

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE

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October 18, 2017  
Start: 10:28 a.m.  
Recess: 12:09 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: JULISSA FERRERAS-COPELAND  
Chairperson

COUNCIL MEMBERS: Ydanis A. Rodriguez  
James G. Van Bramer  
Vanessa L. Gibson  
Robert E. Cornegy, Jr.  
Laurie A. Cumbo  
Corey D. Johnson  
Mark Levine  
I. Daneek Miller  
Helen K. Rosenthal  
Steven Matteo

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

Joseph Fucito, Sheriff  
Sheriff's Office  
NYC Department of Finance

Annette Hill, Assistant Commissioner, Land Records  
City Register, NYC Department of Finance

Sheelah Feinberg, Director  
Intergovernmental Affairs  
NYC Department of Finance

Jennifer Merin, Deed Fraud Victim

Marcel Negret, Project Manager  
Municipal Arts Society of New York



2 [sound check, pause] [gavel]

3 CHAIRPERSON FERRERAS-COPELAND: Good

4 morning and welcome to today's Finance Committee

5 meeting. My name is Julissa Ferreras-Copeland, and I

6 hear myself. [background comment] Okay. [laughs]

7 Just like the Yankee Stadium. [background comment]

8 In stereo. Oh. [laughs] I was in stereo there. I

9 am the Chair of the Committee. We've been joined by

10 Council Members Rosenthal, Cornegy and Vallone.

11 Today, the committee will be considering two items

12 that address the critical problem of deed fraud.

13 Deed fraud, which involves the fraudulent transfer of

14 property ownership to a third party has been

15 increasingly prevalent in the years following the

16 2008 foreclosure crisis. Particularly with the

17 significant rise in property values across the city.

18 Many of our most vulnerable homeowner such as seniors

19 are the prey of unscrupulous scammers. Discovery of

20 the fraud can occur too late when homeowners are in

21 the process of losing their homes to foreclosure, and

22 can have devastating financial and emotional

23 consequences.

24 The first item, Introduction 1673, which

25 I have cosponsored with Council Member Rosenthal

2 would codify the Department of Finance Notice of  
3 Recorded Documents Program while providing us  
4 valuable data on both utilization of the program and  
5 referrals to the city sheriffs of suspected deed  
6 fraud. The Notice of Record Recorded Document  
7 Program Notice of Record Recorded Document Program,  
8 which DOF first implemented in 2011 allows property  
9 owners to sign up to receive notifications when  
10 documents affecting our ownership interests have been  
11 recorded against their property. Individuals  
12 receiving the notification are directed to check  
13 ACRIS and view the documents for potential issues.  
14 This gives homeowners the opportunities to act early  
15 and swiftly when a fraudulent document that could  
16 impact their property interest has been recorded.  
17 This important tool is essential in helping the city  
18 combat attempts at deed fraud.

19           The committee will also consider  
20 Resolution No. 1421 sponsored by Council Member Paul  
21 Vallone. According to the Department of Finance, one  
22 of the most ripe targets for deed fraud are people  
23 who inherit property and do not record the deed to  
24 that property indicating their ownership. While the  
25 Notice of Recorded Document systems could alert these

2 homeowners of fraudulent record deed-recorded deeds,  
3 owners must first record the deed conveying their  
4 interest in the property before they can receive  
5 notifications. This resolution, therefor calls upon  
6 the New York State Legislator to-legislature to pass  
7 and the Governor to sign legislation to require all  
8 real property conveniences-conveyances to be  
9 memorialized by a recorded deed. We must ensure that  
10 all rightful owners of property can proactively take  
11 steps to prevent the loss of their homes to fraud. I  
12 look forward to discussing these measures as well as  
13 broader efforts to protect homeowners and fight deed  
14 fraud in the city with the city sheriff and the City  
15 Register. I also look forward to hearing from the  
16 advocates who work with homeowners who have been the  
17 victims of this crime. Welcome and thank you for  
18 being here today. Before we begin, I'd like to turn  
19 the mic over to Council Member Vallone followed by  
20 Council Member Rosenthal, and then we will hear from  
21 the Register (sic).

22 COUNCIL MEMBER VALLONE: Thank you, Madam  
23 Chair. Thank you members, Council Member Rosenthal  
24 for joining me on the resolution as I join on your  
25 legislation. So, here we are in 2017 and we still

2 don't have, you would think, a simple requirement to  
3 make this recording mandated by law to protect all of  
4 our homeowners. So, our Chair just gave the basic  
5 facts as why, and I'm not going to restate those, but  
6 it's so important to protect our property owners with  
7 this simple requirement of recording that the deed be  
8 filed in the county and the second step that all  
9 parties to the transaction sign the deed. We have  
10 too many times where a fraudulent situation against a  
11 senior where they did not know the property was  
12 fraudulently transferred either through forgery or  
13 some other means that they no longer owned it and  
14 faced a foreclosure now because that-the party that  
15 stole the property has now financed the house to the  
16 roof. And the next thing they know they're being  
17 foreclosed on and didn't realize it, or through an  
18 inheritance process where the heirs at law or the  
19 family members did not protect the interest or did  
20 not know that the estate passed them a piece of  
21 property. We have different scenarios where deed  
22 fraud can step in. So, therefore, we call on Albany  
23 to pass legislation to allow the city to makes these  
24 changes and requirements, and we're also asking on  
25 Council Member Rosenthal's legislation to-very

2 important components to protect the most of the city.  
3 So thank you, Madam Chair.

4 CHAIRPERSON FERRERAS-COPELAND: [off mic]

5 COUNCIL MEMBER ROSENTHAL: Thank you so  
6 much, Madam Chair and Council Member Vallone. You're  
7 absolutely right. Once again stymied by the state.  
8 So, thank you Chair Ferreras-Copeland for calling  
9 this hearing and for your leadership and partnership  
10 on this issue. Of course, this is also played under  
11 an oversight hearing that you called. Deed  
12 registration fraud is a serious crime with serious  
13 impact on its victims. Some months ago a constituent  
14 walked into our office and described the toll of  
15 being victimized by deed registration fraud had  
16 caused her following the loss of her parents. Her  
17 family's home in Queens was stolen and occupied by a  
18 criminal who forged a deed and took possession of the  
19 home. Even once the crime had been discovered, it  
20 was a long arduous and expensive process to set  
21 things straight. What's clear is that we as a city  
22 have to do more to protect New Yorkers and their  
23 homes. That's why I sponsored Introduction 1673 and  
24 it's why I call it the Merin-Hirshman (sp?) Act in  
25 honor of her family, and I'm honored that we'll hear



2 from Jennifer Merin this morning. In recent years  
3 the Department of Finance has made some critical  
4 reforms to protect homeowners and keep them alert to  
5 the risk of deed fraud. Intro 1673 would codify the  
6 Notice of Recorded Document notification system, and  
7 establish a reporting system in order to establish a  
8 principle of ongoing public accountability and City  
9 Council oversight. It would also establish a  
10 recording requirement on the investigations the city  
11 sheriff makes into potentially fraudulent deeds.  
12 This legislation along with Council Member Vallone's  
13 resolution calling on the state to improve the deed  
14 registration process represents a new commitment on  
15 behalf of the city of New York and the City Council  
16 especially to protect homeowners from fraudsters. I  
17 again thank Chair Ferreras-Copeland for holding this  
18 hearing, and for sponsoring this legislation with me,  
19 and I look forward to hearing from the administration  
20 and from the public. Thank you.

21 CHAIRPERSON FERRERAS-COPELAND: Thank  
22 you. We're going to have members coming in and out  
23 through the day. So, there are committees that are  
24 happening. So, don't judge walking in and out by the  
25 interest, but I want to thank both my colleagues for

2 their leadership on this issue. Sheriff, after  
3 you're sworn in by the counsel, you may begin your  
4 testimony.

5 LEGAL COUNSEL: Do you affirm to tell the  
6 truth, whole truth, and nothing but the truth in your  
7 testimony before the committee, and to respond  
8 honestly to Council Member questions?

9 SHERIFF JOE FUCITO: I do. Good morning  
10 Chair Ferreras-Copeland, and members of the Committee  
11 on Finance. I'm Sheriff Joe Fucito. I'm joined  
12 Annette Hill, the Assistant Commissioner for Land  
13 Records and the City Register. (coughs) The  
14 Department of Finance is working aggressively to  
15 combat deed fraud because when the criminals succeed,  
16 people lose what may be their largest asset, their  
17 homes. What is deed fraud? Deed fraud is a very  
18 serious crime. It happens when someone transfers  
19 your property out from under you without your consent  
20 or permission or when you sign over your property to  
21 someone else by mistake because you were misled or  
22 tricked in transaction. Those deeds are venues to  
23 commit other fraudulent activities such as securing  
24 mortgages, setting up phony short sales and renting  
25 properties that are in foreclosure. Deed fraud is a

2 crime that targets our most vulnerable citizens, the  
3 elderly, minorities, and immigrants, those who may be  
4 less savvy about real property transactions.

5 (coughs) There are higher incidents of deed fraud in  
6 gentrifying communities, which is why D of F has held  
7 town halls, focused solely on deed fraud in their  
8 neighborhoods. We are committing to combatting it  
9 with every resource that we have. What is the city  
10 doing to protect people? The most important step is  
11 to make it harder to present fraudulent deeds for  
12 recording in the first place. Once a fraudulent deed  
13 is recorded, the rightful owner has to spend time and  
14 money to prove ownership. Our challenge is that by  
15 law the City Register is required to perform the  
16 ministerial act of recording a deed as long as it is  
17 in recordable form meaning it is certified by a public  
18 notary, it has the seller's signature and a buyer's  
19 signature under circumstances and includes all other  
20 required legal documents. There is not much for us  
21 to negotiate the law. This is a challenge for  
22 municipalities throughout the country. The job of  
23 the City Register is to record documents, and they  
24 have a legal obligation to do so.

2                   SHERIFF JOE FUCITO: The Sheriff's Office  
3 has played an integral role in the efforts to  
4 curtail deed fraud. Our deputy sheriffs are trained  
5 to better detect forged and fraudulent documents and  
6 put the Sheriff's Office in the review process. We  
7 also automatically inform property owners by mail  
8 when a deed is filed against their property and  
9 encourage them to register for our Opt-in  
10 Notification Program where we will send emails or  
11 text alerts or documents that are recorded against  
12 their property. The quicker someone catches  
13 fraudulent activity, the quicker the problem can be  
14 resolved. (coughs) Excuse me. Examples of type of  
15 recordings that will trigger an additional review,  
16 are those with a sale price far below market value,  
17 multiple transfers between LLCs in a short period of  
18 time or transfers by people or entities known to have  
19 committed or have been suspect of deed fraud in the  
20 past. These changes had a real effect since July  
21 2014 when we increased our focus on this issue, more  
22 than 1,973 cases have been referred to the Sheriff's  
23 Office. We had closed out 1,119 cases. We have  
24 completed 96 criminal investigations with district  
25 attorney's offices, and have 236 ongoing

investigations. We've made 37 arrests for 54 properties, which have a total market value of approximately \$40 million. We are continuously assessing and evaluating our operations to enhance ways to detect fraud. We are hiring more deputy sheriff's to handle the growing number of cases and looking at how technology can be used to improve detection. In these efforts, we are encouraging New Yorkers to be proactive. In our communications, we tell them if there is activity on your property records that is not legitimate, please call or walk into the Sheriff's Office and file a complaint. We have included a phone number and web contact information for the Sheriff's Office at our website which is [nyc.gov/finance](http://nyc.gov/finance). Victims of deed fraud or those who suspect fraud may also reach out to any of the five district attorneys. They are our partners to catch professional deed programs that usually include lawyers and banks. What can people do to protect their properties? We need everyone's involvement including the public's cooperation to prevent deed fraud. Here are some measures the public can take to protect themselves:

2           Review your property records annually for  
3 activity. This information is available on our  
4 website through the Automated City Register  
5 Information System commonly referred to as ACRIS or  
6 you can view property records and that's at  
7 <http://www1.nyc.gov/site/finance/taxes/acrispage>.

