presumption
11 that the businesses whose information appears on the
12 face of the ticket is also liable for the behavior of
13 the individual selling the ticket would allow the
14 City to hold businesses and not just individual
15 ticket sellers accountable for problematic behavior.
16 This will ensure that those businesses, and we are
17 not suggesting that this applies to most businesses,
18 that are encouraging or directing their affiliated
19 ticket sellers to engage in deceptive advertising and
20 sales practices face consequences for doing so.

21 As we have stated, the administration is
22 committed to ensuring that Int. 1149 adopts a
23 balanced approach to regulation that will protect
24 consumers and also allow for our city's businesses to
25 thrive. In order to achieve this, we propose three

1 changes with respect to locational restrictions that
2 will ensure that businesses utilizing the ticket
3 seller model will not be unduly burdened.

4
5 First, and as Council Member Garodnick
6 mentioned, we recommend the removal of the proposed
7 prohibition on ticket sellers from vending in
8 pedestrian plazas. Additionally, we recommend
9 amending the prohibition against selling in bus stops
10 generally to clarify that ticket sellers will be able
11 to vend tickets at certain non-MTA bus stops. Being
12 able to sell tickets where consumers are boarding or
13 alighting buses is critical to ensuring that bus
14 companies can operate efficiently and without
15 significant adverse impact to their businesses.

16 Third, for the purposes of clarity and
17 consistency, we also suggest that ticket sellers
18 could be restricted from vending in a prescribed area
19 around the World Trade Center site; this would be the
20 same area from which general and food vendors are
21 currently prohibited from vending. Allowing for
22 exceptions to this general prohibition would make
23 enforcement on the ground more difficult by requiring
24 NYPD officers to enforce differing standards for
25 ticket sellers and other vendors.

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2 Additional minor adjustments would make
3 Int. 1149 easier to administer and to enforce. For
4 example, licensed ticket sellers could be required to
5 wear an identifiable garment that features their DCA
6 license number at times while they are selling
7 tickets. This would allow for consumers and NYPD
8 officers to easily identify ticket sellers who are
9 duly licensed by DCA. We also recommend amending the
10 proposed prohibition against the use of any equipment
11 in connection with the vending of tickets; this is
12 another change that Council Member Garodnick
13 mentioned might be made in the final bill. Many
14 ticket sellers use hand-held devices, tablets or
15 other equipment, carried on their person while
16 vending tickets and we believe that the use of this
17 equipment that can be carried on one's person should
18 be permissible.

19 With respect to the license fee, the
20 current version of Int. 1149 establishes a fee of
21 \$125 per license. Based on an analysis conducted by
22 DCA and the Office of Management and Budget, we
23 believe that this fee could be lowered significantly,
24 down to \$45, making the license accessible to a much
25 larger universe of perspective licensees.

1
2 Lastly, the civil penalties laid out in
3 this legislation could be brought into line with
4 those in the general vendor law, reflecting the deep
5 commitment to equity held by both the Council and the
6 administration.

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

14 We would like to thank Chairman Espinal,
15 Council Member Garodnick and the members of the
16 committee for highlighting this important ticket
17 seller issue and we look forward to working closely
18 with you to establish a reasonable regulatory
19 framework that protects consumers, businesses and
20 ticket sellers alike.

21 Thank you for the opportunity to testify
22 today; my colleagues and I will be happy to answer
23 any questions you have.

1
2 CHAIRPERSON ESPINAL: Thank you Amit;
3 thank you Alba. I'm gonna pass the questioning time
4 to Dan Garodnick.

5 COUNCIL MEMBER GARODNICK: Thank you,
6 Mr. Chairman and I think this will be pretty easy,
7 because I think we're in broad agreement; in fact I
8 didn't hear anything that you said at all here that
9 we would not be open to dealing with, I don't think,
10 but I just wanna probe a couple.

11 First was the comment that the issues
12 should be studied or having a specific study and that
13 DCA believes that the legislation would benefit from
14 the inclusion of a comprehensive study of the ticket
15 seller environment. Why do you need the City Council
16 to authorize DCA to do a study; can't you just go
17 ahead and do a study on your own or are you
18 suggesting that we hold off, not pass a bill; allow
19 DCA to take a fixed period of time to study before we
20 move forward? I wanna just get clarity on that.

21 AMIT BAGGA: So the study that we are
22 proposing would focus on a couple of different issues
23 that this bill in its current form is not really in a
24 place to be able to focus on. These issues include
25 but are not necessarily limited to questions of

1 density and concentration and the study, from our
2 perspective, would also give the administration and
3 the Council the opportunity to better understand the
4 full landscape of the ticket seller universe -- how
5 many ticket sellers are there; what are all the
6 different models that are being utilized by different
7 businesses, et cetera While you are right that in
8 theory this study could be pursued independently, we
9 feel as though including the study in the actual bill
10 will create a basis for the Council to consider the
11 results of the study in the future should the Council
12 feel as though a licensing scheme in its current form
13 should need to be revisited for any reason.

14
15 COUNCIL MEMBER GARODNICK: Okay, so.. I
16 mean I guess the DCA could do its own study, present
17 it to the Council as a suggestion that we amend the
18 law at any point, but what you're saying is, if I
19 hear you correctly, pass the law, mandate a study and
20 require DCA to come back to us to ensure that we have
21 gotten it right; is that correct?

22 AMIT BAGGA: Yes; in addition to that, we
23 feel as though authorizing the study in the bill
24 would enable the Council to in the future consider
25 potential legislation around issues that this bill

1 does not directly address, because we do not
2 currently have data to be able to address those
3 issues; name, density and block base restrictions, as
4 well as potential other enforcement questions.
5

6 COUNCIL MEMBER GARODNICK: Okay. On the
7 subject of resellers, yes, that sounds sensible;
8 we'll obviously take a look at that; as you noted, we
9 included, at least in my opening, we are planning on
10 removing the restriction in pedestrian plazas the
11 issue of selling bus tickets in the appropriate bus
12 stops, and let's talk about the World Trade Center
13 site for a second, because you noted that this is for
14 the purpose of clarity and consistency; could you
15 just say a little bit more about why we should
16 include this explicitly in this bill?

17 AMIT BAGGA: For that I would defer to my
18 colleagues from the NYPD.

19 DANIEL ALBANO: Good afternoon ladies and
20 gentlemen. I'm Daniel Albano from the Police
21 Department's Legal Bureau.

22 Currently the area around the World Trade
23 Center is restricted to all types of vending --
24 disabled veterans, food, general -- the only vendors
25 that are allowed inside that area are First Amendment

1 vendors, people who carry things in their hands and
2 there are quite a number of them. The ticket sellers
3 in that area just add to that confusion and that
4 congestion with the current vendors.
5

6 COUNCIL MEMBER GARODNICK: Are ticket
7 sellers today barred under state law from selling
8 outside of the World Trade Center?

9 DANIEL ALBANO: No, sir, they're not...
10 [interpose]

11 COUNCIL MEMBER GARODNICK: Okay.

12 DANIEL ALBANO: so this bar would be
13 helpful.

14 COUNCIL MEMBER GARODNICK: Okay. So this
15 would be adding an additional rule in location?

16 DANIEL ALBANO: Yes, sir.

17 COUNCIL MEMBER GARODNICK: Okay. And
18 tell us why -- since we would contemplate doing that,
19 tell us why you think that that would be important
20 down there?

21 DANIEL ALBANO: First, it's only a... it's
22 a relatively small area and they would be permitted
23 to sell on the blocks outside, on the four compass
24 points outside of the World Trade Center area. It
25 would be helpful because of congestion and that's

1 what all of this is about is sidewalk congestion; we
2 have about 19,000 people a day that visit the World
3 Trade Center Museum, so adding any vendors into that
4 location would just limit the amount of space
5 available to pedestrians.

6
7 COUNCIL MEMBER GARODNICK: Okay. Thank
8 you. And I would note that while the bill has a lot
9 to do with congestion issues, you know, at least from
10 my own perspective it also has to do with the
11 consumer protections, the fraud, the
12 misrepresentations, the harassment, things that we
13 have seen out there, but yes, I take your point about
14 congestion in and around the World Trade Center.

15 Back for DCA, the garments, you noted
16 that Int. 1149 might make it easier for DCA to
17 require that ticket sellers wear something which
18 would identify them as official licensed New York
19 City actors. The question that I have is why that is
20 best included in the bill as opposed to perhaps as
21 part of the licensing scheme as implemented by DCA?

22 AMIT BAGGA: Well I can talk a little bit
23 about why we feel like the garment is an important
24 component. I think, as we can see, and we have some
25 of our ticket seller friends here today, many ticket

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2 sellers, perhaps even most ticket sellers in New York
3 City are already identifiable, in terms of their
4 affiliation, through some sort of outer garment they
5 wear, whether it's a jacket, a hat, a vest or some
6 combination thereof. What we would really like to
7 see, and I think my colleagues from the Police
8 Department would support this, is a requirement that
9 all ticket sellers who are licensed wear such a
10 garment and that this garment clearly indicate their
11 DCA license number; this would enable police officers
12 to clearly identify who is a licensed ticket seller
13 versus who is not a licensed ticket seller and it's
14 also, from our perspective, very beneficial to
15 consumers and tourists as well as businesses. For
16 tourists, if you know that someone is wearing a
17 particular type of garment that clearly indicates
18 their affiliation and also indicates their DCA
19 license number; hopefully this conveys a clear
20 message that you are dealing with someone who the
21 City has sanctioned to engage in the business that
22 they're conducting. For businesses this is important
23 because it enables them to have their employees or
24 whomever it is that they've contracted to be out
25 there on the street be easily identifiable; this is

1 critical because businesses need to know where their
2 employees are; they also need to understand where
3 their employees are vending with respect to where
4 other businesses' employees are vending. So we feel
5 like this is an important requirement. In terms of
6 why this is better in the bill versus something we
7 would require otherwise, typically speaking, when
8 such requirements are enumerated in legislation
9 they're easier for us to implement.

11 COUNCIL MEMBER GARODNICK: There are
12 obviously some ticket sellers out there, including
13 some even in our midst today at the hearing, who
14 already, as you pointed out, have very clearly
15 identifiable designation as being ticket sellers;
16 what you are suggesting is something that is perhaps
17 supplemental, different. What that mean, in your
18 view, for those entities that already have a
19 particular distinctive sort of uniform or other way
20 that they are currently operating?

21 AMIT BAGGA: So we are not suggesting
22 that the design or style or color of any uniform that
23 currently exist would change; primarily what we seek
24 to be able to do is require that these jackets, these
25 vests; whatever they are, that any particular

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2 business chooses to outfit their employees in or
3 their contractors in also have the DCA license
4 number; that is a critical piece.

5 COUNCIL MEMBER GARODNICK: Okay. Just a
6 couple more questions; thank you, Mr. Chairman.

7 You noted that you thought that it would
8 be better to lower the fee from \$125 to \$45; can you
9 tell us why you make that recommendation and why \$45
10 specifically as opposed to any other cost?

11 ALBA PICO: We did a cost analysis; the
12 number of people that it takes to process this
13 application, the many hands that it goes through, the
14 materials to print the license document and it comes
15 down to \$45 only; not \$125.

16 COUNCIL MEMBER GARODNICK: Okay, so this
17 is more reflective of the cost to administer is what
18 you're saying... [crosstalk]

19 ALBA PICO: Yes.

20 COUNCIL MEMBER GARODNICK: Okay. Do you
21 think that somebody coming in for this license should
22 have to show some specific identification to prove
23 their identity; is that what you contemplate?

24 ALBA PICO: There are some license
25 requirements and we are gonna be taking a picture,

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2 you know a photograph of the person and the license
3 document will have that. I mean one of the proofs
4 will be proof of ID and we have the New York City ID,
5 which is a great you know, ID that our agency also
6 accepts, so we will be accepting any government
7 issued ID.

8 COUNCIL MEMBER GARODNICK: Okay. And the
9 last question that I have is I think perhaps one for
10 PD. The bill I think in its current iteration has.. I
11 think it has 10 feet as the limitation from what you
12 can do at a subway entrance; I had the privilege of
13 making a visit down to Lower Manhattan with my former
14 colleague, Jessica Lapin the other day and we were
15 taking a look at where some of the ticket sellers
16 were standing relative to subway entrances and we saw
17 a gauntlet of four sellers in a line just blocking
18 the entrance, but it looked to me like they may have
19 actually been 10 feet or perhaps exactly 10 feet from
20 the entrance. My question for you is; what do you
21 think is the appropriate distance from a subway
22 entrance to ensure safety, free passage, et cetera;
23 maybe it is 10 feet, maybe that is the right answer
24 or perhaps it's something more; tell us what your
25 thoughts are.

1
2 DANIEL ALBANO: The 10-foot rule is
3 consistent with the other vending rules that we have
4 in the city, so for ease of enforcement, it's helpful
5 [sic] for the officers. That one particular location
6 may be a little bit unusual in terms of the sidewalk
7 space that's available, but for most subway entrances
8 and exits 10 feet is acceptable. But the solution to
9 that one particular location that has the big
10 sidewalk is that this bill also requires that they
11 vend from the curb; that you be at the curb, so that
12 would address that problem.

13 COUNCIL MEMBER GARODNICK: I see. So you
14 wouldn't be able to then form a blockade, I mean it
15 reminded me of like a soccer game when somebody has a
16 free kick and you line up and you know you're trying
17 to block the ball from getting in the net, it was
18 exactly like that. So what you're saying is, if we
19 adhere to the curbside requirement, then the 10 feet
20 becomes less of an issue, but otherwise, you would
21 potentially be subject to the same sorts of issues?

22 DANIEL ALBANO: Yes, sir; that's correct.

23 COUNCIL MEMBER GARODNICK: 'Kay.

24 AMIT BAGGA: Council Member, if I could...
25 [interpose]

1 COUNCIL MEMBER GARODNICK: Sure.

2
3 AMIT BAGGA: there are three points that
4 I'd like to make with respect to questions that you
5 asked. One is, I think with respect to the most
6 recent question that you asked, that type of issue,
7 let's say specific to the Battery Park area, that's
8 one of the things that we anticipate that the study
9 will look at, right, is understanding how ticket
10 sellers are behaving in different parts of the city
11 and whether or not or to what extent there need to be
12 some of locational restrictions that are specific to
13 certain areas. So that is one point that I'd like to
14 make about the study.

15 Related to that I should note that the
16 bill currently, with the exception of the
17 administration's desire to see the World Trade Center
18 area restricted, does not really put forth any other
19 geographic restrictions. Unlike general and food
20 vending, which is very highly restricted in terms of
21 where and when those vendors can vend, this bill does
22 not do that, so we would just like to point that out.

23 And lastly, with respect to your question
24 about whether or not we could let's say require the
25 vest or the garment on our own, we could word the

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bill to explicitly give us that type of rulemaking authority; this particular version of the bill does not give us that authority, but perhaps subsequent versions would.

COUNCIL MEMBER GARODNICK: Okay, so that's interesting. So in a licensing scheme, you need the express authorization for the ability to rule-make on the subject of, essentially, a uniform or display or whatever it is; you couldn't just tack that on to a license without the express authority from the Council?

TAMALA BOYD: We... We... Sorry...

COUNCIL MEMBER GARODNICK: And identify yourself too.

TAMALA BOYD: Hi, I'm Tamala Boyd, Deputy General Counsel. The only rulemaking authority we really have is that which is... we get some from Chapter 1, but when it comes to licensing, pretty much always the grant of authority is in the law and what we obviously try to avoid doing is doing by rule something that obviously the law doesn't already allow us to do.

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2 COUNCIL MEMBER GARODNICK: Understood.
3 Thank you. Thank you, Mr. Chairman; those are my
4 questions [inaudible]. Thank you.

5 CHAIRPERSON ESPINAL: Alright. Thank
6 you, Dan.

7 What does DCA currently do to punish bad
8 actors?

9 ALBA PICO: So it depends. We issue
10 notice of hearings and at the notice of hearing there
11 might be a penalty, monetary penalty; sometimes a
12 suspension of a license or a revocation of a license.
13 At renewal time, we look to see what the history is
14 and I believe the bill talked about any summonses,
15 any violations that are issued to them and at that
16 time we consider to renew the license or not.

17 AMIT BAGGA: Just to add to that, if you
18 were specifically referring to any "bad actors" who
19 are currently ticket sellers, we have no authority to
20 pursue them at this time.

21 CHAIRPERSON ESPINAL: Okay, got you. So
22 if a tourist has a negative kind of altercation with
23 a ticket seller, where do they go now, just to NYPD;
24 do they call 311; who can they reach out to?

1
2 ALBA PICO: They usually go to NYPD or
3 some of them might call 311.

4 CHAIRPERSON ESPINAL: Okay. Vinnie
5 Gentile.

6 COUNCIL MEMBER GENTILE: Thank you,
7 Mr. Chairman and thank you all for being here today.
8 I'm curious, Deputy Commissioner, you said in your
9 testimony those businesses on whose behalf tickets
10 are sold must also be held to the highest standards
11 of advertising and sales practices, so I presume
12 you're talking about, for example, theatres that have
13 employed these ticket resellers?

14 AMIT BAGGA: So there are many different
15 types of businesses that utilize the ticket seller
16 model to vend their tickets; this includes
17 sightseeing bus companies, ferry operators and many
18 others, including comedy clubs. As Chairman Espinal
19 noted in his opening remarks, there have been
20 instances, both reported in the press and based on
21 some undercover investigations that we have
22 performed, where it has been determined that; it
23 seems as though, the ticket seller who is selling
24 tickets for a comedy event for a particular comedy
25 club, was guided to perhaps misrepresent what exactly

1 is going to be happening at the comedy club -- who is
2 performing, when they're performing, whether or not
3 that's being filmed by a particular network, et
4 cetera.

6 COUNCIL MEMBER GENTILE: So the ticket
7 reseller is not misstating; he just was told the
8 wrong information from the venue?

9 AMIT BAGGA: I'm not sure... when you're
10 using the term ticket reseller, I'm not sure exactly
11 to whom you're referring, but the language that you
12 cited refers to the underlying business that is
13 operating the attraction, so in the example that I
14 just gave, it would be the comedy club, which based
15 on our own undercover investigations, as well as
16 media reports, we have found that there have been
17 some comedy clubs in New York City that are
18 encouraging or perhaps directing folks who are
19 selling tickets on their behalf on the street to
20 intentionally misrepresent to consumers what exactly
21 it is that they're going to be seeing or experiencing
22 when they're buying the ticket.

23 COUNCIL MEMBER GENTILE: So are you
24 suggesting in some way that they be licensed also
25 under this DCA... what the bill requires for the DCA?

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2 AMIT BAGGA: What we are suggesting is
3 the insertion of language that would create a
4 rebuttable presumption that these businesses are held
5 accountable for ensuring that the information that
6 the ticket seller is providing is accurate and is not
7 in any way false or misrepresenting what it is that
8 they're selling. And so yes, that business would
9 then be liable for some sort of civil penalty.

10 COUNCIL MEMBER GENTILE: Okay, that's
11 what I was gonna ask you; how would they be liable,
12 they're not licensed by you... under this scheme they
13 would not be licensed, so how are they held
14 accountable if you want them to be accountable?

15 TAMALA BOYD: There would be... or what
16 we're suggesting is that there would be written into
17 the law a rebuttable presumption that the business
18 named on the ticket sold have some responsibility for
19 what happens during the transaction with the
20 consumer. So it would automatically be assumed that
21 they are complicit; they can rebut that with
22 evidence, but from our perspective, it is an
23 assumption; that's why we're calling it a rebuttable
24 presumption.

