TESTIMONY BY
DEPUTY COMMISSIONER GREGG BISHOP
NEW YORK CITY
DEPARTMENT OF SMALL BUSINESS SERVICES
BEFORE
THE COMMITTEE ON COMMUNITY DEVELOPMENT
OF THE NEW YORK CITY COUNCIL
TUESDAY, OCTOBER 21, 2014

Good morning Madam Chair Arroyo and members of the Committee on Community

Development. My name is Gregg Bishop and I am the Deputy Commissioner of Business

Development at the New York City Department of Small Business Services ("SBS") and with Lydon

Sleeper, Senior Advisor for Strategic Initiatives, I am pleased to speak with you today about worker cooperatives, a business ownership model deserving of further consideration by the City as we begin to develop new strategies to address income inequality in New York City under the leadership of Mayor de Blasio. After my testimony, I will be happy to take your questions.

Income inequality is a critical concern for all New Yorkers, and Mayor de Blasio has made clear that tackling this important issue is a central goal of this administration. SBS is equally committed to achieving this goal by ensuring that every business owner, commercial corridor and job seeker has access to the resources needed to succeed. SBS is pleased to be working in partnership with the City Council towards this important mission.

Worker cooperatives are a business ownership model that we are committed to developing in New York City, including working to support and incubate the nascent worker cooperative segment of businesses in New York City.

SBS believes it is essential to promote entrepreneurship among low-income New Yorkers, creating jobs and improving the New York City economic landscape. Worker cooperatives offer one such way to do so. As entrepreneurial businesses, worker cooperatives face many of the same issues encountered by all New York City small businesses, including access to capital, affordable space, and access to technical assistance at the right time. Since we recognize the value of worker cooperatives and the value of fostering this innovative model of ownership, we are currently committed to the following:

SBS is working with the Council to administer contracts totaling \$1.2 million with 11
organizations that will provide education, training resources and technical, legal and
financial assistance to existing worker cooperatives and those interested in forming.

These organizations will provide important infrastructure in helping this business community grow. We are working with them not only to ensure they can complete the necessary administrative process to receive funds, but also to ensure the outcomes for that funding are clear, realistic, and achievable.

- Through our network of seven Business Solutions Centers across the City, SBS offers a "Ten Steps to Starting a Business" course, which we have included content on worker cooperatives. Last year, more than 600 people attended this course. We are also creating a "Ten Steps to Starting a Worker Cooperative" course to be launched at two Business Solutions Centers this quarter.
- We have also created an informational one-pager that is currently available at our
 Centers, and on the NYC Business Solutions website. For people who visit the centers
 for one-on-one assistance, our account managers can provide information on the
 corporate cooperative structures and refer interested individuals to capacity-building
 organizations, including those in receipt of Council discretionary funds.
- Our NYC Business Solutions Centers also offer financing assistance, and we continue
 to engage our lending network on potential products for this business model and
 explore possible financing options in particular, focusing on new platforms to provide
 micro financing and peer lending networks.

SBS supports the development of a robust worker cooperative segment within the business community, and views it as one potential mechanism for addressing income inequality in New York City. However, based on our experience assisting businesses grow and create jobs, and on the current level of maturity of the worker cooperative model in New York City, we have several concerns about Intro. Number 423, the legislation under consideration today.

First, the bill as written calls for the Chief Procurement Officer of the City to submit to the council and publish a report on levels of procurement from worker cooperatives for the prior fiscal

year. It is contemplated that such reporting would begin in 2014. According to a report in January 2014 by the Federation of Protestant Welfare Agencies titled, *Worker Cooperatives in New York City:*A Vision for Addressing Income Inequality, quote "New York City today only has 23 worker cooperatives" end quote. This form of business ownership, while offering interesting potential, is clearly in a very nascent stage of development – with 23 out of approximately 220,000 small businesses in New York City. Further, of those total 23 businesses, at minimum approximately one third provide services, such as dog walking and restaurants, which City government does not procure.

Requiring the City, at this stage of the development of this business community, to report procurement levels from worker cooperatives assumes that:

- First, there currently exists a viable pool of worker cooperatives which could realistically succeed in winning a competitive bid for City business;
- Second, the City already understands and has addressed whatever barriers may exist to contracting with worker cooperatives;
- Third, the City, through the Mayor's Office of Contract Services ("MOCS"), has the ability to
 differentiate between those businesses which are under a worker cooperative ownership
 model and other businesses doing business with the City.

Since the worker cooperative model is relatively untested both nationally and in New York City, and because "worker cooperatives" do not represent an industry sector but rather a form of business ownership, data is very limited. Worker cooperatives are also not currently recognized for reporting purposes in any of the Federal or State economic data sources, such as Census data. MOCS lacks any mechanism for differentiating worker cooperatives from other businesses with which the City transacts. It would therefore not be in a position to undertake the type of annual reporting envisaged in the bill.