8           CHAIRPERSON FERRERAS-COPELAND: [off mic]  
9 It's the property page. (sic)

10           SHERIFF JOE FUCITO: Register your  
11 property with the City Register's Office. We have a  
12 program called Notice of Recorded Document. Once you  
13 register, you will be notified by text or by email  
14 when there is activity on your property. It's free  
15 and you can registered online, the same site with the  
16 Deed Fraud Program page as the extension. Check with  
17 your Department of Finance if you stop receiving  
18 property tax and water bills or if any of your  
19 utility bills suddenly increase. If you own a  
20 property in New York City that's not occupied we  
21 recommend that you check it off, and to make sure it  
22 is not illegally occupied. If you're going away for a  
23 long period of time, ask someone you trust to check  
24 on your house regularly while you're gone. Have them  
25 collect your mail so it does not pile up, a signal

2 that the house is unoccupied. Be very careful of  
3 people or organizations that offer you cash to help  
4 you with loan modifications or foreclosure  
5 prevention. This is very important. This is one of  
6 probably the most key things you should be looking  
7 at. Never turn over your deed or transfer ownership  
8 of your home to a mortgage assistance company. Do  
9 not sign any property related documents that you do  
10 not understand. We encourage people to first consult  
11 with a trusted attorney before signing papers. Do  
12 not hire a lawyer referred to you by someone who  
13 might have a vested interest in your property such as  
14 a realtor. From our investigations, perpetrators of  
15 deed fraud operate like a gang. They have their own  
16 attorneys, mortgage bankers, notaries, title  
17 companies and real estate brokers. Use of a title  
18 company that you have vetted for real estate  
19 transactions, and make sure your title insurance has  
20 deed fraud protection. One of the ways people can  
21 help count of activity—keep count of activity taking  
22 place with their properties is through registering  
23 with the New York City Department of Finance's Notice  
24 of Recorded Document, also known as the NRD Program.  
25 Currently, roughly 45% of registrations are by City

2 Government Offices. However, we provided a breakdown  
3 of participants not affiliated with city government.

4 Intro 1673: The City supports this  
5 legislation requiring DOF to establish and maintain a  
6 system that would allow individuals to register  
7 receive notifications by email or text message  
8 whenever any document affecting an ownership interest  
9 in real property is recorded with the City Register  
10 or the Office of the Richmond County Clerk. DOF will  
11 be able to provide quarterly reports on the  
12 utilization of the system including the number of  
13 registrants, the number of individuals contacting DOF  
14 regarding suspected fraudulent recording. However,  
15 the city has two concerns. The first, the reporting  
16 requirement of information about referrals made to  
17 the city sheriff related to suspect fraudulent  
18 recordings, and two, reporting requirements for the  
19 Richmond County Clerk. The city is concerned that  
20 providing detailed information about a case too early  
21 in the process may jeopardize an ongoing criminal  
22 investigation. Instead, the city suggests a friendly  
23 amendment to provide numbers of cases aggregated by  
24 each county office that are referred for  
25 investigation. Additionally, the city is concerned



2 about reporting on the Richmond County Clerk as they  
3 maintain their own systems. Instead, the city  
4 suggests requesting Richmond County Clerk to provide  
5 DOF on a quarterly basis the same data. In doing so,  
6 DOF will be able to deliver one report quarterly  
7 representing all five boroughs. Finally, we would  
8 like to know if there is a preference on reporting  
9 based on a fiscal year or calendar year. We are  
10 hopeful we can work with Council to resolve what we  
11 see as two issues to implementation. We would like  
12 to take the opportunity to remind people what they  
13 can do if they suspect they're a victim of deed  
14 fraud. First, act quickly. Do not be embarrassed or  
15 wait to get help. The more time that passes, the  
16 more difficult it may be to regain legal title  
17 because of how quickly the property can be  
18 transferred perhaps multiple times, and file a  
19 complaint with the New York City Sheriff's Office.  
20 Please call 718-707-2100. That's easy. It's  
21 important that they open a criminal investigation,  
22 hire an attorney to help you regain legal title to  
23 your property. Check to see if your title insurance  
24 policy covers deed fraud. This could help cover the  
25 costs associated with hiring an attorney. If you

2 can't afford one, contact the New York State Attorney  
3 General's Office. They will work with partners to  
4 provide free assistance to homeowners throughout the  
5 state. Their website is agscamhelp.com. I hope that  
6 this testimony today has given you a concrete outline  
7 of the measures we have in place to deter and to  
8 detect deed-deed fraud. Thank you for your time. I  
9 will now take questions? (coughs)

10 CHAIRPERSON FERRERAS-COPELAND: Thank you  
11 very much for coming to testify, Sheriff. I must say  
12 that you have been a great partner and through this  
13 process. So, I'm happy that you are on top of  
14 things. Of course, we want to figure out how many  
15 ways we can help strengthen your part of the agency,  
16 but also from a legislative angle how we can codify  
17 that so it can go beyond our tenure. Now, I wanted  
18 to ask, and I'm sure Council Member Rosenthal will  
19 follow up, but when you said that 45% of those that  
20 registered are city-owned properties, does that mean  
21 that remain—I don't know. I'm trying to understand  
22 why highlight the—the city-owned properties as  
23 opposed to the property owners? Like, what was the  
24 highlight there?

2 SHERIFF JOE FUCITO: I'm going to defer  
3 to the City Register. She handles the recordings.

4 CHAIRPERSON FERRERAS-COPELAND: Oh, okay,  
5 there you go. Can you just state your full name for  
6 the record?

7 ASSISTANT COMMISSIONER HILL: Annette  
8 Hill—Hill the Register and Assistant Commissioner.

9 CHAIRPERSON FERRERAS-COPELAND: Excellent

10 ASSISTANT COMMISSIONER HILL: Agencies  
11 such as HPD who might have an interest in the  
12 property or DCAS who have—own city property, we'll  
13 register to keep track of city-owned property to see  
14 if any action has happened on the property. So,  
15 that's what we mean is 45%. So, it's not an HPD  
16 property. They do register because they have an  
17 interest in the property.

18 CHAIRPERSON FERRERAS-COPELAND: So, I  
19 guess what I'm trying to get at while I appreciate  
20 that number, how many of New York City's properties  
21 can you—can you say are not registered?

22 ASSISTANT COMMISSIONER HILL: Well,  
23 considering we had at one point over a million  
24 properties, I don't have the breakdown of—of the

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2 individual properties with me. I could get that to  
3 you.

4 CHAIRPERSON FERRERAS-COPELAND: If you  
5 can get it for the committee.

6 ASSISTANT COMMISSIONER HILL: Yes. What  
7 we do--what we have that we gave you is numbered by  
8 registrant how many people have actually registered  
9 for--

10 CHAIRPERSON FERRERAS-COPELAND:  
11 [interposing] Yeah, out of approximately a million--I  
12 want to make sure I'm reading this right. Out of  
13 approximately a million properties, we have 49,000  
14 registered?

15 ASSISTANT COMMISSIONER HILL: Yeah, and  
16 they could be for multiple properties or one  
17 property. I would have to get you a breakdown.

18 CHAIRPERSON FERRERAS-COPELAND: Okay,  
19 because it's--

20 ASSISTANT COMMISSIONER HILL:  
21 [interposing] Okay, so I want a breakdown of who has  
22 multiple properties under regis--is it one registrant  
23 and multiple properties or help us understand what  
24 that's about? Obviously, you know, this is very big  
25 problem if there's only 49,300 properties registered

2 and there's a million properties that both, you know,  
3 let's say a million properties that are still  
4 vulnerable. So, we need to get better at that aspect  
5 of why is it that people don't know that this  
6 something they can do. Is it the outreach? I know  
7 that your-your part of the agency could be limited in  
8 resources, but you have an incredible mouthpiece here  
9 51 members that can help, but we need to understand  
10 this process. So, that's why we do oversight  
11 hearings and-and do-and-and then follow up with  
12 legislation. So, I just wanted to ask-I'm going to  
13 back to the register-to the sheriff and then I'm  
14 going to come back to you, and we're going to hear  
15 from Council Member Rosenthal followed by Council  
16 Member Vallone followed by Council Member Cornegy.  
17 We've been joined by Council Member Rodriguez, who  
18 stepped out and Minority Leader Matteo. According to  
19 the documents provided to the Council the budgeting  
20 head count for Fiscal 2018 for the Office of the  
21 Sheriff was 188 people up from 170 in Fiscal 17 What  
22 is the actual headcount, and is it above 188-188, and  
23 when do you anticipate full-fully-a fully budgeted  
24 headcount?

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2                   SHERIFF JOE FUCITO: We're approximately  
3 120 deputy sheriffs and about 18 investigators. Now,  
4 what we've been dealing with is we don't—do not have  
5 a (coughs) certified deputy sheriff list. The exam  
6 was given in February and it's probably very close to  
7 being certified and once it's certified we can then  
8 start hiring off that list. So, we're basically  
9 waiting for a list to be certified so that we can  
10 onboard deputy sheriffs and investigators. That  
11 process takes, if we're very expedient, which we  
12 generally are, about three months to vet someone and  
13 then approximately seven months to train them. So,  
14 we're not looking at having a full staff until  
15 sometime next year.

16                   CHAIRPERSON FERRERAS-COPELAND: Okay and  
17 just for clarity all—once you ramp up to your 188,  
18 and you know, and maybe the next Council session  
19 after we've seen more movement may push—have a push  
20 to increase your agency for support. But can you  
21 help us understand what else the sheriff's office  
22 does? You don't have 188 people working on defraud?

23                   ASSISTANT COMMISSIONER HILL: No, we have  
24 six people, but we also had the resources available  
25 to pull more.

2 CHAIRPERSON FERRERAS-COPELAND: Okay.

3 SHERIFF JOE FUCITO: So, the—the  
4 Sheriff's Office is a very small law enforcement  
5 agency. The best analogy I could give is if the—the  
6 Police Department is the Army, the Sheriff is the  
7 Marine Corps. We're a very small group. We're very  
8 mobile, and we focus on general problems. Our  
9 primary role is to enforce court orders. So, we  
10 carry out the execution of arrest warrants, orders of  
11 protection, and all variety of court orders that are  
12 issued in the city. We get approximately 53,000 of  
13 them a year. So, we're very, very busy as far as  
14 enforcing court orders. So, on one hand the  
15 Sheriff's role is to enforce court orders. We also  
16 have a criminal investigative component. The  
17 criminal investigative component is handled by our  
18 Bureau of Criminal Investigation. That portfolio is  
19 eclectic I guess is the best way to describe it. We  
20 handle cigarette tax so we—we handle the enforcement  
21 of most of the tobacco legislation that has been  
22 passed by the Council in the last several years has  
23 fallen onto the Sheriff's Office to—to take on. So,  
24 we handle that. We handle the investigation of deed  
25 fraud. We also were mandated by the state to do

2 background investigation for volunteer firefighters,  
3 and many people are unaware there are volunteer  
4 firefighter companies in New York City, and there are  
5 also small segments of the law that require the  
6 Sheriff to conduct criminal investigations if asked  
7 such as voter fraud and fraud against the elective  
8 franchise. So, the Sheriff is an officer that can be  
9 called upon to do many different types of  
10 investigations, but our primary investigations for  
11 our BCI consists of tobacco and defraud.

12 CHAIRPERSON FERRERAS-COPELAND: And then  
13 you also because I know that you have a role in fraud  
14 like for parking tickets. We have--

15 SHERIFF JOE FUCITO: [interposing] Yes.

16 CHAIRPERSON FERRERAS-COPELAND: --  
17 discussed that.

18 SHERIFF JOE FUCITO: Yep.

19 CHAIRPERSON FERRERAS-COPELAND: So, where  
20 does that fall in?

21 SHERIFF JOE FUCITO: We—we have a small,  
22 but growing industry in parking fraud. So, we have  
23 an investigator assigned to parking fraud. Now, the  
24 way the office handles its responsibilities we have  
25 people that are primarily assigned to the



2 investigations, but then we can draw upon the needs  
3 of the office if we have to do something large scale.  
4 So, if we're going to have a series of arrests, we  
5 draw upon the entire resources of the office to  
6 conduct the arrests. So, we have people assigned and  
7 then we have a greater amount of people that we have--  
8 that have more flexibility in their assignment that  
9 can be called upon to assist.

10 CHAIRPERSON FERRERAS-COPELAND: And do  
11 you think that 188 that is a satisfactory number of  
12 staff, or could you use more?

13 SHERIFF JOE FUCITO: At this point in  
14 time, the Commissioner and I are discussing what the  
15 needs of the Sheriff's Office are because they're  
16 growing depending on the legislative changes that are  
17 put forward. The 188 represents what we need in  
18 order to meet our current goals. As goals and more  
19 duties are added to the Sheriff's Office depending on  
20 those types of duties, we may need more additional  
21 resources.