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2 COUNCIL MEMBER GENTILE: And then that
3 would subject the business to a fine?

4 TAMALA BOYD: Yeah.

5 COUNCIL MEMBER GENTILE: And do you know
6 the extent of that fine yet?

7 AMIT BAGGA: We do not. This language is
8 not in the current version of the bill; that is
9 something we seek to discuss with the Council. And
10 again, we should reiterate, and I believe I mentioned
11 this in the testimony; we do not believe that the
12 majority of businesses that utilize the ticket seller
13 model are engaged in this type of behavior. We do
14 now, however, that there is a certain universe, a
15 certain cross section of businesses that we believe
16 is engaged in this type of behavior and we do feel as
17 though, being that this bill primarily comes from a
18 place of protecting consumers, that if we are going
19 to engage in a regulator scheme or create a
20 regulatory scheme to further protect our consumers,
21 that that should be as comprehensive as possible and
22 so the inclusion of this rebuttable presumption would
23 enable us to do that.

24

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2 COUNCIL MEMBER GENTILE: Okay.

3 Enforceability might be an issue, but I see where
4 you're coming from.

5 AMIT BAGGA: It would be complaint-based;
6 there would be no patrol inspections, et cetera; were
7 we to receive a complaint from a consumer or a
8 tourist that they were somehow duped or that they
9 felt as though they were the victim of
10 misrepresentation or fraud, we would then take the
11 information and conduct enforcement from there.

12 COUNCIL MEMBER GENTILE: I see. 'Kay.
13 Let me just ask the NYPD. What happens now when
14 there is an aggressive ticket seller on the street
15 and someone comes up to a police officer; what
16 happens at that point?

17 MARK IOCCO: Good afternoon. I'm Mark
18 Iocco, the Commanding Officer of the 1st Precinct.

19 If we get a complaint or if we have our
20 officers down there who observe aggressive
21 solicitation or if we could hear or see any type of
22 fraudulent accosting, we do make arrests, and I'm
23 speaking down by the Battery or the Staten Island
24 Ferry Terminal. We've made several arrests this year
25 alone, but we do take **[inaudible]**... [crosstalk]

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2 COUNCIL MEMBER GENTILE: Do you know how
3 many?

4 MARK IOCCO: Thirty-one arrests this year
5 alone, and that's... [interpose]

6 COUNCIL MEMBER GENTILE: And charged with
7 what?

8 MARK IOCCO: To be very specific, the 31
9 arrests -- 15 of those are fraudulent accosting, 8
10 aggressive solicitations, 2 of them are assault to of
11 the incident that was spoken about previously, 4
12 criminal trespass, 1 unlicensed general vending, and
13 one disorderly conduct. But the majority of the
14 incidents that we do see and take enforcement on are
15 all the fraudulent accosting or aggressive
16 solicitation, and I'm speaking specifically of the
17 area down by the Battery and that's involving boats..
18 [crosstalk]

19 COUNCIL MEMBER GENTILE: Which is... Okay,
20 it's with your jurisdiction, I suppose, right. Okay.
21 So you've made the arrests and have you seen a
22 difference because of the arrests?

23 MARK IOCCO: It's not something that we
24 could arrest our way out of it seems like; that's why
25 we're agreeing with this bill. We've also issued 104

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2 criminal court summonses for violations in and around
3 the Battery, like vending on Parks Department
4 property, all along State Street down by the Battery
5 in front of the Staten Island Ferry Terminal is all
6 Parks Department, so we issued numerous C Summonses,
7 but even the C Summonses, in addition to the arrests,
8 it just seems like it's not something would resolve
9 this issue down there.

10 COUNCIL MEMBER GENTILE: So if they were
11 licensed and DCA had the ability to remove the
12 license, you think that would be a major step in
13 clearing up that issue?

14 MARK IOCCO: Yes, sir. Yes.

15 COUNCIL MEMBER GENTILE: I see. Okay.
16 Thank you, thank you all. Thank you, Mr. Chair.

17 CHAIRPERSON ESPINAL: Thank you, Vinnie.
18 Rory. I also wanna note we've been joined by Julissa
19 Ferreras from Queens.

20 COUNCIL MEMBER LANCMAN: Thanks. Good
21 afternoon; it's good to see you. I like this
22 legislation and I think it's a big step in the right
23 direction. I also like some of the changes that
24 you're recommending; the issue of the rebuttable
25 presumption, I would draw an analogy; it may be

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2 imperfect, but worthwhile I think to the litter law
3 that we have, the litter law that we have. If you
4 are dropping flyers on someone's door when they have
5 posted a sign that you're not supposed to or if you
6 are putting up a placard, maybe even a campaign
7 placard, I think there's a rebuttal presumption that
8 whoever's name is on the placard or whatever business
9 is on the flyer that's put on your lawn is
10 responsible; they can rebut that presumption, but
11 it's a starting point; I don't think that's
12 unreasonable. And the changes that you're suggesting
13 and which the authority of the bill, Councilman
14 Garodnick has I think himself embraced regarding
15 removing the pedestrian plaza restriction, clarifying
16 that sellers will be able to sell in their own bus
17 stops and you know, clarifying what can be done
18 around the World Trade Center site. But let me just
19 ask you about one other restriction that's in the
20 bill that I don't know if either you or Dan have
21 touched on that is the restrictions on sidewalks and
22 where people can sell; I have heard and I think we'll
23 hear testimony later that there's a belief that those
24 restrictions are so tight that for all intense and
25 purposes people won't be able to sell on sidewalks at

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2 all. So in addition to the other changes that you
3 would like to see, which seem sensible to me, do you
4 think that the sidewalk restrictions that are in the
5 bill might also be open to some adjusting?

6 AMIT BAGGA: I'm gonna defer to my
7 colleagues on PD on that.

8 DANIEL ALBANO: Hello, Dan Albano from
9 the Police Department's Legal Bureau again. The 12-
10 foot rule is... again, mirrors what goes on with
11 general and food vending and the reason we think this
12 is helpful in this bill is that, you know one person,
13 one ticket seller on a sidewalk is not the issue;
14 it's the one ticket seller, five or six customers,
15 family, group of tourists that surround him and then
16 two or three other ticket sellers doing the same
17 thing and it's the aggregate of the effect on the
18 pedestrian flow on the sidewalk. So we would like a
19 sidewalk that is 12 feet wide, which is not unusual
20 in the city, at least 12 feet wide, there at the curb
21 and that should address the issue of pedestrian
22 traffic flow.

23 COUNCIL MEMBER LANCMAN: But don't you
24 already have... don't your officers already have the
25 tools to move people along or give a ticket if

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2 they're obstructing the sidewalk? I'm just concerned
3 that we're creating this somewhat arbitrary standard
4 which in most cases where you have one ticket seller
5 it's not a problem, and again, I don't know if you
6 intend to stick around; I'm sure you've had input
7 from the representatives of the folks who sell these
8 tickets, but they've expressed to me concern that
9 this leaves them very little territory in which to
10 reasonably sell their tickets to people who wanna buy
11 them.

12 DANIEL ALBANO: Again, the intention of
13 the bill is to regulate this industry somewhat and
14 also it's a test to see how this works out, the
15 effects of the study, but to go back to the 12-foot
16 rule, again, it's the aggregate issue of the number
17 of ticket sellers on a block, together with the
18 tourists, their customers that could potentially
19 block traffic. Most of the sidewalks I think where
20 they're currently operating are much bigger than 12
21 feet, so when you take together that they're allowed
22 to sell on their own bus stops, that they have to
23 stay 10 feet off the crosswalks, that there is plenty
24 of space left on any block for them to operate.

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2 COUNCIL MEMBER LANCMAN: And the 10 feet
3 from the subway stop; is that 10 feet from the
4 entrance or 10 feet from any part of the structure
5 that is around the steps that go down into the
6 subway...? [crosstalk]

7 DANIEL ALBANO: Right, 10 feet from the
8 exit or entrance, which mirrors the rule again, that
9 applies to all other types of vendor.

10 COUNCIL MEMBER LANCMAN: No, I get it;
11 the thing with all other types of vending though,
12 that I can think of, is they're all fixed, you know
13 and they can't move and adjust if a crowd emerges, if
14 a guy's, you know, got his hot dog stand there or his
15 fruit stand or he's set up and selling scarves, I
16 mean he's set up, he's there, you know; these are
17 folks who are basic.. if I'm not mistaken, basically
18 standing and selling their tickets and they can be a
19 little bit flexible. I just don't know that they
20 should be held to the same standard as those other
21 vendors and I would like us to look at that.

22 AMIT BAGGA: So I think, if I may -- Amit
23 Bagga from DCA -- I think there are two things here;
24 number one, we do hope that the study that will
25 hopefully be authorized by the bill will look at

1 this, among other issues. One of the things we
2 really -- a balance that we really seek to strike,
3 with any bill that we work with the Council on, but
4 in this one in particular, is ensuring that ticket
5 sellers have the opportunity to continue to apply
6 their trade, that the businesses that hire them are
7 able to continue to utilize this model to thrive and
8 that our friends at PD have the ability to enforce
9 regulations that are put forward in a way that is
10 consistent and easy for them, and I think one of the
11 key features of this bill that allows them to do that
12 is ensuring that is ensuring that this 10-foot
13 restriction is consistent with food and general
14 vending. I think we certainly as an administration
15 are open to being in dialogue with the industry and
16 with the Council to understand if perhaps there are
17 other options that folks would like to present and I
18 certainly think that the study that will hopefully be
19 authorized is going to be looking at this issue as
20 well.

22 COUNCIL MEMBER LANCMAN: Okay. Thank
23 you.

24 CHAIRPERSON ESPINAL: Thank you.
25 Alright, I guess the follow-up on what Rory was

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asking in regards to treating the ticket sellers like food vendors; don't you feel that food vendors do need to be put out onto a sidewalk because they have a table or they have a cart and these ticket sellers are... can be more mobile and they're not really standing in front of something that blocks the flow of pedestrians?

DANIEL ALBANO: And we're not preventing them from being mobile, as long as they're at the curb and the other limited restrictions that we have, it's conducive towards pedestrian traffic flow. Again, if we have, you know two, three ticket vendors, they don't walk with their customers, once the transaction begins they become stationary, so you have a crowd of people around in the middle of a sidewalk; that impacts the pedestrian traffic flow.

CHAIRPERSON ESPINAL: So are we also limiting them from standing against a building?

DANIEL ALBANO: Yes, sir; they should be at the curb. Yes, sir.

COUNCIL MEMBER LANCMAN: Okay.

AMIT BAGGA: I should note that... go ahead, Alba.

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ALBA PICO: I think one of the things to keep in mind is that there are many restrictions for food and general vendors already, so in many of the places where the ticket sellers will be allowed, will be permitted to sell, the food vendors and general vendors are not there because of the sidewalk width, you know the measurements and what the stand size [sic] is.

AMIT BAGGA: And we're not pursuing any numerical caps or block face restrictions at this time.

CHAIRPERSON ESPINAL: [pause] Sorry. So if a ticket seller is found violating the law, is the business held accountable as well?

ALBA PICO: We are proposing -- I mean one of the... [interpose]

CHAIRPERSON ESPINAL: Yeah.

ALBA PICO: the proposals that we have is to have the business accountable for -- especially if they're saying something that is not... they're selling something that is not really what they're selling..

[crosstalk]

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CHAIRPERSON ESPINAL: So the ticket seller and business will be held accountable? Okay... [crosstalk]

ALBA PICO: Yeah, uh... [crosstalk]

AMIT BAGGA: Depending on the nature of the violation.

CHAIRPERSON ESPINAL: Right. 'Cause we do have these two models right; you have this model where you have the entertainment business that sells to a middleman and the middleman employs the ticket sellers, so if a ticket seller is caught violating the law, the original business will receive a violation as well?

AMIT BAGGA: That is what we are proposing; I think I should be clear that that is, at this time, only with respect to false advertising misrepresentation and related types of violations. We're not necessarily willing to say that every single type of violation that an individual ticket seller might be guilty of would also somehow be ascribed to the underlying business.

CHAIRPERSON ESPINAL: Okay. Now how 'bout the middleman? I know in the bill it's noted that you're looking to license them as well?

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2 AMIT BAGGA: I think that that is an area
3 of discussion that we would like to have with the
4 Council; the current version of the bill does not of
5 course include or require the middleman essentially
6 to be licensed and I think as we continue those
7 discussions with the Council we look to collectively
8 determining the type of accountability that would
9 exist in that structure.

10 CHAIRPERSON ESPINAL: So the business can
11 be held accountable for violations the ticket sellers
12 commitment; what sort of violations would the
13 business be held accountable for? 'Cause you know,
14 you send someone out to work, you're not sure what
15 they're saying, you're not sure what they're doing;
16 you're kind of trusting that the employee will sell
17 the ticket in the most honest fashion.

18 AMIT BAGGA: Perhaps, but as we stated
19 earlier, we have, through our own undercover
20 investigations, as well as media reports have found
21 that there is certainly evidence that there are
22 businesses, select businesses; again, we do not
23 remotely purport that this is the majority of
24 businesses, that encourage or perhaps even direct
25 people who are selling tickets on their behalf to

1 intentionally mislead customers and what we are
2 proposing is meant to address any type of problematic
3 behavior that is stemming from any particular
4 business.
5

6 CHAIRPERSON ESPINAL: Okay. So how
7 prevalent... Well how many... What's the ratio between an
8 actual business that directly sells the tickets to a
9 business that has the middleman out in the field?

10 AMIT BAGGA: This is partially what the
11 study would be needing to look at; there is not clear
12 data on that at this time.

13 CHAIRPERSON ESPINAL: Okay. Alright,
14 thank you. Thank you, DCA and NYPD, thank you.
15 That's from Vinnie Gentile and myself, but he
16 reminded me.

17 I'd like to call up the next panel; we
18 have Rene Caceres from TWU; James... and again, forgive
19 me if I mispronounce your name... James Muessig from
20 TWU; Janilda Caveiras [sp?] from TWU, and Tefa Ameno
21 or Amedo [sp?]. [background comments] Ameo..
22 [background comments] Ameo [sp?] Tefa Ameo.

23 Whenever you're ready, just hit the
24 little button on the microphone and state your name
25

1 before your testimony. We will set the clock to
2 three minutes.

3
4 RENE CACERES: Okay. Good afternoon
5 everyone. My name is Rene Caceres; I'm originally
6 from Ecuador. I've been selling tickets for Gray
7 Line for 17 years; the money I make supports my
8 family; I'm raising three children in Ozone Park,
9 Queens, one of them is going to college; both of
10 them... I'm trying to put 'em in private school, so
11 it's very expensive. Okay.

12 For many years I have worked near Plaza
13 Hotel in Manhattan; I come in contact with many
14 tourists; tourists ask me directions and questions
15 every minute and I'm very happy to help them and also
16 locals as well.

17 I work all winter and in harsh conditions
18 hoping to make money in summertime, but all the bus
19 companies hire anyone they can in the summer; the
20 streets are full of ticket sellers. I find harder
21 and harder to make enough money in the summer to make
22 it through the cold months. I believe that when the
23 City licenses ticket sellers that many of the summer
24 ticket sellers that are just there to make a fast
25 buck, no matter what they say or do, they will

1 without [sic]. I welcome licensing and so do many of
2 my co-workers; I do have issues with the proposed law
3 though. I work near a subway entrance; I don't stand
4 in front of the stairs; why would I, my customers are
5 tourists walking down the street, not commuters
6 coming out of the subway. The way the law is
7 currently reading, a police officer may think that I
8 can only stand with 10 feet of the wall surrounding
9 the cutout in the sidewalk for the subway entrance.
10 I believe the intent of the law was to stop ticket
11 sellers from blocking the actual entrance to the
12 subway. I suggest that the Council rewrite the law
13 to state that ticket sellers will not sell tickets 10
14 feet of the stairs to the subway. I would also like
15 to add that I believe that only ticket sellers should
16 receive the sell licenses. The sell licensing should
17 not be given to the bus company; we do the work we
18 earn to the right to maintain our licenses with our
19 honesty and professionally. If we should leave the
20 employ of our bus company, then we should carry our
21 sell licenses with us, just like other tour guides
22 do. Thank you, thank you.

24 CHAIRPERSON ESPINAL: Thank you.

1
2 JANILDA CAVEIRAS: Good afternoon. My
3 name is Janilda Caveiras and I'm a ticket seller and
4 the local Recording Secretary of Transit Workers
5 Union Local 225, AFL-CIO.

6 The ticket seller for Double Decker Bus
7 Tours are pleased that we will receive a license; it
8 legitimize what we do amongst ourselves as a
9 professional community importantly in the eyes of our
10 customers. I think that the New York City ticket
11 seller license law will go a long way towards getting
12 rid of the bad apples in the industry. I do have a
13 few concerns.

14 Firstly, the City must issue the license
15 to the hardworking ticket seller who stands on the
16 street; do not issue the license to the bus company
17 owners sitting on the easy [sic] street in their
18 climate-controlled offices. I choose to leave my
19 employer; then I should carry my ticket seller
20 license with me; that's how it works with the tour
21 guide license.

22 Secondly, there is prohibition in the
23 proposed law that I object to; it states that I must
24 stand on the portion of the sidewalk near to the
25 curb; this language is copy and paste from the

1
2 General Vendor Law; it makes sense that the City will
3 not want vendors to set tables filled with items for
4 sale in front of the sidewalk. It will be crazy if
5 they set up their tables perpendicular to the
6 sidewalk and block the entrance sidewalk, building
7 owners do not want tables set up against their
8 building. This all makes sense for general vendors;
9 however, we are ticket sellers, we don't have tables,
10 we walk around as the weather changes. I don't want
11 to be forced to stand by the curb and get splashed by
12 the puddles and slush; I like to seek shelter under
13 the corning [sic] of a building during the brief but
14 common summer thunder showers. If the concern is
15 that the ticket seller will block the entrance to the
16 building; then write into the law that we won't block
17 entrances to the building; the current language is
18 too broad and goes too far. Thank you.

19 TEFA AMEO: Good afternoon. My name is
20 Tefa Ameo [sp?]; I live in Brooklyn and I raise three
21 children; they're all in high school and I'm the only
22 income we **[inaudible]** the family, a single father.

