

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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September 29, 2020
Start: 11:47 a.m.
Recess: 11:56 a.m.

HELD AT: Remote Hearing

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 SERGEANT-AT-ARMS: Looks good, Ralph.

3 SERGEANT-AT-ARMS: Yep. We're good.

4 SERGEANT-AT-ARMS: Thank you. Good

5 morning, everyone. I'm Steven Matteo. I'm Chair of
6 the Committee on Standards and Ethics and we are
7 joined by my committee colleagues today. Council
8 members Gibson, Chin, Koslowitz, and Levin. The
9 committee is now returning to open session to make
10 public the outcome of today's votes on the
11 disciplinary matter against Council member King.

12 Today, the Committee on Standards and Ethics found
13 the charges against Council member King to have been
14 substantiated and is recommending the sanction of
15 expulsion to the full Council. As you may recall,
16 the four charges were violations of the Council's
17 antidiscrimination and harassment policies,
18 prohibited against harassment and discrimination
19 based upon gender, medical condition, or disability.
20 Violations of conflict of interest laws contained in
21 chapter 68 of the city charter, and Council rules
22 prohibiting misappropriation and misuse of Council
23 funds and violations of Council resolution number
24 1138 of 2019 whose principal provisions provided for
25 a 30 day suspension and for Council member King to

2 pay a \$15,000 fine, pay for and take appropriate
3 training, and cooperate with the monitor to be placed
4 in his office to ensure that his staff is
5 appropriately managed pursuant to Council rules and
6 policies. This committee held a four day long
7 disciplinary hearing on June 22nd, June 29th, July
8 7th, and July 17th, 2020. The evidence against
9 Council member King was presented by special counsel
10 to the Council, Carrie Cohen, assisted by Amanda
11 Geyer from Morrison and Forrester LLP. Council
12 member King in his two attorneys attended the entire
13 hearing and both of the attorneys were afforded the
14 opportunity to question and call witnesses and object
15 to and present evidence. We note that Council member
16 King was afforded full due process throughout this
17 proceeding and that the case against him was
18 conducted in full compliance with our disciplinary
19 procedures. Since the close of the hearing, we have
20 engaged in lengthy deliberations and have closely
21 gone through every charge against Council member King
22 and reviewed all the evidence presented and arguments
23 made on each charge. Upon that review of the
24 evidence, we find that the charges against Council
25 member Andy King are substantiated. As to the first

charge of harassment and discrimination, the evidence presented demonstrated that from in or about September 2017 through in or about January 2018, Council member King engaged in a number of actions towards one of his female staffers that constituted harassment and discrimination based upon gender, medical condition, and disability, actual or perceived, in violation of the policy. In response to the female staffers informing Council member King that she needed to seek emergency medical treatment for menstrual bleeding, Council member King treated her condition as a joke and made the discriminatory comment to put a Band-Aid on it. Shortly thereafter, he forced the staffer to take unnecessary, unwanted, indefinite, and unpaid medical leave which he described as putting her out, blaming her because she had allegedly talk to others about her medical condition. Council member King then refused to speak with his female staffer regarding her returning to work for approximately three months and ignored her repeated outreach to him, despite the fact that she had provided doctors letter making clear that she was able to work. She finally felt she had no choice but to resign her position to pursue paid employment. As

2 to the second and third charges regarding conflicts

3 of interest in disorderly conduct, the evidence

4 presented demonstrated that Council member King

5 misappropriated for his personal financial gain 2000

6 and of a 9500 Council one-time payment directed to a

7 staffer in violation of the city's conflict of

8 interest clause and Council rule 10.70 and 10.80.

9 Council member King engaged in this corrupt scheme in

10 July to August 2019 by awarding that large one-time

11 payment to his staffer and demanding that staffer

12 kickback 2000 of it to him. As to the fourth charge

13 regarding violation of the resolution in disorderly

14 conduct, the evidence presented demonstrated that

15 Council member King has repeatedly acted in violation

16 of the resolution that resulted from the 2019

17 disciplinary proceeding. He never paid the \$15,000

18 fine imposed on him, despite being sent a payment

19 plan and then a second more favorable payment plan

20 and multiple requests for payment. He refused to pay

21 for intake the mandated training and he repeatedly

22 flouted his obligation to cooperate with the monitor

23 by routinely attempting to make hiring and employment

24 status decisions without the consent of the monitor,

25 refusing to meet with monitor or respond to her

1 messages, blocking the monitor from attending staff
2 meetings, and treating the monitor abusively and with
3 contempt, including by subjecting her to profanity
4 and sexist remarks. Council member King also
5 continued to gender fear in staff and attempted to
6 intimidate them repeatedly warning them that he had
7 returned from suspension to take back his office. He
8 questioned the loyalty of his staffers who he
9 believed were cooperating with the monitor and
10 treated those staff members adversely. Under the
11 city charter, the Council is the judge of the
12 qualifications and conduct of its members and,
13 pursuant to Council rules, the standards and ethics
14 committee may find that a member has violated its
15 rules and engaged in disorderly conduct. And upon
16 adoption of a report, outlining its evidence, may
17 recommend sanctions to the full Council. This report
18 will be transmitted to the full Council later today
19 or tomorrow morning and will be made public tomorrow.
20 We expect the full Council to meet to consider our
21 findings and recommended sanctions next week. We do
22 not take this duty lightly and this is a very serious
23 matter. We found the witnesses credible. In
24 general, they support each other's testimony and
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2 there are numerous documents and a recording that
3 also supported many of the charges. The committee
4 was unanimous in its determination that all charges
5 have been substantiated by a preponderance of the
6 evidence. All of our findings on these charges are
7 disturbing, but the lengths to which Council member
8 King has gone to evade the sanctions and requirements
9 of the resolution cannot be understated. In voting
10 to impose the sanctions or requirements in the
11 resolution at the full Council meeting on October
12 28th, 2019, I stated that a more serious sanctions
13 and then suspension should be reserved for cases in
14 which we don't think we have any alternative.

15 Unfortunately, the committee finds that Council
16 member King has shown a blatant disregard for rules
17 and policies of the Council. This is now the third
18 matter in which King's conduct has led to discipline
19 by the Council. Specifically, there were the gender-
20 based harassment complaints in 2017 for which King
21 agreed to a certain discipline. The 29 charges
22 resulting in the suspension and imposition of the
23 monitor, as well as finding and training and now this
24 set of four charges all of which we have
25 substantiated. Last year, this Committee made every

2 effort to provide Council member King the chance to
3 rehabilitate himself and remediate the hostile and
4 unacceptable situation in his office. But he
5 frustrated all of these efforts, including by
6 refusing to cooperate with the monitor in any
7 meaningful way and disrespecting her. So, now, this
8 Committee finds this situation to be beyond
9 remediation and therefore finds no alternative but to
10 recommend expulsion. Finally, I would like to
11 reiterate to the public that a copy of the
12 Committee's report will be made publicly available
13 tomorrow after its transmission to Council member
14 King and all of the other Council members. This
15 report will contain the proposed recommended
16 sanction, as well. Just to set out the actual vote
17 for the public record, the four charges were
18 unanimously substantiated by a vote of five to zero.
19 The report and recommended sanction were unanimously
20 adopted by the Committee, the Committee authorized
21 its release, and that Committee approved the
22 submission of the proposed resolution with a sanction
23 to the full Council by a vote of five to zero. I
24 thank you for all of your time and we are now
25 adjourning this meeting. Thank you.

1 COMMITTEE ON STANDARDS AND ETHICS

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2 [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 13, 2020