22 CHAIRPERSON FERRERAS-COPELAND: And  
23 what's the difference between a deputy sheriff and an  
24 investigator?

2                   SHERIFF JOE FUCITO: The deputy sheriff  
3 is the—I would say the jack of all trades law  
4 enforcement officer. The deputy sheriff can do  
5 almost any task. They can be assigned to make an  
6 arrest. They can be assigned to conduct an  
7 investigation. They're the only officer that's  
8 authorized to execute civil process. So, they're the  
9 omni officer for the Sheriff's Office.

10                   CHAIRPERSON FERRERAS-COPELAND: Okay.

11                   SHERIFF JOE FUCITO: The investigator is  
12 very narrowly tailed to do fraud investigations.  
13 They do certain investigations related to tobacco.  
14 They do certain investigations related to deed fraud  
15 and they do certain investigations related to fraud,  
16 but they work in tandem with the Deputy Sheriff.  
17 Their salary range is slightly less than the deputy  
18 sheriff, and their career path is smaller within our  
19 agency, but greater within the entire fraud  
20 investigative group in the city.

21                   CHAIRPERSON FERRERAS-COPELAND: Okay,  
22 and—and why I ask this, and why I want to put it on  
23 the record is if you ask anyone whose home has been  
24 stolen, they will probably respond and say that we  
25 haven't done enough as a city, right? Did we need

2 more investigators? Did we need more sheriffs? Do  
3 you need more support? So, as you go and have these  
4 discussions with your commissioner, I'm hoping that  
5 you can keep some of the narrative, and that someone  
6 from your office can stay behind and listen to some  
7 of the advocates and people who have gone through  
8 this process. I know that you've engaged in a lot of  
9 conversations, but it would be great if someone can  
10 just stay behind to hear.

11 SHERIFF JOE FUCITO: Absolutely. That's  
12 not a problem.

13 CHAIRPERSON FERRERAS-COPELAND: Okay.  
14 Would DOF, and I guess this can fall on either one of  
15 you, ever consider making the Notice of Recorded  
16 Documents Program an opt-out program rather than an  
17 opt-in program, and why haven't done this already?

18 SHERIFF JOE FUCITO: I'm going to defer  
19 to the Register.

20 ASSISTANT COMMISSIONER HILL: You—I just  
21 wan to clarify. You mean opt out meaning they have  
22 to do it, or they're going to have to do it? I just  
23 want to know what you mean.

24 CHAIRPERSON FERRERAS-COPELAND: They have  
25 to do it.

2 ASSISTANT COMMISSIONER HILL: They have  
3 to do it. We haven't really discussed it but they  
4 do—they do—once we record a document after it's been  
5 transferred, we just send you a letter telling you  
6 it's—it's recommended that you do it, and we give you  
7 the process of doing it, but we haven't considered  
8 making it as mandatory.

9 CHAIRPERSON FERRERAS-COPELAND: So, I  
10 think people are like texting right now to making all  
11 those request to make this mandatory especially with  
12 the egregious number of 49,000 properties versus a  
13 million properties.

14 ASSISTANT COMMISSIONER HILL: Okay.

15 CHAIRPERSON FERRERAS-COPELAND: So, if,  
16 you know, when you get back to your office, I think  
17 this is a conversation that—a broader conversation  
18 that needs to be had. Because either you do it by  
19 policy, or we're going to legislate it because the  
20 number is so varied, and almost, you know, are we not  
21 doing the best that we can to protect property  
22 owners? And I feel like this might be the space  
23 where we—we can—we can have as many reporting  
24 documents. We can do as much charts and all this  
25 stuff, but the reality is the first step that we're

2 missing, there's nothing that happens is steps 2, 3  
3 and 4 if we can't get to the first step. Who created  
4 the Notice of Recorded Documents System, and internal  
5 IT or a consultant, and how much did it cost to  
6 create if you happen to have that?

7 ASSISTANT COMMISSIONER HILL: I don't  
8 have those figures what it cost, but it was all done  
9 internally?

10 CHAIRPERSON FERRERAS-COPELAND:  
11 Internally?

12 ASSISTANT COMMISSIONER HILL: Yes.

13 CHAIRPERSON FERRERAS-COPELAND: And it's  
14 manage internally?

15 ASSISTANT COMMISSIONER HILL: And it's  
16 managed internally?

17 CHAIRPERSON FERRERAS-COPELAND: So, if,  
18 you know, because if every New Yorker that owns a  
19 property is watching this hearing right now and they  
20 want to register right now, we have the capacity to  
21 handle registering an uptick in property?

22 ASSISTANT COMMISSIONER HILL: Yeah, so  
23 registration is done online, and we—we only have to  
24 send a notice if something transpires on the  
25 property. So, even if there's over a million

2 properties, the reality to that there's something  
3 being transferred every day on the property is very  
4 small.

5 CHAIRPERSON FERRERAS-COPELAND: Right.  
6 So, what capacity—I'm saying right now your system is  
7 taking oversight of about 49,000 properties. If we  
8 get to the opt-in project that you would have to do,  
9 does the system currently have the capacity--and you  
10 might not be ready to answer this questions—to be  
11 able to register a million properties?

12 ASSISTANT COMMISSIONER HILL: I would  
13 have to check with IT, but I—I would have to say to  
14 this because out of the responses we get about 90–90%  
15 is done by emails. So, it's not a physical we have  
16 to send them mail and do it for, you know.

17 CHAIRPERSON FERRERAS-COPELAND:  
18 [interposing] Okay, I just want you to have—we're  
19 going to follow up--

20 ASSISTANT COMMISSIONER HILL: Okay.

21 CHAIRPERSON FERRERAS-COPELAND: --on this  
22 question because I do think you have to circle back  
23 with IT.

24 ASSISTANT COMMISSIONER HILL: Absolutely.

2 CHAIRPERSON FERRERAS-COPELAND: We have  
3 had very daunting processes just to change the  
4 smallest thing, and I'm concerned about capacity once  
5 you we are able to change this into an opt-in-an opt-  
6 out, and opt-out. Sorry, an opt-out process. I have  
7 a couple of other questions, but I do want to give my  
8 colleagues an opportunity to ask theirs and I'll  
9 circle back. So, we'll hear from Council Rosenthal  
10 followed by Council Member Vallone.

11 COUNCIL MEMBER ROSENTHAL: Thank you so  
12 much, Chair Ferreras-Copeland, and thank you for all  
13 your hard work. I just want to—I'm trying to compare  
14 some of the information that the Commissioner gave a  
15 few months ago compared to where we are today. So, I  
16 just want to double check some of the data. On page—  
17 at the top of page 2, you say: Since July 2014, when  
18 we increased our focus on the issue, more than 1,900  
19 from the—three cases have been referred to the  
20 Sheriff's Office. So, since July '14 until when?

21 SHERIFF JOE FUCITO: To when we prepared  
22 this report, which was three weeks ago.

23 COUNCIL MEMBER ROSENTHAL: So, it's fair  
24 to say October '17 or end of September?

25 SHERIFF JOE FUCITO: Yes.

2 COUNCIL MEMBER ROSENTHAL: Okay. What's  
3 interesting to me is that as from July '14 to  
4 February '16, which was the original--at the hearing  
5 was the data that the Commissioner reported on.  
6 There have been 1,100 cases referred to your office  
7 and then now adding on another year and a half,  
8 there's an additional 800 cases. Do you think that  
9 the number referred to your office has increased over  
10 the last year or two or--?

11 SHERIFF JOE FUCITO: It--it remained  
12 steady in the sense that--

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 Okay.

15 SHERIFF JOE FUCITO: --we were estimating  
16 about a thousand a year, even though one year it's  
17 1,200 and one year it's 800. (coughs) What we see is  
18 that message is getting out. We try to record what  
19 methodology the person came to us under. Were they  
20 referred to by the District Attorney's Office? Did  
21 they receive a notification from the Department of  
22 Finance? So, we do ask people how did they find out.  
23 You know, what--what made them wake up and come to our  
24 office because that's part of the investigative  
25 process. (coughs) What we see, though, and I--I'm



2 sure you've asked this question is a lot of people  
3 that believe that they're the subject of deed fraud,  
4 they may have been defrauded, but it may not rise to  
5 the level of a criminal fraud--

6 COUNCIL MEMBER ROSENTHAL: Great.

7 SHERIFF JOE FUCITO: --and I'll get into  
8 more details if you want, but we—we do have a lot of  
9 disputes between family members where they're—they're  
10 fighting over property, which is a large volume. A  
11 lot of people do make these allegations against one  
12 another [door bangs] and then we also have  
13 unfortunately, the situations where the person was  
14 not savvy enough to understand the business deal that  
15 they were involved in and they signed over the  
16 property ,and while no crime occurred, it really is a  
17 tragedy.

18 COUNCIL MEMBER ROSENTHAL: So, that  
19 explains the difference between the number of cases  
20 referred to your office and the number of cases  
21 pursued criminally?

22 SHERIFF JOE FUCITO: (coughs) Correct and  
23 we also have—we have people coming forward making  
24 complaints. When we started our investigation,  
25 people came forward and made complaints, but

2 unfortunately, the statute of limitations had already  
3 expired. We have a small period of time, about four  
4 years at the maximum to act on these cases. So, if  
5 somebody sits on a matter for more than four years,  
6 the statute of limitations for a criminal case has  
7 elapsed.

8 COUNCIL MEMBER ROSENTHAL: So, it sounds  
9 like you guys started the Notice of Recorded  
10 Documents at about two years ago. How—how many  
11 people have signed up?

12 ASSISTANT COMMISSIONER HILL: Actually,  
13 the Notice of Recorded Documents started in 2011.

14 COUNCIL MEMBER ROSENTHAL: In 2011?

15 ASSISTANT COMMISSIONER HILL: It—it was  
16 implement—it was implemented like July of 2010, but  
17 it was full force in 2011. As of this morning when I  
18 looked at the last numbers, there was 91,000  
19 registered so on this notification.

20 COUNCIL MEMBER ROSENTHAL: 91,000  
21 registered. How many people walked in the door and  
22 chose not to register do you think?

23 ASSISTANT COMMISSIONER HILL: I don't—I  
24 would not be able to give you that number. I'm sorry

2 because people do it on line and they choose—I can't  
3 tell you which—who walked in and chose not to do it.

4 COUNCIL MEMBER ROSENTHAL: Okay. Great,  
5 but you could automatically do it at the time?

6 ASSISTANT COMMISSIONER HILL: You—you  
7 could—you could do it at any time. You don't have to  
8 wait for something be reported. You could go online  
9 at any time and register to receive notification.

10 COUNCIL MEMBER ROSENTHAL: Okay, for  
11 those who have signed up, how do you think they heard  
12 about it?

13 ASSISTANT COMMISSIONER HILL: We do quite  
14 a bit of outreach when we started, and we continue  
15 doing outreach. In the beginning we—we were sent  
16 notices with our mailings. It's the—it's on our  
17 website. When we go in to record a document, it's  
18 right there. When we've asked people, a lot of them  
19 have told us because when they recorded something at  
20 the point a letter was received from us, or they've  
21 into the Sheriff's Office and the Sheriff has  
22 encouraged them for information. So, that's—that's  
23 usually how people do it, word of mouth or from our  
24 website.

2 COUNCIL MEMBER ROSENTHAL: And so, you  
3 sent—you sent, your counsel at DOF has sent out one  
4 notice about this on a property tax form. Is that it  
5 or--?

6 ASSISTANT COMMISSIONER HILL: We have  
7 identified this since the beginning. We've sent it.  
8 We have put notices in our billing statement when the  
9 problem first started to notify people about this.  
10 We have flyers that we sent out. Also from the  
11 city's Register's Office we have put notices with all  
12 our recordings to let them know this is available.  
13 It's been—it's on our website. We've also changed  
14 and added it to the ACRIS system. So, if someone  
15 goes into check on their property, it comes up  
16 automatically telling you that this is available, and  
17 you could register.

18 COUNCIL MEMBER ROSENTHAL: Is it  
19 systematic now that every year like once a year on  
20 the billing it's—that language is included--

21 ASSISTANT COMMISSIONER HILL:  
22 [interposing] It's not systematic. No.

23 COUNCIL MEMBER ROSENTHAL: It's not  
24 systematic. No.

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2 CHAIRPERSON FERRERAS-COPELAND: [off mic]  
3 [interposing] I just have one question. (sic)

4 COUNCIL MEMBER ROSENTHAL: please.

5 CHAIRPERSON FERRERAS-COPELAND: [on mic]  
6 Thank you, Council Member. So, is this—so I just  
7 want for clarity in six years, we've been able to  
8 register 91,000 properties.