23 I support the New York City law and I've
24 been working for 23 years now, since the tour buses;
25 I support the New York seller license law. In the

1
2 summer, the bus companies hire hundred of people to
3 sell tickets; the company don't check their
4 backgrounds; the companies don't care who they put in
5 the streets; the summer hires **[inaudible]** the money
6 they make, they don't care about the reputation of
7 the industry; they take sales away from the permanent
8 ticket agents who care about a business; indeed, we
9 actually built this business from nothing. When we
10 started selling tickets there were only a few double
11 decker buses in New York; actually, Gray Line started
12 with two; I was there, when we started with two
13 buses; right now we have a fleet of them. Maybe
14 licensing will stop the reckless hiring; we who have
15 worked decades and see this as an honorable
16 profession hope so and I'm concerned of the hiring of
17 so many of the agents, bus companies will lobby [sic]
18 the Department of Consumer Affairs to issue licenses
19 to the companies and not to the sellers who actually
20 do the work. Please make it clear that the company
21 will not have this license, but and to be the intent
22 of the city to give it to the actual sellers on the
23 streets. Also, to remove language banning of the
24 Double Decker Bus Tour stuffs [sic]; this language
25 came from General Vendor Law; it means to stop

1 vendors from setting up [bell] tables and banning
2 ticket sales from bus stops is crazy, bus stops like
3 the airports, where people buy their ticket before
4 they board when they are late. Is this illegal to
5 issue tickets; what about airports or what about
6 **[inaudible]** outlet mall? Tickets are sold right
7 there at a bus stop. We want **[inaudible]**; please
8 make it sensible; make the violation to be mislead
9 [sic] to the consumer; have a system for discipline
10 and license revocation if necessary, please do not...
11 [crosstalk]

13 CHAIRPERSON ESPINAL: Tef... Tefa. Tefa...

14 TEFA AMEO: tell us...

15 CHAIRPERSON ESPINAL: Thank you for your
16 testimony, but can you wrap it up, just for...

17 TEFA AMEO: Okay.

18 CHAIRPERSON ESPINAL: the sake of time?

19 TEFA AMEO: So we don't want you to give
20 registrations to us; Mr. Rory [sic] said we are
21 mobile; we don't want to be obligated to stay at one
22 stand; we want to be... when we sell tickets, we want
23 to move the customers to the bus so that we don't
24 leave them confused and not know what to do; we wanna
25 go down there and bring them... when you get a customer

1
2 you bring the customer out of the sidewalk and talk
3 to them, so what the police are saying is actually
4 not true; we want to do something that will save our
5 people and the customers. When I explain to them we
6 bring them to the cab, talk to them; when we issue
7 them the tickets, we take them along to the bus stop;
8 if this law is enforced, it will **[inaudible]** to stop
9 the ticket seller from moving from end to the other,
10 which will not be appropriate. So we would like you
11 to look at it **[inaudible]** a study period, and most of
12 the subway stops are also not big enough. This 12
13 feet that he's talking about would not actually give
14 us the permit to be able to have that, so it should
15 be watched and looked at.

16 CHAIRPERSON ESPINAL: Thank... thank you.

17 TEFA AMEO: Thank you very much.

18 CHAIRPERSON ESPINAL: Thank you.

19 [background comments]

20 JAMES MUESSIG: Hi. James Muessig,
21 Treasurer, TWU Local 225. We passed out these
22 folders to you and I'd like to mention that each page
23 in here is the testimony of one ticket seller and
24 each ticket seller speaks to a specific problem that
25 we have in the law. For example, one might be about

1
2 the 12-foot-wide sidewalks; our problem there with
3 the 12-foot-wide isn't the 12-foot-wide; it's that
4 you measure to an obstruction in the sidewalk which
5 is a subway grading; this comes from the General
6 Vendor Law, so we ask you to look at that.

7 But if you pull out the first two pages,
8 pictures speak a thousand words. I was walking home
9 from Times Square the other day and there's a Gray
10 Line bus stop at Columbus Circle, it's represented by
11 the red dot in this photograph, and then I started
12 looking at the law and seeing where could our people
13 stand? Well you know on the park side, because the
14 Parks Department claims that a sidewalk that is
15 perimeter to Central Park is their land and you can't
16 sell there; our people actually can't sell at the
17 Gray Line bus stop, so they've migrated across the
18 street, makes sense, but according to this new law,
19 that 10 feet from the curb, it's not actually
20 measured from the intersection, it's measured from
21 the Trump Hotel private property line, which as you
22 can see is very far back and then they have to move
23 back 10 feet; then there's the subway elevator; that
24 knocks them back another 10 feet; now there's that
25 long taxi stand, and I know Council Member Garodnick,

1 I gave you a list; I forgot to mention the taxi
2 stands. 'Cause I was just down there by the
3 Pennsylvania Hotel; half that block is a tax stand
4 and that's one of the best places to sell tickets.
5 So then after you get past the taxi stand, no
6 doorman's gonna let you stand in front of a hotel
7 doorway no matter what law you pass, so that's a dead
8 zone, and then when you get beyond that they have the
9 subway gratings for the IND subway and that makes the
10 sidewalk legally, according to the language of this
11 law, less than 12 feet wide, so you can't sell a
12 ticket all the way from Columbus Circle to 61st
13 Street, and the second photograph actually shows you
14 the distance; I couldn't even get it in the same
15 photograph, I have an arrow; the bus stop is 30 feet
16 north of the left side of that photograph and in the
17 distance where you see the other arrow is probably
18 200-300 feet away; that might be where they're
19 legally allowed to sell the ticket, but I see there
20 are some subway exits there, so maybe not. So I
21 understand that there are reasons why these
22 provisions have been put in, but the real world
23 hasn't been considered and that's why the union is so
24 much against these provisions and please, you know if
25

1
2 you're gonna allow DCA to put together that task
3 force to study, I hope that TWU is an important part
4 of it; our ticket sellers would like to take the
5 people who draft these laws out there and show them
6 how life is out on the street, and I hope that you
7 have the time to go through each one of these
8 individual testimonies because each one speaks
9 specifically to a certain problem in the law. Thank
10 you.

11 CHAIRPERSON ESPINAL: Thank you.

12 [clapping] Council Member Garodnick.

13 COUNCIL MEMBER GARODNICK: Thank you.

14 And first of all, I wanna thank you for your time and
15 being here today; we understand the particulars, the
16 points that you made in your testimony, so I
17 appreciate that and as you heard, we are already in
18 the process of making a number of changes and we
19 appreciate that you and your union have alerted us to
20 some of the concerns and we take those very
21 seriously. I just wanted to make sure that I
22 understand fundamentally; it sounds like the concern
23 here is not about licensing per se..

24 JAMES MUESSIG: We love licensing.

1
2 COUNCIL MEMBER GARODNICK: Okay. That's
3 all, thank you.

4 JAMES MUESSIG: Yeah, license the
5 behavior; right? Don't lie to the customer, don't
6 cheat them on the change, don't misrepresent; we
7 believe in all that; turning selling tickets into a
8 game of twister, think about trying to sell worrying
9 about where your feet are at any second because you
10 could be breaking the law. I actually, today I got
11 out of the subway, it started to rain and one of our
12 ticket sellers took a customer just under the awning
13 of a building; now that restaurant wasn't gonna open
14 for four hours, so they weren't blocking anyone going
15 in the business, they just had the kindness to take
16 the customer out of the rain for the 30 seconds it
17 takes to print the ticket; technically that would be
18 a crime if the law passed with the language as it is.

19 COUNCIL MEMBER GARODNICK: We understand
20 that and we thank you for your testimony. Thank you,
21 Mr. Chairman.

22 CHAIRPERSON ESPINAL: Thank you, TWU.
23 Thank you. Let's call up Patrick Condren, Jessica
24 Lappin, Joseph Syslo, and Daul [sic] Biederman [sp?].
25

1
2 Welcome Miss Lappin; I'm sure you're not
3 stranger to the rules.

4 JESSICA LAPPIN: I'm not; it's always
5 nice to be back at 250 Broadway. Good afternoon,
6 Chair Espinal and Council Members Garodnick and
7 Lancman.

8 I'm Jessica Lappin, President of the
9 Downtown Alliance, which is the business improvement
10 district in Lower Manhattan. We serve the area
11 roughly from City Hall to the Battery, East River to
12 West Street. I'm here today to testify in support of
13 Int. 1149 and respectfully offer some suggestions
14 that we hope would make it stronger.

15 For the past decade the Lower Manhattan
16 tourism industry has been expanding very rapidly; in
17 2015 we had over 14 million visitors, triple the
18 number from a decade ago; in the years ahead, that is
19 only set to increase.

20 While the tourism boom has been positive
21 for the local and citywide economy, it's also led to
22 a fast and steep rise in attraction vending; this
23 involves ticket sellers who promote and sell ferry
24 rides, harbor cruises, helicopter tours, double
25 decker bus rides, and other attractions. Recently at

1
2 the Alliance we have been canvassing twice a day
3 every day and counting the number of sellers out
4 there on the street and recently on a Saturday
5 afternoon we counted 80 different individuals selling
6 tickets and I can tell you that they operate in and
7 around the Staten Island Ferry Terminal, Battery
8 Park, the World Trade Center site; especially outside
9 the PATH station at 7 World Trade, Bowling Green Park
10 and other smaller but frequently used public spaces.
11 The increased presence has not only added to
12 congestion on our narrow streets and sidewalks, but
13 has prompted more and more frequent, aggressive
14 behavior from competing sellers. We have had over
15 the past month various reports about harassment and
16 assault, they block building and subway entrances and
17 intimidate, follow; harass, aside from the reports
18 that you've already heard about slashing and sending
19 a tourist to Bellevue.

20 I'm gonna jump right, in the interest of
21 time, to my recommendations, but I wanna say, we've
22 been appreciative of the extra enforcement, but that
23 hasn't solved the problem, just shifted it and
24 relocated sellers to other locations.

25

1
2 So while this is a very strong step in
3 the right direction, coupled with increased
4 enforcement could make a difference; there are a few
5 suggestions we would like to make.

6 1. As was discussed already, mandate the
7 licensing of both third-party ticket selling
8 companies and their respective agents, taking
9 liability higher up the food chain.

10 2. We would like to see a cap imposed
11 per company or per block face, as other cities have
12 done.

13 3. Require sellers to wear clearly
14 identifiable vest or garment.

15 4. Acknowledge the preexisting no
16 vending zone around the World Trade Center site.

17 5. Prohibit sellers from -- we would
18 suggest 25 feet from subway entrances, and Council
19 Member Lancman, before you leave, we distributed just
20 now a photo from when Dan Garodnick and I went out,
21 which was a sleeting, cold February morning; not when
22 they are out in full force, and you can see, just
23 with five or six [bell] blocking the entrance to the
24 subway, and that is only 10 feet away; it's not one,
25 it's sort of a gauntlet and it's very physically..

1
2 it's hard to physically pass them when you're coming
3 out of the subway in the morning, when we can get
4 depressions, but six. And I only have two more.

5 6. Modify language to define what
6 constitutes a vendor to include vendors who
7 distribute pamphlets or information on how and where
8 to purchase tickets.

9 7. Include construction zones and
10 scaffolding to restricted areas, as those impede
11 pedestrian flow and safety.

12 And lastly, what the Community Board has
13 noticed, include within the bill's definition of
14 sightseeing tour helicopter tours, because a pilot is
15 not necessarily a guide, but we would certainly want
16 them to be covered.

17 So thank you again for your attention to
18 this issue and for working with all of us to get this
19 bill passed and make this better for the neighborhood
20 and for the city, so thank you.

21 JOSEPH SYSLO: Good afternoon,
22 Chairperson Espinal and members of the Council. I am
23 Joseph Syslo, Senior Property Manager of One New York
24 Plaza for Brookfield Property Partners, the owner and
25 operator of One New York Plaza, located at Water and

1 Whitehall Streets, across the street from the Staten
2 Island Ferry Terminal. Brookfield Property Partners
3 is a real estate company that owns, develops and
4 manages office properties; we have a headquarters and
5 major holdings in New York City; in Lower Manhattan
6 alone Brookfield owns and operates 12.5 million
7 square feet of real estate space with major holdings,
8 including 1 Liberty Plaza, One New York Plaza and
9 Brookfield Place in our portfolio. Over the past
10 several weeks we have noticed a significant uptake in
11 aggressive attraction ticket selling around One New
12 York Plaza.
13

14 Located across from the Staten Island
15 Ferry Terminal, I have witnessed a daily presence of
16 roughly a dozen aggressive ticket sellers promoting
17 helicopter tickets, harbor cruises and double decker
18 bus rides; this intrusive behavior not only reflects
19 poorly on New York City and our property, but is also
20 dangerous for pedestrians. Over the past months
21 there have been multiple observed [sic] instances of
22 assaults near the Staten Island Ferry Terminal, these
23 ticket sellers block access to our loading docks and
24 stand directly outside the subway station, blocking
25 the paths of commuters on their way to work. There

1
2 are too many of these ticket sellers and they are too
3 aggressive. Further, those who work at One New York
4 Plaza, including employees of Morgan Stanley, law
5 firm Fried Frank and Revlon find these actions to be
6 an affront of their personal space and borderline
7 harassment.

8 We understand that the New York Police
9 Department and the City Parks Department have
10 recently cracked down on its activity in the local
11 parks; while we applaud this effort, the crackdown
12 has made the situation on our sidewalks much worse;
13 enforcement of existing regulations has pushed the
14 problem out of the parks and onto the surrounding
15 sidewalks. We would like to see legislation that
16 regulates this activity by licensing these ticket
17 sellers, prohibiting them by more than 25 feet from
18 the subway and building entrances, including loading
19 docks and places a cap on the number of ticket
20 sellers that can operate on any given block.

21 We thank you for your continued support
22 and look forward to finding a solution to this
23 problem.

24

25

1
2 PATRICK CONDREN: Good afternoon, Mr.
3 Chairman and member of the committee and thank you
4 for having this event and hearing today.

5 My name is Patrick Condren, who grew up
6 in Brooklyn, New York and our office was on 43rd
7 Street in Times Square and I got my first paycheck in
8 1964 in the bus tour business. We left Times Square
9 for a good number of reasons and moved everything
10 over to Brooklyn, where I've been in the tour bus
11 business and commuter business and transit business
12 all my life; pleased to be involved with the
13 formation of the development corporation there and
14 business improvement districts in Bay Ridge; our
15 councilman just left a few moments ago.

16 Notwithstanding that, I'm here today to
17 say we're in support of pedestrian plazas, as the
18 companies that I work with, including Big Bus Tours
19 here in New York; I was involved with the origins of
20 Gray Line when they first... we only had... lots of buses
21 in New York City, but we only had two that had little
22 bubble tops where could take people to, because
23 people like me were taking people out of New York to
24 go to see other places; now we have 59 people here...
25 59 million people visit, you know which is a total

1
2 return to what we never thought... reversal of what we
3 thought.

4 So in terms of a combination of tour
5 travel, tourism and economic development initiatives,
6 it is my personal and professional opinion that this
7 is good to regulate these areas; in the case of Big
8 Bus, which has their business -- and testimony will
9 be given by the company itself -- they are regulated
10 around the world and New York City is now being added
11 to that world; it should be regulated in operations
12 like this. So I applaud that; we were there
13 supporting the pedestrian plaza program the other day
14 and we're here today and pleased to hear that there
15 are certain items within the law that need to be
16 tweaked and seem to be identified at this moment in
17 time.

18 So we support that and I will also
19 mention that the Bus Association of New York just met
20 last week; I was part of that committee, meeting the
21 City DOT and this is very much an area of maintaining
22 all the right stuff, including ticket sellers, so we
23 can I think be confident that the Bus Association of
24 New York will also be chiming in and supporting the
25 program. Thank you.

1
2 DAN BIEDERMAN: Committee members, Dan
3 Biederman, President of 34th Street Partnership;
4 thank you for allowing us to testify on this
5 important intro; we fully support it and we think the
6 licensing of sidewalk ticket sellers can help the
7 situation.

8 I just came from a board meeting of 34th
9 Street Partnership; tremendous number of people
10 commented on how New York presents itself to
11 tourists, which is not well, between the aggressive
12 ticket selling and our wonderful collection of
13 vending carts, which do not represent the best of New
14 York, either visually or in terms of health practices
15 and the like, so a tourist is rushed on both sides
16 and it's not good for a district like ours that
17 relies heavily on tourist revenues.

18 Our district is the home of a lot of
19 global icons who do; The Empire State Building, The
20 Garden and Macy's and they attract millions of
21 visitors, as you know, and Penn Station is the
22 busiest rail station in the country, and so the
23 sidewalks are jammed and the glut of ticket sellers
24 is a daily nuisance to our constituents and visitors;
25 they do complain to me and our staff; in the act of

1 vending their tickets they often block pedestrians,
2 are overly aggressive with ticket buyers who are
3 often intimidated, possibly because they don't speak
4 the language that well, they're jetlagged, they come
5 in, they're not sure of what to do; some of that
6 isn't the fault of the ticket sellers, but a lot of
7 it is.

9 And add something that's not in my
10 testimony; we send staff members on the bus tours
11 that are sold by the ticket sellers and frequently
12 find more than half the information is incorrect, so
13 they're not really getting a good view of New York
14 that way either.

15 The licensing is a significant first
16 step, but the legislation should also take into
17 account the huge number of vendors on each block, so
18 if there's a study done by DCA and DOT and police,
19 we'd ask you to consider limiting the number of
20 sidewalk ticket sellers per block, which I understand
21 DCA said they weren't interested in doing, but we
22 think it's probably necessary.

23 Also, we heard that the pedestrian plaza
24 ban may come out of the legislation; we run a
25 pedestrian plaza at great expense and we actually

1 think it's important to keep it in there and we also
2 suggest that all violations issued should include the
3 name and address of the ticket seller's employer so
4 the employer shall be held responsible also.

5 So thank you again for this good
6 legislation.

7 CHAIRPERSON ESPINAL: Thank you.
8 Councilman.

9 COUNCIL MEMBER GARODNICK: Thank you
10 again, Mr. Chairman. I just wanted to probe just
11 kinda on two specific issues; one of them is the per
12 block limit and the other one is the point made by
13 the last panel, that licensing is good, but we should
14 be licensing the behavior, not the location. So I'll
15 pose these questions to anybody who wants to take
16 them.

17 The idea of limiting the number of ticket
18 sellers per block has an obvious appeal, because then
19 you can, you know, determine the level of congestion
20 on a particular block as a result of ticket sellers;
21 however, it seems like that would be a very, very
22 difficult thing for the Police Department to be able
23 to administer; I mean if you have six ticket sellers
24 on a block and the police show up and the local law
25

1
2 is you can only have three; how do they deal with
3 that; how would that work exactly?

4 DAN BIEDERMAN: Let me try. Thinking in
5 advance as to how the administrative agencies might
6 do it; you might have a card that, unlike in the case
7 of many of the food vendors, actually says that you
8 are the permittee for a company who is entitled to
9 sell on 42-43 on 6th Avenue, for example, and then
10 there might be another one from a competing company
11 and that would be easily checked by the Police
12 Department; it could be clearly marked 42, 6th West
13 Side, something like that. You're right, Council
14 Member Garodnick; hard to imagine a policeman
15 scanning an 800-foot block and saying it looks to me
16 like there are two or three here, but maybe place-
17 based permits.

18 JESSICA LAPPIN: Well one thing I would
19 offer is; I don't know exactly how London does it,
20 but London does have a block face limit; I can't
21 remember if it's two or four, but it's pretty small
22 and they've found a way to make it work.

23 You know all I can say is there are
24 certainly areas; I mean just two days ago a staff
25 member, on her way home, told me that gutting into

1 the path by 7 World Trade there were 15 people
2 standing right there, so there may be corners where
3 it's not that big of an issue, but if there are
4 corners where you have 15 people, I think that begs a
5 cap and I understand that DCA's hesitation is until
6 they do a study they don't have a sense of how many
7 there are citywide or where there might be hotspots,
8 but certainly, you know we could suggest -- you know
9 I can tell you where the hotspots are here and maybe
10 that's a way to make it easier; you know that on
11 State Street, Battery Place, outside of... you know on
12 **[inaudible]** Street, that those are locations where
13 you're going to limit. And the one thing I would say
14 is, while it is to hard enforce, and you observed
15 this too, Council Member, when you were there; there
16 is some comradery amongst the ticket sellers; they're
17 all there every day, all the time, just as you find
18 with general vendors in other parts of the city and
19 so you know I think some of it can and does get
20 worked out amongst themselves and maybe you have a
21 rotation by company on certain days, certain
22 companies or certain companies or certain people; all
23 I could say, where there's a will there's always a
24

1 way and other cities have figured it out, so I'm sure
2 we can too.