Additionally, in order to produce the type of reports detailed in the bill a much more exact definition of a worker cooperative would be required. The current definition is of a business which is

"owned and controlled by its workers". Business ownership and control are not straightforward issues nor are they necessarily the same thing. Therefore they are not easy to track. Ownership, for example, changes over time. There is a distinction between ownership, and control - do all workers need to be owners? A majority? Must they all hold an equal degree of control? Is a family-owned and run restaurant a worker cooperative? Clearly part of the work of building a robust worker cooperative business community is to agree on clear and common definitions and ensure those are used consistently. Such definitions would be essential to fulfilling the reporting aspect of this bill, and it seems like much work remains to be done in partnership with advocates and capacity building organizations.

I will now turn to the second aspect of the bill, which instructs SBS with MOCS to undertake a study, to be completed by October 2016, which analyses the participation of worker coops in City procurement, determines the need for a citywide program to promote City procurement as means to grow worker cooperatives, and should such a need exist, makes recommendations on a number of matters including participation goals. Given what I have already said concerning the nascent nature of worker cooperatives in New York City and the problems attending the reporting of City procurements with them, we would clearly support the need to study the potential of the model over all, the specific opportunities which may exist within government procurement, the specific barriers which worker cooperatives may face in winning City contracts, and the programs or interventions which could be put in place to support them in doing so.

Furthermore, as the Council is no doubt aware, the Court of Appeals has determined that municipalities, including the City, may not, unless otherwise authorized by state law, include requirements in procurement solicitations or contracts that have the purpose of advancing a social policy unrelated to advancing the goals of public procurement to obtain the best possible products or services at the best possible prices without risk of fraud, favoritism and corruption.

Absent state law authorizing the advancement by the City of the social policy of favoring worker cooperatives, proposals that create participation goals or similar measures for worker

cooperatives would be legal only if they can be shown to advance the goals of the state procurement statutes, rather than simply benefit worker cooperatives. We therefore have serious concerns about any approach that presupposes the City will be able to establish participation goals for procurement from worker cooperatives.

In summary, SBS and the de Blasio administration strongly support the development of a robust and growing worker cooperative segment in the New York City economy. We are also open to studying the potential for such businesses to win government contracts. However, we believe that Intro 423 is premature, given the very early stage of development of this model. We believe that we should continue to work with the City Council, with advocates and with those who provide services to worker cooperatives to build the capacity of the segment and grow the number and maturity of these businesses. We must also continue to customize the suite of business support services offered by SBS to ensure they are relevant to the needs of worker cooperatives, and we must better understand the potential for worker cooperatives to compete for and win City contracts within the framework of the law, including whether specific types of goods or services are particularly suited to worker cooperative provision, the barriers coops might face when bidding on city contracts, and the interventions which could best assist them. These are key steps that must come before we invest in procurement assistance programs.

At SBS, we are committed to fulfilling Mayor de Blasio's vision for a progressive, diverse and economically thriving New York City. We share the Council's commitment to supporting worker cooperatives as one strategy to improve the economy and create good jobs. Together, with the support of the City Council, we will continue to work to strengthen our neighborhoods, grow the economy, and improve the lives of hardworking New Yorkers.

Thank you for inviting me to speak today about worker co-operatives and for your dedication to continuing to improve our communities and our economy in New York City.

TESTIMONY

Hearing:

"Worker Cooperatives - A Necessary Agent for Income Equality in New York"

Presented to

New York City Council, Committee on Community Development Hon. Maria del Carmen Arroyo, Chair

Tuesday, October 21, 2014

Prepared By:

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Opening

Good afternoon, Chairperson Arroyo, Council Member Rosenthal and the distinguished members of the New York City Council Committee on Community Development. On behalf of the New York City Worker Cooperative Coalition, we want to thank you for this opportunity to testify on the issue of worker cooperatives and the reduction of income inequality in New York. The Coalition recognizes Chairperson Arroyo and Council Member Rosenthal for their leadership on the issue of worker cooperatives, as well as their commitment to NYC and its communities that are most in need. The Coalition would also like to thank Council Members Arroyo, Rosenthal, and Menchaca for introducing New York City Council Int. No. 423 which will lead to greater economic integration between the City of New York and its democratic employee-owned businesses.

Summary

The New York City Worker Cooperative Coalition is a New York City based group advocating for the growth and expansion of worker cooperatives as a means to reduce poverty and income inequality in New York. The coalition is comprised of many New York City based worker cooperatives and not-for-profit support organizations, such as the New York City Network of Worker Cooperatives, the Democracy at Work Institute, Make the Road NY, and the Federation of Protestant Welfare Agencies.