9 ASSISTANT COMMISSIONER HILL: We have 91  
10 registrations, yes.

11 CHAIRPERSON FERRERAS-COPELAND: In six  
12 years?

13 ASSISTANT COMMISSIONER HILL: In six  
14 years.

15 COUNCIL MEMBER ROSENTHAL: With a million  
16 properties out there?

17 CHAIRPERSON FERRERAS-COPELAND: [off mic]  
18 Thank you.

19 COUNCIL MEMBER ROSENTHAL: Oh, no thank  
20 you, and actually it would be interesting to see the  
21 trend on that. If you could see the numbers  
22 registered every year. Is that possible? Okay. So,  
23 what would happen—how many people—what happens after  
24 they sign up, and they get a notice of filing that  
25 they don't recognize, what happens then?

2 ASSISTANT COMMISSIONER HILL: After  
3 they've signed up and they receive a notice—after  
4 they've signed up, if something transpires and it's  
5 an interest in their property, we get from the sale  
6 and this has happened. In the notice it tells them  
7 if you know about this, you do nothing because you  
8 know of this transaction. However, if you have a  
9 question about the notice, go online and you look at  
10 the ACRIS system, and contact the Sheriff's Office  
11 immediately or come into one of our offices through  
12 the City Register Office for additional information.

13 COUNCIL MEMBER ROSENTHAL: So, how many  
14 times do you think you've sent that letter out? In  
15 other words of the 91,000 who have registered,  
16 something.

17 ASSISTANT COMMISSIONER HILL: Since we've  
18 started doing the automatic notification once a  
19 document has been recorded, we record over for deed  
20 transfers over 90,000 documents a year give or take.  
21 So, I'll say it goes out at least 90,000 times a year  
22 with each recording.

23 COUNCIL MEMBER ROSENTHAL: Over 9,000  
24 times?

2 ASSISTANT COMMISSIONER HILL: 90,000  
3 documents, deed recording per year. So, each--each  
4 deed recording that goes out the letter goes the  
5 letter goes out following them. It goes in the  
6 transfer and you can now register if you're not aware  
7 of it. So, I'll say about that--

8 COUNCIL MEMBER ROSENTHAL: Sure.

9 ASSISTANT COMMISSIONER HILL: --that's an  
10 automatic registration.

11 COUNCIL MEMBER ROSENTHAL: [interposing]  
12 Sure. So now, let's say somebody is registered

13 ASSISTANT COMMISSIONER HILL: Uh-hm.

14 COUNCIL MEMBER ROSENTHAL: How many times  
15 has it happened that a letter has gone to them saying  
16 there's a property transfer? In other words, if the  
17 reg-by registering it triggers something right, it-it  
18 means--

19 ASSISTANT COMMISSIONER HILL:  
20 [interposing] Yeah, it only.

21 COUNCIL MEMBER ROSENTHAL: Yes.

22 ASSISTANT COMMISSIONER HILL: I'm sorry.  
23 I didn't mean to interrupt, but you only get a  
24 notification if another--something else is registered  
25 against your property.

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2 COUNCIL MEMBER ROSENTHAL: How many times  
3 has that happened?

4 ASSISTANT COMMISSIONER HILL: I would  
5 have to look and see for each property how often  
6 something has trans--transferred on that particular  
7 property. I can't tell you.

8 COUNCIL MEMBER ROSENTHAL: I don't need  
9 to know by property. I just want to know in total.

10 ASSISTANT COMMISSIONER HILL: I don't  
11 have this ability how many times we sent it to each  
12 property and it has been registered on a property. I  
13 don't have that information if that's what you're  
14 asking.

15 COUNCIL MEMBER ROSENTHAL: [interposing]  
16 I'm just wondering how the system works--

17 ASSISTANT COMMISSIONER HILL: Uh-hm.

18 COUNCIL MEMBER ROSENTHAL: --and then  
19 when it worked, how many of the letters that's been  
20 sent out, how many people have then contacted the  
21 Sheriff's Office to say, Ooh, I got a letter some--  
22 saying something is going on with my property. No, I  
23 haven't done anything. So, what's going on here?

24 SHERIFF JOE FUCITO: We don't keep track  
25 of it. I don't have those figures. What we do look



2 at is we increased numbers of call-ins based upon the  
3 mailing that they received, and a lot of times we're  
4 able to dismiss the complaint very early on. That's  
5 why our complaint dismissal rate is-is high because  
6 somebody calls up because they did a re-refinance.  
7 Because that transaction affects their real property,  
8 it triggers the notification.

9 COUNCIL MEMBER ROSENTHAL: And so,  
10 you're-you're online. So, exactly what I'm trying to  
11 figure out is how many times has something  
12 straightforward like that, how many times is it not  
13 straightforward? In fact something--

14 SHERIFF JOE FUCITO: [interposing] We  
15 haven't collected data on that in the Sheriff's  
16 Office.

17 COUNCIL MEMBER ROSENTHAL: Before it has  
18 happened. So you don't know about the success of the  
19 program?

20 SHERIFF JOE FUCITO: No, no. I can't  
21 tell you how many times that complaint triggered  
22 something that was going to be something larger.  
23 Many times the trigger for the program is simply that  
24 the property, there was a refinance, they're notified  
25 of it or, what we have had is people who are part

2 owners of a piece of property. So, you and I own a  
3 piece of property together, and then I—one of the  
4 partners sell their interest. Because you have an  
5 interest in the property, you would get notice. It's  
6 not a fraudulent transaction. It's legitimate, but  
7 because the notice is triggered based upon any effect  
8 of your real property, you'll receive a notice on it.

9 COUNCIL MEMBER ROSENTHAL: Okay. It-it  
10 strikes me, though, it would be worth knowing the  
11 success of what your program is. It makes common  
12 sense. It's sort of obvious that it would be  
13 important. Okay. So, if someone has been victimized  
14 by a fraudulent deed filing, so now it's-it's a  
15 criminal situation, what services does DOF or the  
16 city offer to that person?

17 SHERIFF JOE FUCITO: (coughs) Well, we  
18 have a criminal investigation, which will conclude if  
19 we make an arrest, and-and refer the matter to the  
20 District Attorney's Office. We do the follow up  
21 trial investigation for the DA if any of the evidence  
22 is needed while the trial is going on if the DA needs  
23 a witness or something else develops during the trial  
24 that the DA would like to know, that matter is  
25 referred to the Sheriff's Office. The actual

2 getting the property back into a person's hands isn't  
3 in the role of the sheriff in this format. There is  
4 a method, but it's more ministerial in nature, and I  
5 don't have any mech—I'm not involved in the mechanics  
6 of it. I'm involved in the conclusion of it.

7 COUNCIL MEMBER ROSENTHAL: How many cases  
8 have you—how many cases have you brought where you've  
9 said something fraudulent is going on?

10 SHERIFF JOE FUCITO: We've made 37  
11 arrests where--

12 COUNCIL MEMBER ROSENTHAL: [interposing]  
13 That's right.

14 SHERIFF JOE FUCITO: --we were able to  
15 prove that there was--

16 COUNCIL MEMBER ROSENTHAL: Right.

17 SHERIFF JOE FUCITO: --a criminal  
18 activity in the transfer.

19 COUNCIL MEMBER ROSENTHAL: So, the  
20 completed cases with the DA was 96 and the arrests  
21 was 37 or the property is 54.

22 SHERIFF JOE FUCITO: Uh-hm.

23 COUNCIL MEMBER ROSENTHAL: Let's assume  
24 that the important numbers to look at are sort of

2 completed cases, 96 minus 54, what happens to the  
3 other 40 people, 40 companies?

4 SHERIFF JOE FUCITO: You're—you're mixing  
5 apples and oranges?

6 COUNCIL MEMBER ROSENTHAL: Good, okay.

7 SHERIFF JOE FUCITO: The number of cases  
8 and the number of people arrested and the number of  
9 the properties they're all permutations. They're not  
10 one for one for one for one.

11 COUNCIL MEMBER ROSENTHAL: Okay.

12 SHERIFF JOE FUCITO: Because if we arrest  
13 one person--

14 COUNCIL MEMBER ROSENTHAL: [interposing]  
15 How many don't succeed so that somebody never gets  
16 their property back?

17 SHERIFF JOE FUCITO: The issue is even if  
18 we conduct a criminal investigation, the person may  
19 never get their property back. That's why it's not a  
20 piece of data that we actually track. Our role is to  
21 show that there's probable cause and build a criminal  
22 case. Once we have done that, we have no mechanism  
23 to get the property back into the person's hands. The  
24 mechanism to get the property back into the person's  
25 hands is for the person to go to court.

2 COUNCIL MEMBER ROSENTHAL: I got you.

3 SHERIFF JOE FUCITO: Yes.

4 COUNCIL MEMBER ROSENTHAL: So, you never  
5 hear back from the DA's Office whether or not  
6 something has gone back into the person's hands?

7 SHERIFF JOE FUCITO: We do if it's part  
8 of the plea bargain. We had a particular case where  
9 one party instead of—in lieu of going to jail was  
10 willing to transfer the property back to the victim,  
11 but that was two pieces of property and it was  
12 involving one arrest that we made, and that's a small  
13 percentage.

14 COUNCIL MEMBER ROSENTHAL: So, two were  
15 plea bargains so you know it went back, and the—all  
16 the rest you don't know. What boroughs were those  
17 in?

18 SHERIFF JOE FUCITO: Brooklyn.

19 COUNCIL MEMBER ROSENTHAL: What's those  
20 three? (sic)

21 SHERIFF JOE FUCITO: Brooklyn.

22 COUNCIL MEMBER ROSENTHAL: So, for—of the  
23 96, we don't know about 94?

24

25

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2 SHERIFF JOE FUCITO: Correct. Again, we  
3 don't keep data on it if the person gets their  
4 property back or not.

5 COUNCIL MEMBER ROSENTHAL: You  
6 hypothetically as DOF couldn't you know, couldn't you  
7 do run today that we sent over 96 cases and in those  
8 cases XYZ person was listed as the property owner and  
9 then do a run today to see who is listed as the  
10 property owner?

11 SHERIFF JOE FUCITO: Are—are you asking  
12 us to do this?

13 COUNCIL MEMBER ROSENTHAL: I would think  
14 you'd want to know--

15 SHERIFF JOE FUCITO: [interposing] Well--

16 COUNCIL MEMBER ROSENTHAL: --whether or  
17 not it went back into the hands of the--

18 SHERIFF JOE FUCITO: [interposing] The  
19 mindset of the Sheriff's Office is very, very clear.  
20 We're ministerial in nature meaning that we carry out  
21 the exact measure of the law that we're support to  
22 where we act within the parameters of the law. We  
23 generally don't go beyond our role because our  
24 resources are very small, and the New York City

25

2 Police Department is 30,000, the New York City  
3 Sheriff's Office is 188.

4 COUNCIL MEMBER ROSENTHAL: Yes.

5 SHERIFF JOE FUCITO: So our-our role is--

6 COUNCIL MEMBER ROSENTHAL: [interposing]

7 To find any--

8 SHERIFF JOE FUCITO: --to carry out the  
9 mandate.

10 COUNCIL MEMBER ROSENTHAL: I guess my  
11 point and disappointment--I'm sorry, I'm looking a  
12 little bereft, is-is it's another example of the city  
13 thinking in their siloes where, you know, agency  
14 siloes versus from the residents' point of view of,  
15 you know, across all agencies. It has nothing to do  
16 with what you're doing. You're doing an amazing job.

17 SHERIFF JOE FUCITO: Uh-hm.

18 COUNCIL MEMBER ROSENTHAL: I appreciate  
19 all the work you do. For seniors who can't sign up  
20 on the Internet, do they have better ways of signing  
21 up?

22 ASSISTANT COMMISSIONER HILL: Yeah, there  
23 is paper form that they could mail in or if they  
24 happen to walk into an office they could be assisted.

2 COUNCIL MEMBER ROSENTHAL: Okay, is there  
3 any reason somebody wouldn't want to be getting this  
4 information? It is something annoying to get the  
5 information? Like why not make it an opt-out system?

6 ASSISTANT COMMISSIONER HILL: I can't  
7 speak for what a person would want or want to do, but  
8 I will let you know we've had some people who have  
9 been ignored as we actually sent a notice telling  
10 them something transpired. So, not everybody likes  
11 to receive, you know, paper and this notification,  
12 but I can't say as far as to why, you know, if they  
13 would not want to get it.

