

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON STANDARDS AND ETHICS

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October 22, 2019
Start: 11:17 A.M.
Recess: 2:02 P.M.

HELD AT: 250 Broadway - Committee Room
14th Fl.

B E F O R E: STEVEN MATTEO
Chairperson

COUNCIL MEMBERS: Margaret S. Chin
Vanessa L. Gibson
Karen Koslowitz
Stephen T. Levin

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

2 [sound check] [pause]

3 CHAIRPERSON MATTEO: [gavel] Good morning
4 everyone. I'm Steven Matteo. I'm Chair of the
5 Standards and Ethics Committee. I'm joined by my
6 colleagues Karen Koslowitz and Margaret Chin. The
7 Committee on Standards and Ethics is meeting today
8 regarding disciplinary matter open pursuant to
9 Section 10.80 of the Council Rules concerning Council
10 Member Andy King. Because it is necessary for the
11 committee to discuss confidential personnel issues,
12 I'll make a motion for the committee to move into
13 executive session pursuant to Article 7 of the Public
14 Officers Law. Do I have a second?

15 COUNCIL MEMBER CHIN: Second

16 CHAIRPERSON MATTEO: Recognizing a second
17 from Council Member Chin, a motion has been made and
18 seconded that the committee move into executive
19 session. All those in favor of this motion say aye.

20 COUNCIL MEMBERS: (in unison) Aye.

21 CHAIRPERSON MATTEO: Noting that the ayes
22 have it, I'm not going to close this portion of the
23 meeting and reopen in executive session. We are also
24 joined by Council Member Gibson. Before we proceed
25 into executive session, I will note for the public

2 that the committee may vote on certain items of
3 business during this session, and as a result, there
4 may be an additional open session of the committee
5 later today. Thank you. [gavel] [pause] [gavel]
6 Okay, everyone, thank you for your patience. Again,
7 I'm Steven Matteo. I'm Chair of the Standards and
8 Ethics Committee. I'm joined by my colleagues Steve
9 Levin, Karen Koslowitz, Vanessa Gibson and Margaret
10 Chin, and also Ben Smith committee counsel and our
11 General Counsel Nope. Oh, I'm sorry, no, the General
12 Counsel is Jim Caras. The committee is now returning
13 to open session to make public the outcome of today's
14 vote. Today the Committee on Standards and Ethics
15 found the charges against Council Member King to have
16 been substantiated and is recommending sanctions and
17 corrective actions to the full Council. As you may
18 recall, the four charges were: Retaliation under the
19 Council's EEO Policy, disorderly conduct, conflict of
20 interest and violations of Council Rules and the City
21 Charter and harassment under the city's—the Council's
22 EEO policy. Under the City Charter the Council is the
23 judge of the qualifications and conduct of its own
24 members, and pursuant to Council Rules, the Standards
25 and Ethics Committee may find that a member has

2 engaged in disorderly conduct and upon adoption
3 report outlining its evidence may recommend sanctions
4 to the full Council. The committee voted today to
5 transmit the report to Council King's attorneys to
6 the full Council later today. Please note that the
7 report will also be made public available by close of
8 business tomorrow. The committee also voted today to
9 authorize staff to make any and all appropriate
10 referral-referrals of this matter. We expect the
11 full Council to meet to consider our findings and
12 recommend the sanctions early next week. We do not
13 take this duty lightly, and this is a very serious
14 matter. I had to start by noting that this is
15 Council Member King's second substantiated complaint
16 before the committee. In 2017, Council Member King
17 was found to have violated the Council's EEO Policy
18 and required to complete mandatory training. Less
19 than two years later, we received a communication
20 from the City's Department of Citywide Administrative
21 Services that a former staffer of Council Member King
22 had been denied unemployment benefits by the
23 Department of Labor, and had appealed that denial by
24 claiming that the staffer had been constructively
25 fired due to gender base harassment on the part of