3
4 COUNCIL MEMBER GARODNICK: Let me just
5 add to that point, because I did have an interesting
6 exchange with the sellers down in our visit where you
7 had several of them... each of them from a different
8 company; each of them standing right there in front
9 of the subway and I posed the question to them; how
10 is this good for you when you are each standing right
11 next to each other, going after the same customers
12 and the response was, your point about comradery,
13 that they -- if somebody engages a tourist, then rest
14 of them will back off, but they will share their
15 commissions at the end of the day. So you know, at
16 least in that example, in the Lower Manhattan example
17 that we experienced, there was that level of
18 comradery; I think it does work to the detriment of
19 the public however when you have, you know, the
20 blockade of people in front of the subway stop. And
21 I didn't want to interrupt you, so... [crosstalk]

22 DAN BIEDERMAN: That's quite alright,
23 Councilman.

24 COUNCIL MEMBER GARODNICK: Yeah.
25

1
2 PATRICK CONDREN: Jessica is right to
3 reference, as Dan was, it's call the Westminster Code
4 of Conduct in London, which is something we presented
5 to DCA two years ago and I think it's been utilized
6 in the modeling at work here now. Notwithstanding
7 that, Jessica, the commentary, the employees of the
8 larger companies are assigned by the companies;
9 what's happened here now is; a distinction needs to
10 be made over time of which are the independent
11 contractors and which are the employees. The
12 established companies, longstanding companies, you
13 know assign people there and that can be managed and
14 controlled and planned with the local business
15 improvement districts and with the community boards
16 and with the building owners, notwithstanding that..
17 you know, I mean some corners are over the top and
18 certainly downtown you've experienced the
19 overwhelming ones **[inaudible]**... [crosstalk]

20 COUNCIL MEMBER GARODNICK: So in that
21 situation somebody would be assigned to a particular
22 location; they would not be able to move, they
23 wouldn't be able to have the flexibility, like what
24 has been described by the sellers of, you know, tour
25 bus tickets for example.

1
2 PATRICK CONDREN: The exact ticket
3 sellers right now of the established companies are
4 assigned as employees with health care; I mean, being
5 on a particular place for a particular time on a
6 daily basis and they are controlled by operations
7 people and moved accordingly to an assigned spot and
8 so that can be controlled, yes and scheduled.

9 COUNCIL MEMBER GARODNICK: So let me just
10 play devil's advocate with you all about... [crosstalk]

11 PATRICK CONDREN: Sure. Sure.

12 COUNCIL MEMBER GARODNICK: about the
13 location questions here, because you know the
14 testimony of the last panel was such that if you are
15 selling tickets it's a little bit different from say
16 a fixed street vendor, like a hot dog cart or
17 something like that; you have to be able to stand
18 underneath an awning if it's raining, you have to be
19 able to move a little bit; having some wiggle room
20 here, some flexibility, as articulated by the last
21 panel is important. How do you react to the notion
22 that what we should be focusing on in this
23 legislation is the behavior itself as opposed to the
24 particular location or alternatively, that we should
25 not be too strict on the location; maybe we can set

1
2 some rules, but not too many rules because ticket
3 sellers are different, distinct from other types of
4 locational vending that we have out there?

5 JESSICA LAPPIN: Well first of all I
6 would say the general vendors on 86th Street don't
7 have a canopy when it starts raining over their head,
8 so I think there are some distinctions to be made,
9 but not all of them apply. I would say especially
10 because DCA does not have an interest in a cap;
11 having vending at the curb does address some of the
12 congestion issues that I'm, you know concerned with
13 and while they may not have a table and goods, they
14 are a fixed presence nonetheless when they are
15 standing in one location and as the Police Department
16 spoke of, once you have somebody who stops and
17 engages to have a discussion -- what are you selling;
18 when's the boat going -- and it's never, down here
19 anyway, it's never one seller on a corner; if it's a
20 good corner, then there are multiple sellers and so
21 you can have multiple conversations happening at once
22 and now all of a sudden you have 15-20 people
23 blocking the sidewalk. If they're at the curb, then
24 you have the ability to walk past, but if they're
25 just standing there in the middle of the sidewalk,

1
2 you don't have that ability, so I think if we're not
3 gonna have a cap, then even more so having that is an
4 important element.

5 DAN BIEDERMAN: Just thinking on my feet
6 here, Councilman; which would you say would be more
7 annoying to a tourist who doesn't know what's going
8 on, say somebody from Italy or France; having one
9 aggressive panhandler, because I think there's a
10 panhandling analogy here, approach you, get right in
11 your face and ask for money, versus 20 panhandlers
12 asking for money politely? To me it's about even, so
13 if you really only look to the behavior and not to
14 the number, you're not really helping the pedestrian
15 experience. Right now the Police Department's not
16 allowed to regulate panhandlers who **[inaudible]** about
17 their condition; only if they're super aggressive. I
18 think the number is as important as the aggressive
19 behavior actually.

20 COUNCIL MEMBER GARODNICK: And
21 presumably, if we did not in this legislation take on
22 the specific number per block face, even more
23 important then, the articulation of location then; is
24 that accurate?

1
2 DAN BIEDERMAN: Well I think the property
3 owners got up in arms about this at 34th Street
4 because of the raw number. I hope that answers your
5 question; that's... when I started hearing it... swarms
6 of them, there are so many, it's overwhelming; can't
7 sell... my retail stores feel their sales are being
8 hurt because they're in the knot [sic] on 34th Street
9 **[inaudible]**... [crosstalk]

10 COUNCIL MEMBER GARODNICK: I got it. No,
11 I guess my point is; if we were to not in this
12 legislation say you can only have X number per block
13 face [background comment] because, let's say, it is
14 too difficult for PD to make a determination as to
15 who the first ones were or the companies themselves
16 don't want to participate... [crosstalk]

17 DAN BIEDERMAN: Specify.

18 COUNCIL MEMBER GARODNICK: or whatever it
19 is and I don't know the background on the Westminster
20 concept, but in a scenario in which we have a license
21 but we don't have a per block face cap, what that
22 says to me is that it is, at least the view of this
23 panel, is that means it is even that much more
24 important to have location-based distinctions on this
25 license; is that correct?

1 JESSICA LAPPIN: Yes and I would..

2 [crosstalk]

3 DAN BIEDERMAN: I don't know [sic].

4 JESSICA LAPPIN: I would just remind you
5 of the PD's testimony about consistency; enforcement
6 is really important once this bill is passed to have
7 it be enforceable; to have consistency with other
8 vending requirement is critical. The Downtown
9 Alliance has done trainings for police officers and
10 others, it's very confusing, as you know, the vending
11 rules, so.. and that's why they said they would like
12 to keep it at 10, even though I said I would love for
13 it to be 25, but I think the issue within the NYPD
14 that they articulated is you wanna keep everything as
15 consistent as possible and I agree with that as well.

16 COUNCIL MEMBER GARODNICK: Alright, thank
17 you very much. Thank you.

18 CHAIRPERSON ESPINAL: Thank you, Dan.
19 Thank you to the panel; let's call up the next one,
20 we have Gary Rothman from United Service Workers
21 Union; we have Alex Gleason from Central labor
22 Council; we have Mark Marmurstein from Twin America,
23 and we have Manuel Barra [sic]. Manuel Barra, Mark
24 Marmurstein, Alex Gleason. Alex? And Gary Rothman.
25

1 Mark, you can begin. Just hit the mic
2
3 and state your name.

4 MARK MARMURSTEIN: Mark Marmurstein, Gray
5 Line New York City Sightseeing. So first, thank you
6 and thank you, Councilman Garodnick for... we met, you
7 heard, you listened and thank you so far for the
8 changes.

9 The first thing I'd like to say is, not
10 every ticket seller is created equal and we're
11 fortunate enough to have 300 union members
12 representing us as ticket sellers. We definitely
13 feel and support licensing of ticket sellers and we
14 wanna raise the bar, because not all the ticket
15 sellers are the same in the city; we talked about
16 Battery Park, we talk about different locations;
17 those are independents; legitimate companies with
18 hardworking employees should not be categorized in
19 the same group and that's why the companies as well
20 should definitely be a part of the licensing and
21 penalties or whatever else should have to happen.

22 And you ask about control; the control is
23 a legitimate company that's standing behind its
24 hardworking employees, Twin America, our parent
25 company, we have today about 1,000 employees, all

1 unionized. There's a trickle effect that happens;
2 it's not just the ticket sellers that are concerned
3 about their livelihoods, that trickle effect
4 continues to our drivers, our tour guides, our
5 mechanics; our dispatchers. A large amount of our
6 ticket sales are created and made by these
7 hardworking union employees, so that's why I really
8 hope we remember that there's a distinction and
9 Battery Park is a good location where we were asked
10 by the Parks Department, the DCA and the DOT to
11 remove some of our own ticket sellers, which were
12 never in the park but in the surrounding area, to
13 reduce our numbers and after that the riffraff came
14 in.

16 So to mandate new rules is all wonderful
17 and we support it; we need to be able to give the
18 Police Department or somebody else the ability to
19 enforce it. The reality of putting restrictions on
20 the blocks, you know we talked about the fact... we
21 appreciate the fact that the bus stops have been
22 removed and the plazas, of course, but the reality
23 is; there's many, many impediments, locations,
24 driveways, whatever it may be and I know we've
25 discussed that already, and we would welcome working

1 with the Council to create those locations so it's
2 fair and equal for everybody. One of the concerns
3 that I have is that there are other laws currently on
4 the books and one such law is Section 10-136 of the
5 New York City Administrative Code; [bell] one of the
6 key points there is intentionally blocking or
7 interfering with a safe or free passage of
8 pedestrians; Section 240.25 and 240.26 is similar
9 with regard to conduct. These are existing laws and
10 I can tell you, our guys are not in the parks, our
11 guys are not in the Port Authority bus terminal; our
12 guys are doing the right job, because we are a
13 legitimate partner in tourism in New York City and
14 every time we walk away and there's an issue because
15 we're the good guys, that's when the riffraff comes
16 in and that's why we do not want independents to be
17 able to be licensed, it should be ticket sellers with
18 bus companies or boat companies that can now control
19 where their staff is, be held responsible together
20 and go from there. Thank you very much for your
21 time.
22

23 ALEX GLEASON: Good afternoon. My name
24 is Alex Gleason; I'm the Policy Associate at the New
25 York City Central Labor Council of the AFL-CIO,

1 representing 1.3 million workers across 300
2 affiliated unions. The Central Labor Council
3 supports Int. No. 1149 with specific amendments
4 protecting high road actors and industries already
5 abiding by the rule of law. Taken in conjunction
6 with the recently passed Int. No. 1109, Int. No. 1149
7 could have ruinous effect on the sale of sightseeing
8 tour bus tickets and the highly trained,
9 knowledgeable workers who make their living in the
10 industry. The Central Labor Council cannot support
11 this legislation without addressing the merited
12 concerns of our members and advocating for moderate
13 adjustments to Int. No. 1149.

14
15 Int. No. 1109 was drafted and introduced
16 as a solution to mitigate crime and enforce safety
17 standards, but the unintended consequences of the
18 legislation could have negative impacts on legitimate
19 businesses and workers. The Central Labor Council
20 would like to see Int. No. 1149 state a clear
21 position that those following the rule of law and
22 already licensed should have the freedom to continue
23 with their regular operation.

24 In particular, the Central Labor Council
25 encourages the City Council to amend Subsection 20-

1
2 556, Section E of the legislation to read: "No ticket
3 seller shall vend in a pedestrian plaza except for
4 sellers engaging in the sale of tickets for a
5 sightseeing tour." This reasonable adjustment would
6 acknowledge the long history of licensed vendors who
7 already comply with a regulatory framework.

8 The Central Labor Council finds a number
9 of additional concerns in the current incarnation of
10 1149; the boundaries established in the Subsection
11 20-556, Section B do not leave sufficient space for a
12 licensed vendor to utilize the sidewalk. If
13 measurement from private property includes subway
14 grates and other obstructions, then the licensed
15 vendor is given at most a 3-foot space to work in and
16 at the worse case, no space at all. Preventing sales
17 on street corners also push vendors back
18 approximately 25 feet, as my brother from TWU 225
19 alluded to before, which will seriously limit access
20 to perspective customers and the long-term viability
21 of the industry. Taken in concert with the
22 provisions precluding ticket sales at both bus stops
23 and 10 feet surrounding a subway entrance/exit, it
24 quickly becomes unclear where exactly the City is
25 allowing tour bus vendors to sell their tickets.

1
2 For over half-a-century the members of
3 TWU Local 225 have sold exception views of New York
4 City to the world; the Central Labor Council hopes to
5 ensure any license issued will be done so directly to
6 the workers, allowing for autonomy and flexibility
7 rather than the employer. Without these pragmatic
8 amendments, the Central Labor Council cannot support
9 Int. No. 1149; adjustments must be made to support
10 and encourage high road vendors while targeting those
11 who break the law and harm the general public, and I
12 also have to say the gentleman on the last panel who
13 equated not only our members but all workers in this
14 industry to panhandlers is devaluing work, degrading
15 people who are highly professional and perhaps he
16 should look at the fact that real wages have been
17 stagnant since the Great Recession in New York City
18 for why his stores are not getting customers, another
19 reason we need to raise wages and not eliminate well-
20 paying jobs.

21 [applause, background comment]

22 CHAIRPERSON ESPINAL: Thank you. Thank
23 you.

24 GARY ROTHMAN: Good afternoon, members of
25 the committee.. [bell] [interpose]

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2 CHAIRPERSON ESPINAL: I hear people
3 clapping in the overflow room; there are... there are a
4 few seats available here, there are about 10 seats if
5 you would like to come in.

6 GARY ROTHMAN: It's really quite
7 remarkable because the rest of this hearing was
8 virtually inaudible in the overflow room.

9 Members of the committee, committee
10 counsel, my name is Gary Rothman and I'm here on
11 behalf of the United Service Workers Union; our union
12 represents some 30,000 members in and around the
13 Metropolitan area, with the bulk of them living and
14 working the five boroughs. Among our members are
15 hundreds of ticket agents, tour guides and drivers of
16 the city's sightseeing Gray Line buses in New York
17 City. Our members act as brand ambassadors not just
18 for the bus company and tour companies that they work
19 for, but for New York City as a whole, as we greet
20 the 60 million visitors to the city each year from
21 around the world and take them to neighborhoods and
22 points of interest.

23 The USWU objects to the many
24 manifestations of Int. 1149, as it affects the
25 ability of our members to earn an honest living in

1
2 the City of New York. As it relates to the need for
3 this legislation, USWU observes that in over 15 years
4 of representing ticket sellers there have been but a
5 handful of incidents of inappropriate conduct between
6 ticket sellers and the public or other employees and
7 the legitimate employers in this industry with whom
8 our members are employed maintain and enforce a
9 strict non-tolerance policy regarding violence or
10 inappropriate conduct to the public or to other
11 employees and our members, who work mainly for
12 commissions, know that aggressive, discourteous
13 conduct toward customers is simply bad for business
14 and is unacceptable.

15 In this sense, the industry has and does
16 police its own behavior and there is no great
17 documented need for public intervention into this
18 area; I know we will disagree about that.

19 Also, the committee must be mindful that
20 regulations resulting in reduced ticket sales not
21 only affects the income of those ticket agents
22 themselves, but also the income of the tour guides
23 and bus drivers who earn their livings from the sales
24 by those ticket agents.

1
2 If public licensing under this bill is
3 the route that you are committed to take, there are
4 several amendments to Section 20-556 we would urge
5 you to consider in this bill. First and foremost is
6 the prohibition of vending in any pedestrian plaza
7 unless so authorized, pursuant to the rules of the
8 Department of Transportation

9 This committee is no doubt aware that the
10 full Council approved Int. 1109 on April 7 in
11 relation to pedestrian plazas; rather than creating a
12 default position. Prohibiting ticket vending in
13 pedestrian plazas in Section 556 of this bill default
14 to letting our hardworking New Yorkers earn their
15 livings and respect to province that the Council has
16 now placed in the Department of Transportation to
17 make reasonable rules for economic **[inaudible]**...

18 [crosstalk]

19 COUNCIL MEMBER GARODNICK: Chairman, may
20 I just jump in for a second, 'cause I apologize;
21 since you may not have been able to hear [bell] in
22 the other room and I figured I would save you the
23 trouble; we are gonna take that provision out. Okay,
24 so I just wanted to make sure that, you know, anybody
25 who did not hear it, I'm sorry if the mechanics were

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2 not so good, but we are gonna take that provision out
3 in the bill; we understand that that, in connection
4 with the other bill that we just passed, it does not
5 make sense anymore in this bill; it's gonna come out.
6 So I just wanted to let you know that... [crosstalk]

7 GARY ROTHMAN: That's a move in the right
8 direction... [crosstalk]

9 COUNCIL MEMBER GARODNICK: Yeah, good.

10 GARY ROTHMAN: Thank you very much,
11 Council Member.

12 Second, the last sentence of
13 Section 556(b), which prohibits vending anywhere on a
14 sidewalk but at the curb; this provision creates
15 rather than solves a safety issue and it doesn't make
16 the sidewalk safer, because many times after striking
17 up an initial interest with a customer who may be
18 surrounded by their families, as you've heard from
19 other people that have testified today, the ticket
20 seller and the customers back up from the curb and
21 close their deal either closer to a building line or
22 out of the way of passersby. As has been already
23 observed here today, police have the abilities to
24 control sidewalk obstructions and move people along
25 or out of the way if necessary.

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2 Third, delete or better define the
3 references to equipment and displays which are
4 prohibited from being used in Section 556(i). The
5 fact of the matter is that our ticket sellers use
6 handheld and waist-mounted automated equipment and
7 receipt machines and all of our... [interpose]

8 COUNCIL MEMBER GARODNICK: We're killing
9 that too.

10 GARY ROTHMAN: That's gone too?
11 [background comments] I'm pretty effective, even
12 before **[inaudible]**... [crosstalk]

13 COUNCIL MEMBER GARODNICK: You are... look
14 at you, you are on a roll; keep goin'.

15 GARY ROTHMAN: just... just from my
16 informal con... speaks... conversations with Council for
17 the Committee, thank you.

18 Finally, as a technical amendment, we
19 noted that 556(c), the reference to subway entrance
20 or "exist" [sic] in the bill, contains a
21 transposition that should... [crosstalk]

22 COUNCIL MEMBER GARODNICK: What you're
23 saying is that we shouldn't have typos in our
24 legislation?

25 [laugh]

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GARY ROTHMAN: Well...

COUNCIL MEMBER GARODNICK: Is that reasonable? 'Kay.

GARY ROTHMAN: Well I can say, when I was a member of your council [laugh] and work with it; we had them also, alright. As counsel for the United Service Workers Union, I've had these discussions with committee counsel about these matters and I want you to know that the union stands ready; my office stands ready to work with the committee and with DCA to draft the most reasonable legislation possible to protect our members and the people and the visitors of our great city. Thank you.

CHAIRPERSON ESPINAL: Thank you.

MANNY BEHAR: Thank you, Chairman Espinal, Council Member Garodnick; my name is Manny Behar, a tour guide for Gray Line City Sightseeing; member of Local 1212. And tour guides stand to be hurt by this; we like the idea of licensing; nobody is hurt more by aggressive selling or by misrepresentation than the honest ticket sellers, the honest tour guides; the legitimate companies, so we have a vested interested in seeing that this is done right; people behave properly, but by vastly

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2 restricting the areas where our ticket sellers can
3 work -- and I actually went with a tape measure,
4 measuring some of the sidewalks; some of the
5 sidewalks where we work are 12 feet wide; many are
6 not. So by drastically reducing the areas where our
7 ticket sellers can work, saying only by the curb,
8 only when it's so wide; not here; not there, that
9 this going to have a negative impact on jobs, it's
10 going to kill good union jobs of hardworking New
11 Yorkers; not only the ticket sellers themselves, but
12 fewer ticket sellers means fewer buses running, it
13 means fewer tour guides, it means fewer bus drivers;
14 it means fewer mechanics. These are good union jobs
15 at stake, good hardworking New Yorkers who are great
16 ambassadors for this city and these provisions about
17 the restrictions on where the ticket sellers can
18 operate really do need to be revisited and to be
19 revised.