14 COUNCIL MEMBER ROSENTHAL: Okay, thank  
15 you so much. Thank you, Chair.

16 CHAIRPERSON FERRERAS-COPELAND: Okay,  
17 thank you, and I guess those would be the people that  
18 opt out, right, if they're annoyed of getting paper,  
19 but if you don't know-~~anyway~~- So, I just wanted to  
20 follow up and just for clarity because this committee  
21 in particular, and I'm sure also in the Aging  
22 Committee and the Senior Centers Subcommittee you  
23 can't(sic) have an opportunity to speak to a district  
24 attorney. I am, and I know this has nothing to do  
25 with it. You don't even have to respond, but I think



2 it's—it's incredibly daunting, and I don't even have  
3 a word to express that you can plea bargain to give  
4 someone their house back for no time. Like you  
5 committed a crime, you stole my house and the big  
6 plea deal is oh, please get out and then we're okay.  
7 And I—I'm not saying I know what your role is. I  
8 know you just showed this is a case to investigate,  
9 but I've got to tell you how frustrating it is from  
10 our end because we have to give constituents a  
11 response and it's horrible that that's where we are,  
12 and I know we've come a long way because I think that  
13 in many cases we weren't even seeing these cases when  
14 they're brought up, or there wasn't enough  
15 investigative work. So, I applaud you for your  
16 collection angle of it, right, because you want to  
17 put the best, give them the best tools and the best  
18 case. But I do believe as committee members, even  
19 beyond January when I'm not here, that you could  
20 remember to put—to put some questions and pressure on  
21 the DAs because I think that that is not fair that  
22 part of the deal is that you get to leave the  
23 property and then you don't do any time. I don't  
24 know. That's just me kind of being boisterous.  
25 Council Member Vallone, please.

2 COUNCIL MEMBER VALLONE: Thank you, madam  
3 and Sheriff Fucito and Commissioner thank you very  
4 much. You're knowledge makes this hearing that much  
5 better so we're getting the exact answers that we  
6 need. I don't think we've—I think we have a two—a  
7 two-step process. One ins creating a new and better  
8 process to protect owners who are unaware because  
9 clearly based on the testimony, those who are aware  
10 and are part of these programs voluntarily are the  
11 ones that are usually protected. So, our goal is to  
12 now create a system for those who aren't voluntarily  
13 participating in the NRD Program or another program  
14 to then get some type of trigger notice, not the  
15 traditional notice because I do get a lot of  
16 homeowners who are upset with all the different mail.  
17 But if there were to get a notice saying hey a deed  
18 has been filed. Did you consent to this, I don't  
19 think they'd get upset over that one. So, I think  
20 our—our goal is to create a new system in place to  
21 protect existing homeowners so that we protect the  
22 most vulnerable like you just said. And then Sheriff  
23 if I'm interested in—it seems like you had some  
24 testimony as to the protection and the handing off to  
25 the District Attorney as to ways we can either

2 increase fines or with the criminal existing statutes  
3 to tighten them up. So, let me—let me start with  
4 first one. Would—would there be opposition to  
5 requiring and mandating the NRD be provided at notice  
6 at a closing to a homeowner or that the Department of  
7 Finance provide a homeowner documents of owners'  
8 rights at any type of transfer so that they could  
9 mandatorily be part of this process, especially the  
10 Notice of Recording?

11 SHERIFF JOE FUCITO: I would have to talk  
12 to the Commissioner about the IT component and  
13 obviously the cost, but the Commissioner is always  
14 willing to listen to issues that help the community.

15 COUNCIL MEMBER VALLONE: Yeah, because  
16 I'll give you a similar scenario. We had a hearing  
17 on mandating restrictive covenants, and the same  
18 problem came up as homeowners weren't aware that there  
19 were restrictive covenants. So, we were trying to  
20 think well could we make them aware, and the  
21 Department of Finance came up with a great new  
22 recording at the time of ACRIS a box that says, is  
23 there a restrictive covenant on the property, but the  
24 problem is the title companies aren't requiring it.  
25 So, that's a separate issue. So, I'm looking at

2 creating a mandate that must be followed upon the  
3 transfer of property and then a subsequent one. So,  
4 I think a statute requiring that you must be part of  
5 the program with some type of opt-out provisions if  
6 you can would be a great step. I think that would be  
7 a good one. And then, Sheriff, you had mentioned the  
8 statute of limitations. Like my head is abuzz with  
9 different legislation ideas and writing them. (sic)  
10 This is what happens when you have a lawyer on it.  
11 So, I'm thinking similar to other more egregious  
12 matters that we ask Albany to stay the statute of  
13 limitations and it doesn't start until notice is  
14 received by the land owner that some type of fraud  
15 may have occurred. So, hold against them the statute  
16 of limitations that they didn't know exists, is  
17 certainly fair to any homeowner because they didn't  
18 know the fraud occurred on their house until either  
19 you come knocking or someone tells them hey, there's  
20 a foreclosure.

21 SHERIFF JOE FUCITO: I agree with you. I  
22 think the complexity will be how to narrow it down to  
23 the specific field because we don't charge a person  
24 with deed fraud. We charge them with various levels  
25 of larceny. We charge them with filing false

2 instruments. So, this—when—when we successfully  
3 prosecute, when the district attorney successfully  
4 prosecutes someone, it's—it's, you know, the—the  
5 caption is it's for deed fraud, but then that's—  
6 that's not what they're convicted of. They're  
7 convicted of other offenses, and those offenses  
8 usually capture more than just deed fraud. Larceny  
9 obviously captures all different types of theft.  
10 Grand larceny captures all different types—

11 COUNCIL MEMBER VALLONE: [interposing]  
12 There's no existing criminal statute specifically  
13 covering defraud or—or--

14 SHERIFF JOE FUCITO: [interposing]  
15 There's no—there's no specific fraud related crime.  
16 It's grand larceny for obviously the property value,  
17 and then there's all the various filing of false  
18 instruments with a government agency. So, if the  
19 documents that you filed were fraudulent, we charge  
20 you. There are perjury charges.

21 COUNCIL MEMBER VALLONE: Could I ask for  
22 your assistance in in providing what those existing  
23 larcenies and crimes that occur?

24 SHERIFF JOE FUCITO: Yes, it's general  
25 penal law. We'd have to go through it on the

2 different charges, but they're just the various penal  
3 law charges of grand larceny, that--that are depending  
4 on the property value. Over a certain amount of  
5 money, it's a certain level of grand larceny.

6 COUNCIL MEMBER VALLONE: I would think  
7 that most--most properties in the city trigger grand  
8 larceny because of their level.

9 SHERIFF JOE FUCITO: Yes, absolutely.  
10 Most trigger--most real properties do, but then there  
11 are different levels of grand larceny depending on  
12 how high a value the property is worth.

13 COUNCIL MEMBER VALLONE: So, you think  
14 there's room there to tighten up or expand what  
15 those--

16 SHERIFF JOE FUCITO: [interposing]  
17 There's--

18 COUNCIL MEMBER VALLONE: --signs and  
19 criminal statutes are?

20 SHERIFF JOE FUCITO: There's always room  
21 to modify the law, but again it relies on Albany to  
22 change these--these laws and add these certain  
23 provisionally.

24 COUNCIL MEMBER VALLONE: Well, we can--we  
25 can start the process.

2 SHERIFF JOE FUCITO: [interposing] We can  
3 do it now where we can add to this issue.

4 COUNCIL MEMBER VALLONE: We could start  
5 the process with misdemeanors, but when it comes to  
6 felonies and larger, then we have to go to it wide  
7 (sic) so correct. We could probably take a two-step  
8 process on that. So, I'd like to--to follow up with  
9 that. I think that would be important--

10 SHERIFF JOE FUCITO: [interposing]  
11 Certainly.

12 COUNCIL MEMBER VALLONE: --on--on those.  
13 How many cases did you--there's the 96 and the 37  
14 going back and forth, but you had some--some of them  
15 didn't reach the level.

16 SHERIFF JOE FUCITO: What?

17 COUNCIL MEMBER VALLONE: And that's what.  
18 You said some of them didn't reach the level of  
19 triggering the fraud investigation.

20 SHERIFF JOE FUCITO: Correct.

21 COUNCIL MEMBER VALLONE: That got my ears  
22 also. So, how many did come into your unit in total  
23 because the ones that you--

24 SHERIFF JOE FUCITO: [interposing] We--we  
25 took in 1,973 cases, and 1,119 we were not able to

2 show some level of criminal activity or the statute  
3 of limitations has expired. We were not able to  
4 bring it to an arrest. We were not able to show that  
5 there was criminal activity.

6 COUNCIL MEMBER VALLONE: Alright, those  
7 are two big differences, the statute of limitations  
8 versus meeting the limit--the limits of--the  
9 requirements of criminal theft. Do you have the  
10 difference between those? If you were to eliminate  
11 the statute of limitations?

12 SHERIFF JOE FUCITO: I--I don't have that  
13 figure because early on in the process, we look at  
14 the statute of limitations. So, if somebody comes in  
15 and says, you know--

16 COUNCIL MEMBER VALLONE: [interposing]  
17 Did you get that subsequent data? I think that would  
18 be important for us. If we can remove the statute--

19 SHERIFF JOE FUCITO: [interposing] I  
20 believe we could--we'd--we'd have to do a little  
21 digging to get it. If this is something important,  
22 we'll dig and look and see how many that were able to  
23 say, but we never make a conclusive finding that  
24 there's no fraud because somebody may want to bring a  
25 civil action against the party, and we don't want to



2 damage their ability to try to recover the property.  
3 So, our position has always been if we can prove  
4 criminal intent, we bring it to the District  
5 Attorney. If we're unable to prove criminal intent  
6 we remain silent.

7 COUNCIL MEMBER VALLONE: Well, that's why  
8 I think your too friendly amendments were right on  
9 point. We think there's a place where we don't want  
10 to get involved except if it's a separate civil  
11 action. Richmond County has a separate recording  
12 process. I think that's important. So, I don't  
13 think we have any opposition to the amendments.  
14 Commissioner, I saw you stepped up. Did you want to  
15 add in on any--?

16 SHEELAH FEINBERG: Oh, hi. I'm Sheelah  
17 Feinberg at Department of Finance. I guess I just  
18 wanted to clarify a few things that have come up in  
19 this hearing, and one was this number of the million  
20 properties, and it's true DOF assesses over a million  
21 properties. But where we see the case deed fraud  
22 occurring are in the Class 1 properties, single-  
23 family homes, and mostly in predominantly gentrifying  
24 neighborhoods. So I just wanted to give a little bit

2 more context to those numbers that were discussed  
3 earlier.

4 CHAIRPERSON FERRERAS-COPELAND: [off mic]  
5 Thank you. [on mic] Can you— Class 1, how many are  
6 we at?

7 SHEELAH FEINBERG: I know you were going  
8 to ask me that, and I don't have that number for you  
9 but I'll will get it for you.

10 CHAIRPERSON FERRERAS-COPELAND:  
11 [interposing] You should have Googled it.

12 SHEELAH FEINBERG: I know, I should have  
13 Googled, but I—I—it was—

14 CHAIRPERSON FERRERAS-COPELAND: Can you  
15 just give us—I—I won't hold you to it, but a  
16 guesstimation? [off mic]

17 SHEELAH FEINBERG: I would say—I'm  
18 looking at Annette. Where would you say?

19 ASSISTANT COMMISSIONER HILL: For that I  
20 would say about 300,000.

21 SHEELAH FEINBERG: Yeah, about 300,000.

22 CHAIRPERSON FERRERAS-COPELAND: 300,000.  
23 Yeah. You see so those numbers are little bit  
24 better. I don't love them, but I'm going to try.

2 SHEELAH FEINBERG: I know you don't love  
3 them, but I wanted to give you a little bit more  
4 context.

5 CHAIRPERSON FERRERAS-COPELAND: Yes.  
6 Okay. So about 300,000 properties and we have about  
7 91,000.

8 SHEELAH FEINBERG: So maybe about a third  
9 are registered in our program right now.

10 CHAIRPERSON FERRERAS-COPELAND: Okay,  
11 it's still not great, but better. [laughter]  
12 Alright.

13 COUNCIL MEMBER VALLONE: Well, that's-  
14 that's why Queens, you know, my district in Northeast  
15 Queens is all single-family. It's-it's one of the  
16 prevalent topics especially with my seniors as to the  
17 fraud committed upon them because they owned the  
18 property for such a long period of time. A husband  
19 and wife may have die, their surviving spouse is  
20 completely unaware of the deed that's existing or  
21 what their rights are and then the next case is the  
22 kids who inherit or the grandkids inherit have no  
23 idea the percentage of ownership that each one has,  
24 what their rights are, or if one decides to  
25 unscrupulously try to sell it or transfer it without

2 their knowledge. Those are the two main things we're  
3 things we're trying to prevent and/or assist in my  
4 estimation.