2 Council Member King. It was this finding by a state
3 agency that led to the current discipline-
4 investigation. We began the subject investigation
5 into these allegations in March of 2019. Although
6 the committee was ultimately unable to fully
7 investigate the gender-based harassment allegations
8 made by the former Council staffer, in part because
9 the staffer at some point declined to participate
10 further in the investigation. During interviews,
11 allegation after allegation, and problem after
12 problem surfaced in the function of Council Member
13 King's Office. Perhaps one of the most disturbing
14 allegations, which the committee found substantiated,
15 was that in 2017 Council Member King in an effort to
16 obstruct the first investigation in 2017 held a staff
17 meeting in his home where he-~~he~~ identified the 2017
18 complainant by name and disparaged the complainant to
19 his entire staff. This is behavior that cannot be
20 tolerated. The evidence also clearly demonstrated
21 that with regard to the current investigation,
22 Council Member King repeatedly intimidated and
23 punished staff who asked would-would cooperate with
24 the committee's investigation. He demanded that
25 staffers who have cooperated with us admit their

2 cooperation to him. Of the three staffers who
3 admitted they had cooperated, one was driving out of
4 his office, he attempted to fire another and the
5 third must have clearly gotten the message because
6 even a subpoena wasn't enough to compel that
7 staffer's cooperation. In addition, he attempted to
8 fire another staffer who had witnessed much of this
9 conduct, and who ultimately testified at our hearing.
10 The evidence also clearly demonstrated that Council
11 Member King allowed his office to become unsafe and
12 disorderly by condoning the conduct of a supervisor
13 who repeatedly physically threatened persons in the
14 office. It is also clear that Council Member King
15 facilitated numerous conflicts of interest in the
16 office that benefit both himself and his wife. All
17 this will be outlined in our report to the Council.
18 The truth is were it not for Council Member King's
19 behavior during the pendency of this investigation,
20 we would probably not be discussions sanctions of the
21 magnitude contained in our recommendations including,
22 but not limited to a suspension, a significant
23 monetary penalty, removal from all committee
24 assignments, and a permanent monitor in his office
25 for the duration of his term. Council Member King

2 was aware of the investigation into his conduct from
3 the time the committee opened it on March 13, 2019.

4 He was offered the opportunity to engage with the
5 committee and was also advised to retain counsel to
6 protect his interest during such engagement.

7 However, and the outset, the Council Member adamantly
8 refused to cooperate. He refused many overtures from

9 both the committee and the Special Council, and never
10 once appeared for an interview with either Committee

11 Investigation--investigators or the Special Counsel
12 except for one brief conversation to defend the

13 supervisor in his office accused of threatening and
14 intimidating behavior. During that conversation, he

15 never once denied that any of that supervisor's

16 behavior had occurred and, in fact, seemed to condone

17 it. Indeed, instead of cooperating, Council Member

18 King attempted to make a mockery of this committee

19 and the Council's rules and policies. His attorneys

20 are arguing that he did not have enough time to

21 adequately respond to the charges against him. While

22 the original charges were filed and sent to him on

23 August 21st and the hearing began on September 13th.

24 That is over three weeks. The reason there were

25 superseding charges file on September 4th was that

2 instead of preparing for the hearing, Council Member
3 King appears to have spent that period suspending or
4 attempting to fire his staffers who were cooperating
5 or potentially could cooperate with our
6 investigation. While the Committee certainly would
7 have been inclined under normal circumstances to
8 consider a reasonable adjournment, we were not going
9 to give Council Member King more time to hurt
10 staffers who done—done nothing more than carry out
11 their obligations to the Council to cooperate, and
12 were not going to let him undermine those committees
13 and the Council's authority and obligation to judge
14 the Conduct of its members. We followed the
15 committee's disciplinary procedures and provided
16 Council Member King's attorneys with copies. We held
17 a hearing in which the committee heard from
18 witnesses, and provided Council Member King the
19 opportunity to present his own witnesses and
20 evidence. Council Member King failed to appear for—
21 appear at the hearing, and his attorneys only
22 appeared to object to the very fact that a hearing
23 was taking place. They then got up and left. The
24 witnesses were credible and damning. In general,
25 they support each other's testimony, and there were

2 documents that also supported many of the charges.

3 The committee was unanimous in its determination that

4 the four charges had been substantiated by a

5 preponderance of the evidence. Finally, I would like

6 to reiterate that redacted copy of the Committee's

7 full report will be made publicly available tomorrow

8 after it's transmission to the Council Members. This

9 report will contain the proposed recommended

10 sanctions as well. We are timing the public release

11 of the report to our members to fully review our

12 findings and recommended sanctions. As stated

13 earlier, we expect the full Council to meet to

14 consider our report and recommended sanctions early

15 next week. Thank you all for your time, and we are

16 adjourning the meeting. Thank you. [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 24, 2019