20 CHAIRPERSON ESPINAL: Great, thank you.

21 COUNCIL MEMBER GARODNICK: My only
22 comment -- thank you, Mr. Chairman -- is we
23 appreciate the testimony and obviously some of these
24 changes we are already in the process of making; we
25 also take your comments seriously.

1
2 My sense here is that the extent that
3 there is any difference of opinion, and this is what
4 we'll have to figure out post hearing, is one,
5 specifically if you're gonna put physical locations,
6 how strict should you be and two, the question about
7 whether or not you should be licensing ticket
8 resellers who are not employed by a particular venue;
9 using that term loosely.

10 So to me, those are the core questions.
11 The bill as it currently is drafted does prescribe
12 particular locations maybe too strictly, obviously, I
13 believe, that it was too strictly and that's why we
14 have already started to amend in the ways that I've
15 described.

16 But I do wanna talk a little bit about
17 that third-party reseller question, because
18 Mr. Marmurstein's testimony was the first of its type
19 today, suggesting that those third-party sellers not
20 be licensed and that only sellers who are directly
21 associated with an employer fall into that
22 department.

23 So can you say a little bit more about
24 that; I mean obviously that makes it a little
25 difficult, if you are an employee and you want to

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2 actually move from one, you know, company to another,
3 you then have to sacrifice your license or you have
4 to reapply for a license, you know it does eliminate
5 your ability to move between employers, at least
6 somewhat; address that a little bit more, I think
7 it's worth hearing a little more on the subject.

8 MARK MARMURSTEIN: Sure, thank you.

9 So really, you know the NYPD has a
10 tremendous task before them, right, running this
11 great city, watching over all of us and it's
12 extremely difficult to now put this burden on them
13 and we heard from the inspector before how they've
14 gotten some arrests done, they've done some things in
15 Battery Park and we all will agree that when you go
16 down to Battery Park today you don't really see much
17 of a significant difference and it's a small dent in
18 the process that they're doing. What we're
19 suggesting really is, legitimize... companies should be
20 licensed with their ticket sellers; if you go down
21 today, the guys in red are my guys; we work together,
22 you won't see my guys in the park or where they're
23 not supposed to be, whether it's the subway station
24 or wherever else; if you go to the Empire State
25 Building, our guys are located in different zones; if

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2 you go to Times Square, they're located in different
3 **[inaudible]**, because it's my responsibility; I have a
4 license with DCA, I have a license with DOT; it's my
5 responsibility to work with my neighbors; it's much
6 easier to now control or license the company; that
7 the company now watches over their employees with
8 their membership. With regard to the independents
9 that are buying tickets, it's a needle in a haystack;
10 they may get arrested, they may get a ticket, but
11 it's a cost of doing business and unfortunately, our
12 members, because they get paid W-2, they have
13 benefits, they're union members; they're gonna be
14 subject to be brought in for rules and we would
15 discipline them or not discipline them on the fact
16 based on what happens, and we can sit with whatever
17 the authority is; no difference if it was a bus
18 driver or a tour guide, and then the result is that
19 there's a working environment. The independents,
20 they come back out, they pay the fine, they spent a
21 night in jail, they come back out and they do what
22 they do.

23 Getting more specifically to your
24 question, if somebody wants to leave from Gray Line
25 and go to Big Bus, there's nothing wrong with that;

1 the license should definitely transfer over. The
2 reality is, is the license should be tied to the
3 company, 'cause the company should be held
4 responsible, just like the employees are, and if that
5 employee is in good standing and DCA says that this
6 person is fine, who are we to say where the person
7 should make their livelihood? But the reality is,
8 unfortunately in today's world, if somebody walks in
9 to our HR department and applies for a job, we don't
10 know if they're a bad actor, there's no mechanism for
11 us, besides for putting them onto the street and
12 within 30 days maybe we'll figure out that this
13 person does not represent what we wanna have out
14 there. And I think it's something that I can say for
15 myself, and in talking briefly with Big Bus, I think
16 we both agree with that. So if an employee is a
17 legitimate employee and they wanna transfer that
18 license, we have no issue whatsoever with that;
19 they're here to make money and we don't wanna get in
20 their way for that. But we don't wanna just be
21 recycling from one to the next and that makes us...
22 it's not what we wanna have represented out there.

24 COUNCIL MEMBER GARODNICK: Now of course,
25 you know your proposal does put a lot of people out

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2 of work, people who are today independent actors who
3 otherwise are selling tickets; it may not be for your
4 company or a parallel company, but they are selling
5 tickets and so I think that is a... I mean that is a
6 point of concern and there may be a debate to be had
7 as to whether or not licensing them gives a greater
8 degree of control by the City or whether it gives the
9 blessing of the City to arguably bad behavior. For
10 me, I think that, you know can't really... we I don't
11 think wanna be in the business of putting them out of
12 business, but we do wanna make sure the City can put
13 some rules on them and if they are bad actors, have
14 the ability to withdraw the privilege of being a
15 ticket seller out there on the street. So I take
16 your point and feel free to respond to it, but I also
17 know that others wanna comment here... [crosstalk]

18 MARK MARMURSTEIN: So...

19 [background comments]

20 MARK MARMURSTEIN: I'm sorry. So we
21 don't wanna put anybody out of business and that's
22 not the point of this. The point of this is to be
23 able to do enforcement, enforce... [interpose]

24 COUNCIL MEMBER GARODNICK: But if they
25 can't get a license though, then they can't sell.

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2 MARK MARMURSTEIN: So the reality is, if
3 you go down to Battery Park, they were all selling
4 tickets from one boat operator or another and they
5 can be attached... so if I come in and I buy from,
6 whatever the boat company is, X amount of tickets, so
7 now I'm selling those tickets; they should be
8 attached to that company so that when the customer
9 walks over and sells them a ticket that is \$29 face
10 value for \$45, there is a repercussion so that now
11 the company will not give them tickets again; that's
12 the goal here. So there's a cost of doing business,
13 there's a cost of somebody being out there and saying
14 we're gonna break the rules because it's not big deal
15 'cause I'm making a couple extra bucks and there's a
16 difference with saying wait a minute, we got a
17 violation because you sold a ticket \$20 over face;
18 you did not do the right job and therefore we now
19 will not sell you the tickets unless there's certain
20 guarantees -- one strike, two strikes, you're out;
21 that's no different than any other employee or any
22 other business where you wanna have some sort of
23 regulation. I can't have my buses idling for a
24 reason, I can't do certain things; there's certain
25 rules out there because of what our society is. Here

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2 what happens is, it's just a cost for them to do
3 their job; they're hurting the legitimate ticket
4 sellers, because my guys cannot sell a ticket at a
5 different price.

6 COUNCIL MEMBER GARODNICK: So DCA
7 testified that what they wanted to recommend in this
8 bill was that there be a rebuttable presumption that
9 the business whose information appears on the face of
10 a ticket is liable for the behavior of the individual
11 selling the ticket in order to give DCA the tools and
12 not just the ticket sellers to hold these folks
13 accountable for problematic behavior. Does that not
14 deal with the problem that you're describing?

15 MARK MARMURSTEIN: If there's
16 enforcement, it will. We're giving you an option to
17 help enforce, because I believe we see it, what
18 happened in the past; for NYPD to enforce it is
19 extremely difficult; when you have a company that has
20 something to lose, we have supervision out there,
21 we'll be the ones that are out there making sure that
22 we represent the right product for New York City.

23 COUNCIL MEMBER GARODNICK: Well that.. I
24 think that's certainly correct, that without
25 enforcement here, you know.. [interpose]

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MARK MARMURSTEIN: And unfortunately, we believe that there has not been -- and if you look at Battery Park, there is no enforcement... [interpose]

COUNCIL MEMBER GARODNICK: We got it. We got it and I think that, you know we wanna at least give an additional tool and I think we're -- it sounds like there's almost, maybe even complete uniformity of view that some form of licensing here is a good idea for the purpose of giving the police that additional tool to be able to get a bad actor off the street if such a thing exists, I mean it's kind of remarkable that today you actually have people doing cash or credit card transactions on a street corner without any, you know, ability to file a 311 complaint or any ability to make any sort of complaint or get your money back or do anything, which does not put New York City's best foot forward when we're talking about how we interact with tourists. So I think that you are fundamentally right about enforcement and also holding somebody accountable and that's one of the reasons why I think that we should be taking a look at DCA's proposal from... [crosstalk]

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COMMITTEE ON CONSUMER AFFAIRS

MARK MARMURSTEIN: Well we welcome working with DCA and the Council on this.

COUNCIL MEMBER GARODNICK: Thank you. Go ahead.

ALEX GLEASON: I should just say, based on the conversations that the Central Labor Council has had with our affiliate, TWU Local 225, and this is certainly something I think you would have to discuss with the gentleman who testified on their behalf before, that it is the interest of the union that the workers be the ones who hold those licenses and not the employer, to give the employee autonomy and the ability to dictate their own career and serve as a check and balance, and I think that's our.. again, I'm not an expert, but that's the position of the affiliate.

COUNCIL MEMBER GARODNICK: Thank you very much. Thank you, Mr. Chairman.

CHAIRPERSON ESPINAL: Thank you guys. Thank you.

[background comments]

CHAIRPERSON ESPINAL: Let's go to the next panel; we have Drew Carey [sp?], Charles Nolan, Julia Conway, Lawrence Levy, and Al Martin.

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COMMITTEE ON CONSUMER AFFAIRS

COUNCIL MEMBER GARODNICK: You can go right ahead whenever you're ready.

DREW CAREY: [background comments] Hi. My name's Drew Carey; I'm a transportation professional and I've worked in the sightseeing bus business in the city, and I think so many amazing comments have already been made and I have stars and I've been taking notes for a long time here and a lot of people have addressed a lot of the thoughts that I had. One thing is is that as an attorney I've also represented a lot of people in front of the DCA and I'm really concerned about the DCA application for the ticket sellers. One of the problems is is that the DCA fine scheme is, as you know, mounting and the average ticket seller, they're not making that much money and with the level of enforcement that this is going to create, the police are... and let's face it, most of these guys are working in a very small area because they just go where the tourists are, so the police are going to be able to write tickets frequently and quickly and densely and what will then happen is, they'll get a ticket for \$100 and which is not negotiable the way it used... when you go to criminal court you can work things out, but when you

1
2 get a ticket from DCA, that's a whole other story, so
3 they're gonna go to DCA, they're gonna a giant ticket
4 and then they're gonna get... remember, the cops... and
5 these guys all know each other, and then they're
6 gonna write another ticket, it's gonna be a \$250
7 ticket and then they're gonna write another ticket
8 and it's gonna be \$500 and then you're up into \$1000
9 and more; this is what they did to the pedicab
10 drivers. So these guys are going to have tickets
11 that they simply can't afford and they're not
12 winnable, by the way, 'cause I fight 'em; I mean but
13 they're... Anyway, so eventually they're all gonna have
14 tickets that are out of their range and then the
15 really serious part, if that weren't bad enough, is
16 come a year, now they're [sic] gonna get relicensed;
17 none of them are gonna get relicensed by the DCA
18 because what does the DCA do when you have too many
19 tickets? [background comment] Suspend your license.
20 And after they suspend it, when the renewal comes up;
21 what happens? [background comments] So now... and
22 these aren't bad operators [sic]... [crosstalk]

23 CHAIRPERSON ESPINAL: What will happen;
24 revocation?

25 DREW CAREY: Huh?

CHAIRPERSON ESPINAL: Revocation?

DREW CAREY: Yeah, well they'll revoke...

they'll revoke and even if they don't revoke, when it comes time for renewal [background comments] you'll just keep calling and calling and nobody answers the phone at the DCA, you're not gonna get your permit back and these guys are gonna lose their jobs en masse and you heard a lot of talk today about good operators and bad operators, but let me tell you, the police don't... they're not... I mean yes, let's face it, there are bad operators, but this kind of stuff, like, you're standing on the curb or you're standing not at the curb or you're standing under an awning; all that stuff, they're gonna write them up because the officers have a separate job in life, which is, let's face it, to write summons and you know, [bell] I won't -- wow, is that three minutes already -- so you get the problem, which I felt like you were really heading in a great direction when you talked about behavior as opposed to place, because that's something that's much... their behavior, as you can see and most of these people who would come to something like this, these are good operators, they behave well, but when an officer wants to clear the block

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and they just start writing tickets, you're in a very difficult situation where you're gonna see a huge number of these guys not being able to get the permits again. So... [clapping] I just wanna finish up by saying... and the application for when... and 'cause again, everybody's looking for uniformity, they wanna have the same fine scheme as the vendors, they wanna have the same 10 feet as a guy with a giant pretzel cart or a peanut cart; these are individuals with legs, they don't need to be those kinds of distances away from things and they'll take their customers away to another place to work with them privately. So to treat 'em like they're a cart, they're not. So that's not wise and that uniformity is so dangerous [clapping] and then finally, the other thing, and I've written notes all over it, so I can't find it, but the bottom line is, it's the vendor application for the DCA and you know they're not gonna recreate the wheel, they're gonna have a similar... [interpose]

CHAIRPERSON ESPINAL: I'm gonna ask you to wrap up, just for the sake of time. Yeah...

[crosstalk]

DREW CAREY: vendor application; let me finish, is that they ask you; do you have a criminal

1 record; have you ever been convicted of a crime;
2 these are the kinds of things that... and I'm happy to
3 say, you know with the current administration, we're
4 trying to give these people jobs and employ the kinds
5 of guys who might otherwise not be employable and to
6 ask those kinds of questions on the application;
7 boom, there's a whole 'nother [sic] group of guys
8 [sic]... [crosstalk]

10 CHAIRPERSON ESPINAL: Thank you. Thank
11 you so much.

12 JULIA CONWAY: Good afternoon, Mr.
13 Chairman and members of the committee; thanks for the
14 privilege to address you today regarding ticket
15 sellers, licensing and restrictions. My name is
16 Julia Conway; I'm the head of Big Bus Tours New York
17 and I'm a shareholder as well.

18 I will have been with Big Bus Tours in
19 several capacities for six years now, but I'm not new
20 to this business; I've been in the sightseeing
21 industry with my family business for my whole life;
22 my grandfather founded the company in 1926 in the
23 great state of Rhode Island.

24 Three years ago I was tapped by Big Bus
25 to lead the project team to open Big Bus Tours New

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2 York with just three other team members; today I sit
3 here before you representing 400 plus employees. We
4 are not a union shop, but we're just a great
5 employer.

6 Right now I'm here to represent our
7 ticket sellers, which we don't call ticket sellers;
8 we call them customer service representatives, CSRs.

9 Big Bus Tours is a global leader in
10 sightseeing; we have 18 businesses in three
11 continents, London, Paris, Rome, and of course New
12 York being the headliners. The majority of our
13 cities have rules that regulate ticket selling on
14 streets; in many cases we have facilitate the
15 promulgation of these rules by bringing to light the
16 London standard, which is the Westminster Code of
17 Conduct; you have a copy, I believe.

18 We've done this with great success; the
19 code was developed at a time in London with very
20 similar challenges to what we're facing today in New
21 York City. Please let me be clear that Big Bus Tours
22 New York is in favor of regulations supported by
23 proper enforcement which creates a safe, constructive
24 environment for our team to work in and to serve the
25 touristic public. In the spirit of that support I

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2 have three strong recommendations for the committee,
3 many of which have already been addressed, so I'm
4 very thankful for our colleagues at the DCA for
5 having heard us, literally heard us.

6 The first is that customer service
7 representatives, aka, ticket sellers, absolutely, by
8 some mechanism, be tethered to a company, it's
9 essential, it's essential; it's the way to weed out
10 the bad actors. Accountability will come from the
11 businesses themselves, we'll become an arm of the
12 agency to help with enforcement; it's a key element
13 in the Westminster code and I've witnessed it in
14 practice and it's extremely effective.

15 Number two, it's essential that we be
16 able to sell and redeem tickets from our DOT
17 authorized stops; you've already addressed that;
18 seems like that's all gonna be taken care of and we
19 really appreciate that.

20 The second is about ticket machines; we
21 refer to them as POS systems; these devices must be
22 allowed; looks like it's going that way too and I
23 think it's really important for me to make clear
24 right now that our business is trending to a sale
25 having happened in advance of a customer arriving in

1 market; presales are becoming much, much more
2 prevalent; we redeem on streets [bell], as well as
3 sell on streets; that's why our ticket agents are
4 called customer service representatives; they not
5 only sell tickets, but they redeem tickets and they
6 help customers, they regulate our bus service and
7 they create a safe and comfortable environment for
8 our passengers as well as the visiting public.

9
10 So let me sum up by reiterating that Big
11 Bus Tours is in favor of regulation and that we
12 appreciate the committee's willingness to hear our
13 voice; my staff of 400 plus taxpayers is confident
14 that with these rules and the input from the
15 stakeholders which you are obviously listening to,
16 and careful consideration from the policymakers will
17 be fair, enforceable and create a hospitable and safe
18 environment in New York City for our 59 million
19 tourists. Thank you.

20 CHAIRPERSON ESPINAL: Thank you so much.

21 LARRY LEVY: Good afternoon. My name is
22 Larry Levy; I'm an attorney with Greenberg Traurig
23 and I also represent Big Bus. I spent a scant 32
24 years of my life working for the City of New York
25 City, including 17 years as a member of the executive

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2 staff of the Law Department and four years as counsel
3 to the Mayor. I have been involved in the
4 development of the Vendex system, the vendor
5 responsibility system, fingerprinting of child care
6 workers and the cleanup of the Fulton Fish Market, as
7 well as bringing minor league baseball to New York,
8 among other things.

9 I am heartened not only that you're
10 proposing these regulations, but also that you're
11 clearly having a dialogue and are willing to listen
12 to the industry and make adjustments that make sense.
13 Many of the points I wanted to make are covered; I
14 want to just hit a couple of them.

15 One, it is the minority bad actors who
16 are giving everybody else a bad name; Gray Line, City
17 Sights; Big Bus, we operate differently, but we have
18 employees, we care about our employees, they have
19 career paths; we wanna support them; it's the rogue
20 guys who are causing all these problems, not our
21 employees. We think it's essential that you tether
22 the license -- it's the individual's license, but
23 they have to work for a company and you could do that
24 in a couple of ways; as DCA's suggested; a rebuttable
25 presumption. If you have a business and they are

1 selling tickets to wholesalers, that is no different
2 than a consultant or a conduit; they should have a
3 contract with that person; their name should be on
4 the ticket that's being issued and they should be
5 held responsible for what is being done by the
6 middleman and the ultimate ticket seller. The ticket
7 seller on the street, the middleman, the business are
8 all linked and are all reported to DCA. If I wanna
9 sell my tickets through a street vendor, that should
10 be part of the DCA records so they could be held
11 accountable; that's how we'll get rid of the rogues.
12 As Mr. Marmurstein said, the guys who are the bad
13 actors, you throw 'em in jail for a night, it's the
14 cost of doing business, 'cause they're cheating and
15 lying and changing the prices, selling tickets onto
16 the Staten Island Ferry for \$200; they're the ones
17 who are giving these good people sitting here a bad
18 name and they're the ones that have to be addressed.