5 SHEELAH FEINBERG: And I would just add  
6 to that and we do—we do hear those cases about the  
7 heirs disputing the rights to properties. And the  
8 other thing that I wanted to add is that we, the  
9 Department of Finance has a very robust outreach  
10 team, and we are happy to go to Council districts.  
11 We're happy to come to you to talk about our Defraud  
12 Program, the work that we are doing. We have a  
13 brochure that we are also revamping. I know that we  
14 did a town hall with Council Member Cornegy, and  
15 we're happy to do another town hall.

16 COUNCIL MEMBER VALLONE: Is there any  
17 requirement upon the death of a homeowner on the  
18 Department of Finance to send a notice to the  
19 surviving owners?

20 SHEELAH FEINBERG: Not currently that I  
21 know of.

22 COUNCIL MEMBER VALLONE: I think that's  
23 going to be a subsequent bill. I think that would  
24 help. I think once a death certificate or notice of  
25 death is received by the city, a notice should go out

2 to the surviving owners that Uncle Smith, you know,  
3 it wouldn't be your responsibility to—other than just  
4 notifying the remaining homeowners that one of the  
5 owners have passed.

6 ASSISTANT COMMISSIONER HILL: Well,  
7 there's no requirement. DOF does not do that, and we  
8 didn't always have information of the death of a  
9 registered owner right away.

10 COUNCIL MEMBER VALLONE: Okay, thank you,  
11 Madam Chair. Thank you for your help to us.

12 CHAIRPERSON FERRERAS-COPELAND: Thank  
13 you, actually Council Member Rosenthal had a question  
14 and it was about have any Class 2 properties ever—or  
15 any other of the other classes seen defraud or is it  
16 just in Class 1?

17 SHEELAH FEINBERG: I'm pretty sure.

18 SHERIFF FUCITO: I believe we had—I—we'd  
19 have to go back and check. We have every piece of  
20 property. I don't want to say that we had or we had  
21 two and we had

22 CHAIRPERSON FERRERAS-COPELAND:

23 [interposing] Right.

24 SHERIFF FUCITO: --more than that, but we  
25 do have the numbers of properties and their

2 addresses. So, we could easily check what category  
3 of property.

4 CHAIRPERSON FERRERAS-COPELAND: You'd  
5 that, thank you.

6 SHERIFF FUCITO: That's easy.

7 CHAIRPERSON FERRERAS-COPELAND: Can you  
8 just—Let's have Council Member Cornegy, too, and then  
9 we can circle back on a second round. Council Member  
10 Cornegy.

11 COUNCIL MEMBER CORNEGY: Thank you, but  
12 to answer your question, in my district alone we've  
13 had several mixed-use properties that were under the  
14 fraud. Actually, we have one very—very prominent  
15 case right now happening. So, I want to start by  
16 saying thank.

17 CHAIRPERSON FERRERAS-COPELAND: [off mic]  
18 Well, that is equivalent. (sic)

19 COUNCIL MEMBER CORNEGY: No, I—I don't  
20 know that. I'm just saying in my district. So, and—  
21 and—and—and—and I feel kind of uniquely qualified to  
22 be in this conversation because as you all know that  
23 like district is the epicenter of gentrification and  
24 seemingly the epicenter for deed theft and deed  
25 fraud. I want to thank this entire panel because

2 I've worked with you significantly. I do want to  
3 give a special shout-out actually to—to our AG who's  
4 committed \$6 million to deed theft and deed fraud not  
5 just for my district, which I had hoped it would be.  
6 It's actually the entire state. So, it's a concerted  
7 effort that has taken place. So, in particular, you  
8 know, Sheriff Fucito, your office and, if—I would be  
9 remiss if I didn't mention Detective—

10 SHERIFF FUCITO: [interposing] Sergeant  
11 Russo.

12 COUNCIL MEMBER CORNEGY: --Sergeant  
13 Russo, with, too, so I may demonstrate and—and Tranno  
14 (sic) for on the ground working diligently to try to  
15 eradicate some of this going on. I want to give also  
16 a special shout-out to Finance who has worked  
17 diligently to pull or to flag short sales, and  
18 quitclaim deeds to check the validity of that because  
19 that was one of the things that was happening in my  
20 district. There were the se short sales that kept  
21 coming up, and that was a trigger, and so actually I  
22 want to really thank the Department of Finance for  
23 using that as a trigger and being able to do some  
24 investigation. There are a lot of—there are a lot of  
25 great things happening with the agencies in—in front

2 of us, and I just want to say as a Council Member and  
3 as the City Council way, I want to know what we can  
4 do more and sometimes its resource. I haven't heard  
5 that mentioned today. Sometimes there's more  
6 staffing. Sometimes there's not--there are other ways  
7 to get at this. You know, you guys coming out and  
8 doing a town hall, the aforementioned town hall in my  
9 district in my district raised awareness in my  
10 community and began--I know that there's an uptick in--  
11 in our ACRIS registrations. Right, I'm just saying  
12 that anecdotally, but people were so pleased with the  
13 information that they were given, that a lot of  
14 people including my family went and registered with  
15 ACRIS. So, I just--I--first of all, you know, I don't  
16 have a question. I just want to thank you guys for  
17 the work that you've done. Thank you for being here  
18 at the hearing. I want to thank the--the chair, and  
19 my colleagues for putting in legislation like this.  
20 It's going to take a collaborative effort to begin to  
21 stem the tide in this particular climate that we're  
22 in. So, thank you for your work. I look forward to  
23 continuing to work with you.



1 COMMITTEE ON FINANCE

65

2 CHAIRPERSON FERRERAS-COPELAND: Thank  
3 you. Council Member Rosenthal, I know you wanted to  
4 follow up

5 COUNCIL MEMBER ROSENTHAL: Sorry. I  
6 didn't mean to be so burning there in the question,  
7 but it would be interesting to know the number of  
8 times this has happened with other class properties.  
9 They were just saying in the Daily News stealing of  
10 the deeds where they owned Empire State Building for  
11 a short while just to sort of demonstrate how easy it  
12 was to do this. I think it took them 90 minutes.  
13 So, I think it's important to know this stuff and  
14 make—and to the extent that you can separate it out  
15 by commercial buildings, misuse—mixed—mixed-use  
16 buildings, multi-dwelling buildings, you know, that  
17 would be really helpful. Part of the reason we're  
18 asking is because I would wonder if there's a  
19 different mechanism for how those cases are pursued  
20 structurally compare to Class 1 property. [door  
21 bangs]

22 SHERIFF FUCITO: [off mic]

23 COUNCIL MEMBER ROSENTHAL: Okay, thank  
24 you very much.

25

2 CHAIRPERSON FERRERAS-COPELAND: Thank  
3 you. In the recent Mayor's Management Report it notes  
4 that the average time to record an index property  
5 document has been reduced by over two ways from 3-1/2  
6 days to about one day because Fiscal 2016 and '17 and  
7 according to the MMR, DOF has retrained staff to  
8 enable quicker review of a document. Now, I know  
9 that's something that if you look at it from  
10 timeliness and making sure that we're processing  
11 those and there's delay, it's a good thing. But, do  
12 we have any issues and concern or have you trained  
13 the staff in a way that we're not aggressively  
14 processing these documents and in that because we're  
15 going so fast missing something?

16 ASSISTANT COMMISSIONER HILL: Part of  
17 that-part of that retraining was actually creating a  
18 group within the City Register just to look at  
19 documents that are flagged. We've also put in our  
20 system we've put mechanisms the flag certain types of  
21 documents such as somebody who is a repeat who we've  
22 had people who have come in, and have tried to submit  
23 a document, which the sheriff is aware of that. So,  
24 we—we have that as a flag in the system. That comes  
25 up. The system actually flags it to the examiner so

2 it doesn't go through the process. We've made a--  
3 we've made a list of ongoing issues that we've seen  
4 such as quitclaim deeds. The system would flag that.  
5 So, the review process has been quicker, but we also  
6 have mechanisms in the system that alerts the  
7 reviewer not to go further and move that out of the  
8 review into special unit to do the review, and then  
9 refer to the sheriff as needed.

10 CHAIRPERSON FERRERAS-COPELAND: So, all  
11 the cases that are flagged--

12 ASSISTANT COMMISSIONER HILL:  
13 [interposing] Uh-hm.

14 CHAIRPERSON FERRERAS-COPELAND: --within  
15 this one day [door bangs] right, within your window,  
16 are then sent to another process within your  
17 department?

18 ASSISTANT COMMISSIONER HILL: Right,  
19 it's-it's a unit-it's-it's a unit that the recording  
20 is flagged that it needs additional review. It is  
21 removed from the whole recording system. I have a-I  
22 have staff that will go in and do the leg work the  
23 check the chain, look at the recording, look at the  
24 name, and will extend that package for further review

2 over to the sheriff where he will start looking at  
3 the other things within it?

4 CHAIRPERSON FERRERAS-COPELAND: And then  
5 just to correlate in these numbers, how many cases  
6 are flagged lets say a month, or how many cases [door  
7 bangs] or many cases have you flagged since you've  
8 implemented this new-- Because then the cases that  
9 are flagged should be reflected in some number at the  
10 sheriff's office, right?

11 SHERIFF FUCITO: Our reports. I don't  
12 have them h ere, but we have a report how many  
13 referred from the City Register, how many are walk-  
14 ins, how many came from the various district  
15 attorneys and other sources. So, we do keep that  
16 data. That's the--

17 CHAIRPERSON FERRERAS-COPELAND:  
18 [interposing] So, you'll share that with us --

19 SHERIFF FUCITO: [interposing] Yes.

20 CHAIRPERSON FERRERAS-COPELAND: --so we  
21 can better understand that process? Okay, thank you.  
22 [pause] I'm going to--I have some other questions,  
23 but they're all very technical, and I know we want to  
24 hear from the advocates, and those that have been  
25 here for--to give their testimony. So, I'm going to

2 follow up with the—with you in writing if you can get  
3 those back to me, I would really appreciate it  
4 because we're going to be looking at, you know,  
5 perhaps amending the current legislation to help  
6 reflect some of the things that we've found that  
7 we've discovered in our hearing today, or—or if we  
8 need to create more legislation or is this policy  
9 that can be done internally. You know, what's the  
10 fastest way that we can continue to protect and give  
11 you all the tools that you need to be able to do and  
12 continue the job that you're doing. So, I—I thank  
13 you for your work, and I think you for coming to  
14 testify. You have a lot of things to follow up with  
15 me on.

16 SHERIFF FUCITO: Yes. I wanted to make a  
17 closing, just a quick closing to some of the issues  
18 that you brought forward.

19 CHAIRPERSON FERRERAS-COPELAND: Sure.

20 SHERIFF FUCITO: (coughs) So, I know that  
21 at times it appears that we're agnostic. It's not.

22 CHAIRPERSON FERRERAS-COPELAND: [off mic]

23 SHERIFF FUCITO: No, I'm just saying you  
24 mentioned the silo matter. You did so, it has to be  
25 addressed. That's my role. I represent the city,

2 and you say is important to me, and I—I would and-and  
3 it is, it's very. It may not seem that I'm emotional  
4 because that's my job as sheriff is to be logical and  
5 look at these things. One of the things we try to do  
6 is act with precision. We know that there are a lot  
7 of criminal activity going on there. Yet we can't  
8 prove it, and as an officer of the court I can't lay  
9 that allegation unless I'm 100% certain, but we're  
10 not fools either. We do collect the data, and it is  
11 useful towards our other criminal investigations, but  
12 please do not believe in any way shape of form that  
13 that we're silent. I work with the City Register all  
14 the time. We work with five district attorneys,  
15 work with the Police Department, we work with the  
16 Council. It is very important for us if the message  
17 gets out that we are partners. The sheriff is a  
18 partner. We don't go it alone. That's what I wanted  
19 to conclude with.

20 CHAIRPERSON FERRERAS-COPELAND: Okay,  
21 well that's a good wrap-up. Okay, thank you very  
22 much. We will, like I said before you have a lot of  
23 follow-up, a lot of numbers to get back to me, and  
24 hopefully we can do that expeditiously. Thank you  
25 very much. We're going call up our next panel.