19
20 A couple of other quick things; the 12-
21 foot rule I think is really nonsensical and
22 inapplicable, 'cause we're not talking about
23 structures; in many ways the 10-foot rule doesn't
24 work; these are individuals, they don't have
25 equipment, they are walking around and as they move

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2 they are gonna inevitably be within 10 feet of a
3 driveway, a stop or an entrance accidentally often.

4 I also note I agree [bell] that
5 enforcement is critical, but if I may put my pure
6 lawyer hat back on, one of the things you have here
7 is that a ticket seller that vends on the sidewalk,
8 obstructing while you're vending is now a criminal
9 act; therefore, unlike the law of harassment or
10 obstruction where there's an intent to annoy, harass,
11 bother, prevent movement; a ticket seller who's
12 selling tickets to five people in a family visiting
13 from France is obstructing the sidewalk; they have to
14 be to sell the tickets. The way the law reads, that
15 is a criminal act for which they could be fined and
16 lose their license and that doesn't make sense. If
17 they are in a group of ticket sellers, multiple
18 people blocking an entrance, being harassing, using
19 foul language, following and threatening, that is the
20 kind of behavior that the bad actors use and that is
21 what should be prevented. Thank you.

22 AL MARTIN: Hi, my name is Al Martin with
23 the Broadway Comedy Club in Manhattan, sort of a
24 little different; been hearing mostly from ticket
25 sellers for buses, but along the same lines, since we

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2 are in the Times Square area primarily and I would
3 also like to say I love the idea of the licensing for
4 the ticket sellers. Someone had mentioned, I think
5 from DCA, about Tina Fey... you know, people telling
6 people about Tina Fey appearing at the clubs and
7 stuff like that, and I just wanna say we do get that
8 when people approach our box office, they say what
9 time will Tina Fey be going on tonight; someone sold
10 me a ticket... [interpose]

11 CHAIRPERSON ESPINAL: I've gotten Dave
12 Chappell before.

13 AL MARTIN: Oh yes, Dave Chappell...

14 CHAIRPERSON ESPINAL: I almost bought
15 tickets; this can't be real.

16 AL MARTIN: Or sometimes they do the
17 combo; it'll be Daniel Tosh, Dave Chappell; Amy
18 Schumer for \$5.00. So we hate this as a business;
19 when people come to us and they're upset -- you know,
20 they have remedies right now; they go on Yelp, they
21 go on TripAdvisor; they can hurt your business
22 seriously, so we take this seriously; we don't want
23 this kind of problem and I think some of it does stem
24 from some of these independent sellers that -- you
25 know, there's like a secondary world out there;

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2 they're able to get our tickets somehow and they sell
3 it, but it's not in the interest of us as a business
4 owner to have people coming up to our -- because what
5 happens is, they come up, then there's someone behind
6 them who might not have had the issue; they hear it
7 online and then before you know you've got 12
8 customers -- oh, well if you're giving them free
9 admission to compensate for the... or you're giving
10 them free drinks to compensate for the Tina Fey
11 thing; it just becomes a serious problem for us. So
12 we're very much in favor of the licensing; our big
13 concern or my big concern, as has been expressed by
14 the bus companies, is that how the locations are
15 gonna be parceled out or how they're going to be
16 allowed to sell in Times Square; we're very happy,
17 thank God, for the pedestrian thing that's been taken
18 out, and I just wanna make it short to say one thing,
19 that there are bad players out there, like any other
20 industry in the world; I've had bad doctors; there's
21 a little problem up in Albany with some assemblymen
22 and state senators that are bad, but the overwhelming
23 people are good and they work hard; you see them
24 here, the comedy ticket sellers are no different;
25 most of them are honest, hardworking people. Someone

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2 made a comment about 15 people who seem to be a
3 problem; these are 15 people who need to feed their
4 families, they don't always have a lot of job options
5 open to them; it's offensive [bell] to compare them
6 to panhandlers. And I just wanna say thank you for a
7 lot of the consideration that you've taken in terms
8 of location, the 10-foot rules; things of that nature
9 and it shows you've been doing your homework and
10 thank you very much for that consideration.

11 CHAIRPERSON ESPINAL: Thank you. Dan.

12 COUNCIL MEMBER GARODNICK: Thank you and
13 I just wanted to respond to one point that was made
14 about criminalizing the standing in the middle,
15 because as I read the bill, and you can point out to
16 me where we're wrong, the only criminal circumstance
17 in the bill is if you vend without a license or if
18 you vend with an aggressive [background comment]
19 solicitation, right. Now that is not standing in a
20 sidewalk talking with a French tourist; [background
21 comments] that is aggressive vending. So now if we
22 have to change... if we have to, you know, so just to
23 be clear, if we have to deal with definition, et
24 cetera, that is fine, but I want it to be very clear
25 to everybody in the room that it is not our intent to

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2 criminalize ticket sales blocking sidewalk in the
3 circumstance that you described, so to the extent
4 that we need to clarify a definition, that is fine; I
5 just want to be clear about the intent of the bill
6 and we will take a look at that. Now if you wanna
7 just... we can take a look at the definition; if you
8 wanna point it out... go ahead.

9 [background comments]

10 LARRY LEVY: Sorry. Sub 2 of aggressive
11 vending is defined as intentionally blocking or
12 interfering with the safe or free passage of a
13 pedestrian or vehicle in the course of vending by any
14 means; therefore, [background comment] if you and I
15 are talking, standing still in the street and I'm
16 vending a ticket to you, I am intentionally blocking
17 somebody from walking past me while I'm vending..

18 [crosstalk]

19 COUNCIL MEMBER GARODNICK: Okay. Okay,
20 we don't need to quibble over this. I don't think
21 you're right, but I think we can take a look at that,
22 because the way I read that is, if you are trying to
23 keep somebody from passing by you, that is aggressive
24 and that is something that is something that should
25 rise to a misdemeanor if you do not let somebody walk

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2 by you on the street; that's how I read that
3 definition. But we'll take a look and make sure that
4 it is tight enough and that it is clear enough,
5 because I read that very differently and I just
6 wanted to make sure, since there are people here and
7 there are people watching online, that they
8 understand that that is not -- well it's not the
9 definition as I read it in any event, but we'll take
10 a closer... [interpose]

11 LARRY LEVY: I don't think it's the
12 intent, but it **[inaudible]**... [crosstalk]

13 COUNCIL MEMBER GARODNICK: Intentionally
14 blocking or interfering, is the intent... [crosstalk]

15 LARRY LEVY: for the purpose of vending,
16 it's for the purpose of vending that modifies
17 intentionally blocking.

18 COUNCIL MEMBER GARODNICK: In the course
19 of vending, it's... no. Okay, well we'll take a look,
20 but the point here is, if you are trying to keep
21 somebody from getting past you, you're just not gonna
22 be allowed to do that, like we... [crosstalk]

23 LARRY LEVY: I agree.

24 COUNCIL MEMBER GARODNICK: Okay, good.

25 LARRY LEVY: Absolutely.

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2 COUNCIL MEMBER GARODNICK: Alright.
3 Thank you, guys.

4 CHAIRPERSON ESPINAL: Thank you. Thank
5 you. Tom Ferrugia, Gilbert Hoover, Gail Hoover,
6 Caitlin Lewis, and I'm gonna try here, Jean... Jean-
7 Yves Ghazi.

8 TOM FERRUGIA: Ready to start? Thank
9 you. Good afternoon; I am Tom Ferrugia; I'm the
10 Director of Government Affairs for The Broadway
11 League. I just wanna thank Chairman Espinal and
12 Council Member Garodnick for holding this hearing
13 today and I do wanna extend gratitude to Council
14 Member Garodnick specifically for his support for
15 Times Square and the business community and we are
16 very lucky to have him as a council member
17 representing this district.

18 I'm gonna skip over some of my testimony,
19 since generally we support the legislation, but I
20 just wanna draw attention to a couple of things.

21 Over 13 million Broadway show tickets
22 were purchased during the 2014-2015 theatre season,
23 of those, almost 2.5 million theatre-goers were
24 residents of New York City, while approximately 2
25 million came from surrounding suburban communities.

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2 The remaining 8.7 million theatre-goers visited New
3 York City from across the country and around the
4 world, 69 percent of these domestic and international
5 tourists cited attending a Broadway show is a
6 principal reason for their trip to New York. For
7 context, Broadway-related spending infused the city
8 with approximately \$12.6 billion in the 2014-2015
9 theatre season; it is therefore crucial that the
10 experience is overwhelmingly positive.

11 We wanna note that in 2010, when
12 construction of the plazas began, to the end of the
13 2014 theatre season, we witnessed a staggering 33
14 percent decline in attendance from suburban
15 residents; now suburban residents are defined as
16 Westchester, Rockland County, Long Island, and
17 Northern New Jersey; that represents 870,000 theatre-
18 goers that stopped coming to Times Square. But
19 thanks to the work of New York City and company,
20 we've seen an increase in international visitors, so
21 it made up the difference, so the numbers don't
22 necessarily reflect that, but the complaints
23 documented by the Times Square Alliance have
24 increased dramatically and the majority of the
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2 grievances that we receive address congestion,
3 persistent sales pitches and harassment.

4 We now see vendors aggressively
5 soliciting families for photographs; we've also
6 witnessed a notable increase in the number of hawkers
7 who aggressively sell various services and products,
8 including access to area events and shows. Many of
9 these vendors have no legal relationship to the
10 productions they promote and oftentimes sell
11 counterfeited tickets; all of this contributes to a
12 frustrating experience and deters New Yorkers and
13 tourists from coming to Times Square for our
14 performances.

15 Licensing ticket sellers would allow
16 tourists and residents to know, at the very least,
17 that they are purchasing legitimate event tickets
18 from an authorized seller at a fair price; it would
19 help thwart unconscionable marketers from preying on
20 visitors and citizens, as well as ensure a level of
21 consumer confidence.

22 The recently passed pedestrian plaza
23 legislation is an important first step towards
24 creating a better environment for area vendors,
25 theatre-goers, shoppers, and restaurant patrons;

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2 however, we must also address the longstanding issue
3 of unrestricted ticket selling or businesses will
4 continue to suffer and people will continue falling
5 victim to aggressive behavior and fraudulent
6 activity. [bell] Thank you.

7 [background comments]

8 GILBERT HOOVER: Hi, I'm Gilbert Hoover;
9 I'm the General Counsel at The Shubert Organization;
10 we own 17 -- [background comment] is that better? --
11 we own 17 Broadway theatres. I have a prepared
12 statement that has been distributed in support of the
13 bill and we strongly support the bill; I just wanna
14 raise one issue, which is; I heard or didn't hear,
15 but I heard subsequently, as I was off in one of the
16 rooms over there, about this rebuttable presumption
17 and how that works, 'cause that gives me some real
18 pause, particularly as it relates to the theatre
19 business.

20 As you may well be aware, tickets are
21 often resold in the theatre business; it's easy to
22 get tickets, you go to the box office, you can get
23 'em online and so if that language creating this
24 rebuttable presumption, depending on how it's done,
25 and I haven't -- I'm only getting this from the

1 testimony that was given before -- could be very
2 problematic for the theatre owner, because if you
3 impose liability on each of the venues, they're not
4 gonna have any relationship to what is probably the
5 most problematic part of the selling of tickets to
6 live entertainment, to Broadway style events, because
7 it's the resale of the event, whether it be a
8 fraudulent ticket or a ticket that's been highly
9 marked up or that it's presented as being to the
10 orchestra when it's really to the balcony, so I think
11 that language really needs to be looked at carefully
12 and I'd urge you please to do that. I could see it
13 being done if they're truly an employee of the venue;
14 that's not a problem, but if it's something broader
15 than that, I don't know how you can hold the venue
16 responsible for that type of conduct.

18 CHAIRPERSON ESPINAL: Thank you.

19 CAITLIN LEWIS: Thank you, Chairman
20 Espinal, as well as Council Member Garodnick for your
21 leadership on this issue. My name is Caitlin Lewis;
22 I am the Director of External Affairs at the Times
23 Square Alliance; Tim Tompkins is traveling today, so
24 has asked me to deliver testimony on his behalf. I
25 also have submitted testimony in writing and will

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2 shorten my comments, because many of the things have
3 already been said, but just wanna put on the record
4 that the Times Square Alliance supports Int. 1149 and
5 note that this fulfills one of the Times Square Task
6 Force recommendations that was made by the
7 administration last fall.

8 We do not support banning ticket sellers
9 from the plazas, so thank you again for your
10 commitment to changing that clause in the bill. We
11 also support requiring a license for ticket sellers
12 as well as reasonable time, place and manner
13 restrictions as needed. There are many legitimate
14 ticket sellers in Times Square who earn an honest
15 living by providing visitors with the opportunity to
16 take a sightseeing tour, see a comedy show or partake
17 in countless entertainment options that Times Square
18 is known for; these individuals should be allowed to
19 continue making a living on the Times Square plazas,
20 however, some less scrupulous ticket hawkers resort
21 to fraudulent and deceptive means to make a quick
22 dollar off of unsuspecting tourists. As we heard
23 from DCA, these instances are well documented and
24 include theatre-goers being tricked into spending
25 hundreds of dollars on fake *Hamilton* tickets,

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2 visitors promised comedy shows with celebrity
3 headliners like Tina Fey and New Year's Eve revelers
4 sold tickets to nonexistent ball-drop parties. Some
5 engage in aggressive or intrusive tactics; these
6 practices perpetuate negative perceptions of Times
7 Square, leaving some New Yorkers and tourists to
8 avoid both the sellers and the area entirely.

9 As you've heard today, New Yorkers and
10 visitors have taken to social media to document these
11 negative experiences, further amplifying the message
12 that Times Square is a place to avoid. In a Yelp
13 review of a Times Square comedy club, someone named
14 Antonia wrote: "What a scam; they have a street team
15 that harasses you on the street, then completely lies
16 to your face about who is performing that night."
17 And on Twitter, several users mentioned comedy ticket
18 sellers offering to sell them drugs. Dozens of
19 testimonials documenting similar tales can be found
20 online, a sampling of which are attached to my
21 written testimony.

22 Times Square is home to dozens of
23 entertainment venues and almost 40 Broadway theatres,
24 these venues drive our thriving tourism economy;
25 hawkers that deliberately mislead visitors or that

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2 are especially aggressive in approaching them not
3 only threaten the hundreds of thousands of tourism-
4 related jobs citywide, but also the livelihood of the
5 legitimate and hardworking ticket sellers trying to
6 make a living on the plazas and sidewalks of Times
7 Square.

8 I'll note that we do feel that ticket
9 sellers should be able to sell tickets near their
10 licensed DOT bus stops; however, we are in favor of
11 written criteria by the Department of Transportation
12 with regards to the placement of said bus stops so it
13 known to the public how those bus stops are decided
14 upon.

15 The Times Square Alliance urges the
16 Council to pass this legislation in the amended form
17 that's been discussed here today and we believe that
18 [bell] it'll establish a clear licensing scheme and
19 give the City tools to better protect consumers.
20 Thank you again for the opportunity to testify.

21 JEAN-YVES GHAZI: Good afternoon,
22 Chairman Espinal, Councilman Garodnick. My name is
23 Jean-Yves Ghazi and I have been the Director of the
24 Empire State Building Observatory for more than eight
25 years.

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2 With over 4 million annual visitors and
3 12,000 daily tenants and tenant guests, we are one of
4 the most visited places of entertainment in New York
5 City; we see firsthand the results of unregulated
6 street agents; I speak in support of the proposed
7 bill to stop their obstructive, harassing and often
8 fraudulent sales tactics and protect the quality of
9 life for residents and visitors. Street agents have
10 an adverse impact on the quality of life in our city;
11 they'll obstruct pedestrian traffic, especially in
12 high-density corridors, whether to iconic attractions
13 or to mass transit, congregate at street corners and
14 interfere with the safe access and egress of our
15 building.

16 Exhibit A, submitted to you. Photos and
17 statistics illustrate the physical obstruction caused
18 by street agents, based on a study conducted March
19 2013 and previously shared with New York City Police,
20 Department of Consumer Affairs and Department of
21 Transportation.

22 Exhibit B contains many recent
23 obstruction and fraud complaints posted online on
24 TripAdvisor by visitors.
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2 Exhibit C provides you with supplemental
3 images of street agents obstructing traffic and
4 soliciting customers on April 8, 2016. They
5 intimidate and harass visitors; we receive many
6 complaints from tourists as well as the office and
7 retail tenants in our properties; please refer to
8 Exhibit B. They falsify information about the
9 service they sell; again, please refer to Exhibit B
10 on the TripAdvisor online complaints.

11 Street agents have a negative impact on
12 the economy of our city; an enormous part of the
13 city's business activity and tax revenue derives from
14 tourism and the photos in Exhibits A and C and the
15 comments in Exhibit B clearly show that unregulated
16 street sellers have a negative impact on the
17 experience of visitors in our city and on its
18 reputation for future visitors.

19 Street agent organizers must be held
20 accountable, the aggressive behavior of street agents
21 is inevitably motivated by the commission only
22 compensation set by organizers and employers;
23 "they'll tell you anything to get a sale," and I
24 quote. The operators who organize the street agents
25 and profit from their activities seek to evade

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2 responsibility for the street agents' violations by
3 claiming the agents are independent contractors; in
4 fact, the agents are parts [sic] of these operators
5 and the improper and illegal conduct cannot be
6 stopped unless enforcement includes anyone who
7 organizes and/or colludes with the street agents and
8 garners profits from them.

9 The unlicensed ticket sellers have had
10 little or no training in customer service, public
11 safety or in courtesy. Twin America, a reseller of
12 Empire State Building Observatory tickets, has
13 succeeded in implementing agent scripts, elevating
14 service standards and controlling the number of its
15 agents within a specific geography; they have
16 demonstrated that controls are not impeding their
17 sales.

18 Street agents are expanding their
19 activities, [bell] beware that this issue is not
20 limited to street agents representing the hop-on-hop-
21 off bus tour industry; a new wave of agents is
22 scalping [sic] attraction tickets to unsuspecting
23 tourists; they purchase tickets from an attraction's
24 website, resell them at a premium on the streets
25 under false pretenses, victimizing New York City

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2 visitors and businesses. In sum, licensing and
3 regulation of street sellers is a commonsense
4 requirement sorely needed to maintain the city's
5 quality of life, attractiveness to visitors and vital
6 tourist-based economy activity. Enforcement both at
7 the street agent level and at the organizer/employer
8 level will be critical to the success of the proposed
9 legislation; we respectfully and strongly urge that
10 you amend the proposal bill to make the employers
11 accountable and then promptly pass it. Thank you
12 very much for the opportunity.

13 CHAIRPERSON ESPINAL: Thank you.

14 COUNCIL MEMBER GARODNICK: Just one
15 question. There is a line somewhere in there between
16 the moment in which somebody approaches a tourist and
17 asks them if they want to buy a ticket and when they
18 have crossed that line and have become an obstacle, a
19 harasser, an aggressive solicitor, et cetera, for any
20 of you, your experience as to what you see where the
21 line is in your view, you know we were talking
22 definitions a moment ago and we have to draw the bill
23 up to make sure that it makes sense and is respectful
24 of the fact that there is a line there; I mean, you
25 can approach somebody and ask them if they wanna buy

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2 a ticket, that's okay; where's the line, help us
3 understand from your perspective where it is crossed
4 and you could color it with any of the experiences
5 that you've had?