2 Okay, who is this? Okay, Jennifer Merin and Marcelle  
3 Negret, and we were joined by Minority Leader Van  
4 Bramer, Majority Leader Van Bramer [background  
5 comment, pause] [door bangs] Thank you for coming--

6 JENNIFER MERIN: Because he's shaking his  
7 heat at me, does that mean I'm speaking now.  
8 [laughs] I've never done this before. So, please  
9 bear with me.

10 CHAIRPERSON FERRERAS-COPELAND:  
11 [interposing] Oh, well, welcome to your home.

12 JENNIFER MERIN: Thank you.

13 CHAIRPERSON FERRERAS-COPELAND: And yes,  
14 you may begin to testify.

15 JENNIFER MERIN: Thank you.

16 CHAIRPERSON FERRERAS-COPELAND: You don't  
17 have anything in writing right?

18 JENNIFER MERIN: I don't

19 CHAIRPERSON FERRERAS-COPELAND: Okay,  
20 that's fine. We'll get it recorded and then it will  
21 be transcribed in the records.

22 JENNIFER MERIN: I and I can prepare  
23 something afterwards and submit it to you as well.

24

25

2 CHAIRPERSON FERRERAS-COPELAND: That  
3 would be great. So, you can just state your name for  
4 the record, and then you may begin.

5 JENNIFER MERIN: Yeah, my name is  
6 Jennifer Merin. I am the Merin whose family is  
7 reflected in them. I am the victim of a crime in New  
8 York City. The crime has completely disrupted my  
9 life, turned my situation completely upside down. I  
10 am very aware at this point that I am not the sole  
11 victim of this crime, and that my experience has  
12 brought me to the position of representing many other  
13 who have suffered a similar situation, victimization  
14 actually. When I walked in today, and I've never  
15 been in this building before, when I walked in today  
16 I noticed on the ceiling over the diocese: Of the  
17 people, by the people, for the people. This is a  
18 principle that I have grow up with. I grew up in  
19 this country. All of my civics classes and all of my  
20 experience led me to believe that that is a principle  
21 by which we live, and in this situation in this room  
22 I am the people, and that's why I feel it's important  
23 for me to speak up here, and to let you all know what  
24 it is that I've experienced and what that has taught  
25 me. And, I don't want to go on forever. It's a very



2 complex and long discussion this one, but starting  
3 from the outset, my family owned property it worked  
4 very, very hard to earn, and pay for. We were the  
5 exclusive owners of that property from the time it  
6 was built, and as I said, my family they were not  
7 wealthy people. They were hard working. They were  
8 responsible citizens. They came here with next to  
9 nothing like many of our families did, and  
10 contributed to this society, to the city, to this  
11 country with their hard work and their effort and  
12 their loyalty, and they accumulated generational  
13 wealth, which I was the recipient of until it was all  
14 taken from me. Our family's property was suddenly  
15 removed from my ownership without due cause, without  
16 any notification, and it happened because of the  
17 registration, the easy registration I will say of a  
18 fraudulent deed, a deed that was obviously fraudulent  
19 that from the moment I saw it, I could tell, and I'm  
20 not trained to do these things. I've never seen any  
21 kinds of deeds before. I'm not a lawyer. I'm not a  
22 politician. I'm not a statesperson. I am the  
23 people. That deed was registered without my  
24 knowledge, without any notification to me. I found  
25 out about because the city while having actually

2 given my property away or I would say aiding and  
3 abetting a criminal act by accepting a fraudulent  
4 deed without any inspection whatsoever. The City at  
5 the same time as having taken my property away from  
6 me was changing me taxes and water bills on it. So  
7 the city knew that this was my property to the extent  
8 that I could be billed by the Department of Finance  
9 for taxes and for water and utilities whilst the  
10 Department of Finance also removed the ownership of  
11 the property from me.

12 CHAIRPERSON FERRERAS-COPELAND: Uh-hm.

13 JENNIFER MERIN: I found this out because  
14 I got a water bill that was too high, and that  
15 prompted me to call the Water Department where I said  
16 what's going on here, and they pointed out that if it  
17 had been a leak the water use would be flat, and they  
18 pointed to—in the direction of the chart that clocked  
19 every six hours my water use, and that there was  
20 obviously turning on and turning off that was graphed  
21 on that chart, and that began the investigation. I  
22 called the police. I became a private investigator.  
23 I became a, you know, an advocate for myself, and  
24 eventually an advocate for a lot of other people.  
25 Fortunately, I—I am age 73 now, still able to think

2 and speak hopefully intelligently and cogently. I  
3 know that there are an awful lot of people who are my  
4 age and people who are younger than I who have not  
5 had the privilege of the education that I've had, who  
6 are not able to speak, and I know that there are  
7 thousands of cases like mine, thousands of them. I  
8 get calls even after and—and everyone has  
9 acknowledged that it's my case and the news that it  
10 generated that brought the situation to public  
11 awareness and the city did respond to that by  
12 instituting certain procedures, and I—I doubt that  
13 those procedures frankly are effective because I get  
14 on almost a weekly basis contacted by people who are  
15 suffering similar victimization to mine.

16 CHAIRPERSON FERRERAS-COPELAND: I have a  
17 question for you.

18 JENNIFER MERIN: Yes.

19 CHAIRPERSON FERRERAS-COPELAND: And I'm  
20 sure Council Member Rosenthal will also. I know that  
21 you said that you were able to identify that  
22 something was going awry because of the water bill  
23 even though you were paying the property taxes. Can  
24 you tell us where—where your case stands now?  
25 What's—what's happened with the property now?

2 JENNIFER MERIN: The property is now  
3 restored to me. I have spend my entire family's  
4 savings. In other my-my future prior to this was  
5 fairly secure. I at 73 have limited opportunities to  
6 earn money. I was-I had savings. Those were all put  
7 into getting the house back. I had a long and  
8 arduous two lawsuits. One required to evict this-  
9 the-the deed, the fraudulent deed holder who was  
10 squatting in my house and the second to have the deed  
11 restored to my name. I had to--

12 CHAIRPERSON FERRERAS-COPELAND:  
13 [interposing] So, just for the record, how long did  
14 that take you in time? Just so we have it on the  
15 record.

16 JENNIFER MERIN: I think it's-in the case  
17 the-in the lawsuit to evict, it took I think close to  
18 a year. The-the-I don't recall. I can provide you  
19 with that information--

20 CHAIRPERSON FERRERAS-COPELAND:  
21 [interposing] We'll follow up and we'll--

22 JENNIFER MERIN: --very easily and I will  
23 do it afterwards.

24 CHAIRPERSON FERRERAS-COPELAND: Uh-hm.

2 JENNIFER MERIN: In the restoration of  
3 the deed it took longer, and it was very expensive.  
4 It's quite expensive.

5 CHAIRPERSON FERRERAS-COPELAND: So, in  
6 this process, what happened with that water bill?

7 JENNIFER MERIN: What happened to the  
8 water bill? I-I paid it. I've been taxes all along  
9 on the property. I advised by water, by gas and by  
10 electric that I should not turn off anything or do  
11 anything for several reasons. First of all, that  
12 would free the guy--his name is Darrell Beatty. He  
13 was convicted for one year and got out after eight  
14 months, which meant that he actually lived in my  
15 house--

16 CHAIRPERSON FERRERAS-COPELAND:  
17 [interposing] Right.

18 JENNIFER MERIN: --for longer than he did  
19 in prison, which I find unacceptable and I think  
20 anybody in their right mind would agree to that. It  
21 would clear the way for him to establish himself  
22 further in the house. I was also told by the  
23 attorney who was representing me in the landlord-  
24 tenant case to evict that it would also influence the  
25 judge who would then deem that I had been harassing

2 my tenant. There was no tenant. There was no  
3 harassment. He had no rights to be there, and yet  
4 the system allowed him through the court to extend  
5 his stay longer and longer and longer, and it turned  
6 out actually that one of the—that the lawyer who had  
7 advised me not to do this, but the one—the one  
8 utility that agreed to shut itself off while not  
9 cancelling—cancelling my account was the gas company,  
10 Nat Grid, and they came out and they dug up the  
11 street and they turned off the gas and they worked  
12 with me. Con Ed could not turn off the electricity.  
13 I was advised do not cancel your account. The Water  
14 Department told me also they do not turn off water.  
15 They advised me not to cancel the account. So, I—I  
16 was paying all of that while Darrel Beatty was living  
17 in my house. I have not received any refunds. I  
18 have not been restored in any way whatsoever for  
19 that.

20 CHAIRPERSON FERRERAS-COPELAND: Okay. We  
21 are jotting down a lot of information. This is  
22 actually very helpful to us because we can now look  
23 at other legislative solutions especially since we do  
24 deal with a lot of the utility companies, and-and  
25 we're going to be hearing I'm sure from the advocates

2 that also have recommendations. So, that's why we're  
3 feverishly writing because your testimony is very,  
4 very helpful to-to us. I know Council Member  
5 Rosenthal has some additional questions. So, Council  
6 Member Rosenthal.

7 COUNCIL MEMBER ROSENTHAL: Thank you.  
8 Ms. Merin, thank you so much for coming today, but  
9 you're right to say you have this additional burden  
10 because you're--because you brought so much attention.  
11 Thank you for doing that to your case. You're asked  
12 repeatedly to talk about the situation, you know, to  
13 explain what happened to you in order for us to have  
14 legislators try to make it better. So, thank you for  
15 your time. I just want to make sure I understood  
16 this way in order of what you had to do wouldn't the  
17 first thing is you--you have to get the deed turned  
18 back into your ownership, and then you had to evict  
19 after that, or was it visa versa?

20 JENNIFER MERIN: It--it started  
21 simultaneously.

22 COUNCIL MEMBER ROSENTHAL: Okay.

23 JENNIFER MERIN: And I--I am not a lawyer  
24 so I don't know, but there were two separate cases  
25 that were handled by two different law firms.

2 COUNCIL MEMBER ROSENTHAL: The reason I  
3 ask is because I'm always curious, and we—we have to  
4 balance other realities where there are tenant  
5 harassment situations, and you don't want to cripple  
6 the ability of lawyers to stop landlords from doing  
7 that. But I'm always curious about why because  
8 someone else—this happened to someone else I know  
9 where the sheriff had—had agreed to change the locks  
10 and—and put, you know, yellow tape around the  
11 property and say—of the door and say, you know--

12 JENNIFER MERIN: Uh-hm.

13 COUNCIL MEMBER ROSENTHAL: --the-the  
14 squatter cannot go in, but it didn't matter. They  
15 went in anyway. They found other ways, and  
16 similarly, a lawyer told this person, you know, just  
17 pay them off instead of having to go through the  
18 whole process. What is it about the system that--you  
19 know, you're the rightful owner—that takes so long do  
20 you think to evict the person?

21 JENNIFER MERIN: I—I will respond to  
22 that, and the reason that I'm laughing is that I was  
23 actually told by a police officer--

24 COUNCIL MEMBER ROSENTHAL: [interposing]  
25 The same thing.



2 JENNIFER MERIN: No, I was told by a  
3 police officer who said to me if you ever point your  
4 finger in my direction, I will deny this entirely,  
5 but he advised me to get a couple of my good friends  
6 to come out and beat this guy up and get him out of  
7 my house, and just take over again. Of course, this  
8 is not my solution, but I mean I think that the—the  
9 law enforcement, the police were extremely frustrated  
10 by this situation. They understood what was going  
11 on. They interrogated Darrell Beatty while he was  
12 still in the house on several occasions, and the  
13 answers that they got were, you know, right, left and  
14 all over the place. There was obviously no validity,  
15 no truthfulness in them. I think that they and—and  
16 the District Attorney as well, and I think that the  
17 Sheriff's testimony here reflect that, that there—  
18 that there are laws in place that are more effective  
19 in—in protecting criminals than in protecting  
20 righteous citizens. I have felt that the Criminal  
21 Justice System has been very preferential in its  
22 treatment of Darrell Beatty. They—they just—I mean,  
23 the—the case of—of—of Nat Grid— I'm sorry, I just--

24 COUNCIL MEMBER ROSENTHAL: It's a lot.

2 JENNIFER MERIN: --was--was--because they  
3 turned off the gas, and because Darrell Beatty went  
4 to them and tried to turn it on again, and use the  
5 fraudulent deed, it was the one piece of concrete  
6 evidence that could not escaped. I mean he--he--he  
7 actually--everybody, see they had him. They nailed  
8 him on it. It's a very small piece of what this  
9 entire crime reflects. This is a hug crime with  
10 many, many different facets to it. There's the  
11 property--property factor. All of my family's  
12 belongings were stolen. There's the fraudulent deed.  
13 There's, you know, breaking and entering. I mean  
14 there--it's a--it's a massive, massive crime that  
15 breaks out into lots of different facets, and in my--  
16 in my experience there is very little coordination  
17 between departments and the powers that be in this  
18 city to work together to prevent this from happening,  
19 to stop this from happening. That was my experience.  
20 I was dealing with lots of different entities that  
21 were doing lots of different things, and even within  
22 the Department of Finance obviously there's a divide  
23 in information. As one--one person on the--the  
24 department is saying you don't own your property.  
25 You can't go in, which in actual fact prevented me

2 from filing burglary reports until way long after  
3 item that might have been traced could be traced, and  
4 when I was finally able after the eviction to report  
5 the burglary, I was told by the Police Department  
6 that that was an old case, and that they were not  
7 going to investigate it. This is my family's  
8 treasury of—of valuable antiques. One of the fine  
9 things were worth roughly a half a million dollars,  
10 and were—were things that were going to be given to  
11 the city. They were designated for different  
12 museums, really beautiful things. I have photographs  
13 of them. I can send you and all of that. They don't  
14 exist any more. The legacy is gone. This act is now  
15 my family's legacy to keep—keep this from happening  
16 to other people, and I'm rambling now, but the point  
17 that I was making is that the Department of Finance  
18 does not talk to itself. How water and—and property  
19 tax continue to bill me, to know my address, to know  
20 where I am while the other arm takes away my property  
21 and says you don't own.