6 TOM FERRUGIA: I work in Times Square;
7 the entrance to my building leads immediately off of
8 Duffy Square, so I'm constantly seeing this kind of
9 activity; there are vendors lined up and down the
10 front of my office and I'm constantly interacting
11 with them. Again, it's difficult to police, but in
12 my... the way I feel about it is that the line is
13 crossed after the first attempt to get your
14 attention. If someone says, would you like to buy a
15 ticket and you continue to walk or you say no, when
16 they continue saying, well what's wrong; you don't
17 like me or you know, well what's your name; where you
18 from and continue on the conversation beyond that
19 initial contact and their initial knowledge that
20 you're not interested in what they're selling but
21 their continuation, that's when it goes to
22 harassment, so I... again, it's hard to define, it's
23 hard to police it, but if there's a way to address it
24 in a sense that one contact after the initial
25 response, that's the... you're not allowed to continue

1 on beyond that; that would seem to me to satisfy most
2 people's complaints, 'cause it is the ongoing
3 attempts to engage in conversation that people find
4 the most offensive.
5

6 JEAN-YVES GHAZI: Jean Ghazi, Empire
7 State Building Observatory. I would point to Page 4
8 of the TripAdvisor Attachment D document and I will
9 quote strictly a customer's comments. "We were
10 accosted by some ticket vendor on the street who
11 followed me down the street, reprimanding me for not
12 buying tickets, wishing me good luck waiting four
13 hours." That is a perfect example of where they
14 cross the line, where the customer has rejected the
15 sale, then the agent proceeded to follow the customer
16 down the street to continue to harass the customer.

17 CAITLIN LEWIS: I just wanna add that I
18 think we're all aware that aggressive solicitation is
19 an incredibly difficult thing to enforce on; what's
20 great about this legislation is the fact that a
21 license will identify the person selling the ticket
22 does give the person who is potentially being
23 harassed the opportunity to report them and identify
24 them by a number on their license.
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TOM FERRUGIA: It also would dissuade some of that behavior, knowing that you could be identified and you follow up on later, even if you're not immediately witnessed and seen by a police officer.

COUNCIL MEMBER GARODNICK: Thank you all.

JEAN-YVES GHAZI: Thank you.

CHAIRPERSON ESPINAL: We have Gideon Orion Oliver; Frederick Neaneku [sp?]; Michael Molina; Sunda Oseyenbi [sp?]. So Michael Molina, Frederick Neaneki [sp?], but again, forgive me if I mispronounce your name, Sunda Oseye... yenbi, Gideon Orion Oliver. Your name... sir, your name? [pause]

You may begin; just state your name [background comment] for your testimony.

GIDEON OLIVER: Hi, my name is Gideon Oliver; I had submitted written testimony; I'm not going to read the written testimony or go over it, especially at this hour. The written testimony is on behalf of Go New York Tours, the guys in the green; they I'm sure will speak to you themselves about their own concerns about the legislation.

I include in the letter a couple of things I will point out very quickly. I think there

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2 are First Amendment concerns with the regulation; I
3 certainly have First Amendment concerns with the
4 regulation; I think that has not been as much a topic
5 of discussion as it should be; I don't think as
6 drafted that it's nearly tailored to serve the
7 significant governmental interests that do underlie
8 regulation of this type; I don't think it provides
9 for ample alternatives for communication. I do
10 happen to agree with the attorney who was up here who
11 mentioned the problem with the wording of the
12 aggressive solicitation language that has essentially
13 been taken from the squeegee man era legislation and
14 it seems copied verbatim; does not even -- although
15 that is one section of the bill I think that does
16 include a mens rea component; I think the rest of the
17 bill, it's a big problem that there is not a mens rea
18 component or at least not an appropriate mens rea
19 component. The prohibition on blocking traffic
20 doesn't even import the standards that courts have
21 engrafted into the disorderly conduct statutes in
22 order to uphold them as constitutional.

23 So that's one aspect of a First Amendment
24 problem, but more broadly, I would just submit to you
25 that the Police Department has the enforcement tools

1 that it needs in the form of the harassment statute,
2 the disorderly conduct provisions, both Sub 5 and
3 Sub 6, prohibitions obviously on assault, aggressive
4 begging, aggressive solicitation, solicitation in or
5 near a park without a permit, et cetera, to achieve
6 all of the enforcement goals that have been discussed
7 with respect to behavior on the street and behaviors
8 of bad actors.
9

10 So I would beg you not to pass the buck
11 to the Police Department by just saying, here is
12 another enforcement tool that will only give them the
13 option of doing the same thing that are already doing
14 on the streets, and I would suggest that the
15 provisions of the regulations I just mentioned and
16 the General Business Law I would throw in there as
17 well, with respect to the fraudulent
18 misrepresentation aspects, provide the Police
19 Department and the City with the tools that it needs
20 to address those bad actors on the street already and
21 I don't see what this regulation is going to do in
22 terms of increasing those tools. I know my
23 colleague, Lieutenant Albano, who was here earlier
24 and I missed, disagrees with me and the Police
25 Department generally likes more tools as opposed to

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2 fewer tools, but these additional provisions I think
3 are overbroad, they're vague and [bell] they include
4 a number of the problems that I mentioned, so I'll
5 leave it at that and hope that if there are questions
6 about the written comments, that we can have a debate
7 later and a discussion later. Thank you.

8 FREDERICK NEMECKE: Alright, thank you.
9 My name is Frederick Nemecke [sp?]; I'm a ticket
10 agent for Go New York Tours, the green bus. I also
11 believe in the thought that there should be rules and
12 regulations in every society because if not -- I mean
13 we live in a civilized society, therefore **[inaudible]**
14 rules and regulations; I'm a ticket agent and there's
15 my ID card provided by my company. I also have this
16 machine which I used to print my tickets and every
17 ticket I print bears my name, so if I have a customer
18 and I succeed in selling the ticket, I tell the
19 customer, this is my name on the ticket, if you have
20 any problem, call my company and then I'll be held
21 accountable. So this **[inaudible]** harass of customers
22 or aggressive behavior, it doesn't come in here
23 because I prove to the conscience of the customer, if
24 they like it they buy; if they don't like it, I allow
25 them to go.

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2 Now on the issue of fraudulent
3 misrepresentation. My experience on this job is that
4 it is normally done by unscrupulous individuals who
5 are not even ticket agents; they just to go Battery
6 Park or closer to the Statue of Liberty, they go and
7 buy **[inaudible]** tickets and sell at exorbitant prices
8 to unsuspecting and sometimes gullible customers,
9 gullible tourists. So my question is; to what extent
10 can the committee prevent this fraud by just limiting
11 ticket agents to specific geographic locations,
12 because a criminal is a criminal; a criminal doesn't
13 know that I'm here; I'm just a location; it can be in
14 the corner and still commit a crime or commit fraud.
15 We ticket agents sometimes are selling the tickets;
16 we provide **[inaudible]** service to the customer by
17 sometimes taking a customer to the bus, sometimes
18 when a customer asks us where can we buy Broadway
19 tickets, we take them there, so if we are limited to
20 locations, after taking the customers to the bus
21 stop, on your way back you can meet another customer;
22 are you gonna tell them, oh this is not my location,
23 so go ahead and buy from this guy; meanwhile the
24 other guy, whose location the customer is, also
25 begins to question you; why are you selling tickets

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2 in my location and this can bring some confrontation
3 with ticket agent. So I am of the view that we
4 should allow to move freely, even those **[inaudible]**
5 regulation is **[inaudible]** regulations for bad
6 practices, but should be allowed to move freely;
7 since we have feet we should not be static.

8 And secondly, my experience on this job
9 shows me that some ticket agents are ex convicts who
10 are trying to rehabilitate back into society and
11 trying to do legitimate jobs and some of [sic] this
12 legislation will go a long way to limit our ability
13 to sell; if it is passed, we're not going to be able
14 to make money and therefore what do they do; they say
15 the devil finds work for the idle hands; they'll go
16 back to their life of crime and worsen the already
17 worse criminal politics in New York.

18 Finally, most agents are immigrants;
19 [bell] as you can see from our faces, we are
20 immigrants who are trying to make meaningful lives,
21 trying to take care of our families by doing
22 legitimate work and paying taxes and since New York
23 City's **[inaudible]** it prides itself as a city that
24 was built by immigrants and also welcomes immigrants;
25 I think that this law, if it is passed, will

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2 jeopardize our source of livelihood and make us worse
3 off. That's my point of view. Thank you very much.

4 SUNDA OSEYENBI: Hi, my name's Sunda
5 Oseyenbi; I'm one of the ticket agents Go New York.
6 Mostly **[inaudible]** from this area since I've been in
7 the company like for three years now; I'm very happy
8 I've got the job I do and I can say I'm happy meeting
9 new people and I'm happy helping the city too. By me
10 saying I'm happy in this city, some tourists, they
11 don't know where they are and they ask me, where am
12 I? I will say, oh, this is Times Square; this is
13 **[inaudible]**; where are looking for? I'm going to
14 **[inaudible]**; that is my hotel. Sometimes **[inaudible]**
15 if I am talking to a customer, I will say, just give
16 me a second, **[inaudible]** to this customer, then I
17 will take them there. Sometimes things may happen;
18 the police will be on the side; they don't know; we
19 are the eyes of the city, not just the ticket seller;
20 we are the eyes of the city. You can... They don't
21 tell me like... NYPD, they know everything going on in
22 the city; mostly Times Square. We saw movement we
23 don't understand, we see **[inaudible]**; if I don't
24 understand some movement or there is a cop
25 **[inaudible]** or there is a luggage and been here for

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2 like 30 minutes, I'll just call NYPD; can you check
3 this luggage? They will bring **[inaudible]**... they will
4 just come with their dog, just sniff the luggage all
5 around; we're helping them, we don't harass no
6 customers. If I stop customer, like myself, I stop
7 customer for a sightsee ticket, a bus tour, some will
8 say, no, no, no, I got it; I will let you go; you
9 just go; then other one will come. Like if I
10 standin' on the train station, we don't do that; the
11 police are there. **[inaudible]**, let me come back to
12 Port Authority; sometimes we go there, they say, oh,
13 this is a government property, we don't want you
14 people here; we move and we don't come back anymore.

15 I'm beggin' this house to just look
16 **[inaudible]**, because if they decide to give this
17 matter to the NYPD, it's still very bad [sic],
18 because all they are is writing tickets in the city;
19 we cannot afford that; we are just people who are
20 suffering and this company decided to give us job to
21 make a living and to take care of our family
22 **[inaudible]** in this country [sic] and I have a wife,
23 free [sic] and my wife here too and is this same
24 **[inaudible]**.

25

1 And let's come back to the **[inaudible]**,
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3 we're paying tax, **[inaudible]** pay tax every day, they
4 should go out and check everyone's record; we paying
5 [bell] good tax [sic], so the government should look
6 to this **[inaudible]** a lot of sense and everything; we
7 cannot afford to pay tax... we're paying tax every day
8 and we pay for the license. I'm begging the house to
9 just **[inaudible]**. Thank you so much.

10 CHAIRPERSON ESPINAL: Thank you.

11 [clapping]

12 MIKE MOLINA: Hello. Hi, my name is Mike
13 Molina; I represent Go New York Tours, the
14 hardworking ticket agent, aka customer service, as
15 you call us.

16 The tourism business in New York City is
17 booming and every day we stand out there on the
18 streets and we hustle, help each other... I help out
19 people that are visiting New York City, guiding them,
20 helping them, showing them where their hotel is,
21 showing them what's in New York; what they wanna know
22 about New York; we do that, 'kay. The City right now
23 is enforcing a law on us that is gonna limit us from,
24 you know working, you know we work hard at what we
25 do, we walk around all day long; we don't stop

1 walking, 90 percent of our day is all rejection, of
2 people telling us no or tourists saying no to us;
3 right? So but the thing is that we help out the
4 tourists, we're guiding them around New York City;
5 our business is not easy; we're showing them where
6 Grand Central is; we're showing them where the trains
7 are; we're showing them where the Empire State
8 Building is; right? The City's not paying us for
9 that, we work on commission, okay; we're guiding
10 these tourists around New York City to bring more
11 revenue to New York City, \$70 billion are being spent
12 by tourists in this state, \$4 billion are paid in
13 taxes by us, by the tourism industry; over 400,000
14 workers strong -- hotels, bus tours, everybody in the
15 tourism industry, we're a strong industry in New York
16 and we're the life cycle of this economy in New York
17 City, so for them to limit us is not good because
18 this how we make a living and we're trying our best
19 to feed our families, make a living, help New York
20 City out even more. So we're a guide... we're guides
21 to New York. You know what, and if I have my family
22 coming from another country or another state, my
23 family coming from Colombia, I want them to come and
24 talk to somebody like me or him that's gonna guide
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2 'em in New York City and I'm sure you guys would as
3 well for your family. Thank you.

4 CHAIRPERSON ESPINAL: Thank you,
5 Mr. Molina.

6 COUNCIL MEMBER GARODNICK: Gentlemen,
7 thank you for your testimony, it's obvious that your
8 perspective here is exactly the perspective we would
9 want for somebody who is representing New York City
10 when a tourist was coming to approach them, so it's
11 plainly obvious and we thank you for that and we
12 thank you for going above and beyond and helping
13 people when they need help, even if they're not
14 buying a ticket or whatever and that says a lot to
15 your character and we appreciate that.

16 My question for you is, whether you see
17 people who are perhaps less respectful than you out
18 there on the street and... [crosstalk]

19 MIKE MOLINA: All the time.

20 COUNCIL MEMBER GARODNICK: You do?

21 MIKE MOLINA: Yes.

22 COUNCIL MEMBER GARODNICK: What sort of
23 things do you see?

24 MIKE MOLINA: Uhm I'll go up to a person;
25 Hi, sir; would you like a tour and they'll say things

1
2 like, do I look like a tourist or they'll just be
3 rude or, you know, it happens, you know. You're
4 gonna put a million people inside of Times Square or
5 even in Battery Park, you're gonna get a couple of
6 rude people, so it happens; that's exactly what
7 you're talkin' about with the bad actors...

8 COUNCIL MEMBER GARODNICK: Uhm-hm.

9 MIKE MOLINA: 'kay. Put 300 ticket
10 agents together; not everybody has the same type of
11 attitude, you know; not everybody's the same person,
12 we're all unique, so someone might have an attitude
13 one day, so it happens. With a million people in
14 Times Square, trust me, there's gonna be one or two
15 fights in there.

16 COUNCIL MEMBER GARODNICK: So you do see
17 sellers of tickets perhaps not, you know, the way you
18 all are either trained or what your approach is to
19 ticket selling, but you do see ticket sellers out
20 there who are doing things that are inconsistent with
21 what you would like to see from people in the
22 industry; is that correct?

23 SUNDA OSEYENBI: Yes; let me come to that
24 area. So really happens, like we have different
25 companies and the business is a competition,

1 [background comment] so when other one want to sell
2 like if my [inaudible] other company like Gray Line,
3 they wanna sell, sometimes it bring argument.
4 [inaudible] we do that within ourselves [inaudible],
5 even it it's a different company, we don't fight in
6 the street, we don't do that, because like me, I
7 [inaudible] sometimes I have people fight in the
8 street what the NYPD did to them, they was arrested,
9 so we always argue, but it don't go [inaudible], but
10 that's okay, people [inaudible] pass, you'll take
11 this [inaudible]... [crosstalk]

13 COUNCIL MEMBER GARODNICK: So do... do you
14 think it would be appropriate for a ticket seller to
15 follow somebody down the street and keep asking them
16 to buy a ticket if they said no?

17 MIKE MOLINA: Not necessarily, but you...
18 you basically... it's sales; you have to approach the
19 person; somebody gives you some sort of buying
20 interest, you're gonna keep on going; right?

21 COUNCIL MEMBER GARODNICK: Let me give
22 you... let me be clear about my example... [crosstalk]

23 MIKE MOLINA: Okay.

24 COUNCIL MEMBER GARODNICK: Somebody who
25 gives you no buying interest, says no... [crosstalk]

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MIKE MOLINA: No buy... you have to let 'em go... [crosstalk]

SUNDA OSEYENBI: No, we let them go.

COUNCIL MEMBER GARODNICK: Okay. And...

SUNDA OSEYENBI: We let 'em go.

COUNCIL MEMBER GARODNICK: And if somebody did in fact follow them down the street and said, you know, you should be buying a ticket or you know, or pursues them beyond that point, that is not an acceptable... right...? [crosstalk]

MIKE MOLINA: No, then the... the tourist should go ahead and maybe take that person's name; maybe report it back to the company.

COUNCIL MEMBER GARODNICK: Okay. So your point is that in a situation like where you have a bad actor, which again, I recognize you guys are... the way you describe it, doing exactly what we would want somebody to be doing out there on the street, but do you think that the City should have some tool to be able to deal with bad actors who are pursuing tourists in an inappropriate way?

[background comments]... [crosstalk]

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COMMITTEE ON CONSUMER AFFAIRS

MIKE MOLINA: Yes. I agree with the licensing, but don't agree it being attached to the company. Myself personally... [crosstalk]

COUNCIL MEMBER GARODNICK: You want it to be... Okay. So...

MIKE MOLINA: I want to be independent sales ticket agent.

COUNCIL MEMBER GARODNICK: Okay, so you guys wanna see licensing and you do not want it to be tied to a particular employer, if I hear you correct... [crosstalk]

MIKE MOLINA: No; what if I wanna sell also [background comment] tickets for a Broadway company or another company; I don't wanna be tied down with just my own company.

COUNCIL MEMBER GARODNICK: Okay. I get it and I appreciate it. Thank you guys.

[background comments]

MIKE MOLINA: Thank you.

CHAIRPERSON ESPINAL: Thank you. Odey Olateri [sp?]; Rigoberto Chalasueros [sic]; Frank Wood; Dennis or Dedvis [sic] Bertraris [sp?], Bertravis [sic]. Frank Wood. [background comments] He left? Okay, Frank left. What about Dennis or

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2 Dedvis, Dennis Bertravis or Bertrass [sic] from Go
3 New York Tour. [background comments] Dennis?
4 [background comments] Okay. Asamed Chimala [sp?].
5 You may begin; state your name before your testimony.

6 ODEY ANUTRI: Thank you, sir. All
7 principals [sic] duly observed. My name is Odey
8 Anutri [sp?]; I work for Go New York Tours.

9 Living the American dream can be so
10 tough, so daunting in the face of economic
11 challenges, but I and my hardworking colleagues are
12 ready to live it, even only if it means standing in
13 the frigid cold weather in the winter, the blazing
14 sun in the summer or the raining fall weather, we are
15 determined and unshaken to get a better life for
16 ourselves and this is what we are doing on the
17 street.

18 Some provisions of this law 1149 is going
19 to actually reduce the essence of our livelihood or
20 eventually make us lose our jobs. We love our jobs
21 and the tourism industry in New York, I'm sure like
22 we know, it's actually contributing to a large extent
23 to the economy of the city.

24 In 2014, the tourists, both international
25 and domestic visiting New York City rose to 56.5

1 million from 54.3 million in 2013 and 52.7 in 2012.

2 The corresponding visitor spending **[inaudible]** in

3 2014 was \$41 billion, growing from \$38 billion in

4 2013. So the total number of jobs supported by

5 visitor spending is 362,085 and the total wages

6 generated by these jobs was \$22.5 million, after

7 which a tax of about \$4.5 billion was paid by the

8 workers in this industry. All these figures on

9 possible growth projections will drop to a record low

10 by the passage of some of the provisions of this law.

11 And Council Member, as you rightly said, there are

12 some of the gray areas that you have highlighted that

13 will be addressed in this provision; that is very

14 necessary, especially putting a physical restriction

15 on the movement of the agent; we are very mobile as

16 humans and that is what humans do, we are not created

17 to stand or sit the same place, we move around and if

18 this physical restriction is in place, it would

19 actually make us vulnerable to ticketing and summons

20 from the police all the time; they are not actually

21 in our interest, they want to give tickets and as we

22 know, [bell] majority of those who are doing this job

23 are immigrants; we care about our records and what

24 goes into our record in terms of misdemeanor, felony

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2 or whatever the case may be. So such a record going
3 into our name will actually bring an adverse effect;
4 it may even result in, you know, maybe some of us are
5 on conditional green card and eventually we're
6 looking forward to getting a permanent one, you know,
7 at the end of the day; this will jeopardize that and
8 if I know there is a job that will jeopardize me
9 living the American dream, I will want to leave that
10 job to go do something else and where is the job out
11 there? This is very vital to us and I actually
12 appeal to you, Council Member, to actually look into
13 the bandwagon effect of this law and the human face,
14 because every law should have a human face and what
15 is the human face in this? We actually deserve a
16 better life for ourselves and our families and help
17 us look into this. God bless you. God bless
18 America. Thank you.

19 CHAIRPERSON ESPINAL: Thank... Thank you.

20 RIGOBERTO CHALLIS: Hello, thank you for
21 the opportunity; my name is Rigoberto Challis [sp?].
22 The first of all that I'm gonna say is, what I love
23 about this job is the freedom; the job itself; I know
24 nothing is perfect in life and we all know about
25 that, even you guys sitting down over there, you have

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2 issues; that's why you guys hearing us; right? So
3 and people I hear... I heard everybody spokin' about
4 complaining, all this stuff, nothing is perfect in
5 life, even myself, I was a manager staff [sic] from a
6 restaurant and you know you heard about **[inaudible]**
7 complain too; there's issue in every staff. So but
8 when I decided to come to this business because the
9 freedom, also bring to myself, to my family, to
10 support my family and as well to the city. I
11 understand that there is a problem -- nothing is
12 perfect in life, once again I say, what I'm saying.
13 So but we cannot take the, you know, the issue or the
14 hit... you cannot judge somebody else because for the
15 reason was the other people coming, any issue, any
16 problem. So I don't see in the way that we're
17 affecting... well like I was speaking to my friends,
18 besides we are bringing, trying to do the right
19 thing, the living to support our family, we are
20 helping the city to doin' the right thing, because
21 we're not with a gun over here, you know harassing
22 people, like if people approach you in the way that
23 they're doin' it, you know, you're speaking about us
24 like if we... no, I'm 11 years in this nation, you
25 understand, I have my wife, I have my children; I pay

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2 my tax every single year; do you understand; besides
3 that, when I'm out there, even if I don't open my
4 machine, I don't print a single ticket, I'm happy to
5 any family come; when I see some guy with his family,
6 his children and I see the daughter or I see his son,
7 I see my son, I see my wife is coming, only lady
8 coming, you know and then I come; I give the
9 information; I'm helpin' them because it's like some
10 **[inaudible]**. We're just focusin' on one point; we're
11 not focusin' on the thing that's... we are helping the
12 city no matter what. Once again, what I'm saying is
13 nothing is perfect, but to take a decision from
14 somebody else, we have to be very careful.

15 Second, I'm gonna focus on the point of
16 the police. So we give the right to the police; the
17 police gonna be judging; it's gonna bring a big mess
18 to this... I was even mention **[inaudible]** hours ago if
19 I was gonna... New York's gonna become Baltimore; you
20 wouldn't want that, you understand, you got my point.
21 You wouldn't **[inaudible]** New York like Baltimore,
22 fighting on the street or because the police write me
23 a ticket or give me this. No, guys, we try to do the
24 right thing. Okay, you guys doing what you guys
25 supposed to do, but we... I think we can adjust

1
2 somebody else instead of my size. Thank you for the
3 opportunity and the chance guys. Thank you so much.

4 [bell]

5 DENNIS BETRANFOJO: Thank you. My name
6 is Dennis Betranfojo [sp?]. My experience with Go
7 New York, before I join Go New York, I was looking
8 for work for about two years; I never found a job; in
9 the meantime I was unemployed, I filed for
10 unemployed; they pay me for six months and they
11 didn't pass the bill extend. In the meantime, I was
12 claiming unemployment, hoping to get a letter when
13 they passed the bill; they never passed the bill; I
14 almost become homeless. When they told me about Go
15 New York, it's a place that you don't need any
16 experience, you just have to have a passion to go and
17 sell; you will make your life better; that why I went
18 to Go New York and that opened door to many people,
19 thousands of people that are out there tryin' to find
20 work and they can't find it; this is door, is open
21 to... we can recruit any... thousands of people and I
22 heard some people complaining that many people on the
23 street is not good; that's being greedy; that say
24 okay, because you wanna be on the street makin' money
25 yourself; what about other people, we have to have

1
2 opportunity to everyone and this job have give me
3 opportunity and this law would take away this
4 opportunity. And given the fact that you have to
5 stay 10 feet or stop, that's not gonna happen because
6 I'm gonna need to bring a measurement tape to make
7 sure I'm 11 or 10 feet; otherwise, I'm not gonna
8 argue with police; police come to me, I'm gonna have
9 to get a ticket and plus, they're sending us.. we're
10 not allowed to sell at Times Square, so where are we
11 gonna sell; in Queens; there's no tourists in Queens;
12 we are.. [interpose laughter] So please, you guys need
13 to look at this and give us the opportunity, because
14 this gonna affect thousands of people that's feeding
15 their family and some of them will even become
16 homeless because of this. And I heard one of the
17 representative; I don't know who he was representing,
18 saying that the ticket agents are making the city,
19 making the city bad, which is not true. Any business
20 in the city you will find a bad apple; that doesn't
21 generalize.. don't generalize everybody. Thank you.

22 SUMILA: Good afternoon, my name is
23 Sumila [sp?]; I'm working for Gray Line City
24 Sightseeing New York; I have been with this company
25

1
2 for almost 10 [sic] years and I'm representing the
3 Local 225.

4 I wanna make this first point about
5 harassment. You hear speakers of the speakers who
6 are getting the bill... who are speaking for the bill
7 saying we harass people, we harass people; we block
8 the free flow of human traffic; that's not true; it's
9 absolutely not true. Let me tell you one thing as a
10 ticket agent that you have to learn from the
11 **[inaudible]** in order to succeed; you have to be able
12 to differentiate between who a local is and who a
13 tourist is on the **[inaudible]**. So when you see us
14 out there, we know who New Yorkers are and we know
15 who tourists are, so we approach tourists, not New
16 Yorkers. And we approach tourists with
17 professionalism, because it is **[inaudible]** for
18 anybody to be aggressive on somebody you wanna sell
19 tickets to; you wanna make money; you are working on
20 commission; how do you then be aggressive for your
21 clients; you cannot make a scene, you cannot. So you
22 need to show a maximum amount of civility to the
23 person to convince them so that if they're
24 comfortable around you so they'll buy your project,
25 so that is a false representation for anybody to say

1 we have been aggressive; we are blocking the flow of
2 traffic; that's not true.

3
4 Number two; I'm yet to hear any speaker
5 mention a single reported case or a recorded case of
6 a ticket seller, double decker bus ticket seller
7 being arrested for fraudulent activity. I heard
8 speakers mention that Battery Park, Battery Park,
9 Battery Park, well, if the authorities are able to
10 single out a specific location, an area of fraud,
11 then the concentration should be on that area.

12 Concentrate on that area. We are fortunate we have
13 identified an area where about 30 people have been
14 arrested for fraudulent activity, so focus on the
15 area, and trust me, those people that were arrested
16 were not double decker bus ticket agents. I heard
17 speakers saying they were selling tickets, tickets,
18 tickets; identify what tickets they are selling and
19 deal with it and then leave ticket sellers alone to
20 operate because we are doing so legitimately.

21 And then number three; limiting ticket
22 sellers to curbs; has anybody thought about the risk
23 or the danger that you'll be exposing ticket sellers
24 and their clients to **[inaudible]** to a curb, stay on
25 the curb, don't move; sell your ticket on the curb.

1
2 This business is such that you don't just sell
3 tickets on the go; you stop people, you convince
4 them, you talk to them; imagine I have a family of
5 people and I'm restricted to a curb to explain to
6 them; [bell] has anybody thought about the risk;
7 their back, the cars; it's very dangerous, so please
8 look at that.

9 And then my final point is about this
10 license, as to whether to give it to the bus company
11 or to give it to the ticket seller or employees. If
12 the employer is asking the city to give them my
13 license, then something is amiss, somebody has to
14 think about that; why is the employer looking for the
15 license to give the license to me? I think I would
16 rather behave more responsibly to secure my license
17 than to give my license to the employer, because I'm
18 gonna be vulnerable, very vulnerable to the employer,
19 so if you empower the employer more against me, then
20 who am I gonna be? I could easily be flushed out in
21 a second.

22 And finally, finally, speakers after
23 speakers mentioned the point about we ticket sellers
24 helping the tourists too; we are information centers
25 on the move, we are like mobile information centers.

1
2 I don't know the reason why the City decided to shut
3 down tourist information center between 52nd and 53rd
4 and 7th Avenue, and also shut down the information
5 center in Times Square, so tourists come asking
6 where, is the information center and we tell them we
7 are the information center; whatever you need, ask
8 me... [crosstalk, background comments] and then we do
9 that from morning to night; we **[inaudible]**; perhaps
10 the City should start awarding us for this job.
11 [background comments, laughter] Yes; this way the
12 City will have a chance to limit my income to get me
13 systematically out of the system [background
14 comments]; I think the City should award us; we are
15 doing a marvelous job out there, so please..
16 [crosstalk]

17 CHAIRPERSON ESPINAL: Thank you. Thank
18 you.

19 SUMILA: provide the system..

20 CHAIRPERSON ESPINAL: Thank you.

21 SUMILA: **[inaudible]**. Thank you.

22 CHAIRPERSON ESPINAL: Thank you.

23 [clapping] Okay.

24 ODEY ANUTRI: And in addition to that; a
25 tourist once asked me; "Are you getting paid by the

1 City for this job?" She's from Australia, and I
2 said, "No, ma'am; I work based on commission on
3 sales." And she said, "Wow, the City should be
4 paying you for this," and we do a lot of job for the
5 City; we are the eye of the city; when we see
6 something, we'll always say something and you know,
7 **[inaudible]**... [crosstalk]

9 CHAIRPERSON ESPINAL: Thank... Thank you
10 for all your work, guys...

11 ODEY ANUTRI: Yeah.

12 CHAIRPERSON ESPINAL: really, really
13 appreciate it and if we can change this bill to make
14 sure we have a budget line for **[inaudible]**...
15 [crosstalk]

16 COUNCIL MEMBER GARODNICK: Yeah. Be
17 careful what you ask for; we may hire you guys as
18 ambassadors; you're terrific.

19 [background comments]

20 CHAIRPERSON ESPINAL: Thank you.

21 [background comments]

22 CHAIRPERSON ESPINAL: We have the last
23 panel -- Moro Abdul Latif; Judd Rich... Riche...

24 [background comments] Judy? [background comments]

25 Judy; Linwood [sp?] McCoy, and Mohamed Rubi or Rusi

1 [sp?] [background comments] Thank you. [background
2 comments] When you're ready, just state your name
3 before you give your testimony.
4

5 JUDY RICHHEIMER: Okay. Hello, I'm Judy
6 Richheimer; I'm the Chair of the Government Relations
7 Committee of the Guides Association of New York City
8 (GANYC). GANYC is the leading membership association
9 for tour guides licensed by the Department of
10 Consumer Affairs and we have often partnered with
11 government officials and related businesses and
12 professions to help make New York City the best place
13 really in the world for visitors to come.

14 We stand with TWU and other ticket
15 sellers in supporting the idea of licensing, but
16 being very opposed to the idea of tethering these
17 licenses to companies. You know that... and Chair
18 Espinal, you may remember that GANYC worked with the
19 Borough President of Manhattan to have a press
20 conference and a rally in front of City Hall to
21 oppose bad business practices of one of the double
22 decker companies, so it makes me very nervous to hear
23 about licenses being tethered to the companies. The
24 ticket sellers should have licenses, like ours, that
25

1
2 we own and where we can go from company to company or
3 work for several companies throughout a year.

4 I am very cheered to hear that in all
5 likelihood the provision about not being able to sell
6 at designated bus stops will be removed; I am hoping
7 strongly that you will bring some commonsense and
8 flexibility and basing it on the testimony that
9 you've been hearing all afternoon about how important
10 it is to have flexibility; we don't want these
11 hardworking gentlemen, and by the way, I hope
12 eventually we'll have some women selling as well,
13 that we... [interpose background comments] Oh we do?
14 Terrific. Thank you. Okay. We don't want them
15 standing on a curb in inclement weather and being
16 splashed by cars coming by; it's not commonsense when
17 they can just, you know, go over under an awning and
18 being able to make a sale; it doesn't present the
19 best face of New York City to our tourists.

20 We've been hearing a lot about how
21 hardworking these men and women are, and that's great
22 and how they raise revenue for the city, that's great
23 too, but I don't think that it's been mentioned that
24 the product they sell, because not all products are
25 equal, is socially beneficial. It's very important

1
2 for people not only come to New York City, but to
3 take tours and learn about New York City. My
4 colleague [bell] said that we are diplomats,
5 ambassadors of New York; we're educators as well. To
6 learn about another city I think makes someone a
7 better citizen, not only of their own country, but of
8 the world.

9 MOHAMED: My name is **[inaudible]** Mohamed
10 and I work for Gray Line Sightseeing New York and I'm
11 also a member of 225 union and I must say, most of
12 the things I want to say have already been said; most
13 of the speakers have taken the wind out of my sail,
14 but I want to... [laugh] I just want to add something
15 about the renewal period of the licenses. I think
16 the proposed legislation talks about a year renewal;
17 all I want to say is, if it could be done like after
18 two years, because most of us, apart from working
19 hard to feed our families, like we don't earn that
20 much and every little amount of money will actually
21 go a long way to help us. But most of the things I
22 wanted to say, like some of us being the ambassadors
23 of the city, helping tourists here and there, apart
24 from selling the tickets, and also, trying to me make
25 sure that we report like all suspicious **[inaudible]**

1
2 within our like operational areas to the appropriate
3 law authorities have already been said. So I want to
4 just say that we appreciate your effort to help us
5 continue to make a living to help our families and
6 God bless us all and God bless America. Thank you.

7 MORO ABDUL LATIF: Good afternoon; this
8 is Moro Abdul Latif, ticket agent that works for Go
9 New York Tours and I really like doing what I'm
10 doing. I keep saying or keep telling people the work
11 of the ticket agent is not that simple as most people
12 think it is. I see this job as a profession that's
13 like any other professional in a given jurisdiction.
14 I'm completely against the idea of licensing on
15 grounds that we already **[inaudible]** sector;
16 contributing our culture in way of taxes; any extra
17 idea of licensing wouldn't help us that much; it will
18 in one way or the other embedding the activity of the
19 ticket agent [sic]. Aside that, in addition to what
20 I want to make **[inaudible]**, we're not just ignorant
21 people on the streets; we're all working hand in hand
22 with city authorities; it is unfortunate the NYPD
23 wanna take this issue in a different dimension, but
24 the reality is this; most of the NYP agents, or the
25 police officers that work precisely in Times Square,

1 don't even know much about the city; we do educate
2 them. There are times that tourists will approach
3 you, ask you for giving direction; before the police
4 officer even addresses the question, you will give
5 them the direction. Most of the police officers who
6 walk in Times Square, when they want direction, they
7 do approach us; we talk to them nicely; how would
8 they be saying we're not good people; if we're not
9 good people, I don't think some of them would be
10 turning to us for directions when they don't know how
11 to direct the people. In a nutshell, I'm suggesting
12 this idea of limiting the ticket agents should be
13 readdressed and if possible, any decision of coming
14 up with the amount of money that should be allocated
15 for the licensing should be reasonable; if not, is
16 gonna **[inaudible]** the ticket agent and make our job
17 difficult.
18

19 In addition to what I wanna make across,
20 let's all try and work as a family; we're all here
21 deliberating on this issue in order to get a peaceful
22 society; we're not here to attack a given people or a
23 given sex; we're all as a family and we need to
24 collaborate and understand each other world [sic] by
25

1 listening to our grievances and turning the
2 grievances in the right direction.

3
4 And with all due respect, most of it's
5 because, in my view, because we ticket agents, we're
6 immigrants; most people try to stereotype us by
7 drawing a conclusion that we're bad people; we're not
8 bad people. I don't think any serious company will
9 hire a person that is a bad person. I'm really
10 upset; [bell] I don't really like talking about this
11 very issue, because at some point in time, way back
12 in 2013, I was arrested for just selling bus tickets;
13 I was detained; I was subsequently assigned to go for
14 one day of community service, which I followed; if I
15 had not followed, I wouldn't have been here still
16 selling tickets today.

17 Most of the things that I wanna say has
18 been captured, but I will just narrow it down to
19 let's look at this idea very critically; if not, it's
20 gonna create a lot of unemployment should the ticket
21 agent be limited to movement. Thank you.

22 CHAIRPERSON ESPINAL: Thank you, sir;
23 appreciate it.

24 LINWOOD MCCOY: Good afternoon. My name
25 is Linwood McCoy and I'm President of the Local 225,

1
2 AFL-CIO. There's been quite a bit said here today
3 and I would like to say more, but most of it's been
4 said already. We have a -- both companies that's
5 participated here... three companies I think -- Big Bus
6 and Go New York Tours and Gray Line -- I can see that
7 we have a lot of professional people working in this
8 profession and my hat goes off to 'em and I think
9 that you guys should really consider, you know, doing
10 the right thing by us, 'kay. That's it.

11 CHAIRPERSON ESPINAL: 'Kay.

12 COUNCIL MEMBER GARODNICK: Thank you, Mr.
13 Chairman. [clapping] You know since that I believe
14 is the last witness, I did wanna just say that we do
15 intend to do right by you guys; we understand that
16 this is a complicated issue and that not every ticket
17 seller is the same and that people are doing
18 different things and there are complaints about
19 certain categories of ticket sellers and you know,
20 many, many fewer complaints about other categories;
21 we, in the process of creating a license have to do
22 things with some level of uniformity and some level
23 of rules that make sense across all categories. So
24 we are very, very sensitive to the points that you've
25 made; I mean the folks who took the time out of their

1 lives to testify here today, come down to City Hall,
2 we thank you for that; I mean you obviously are great
3 representatives for this city and we're lucky to have
4 you going above and beyond when you're out there, but
5 let's also recognize the fact that we do have a
6 problem and some of you have even identified in your
7 testimony what other ticket sellers do; even
8 sometimes you see them doing it, and it is not your
9 responsibility to weed them out; it is not your
10 responsibility to ensure that they are acting
11 properly; it is our job to make sure that the rules
12 are in place to make sure that when tourists are
13 encountering a ticket seller that it's gonna work,
14 it's gonna be good and it's gonna be as positive an
15 experience as everything that you all have
16 articulated today. So we will take everything that
17 you said today and we thank you for taking the time;
18 we take it very, very seriously; there's a variety of
19 element to this bill that have already changed, even
20 contemporaneous with this hearing, thanks to the
21 advocacy of your all and others and we will continue
22 to try to work this so that we strike the right
23 balance here and deal with an issue that it seems
24 like everybody acknowledges that a licensing scheme
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is a good thing, but the question is, what goes along with it and that really is the core question. So that's what I have taken from this. Mr. Chairman, I thank you for the time; we I think gave this subject a fair hearing and I thank you very much for hearing it today.

CHAIRPERSON ESPINAL: Thank you, Dan. Thank you everyone who came to testify. That said; this meeting is adjourned.

[gavel]

C E R T I F I C A T E

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



Date May 6, 2016