22 CHAIRPERSON FERRERAS-COPELAND: I think  
23 that you've been very clear, and I'm so, so—I don't  
24 want to say happy because it's not a happy situation,  
25 but I am proud and honored that you came, and that

2 you're here and the Council Member Rosenthal has  
3 proposed this legislation that we're working on  
4 together. Like I said, we are going to be following  
5 up aggressively on many of the points that you've  
6 made, because a lot of them are like no-brainers.  
7 You can't say that you don't own the property, but  
8 you want to collect. So, we're going to try to  
9 figure out what are the loop holes, the opportunities  
10 to improve, what can be done policy wise, what needs  
11 to be done legislatively, and we're going to be  
12 circling back and letting you know exactly what the  
13 next steps will be. Because we want you to also feel  
14 like exactly what you read when you walk into this  
15 building. We want you to have confidence in that  
16 again because you have legislature that really wants  
17 to be there for you, and I think that, you know, even  
18 though it is daunting, we have a commissioner in-in  
19 the--in the Department of Finance who really, and he  
20 has come and publicly testified that this something  
21 that is a very big priority to him. [door bangs] So,  
22 I am-I'm-we're going to be circling back as soon as  
23 this hearing is over with recommendations.

24 JENNIFER MERIN: So, another thing, I  
25 think that every--everyone who owns property and not

2 only in New York City, but going back to the Magna  
3 Carte-

4 CHAIRPERSON FERRERAS-COPELAND: Right.

5 JENNIFER MERIN: --has been able to show,  
6 to prove their ownership of that property with a  
7 deed. That is a fundamental factor in our economy,  
8 in our way of dealing with ownership property and  
9 money. It's fundamental, and if the city is not when  
10 it registers a deed is not guaranteeing the validity  
11 of that deed that is charging money for registration  
12 of that deed, the city is then actually selling a  
13 fraudulent product. That--that registration is  
14 supposed to be our guarantee, our certainty that our  
15 property is ours, it's our right, it's our way of  
16 proving ownership, and it has to be that the city has  
17 to be accountable for that.

18 CHAIRPERSON FERRERAS-COPELAND: And we  
19 just--I just want to be clear we're going to partner  
20 and we're going to figure a lot of this out. We as a  
21 city are also a little tied by the state. There's a  
22 lot of legislation that needs to go in the state, and  
23 we can attempt to push as much as we can, and present  
24 resolutions and, you know, many of my colleagues have  
25 great relationships with people up in the state. But

2 I just want to remind everyone in this room that we  
3 need to start putting pressure on our state elected  
4 officials to make sure--

5 JENNIFER MERIN: [interposing] Yes.

6 CHAIRPERSON FERRERAS-COPELAND: --they  
7 clear up some of this--

8 JENNIFER MERIN: And to that end, I've  
9 been told by a lot of people and I-I can say this  
10 also, and-and introduce this by way of testimony, for  
11 example, the District Attorney of this city is very  
12 frustrated by the refusal of the state to enact  
13 stricter laws for economic crimes to be taken more  
14 seriously. I understand that there's a big  
15 difference. I didn't lose my life. They didn't kill  
16 my Aunt Beatrice. They didn't kill me. They took our  
17 property. There's a difference between violence and  
18 economical white collar or whatever you want to call  
19 it, crime. I get that, but the fact is that they  
20 have-they've made me ill. They've attacked me  
21 physically taking all of this property. They put me  
22 in circumstances that have become very difficult for  
23 me physically. It's affected my health, and economic  
24 crime has to be dealt with more seriously. We-we  
25 need stronger laws. Darrell Beatty should not have

2 gotten out—should not—I mean the whole—this is  
3 another area I understand that I'm raising here  
4 that's not directly connected to deed registration  
5 and—and making that more assuring or a surer process.  
6 But, Darrell was automatically releases from jail  
7 early, automatically. Didn't matter what he did, and  
8 he knew that going in. I was the only person, the  
9 victim, who didn't know that he was up for automatic  
10 release.

11 CHAIRPERSON FERRERAS-COPELAND: Yes.

12 JENNIFER MERIN: I mean it's—this is—this  
13 is—this is city matter that needs to be changed and  
14 fixed.

15 CHAIRPERSON FERRERAS-COPELAND: We're in  
16 agreement. We're your allies and we're going to be--

17 JENNIFER MERIN: [interposing] Thank you.

18 CHAIRPERSON FERRERAS-COPELAND: --you  
19 know, following up on some other things. Thank you  
20 so much for coming to testify, Ms. Marin. We're just  
21 going to hear this testimony from this advocate right  
22 next to you and then we're going to wrap up the  
23 hearing. You may begin.

24 MARCEL NEGRET: Good morning. My name is  
25 Marcel Negret. I'm a Project Manager with Municipal

2 Arts Society of New York. We're an advocacy  
3 organization that works towards a more livable city  
4 and having shape the--the built environment sound  
5 policy and regulations. And so, through this lens is  
6 how we become familiar with utilizing ACRIS as a--as  
7 an informational platform, and some of the comments  
8 that we'll be sharing today I think go beyond of what  
9 the--of the scope of the proposed legislation, but I  
10 hope it will be useful in understanding the  
11 limitations, and capabilities of the current system.  
12 The Municipal Art Society of New York has a number of  
13 recommendations we urge the city to include in  
14 Introduction 1673. The amended consists--with our--  
15 with our recommendation we would fully support the  
16 proposal. The bill must apply to all document types  
17 pertaining to the transfer of development rights and  
18 zoning lot mergers as a mean of increasing  
19 transparency and accountability of non-discretionary  
20 land use actions. In addition to the proposed  
21 notification system, the legislation should also  
22 require a quarter downloadable digital publication  
23 that discloses key real estate information from  
24 broadened (sic) document types. Finally, the  
25 legislation must require improvements to the



2 functionality of the existing on-line platform  
3 including better searching, filtering and previewing  
4 capabilities. As identified in our updated  
5 Accidental Skyline Report, which was released last  
6 Monday, we recognize the importance of improving  
7 online resources by making data standardized,  
8 comprehensive and accessible. Therefore, while we  
9 fully support improvement to the notification system  
10 for ACRIS, we feel the proposed legislation needs to  
11 adopt the following recommendations to significantly  
12 advance a system's usefulness of the platform for the  
13 public, and effectively increase transparency with  
14 regard—with regard to development rights and  
15 properties. First, the zoning lot mergers and  
16 development rights transfers are one of the primary  
17 mechanisms developers use to build significantly  
18 larger buildings and avoid the scrutiny of the city's  
19 public review process. Unfortunately, the city lacks  
20 a platform that provides clear and accessible  
21 information about non-discretionary actions such as  
22 zoning lot mergers and other property transactions  
23 not subject to SEQR and ULURP. In its current form,  
24 the legislation admits using point of (sic) of  
25 actions. As such, the bill should be amended to

2 specifically include documents that record zoning lot  
3 mergers, the transfer or acquisition of development  
4 rights, zoning lot development agreements also know  
5 as ZLDAs, easement agreements, air rights, or any  
6 other similar action pertaining to development  
7 rights. Second, in the interest of increasing  
8 transparency to the fullest extent practicable, we  
9 recommend that the city be required to submit  
10 physical and digital notifications to the local  
11 community board and council member whenever document  
12 types pertaining to development rights are recorded  
13 in the Office of the City Register or at the  
14 Department of Finance. Third, the bill must require  
15 the Department of Finance to publish at quarterly  
16 intervals a list of the aforementioned document types  
17 pertaining to development rights. The data base  
18 should be made available to the public in formats  
19 that allow analysis and integration with other  
20 existing property data sets such as PLUTO, which is a  
21 land use data set compiled by the Department of City  
22 Planning. According to this data set, there's  
23 850,000 properties in the city, and I think it was  
24 disclosed by one representative from the Department  
25 of Finance that there were 300,000 residential

2 properties, and I think that's and underestimation.  
3 It's probably closer to 700,000 properties in the  
4 city. Last but not least, although property records  
5 and financial documents are posted on ACRIS,  
6 navigating the site can be a cumbersome exercise for  
7 most users. The document type section of the  
8 platform does not allow users to filter documents  
9 based on date ranges longer than 31 days and lacks  
10 the capacity to allow users to search documents  
11 relative to specific geographic areas smaller than  
12 the borough level. Finally, ACRIS does not display  
13 vital real estate—real estate transaction information  
14 without forcing the user to read complex and  
15 cumbersome documents that sometimes contain hundreds  
16 of pages. The bill must improve functionality of  
17 existing ACRIS platform including searching  
18 capabilities that allow for a broader range of dates  
19 such as years or even decades, allow users to filter—  
20 filter document types based on geographies defined by  
21 community boards and Council Districts and display a  
22 total number of square feet being—being transferred  
23 in the borough and the block and lot numbers of the  
24 properties involved as preview in the search resource  
25 section. We believe that with the inclusion of these

2 recommendations that Introduction 1673 would yield  
3 effective improvements to ACRIS that will greatly  
4 increase transparency and accountability and provide  
5 the public with a user-friendly portal to critical  
6 information about development in the city. Thank you  
7 for providing an opportunity to comment on this  
8 important legislation.

9 CHAIRPERSON FERRERAS-COPELAND: Thank you  
10 and we've been joined by Council Member Gibson.  
11 Thank you for coming to testify. As you stated, your  
12 scope is pretty broad. So, while the recommendations  
13 will be taken into consideration, we probably will  
14 have to circle back with you on that.

15 JENNIFER MERIN: Can I say one more  
16 thing?

17 CHAIRPERSON FERRERAS-COPELAND: Yes,  
18 ma'am.

19 JENNIFER MERIN: I'm very angry and I'm  
20 sure that my anger is understood, but at this point  
21 I'm also—I—I would also like to express my  
22 gratitude first of all to my family for giving me  
23 some DNA that still allows me to be here and talk  
24 about this. Secondly, to the DA to Christine Burke  
25 who really picked up this case, and here

2 investigators and Theresa Russo, who's in the  
3 Sheriff's Department, and Inspector David who is  
4 just—they're amazing, and also, I'd like to thank all  
5 of you for hearing what's going on, and for moving  
6 forward to take some—to take a stand on it and try  
7 and change things for the better in the city. Again,  
8 I—I said this is—this has become my legacy. I get  
9 emails and calls for help from lots of people  
10 including lawyers, including city officials even, you  
11 know, how do we—what is—questions about what to do  
12 next with situations like this. It's not over yet--  
13 and I am grateful to all of you for moving forward  
14 with this, and I hope that it will make change.

15 CHAIRPERSON FERRERAS-COPELAND: Yes, we  
16 are committed to making change, and thank you for  
17 that that we really very much appreciate that. I  
18 know that the Sheriff is here, and he stayed because  
19 he—I know that he wanted to make sure we heard the  
20 testimony. So, I thank you Sheriff for coming to  
21 testify today. Thank you all for coming, and we will  
22 call this meeting adjourned. [gavel]

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C E R T I F I C A T E

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



Date October 27, 2017