Background

Worker cooperatives are values-driven businesses that put worker and community benefit at the core of their purpose. In contrast to traditional companies, employees at worker cooperatives participate in the profits, oversight, and governance of the organization using democratic practices. Workers own the majority of the equity in the business, and control the voting shares. The model has proven to be an effective tool for creating and maintaining sustainable, dignified jobs; generating wealth; improving the quality of life of workers; and promoting community and local economic development, particularly for people who lack access to business ownership or sustainable work options.

A well-documented body of research has shown globally, and increasingly here in the United States, that worker owned businesses make good public policy sense, from both a social, and economic perspective. For their workers, employee-owned businesses can offer higher pay and better benefits than businesses of similar size and industry, and when the employees are in overall control of the business, they are able to make beneficial changes to their working conditions as well.

For the businesses, engaged workers make for more productive workers, and a more profitable business. When managers encourage employee input into work processes, it makes for more productive businesses. In many studies, privately held companies that have converted to employee-owned businesses have been shown to be more productive, gain value faster, and pay better wages than they did under the previous owners. Due to local ownership, these benefits for workers and businesses carry through to the communities in which they are based. Economies high in worker and community ownership are more resilient economically than the surrounding regions, even in the same country. For example, the Basque region of Spain boasts a 10% lower unemployment rate than the rest of the country, due in part to the Mondragon Corporation's economic strength, and their policy of working to avoid lay-offs, temporarily cutting all workers' wages—including managers and executives—and reducing work hours. The Emilia-Romagna region of Italy, where 30-40% of GDP passes through cooperative enterprises, has the lowest levels of income inequality in Italy, while maintaining an above-average median income.

Finally, by their very nature, worker cooperative businesses will not be relocated abroad. Rather, local worker cooperative businesses are deeply integrated into the economic fabric of New York City—with corporate revenue and personal income taxed locally and spent locally. Moreover, as a function of their democratic control by workers, who live in the neighborhoods they serve, these worker cooperative businesses typically value the local ecology of businesses, humans, and nature. Finally, as a function of support organizations like Community Service Society and Center for Family Life, democratic firms are often planned as vehicles for employment for some of our city's most disadvantaged economic actors.

But worker cooperatives are still always constrained by the market around them, and must turn a profit before benefitting employees and the wider community. However, in many industries, high profits can only be achieved by operating at scale—either on their own as large businesses, or as networks of small and medium businesses. The most viable way to achieve that scale is often through business to business contracting. Here, among other ways, is where the City of New York City can play a significant role. When the city contracts with a worker cooperative, it gains both a quality service or good, and maximizes the beneficial impact of its spending on the social and economic fabric of the city.

However, like all small businesses seeking to grow and contract with larger entities, worker cooperatives need support in doing so. This bill takes an important step toward creating a framework for that support by monitoring the amount of city business conducted with worker cooperatives. Other important pieces of that framework are already being pursued by City Council and city agencies, such as leveling the regulatory playing field for worker cooperatives, supporting the modification of state law to build a more robust corporate legal framework for democratic firms, supporting the transfer of traditional businesses to democratic employee ownership, and providing development funding for new firms. Together, these measures are helping to build a city of economic opportunity for all its residents.

The Current State of Worker Cooperatives in New York City

On June 26, 2014, New York City Council approved the fiscal year 2015 budget which allocated \$1.2 million towards the development of worker cooperatives in New York City. This initiative serves to strengthen the worker cooperative economy.

In the months that have passed, New York City's worker cooperative movement has grown considerably. In addition to the 30 existing worker cooperatives in New York City, this allocation has supported the formation of 30 new worker cooperative start-ups—which have all entered their first stage of development. These democratically owned businesses range from healthcare to tech consultation and home cleaning to property management.

Members and advocates are here today to show how worker cooperatives have transformed and empowered the lives of unemployed and underemployed people, and have allowed them the opportunity to become co-owners and jointly self-employed. We all express our support for the passage of Int. No. 423.

The Legislation

In fiscal year 2013, New York City procured more than \$16.5 billion worth of supplies, services, and construction, through more than 40,500 transactions. Unfortunately, with the exception of a single firm, these dollars did not flow to New York City worker cooperative businesses. At the same time, New York City rightly prioritizes minority- and women-owned businesses for their ability to deliver greater economic equality and economic control to communities of color and women. New York City's worker cooperative businesses—most of which are owned, through and through, by women of color—are unable to certify as an M/WBE due to requirements that are often unfeasible given the breadth of worker ownership within these firms. Moving forward, we hope to see democratic firms be considered a category unto themselves—valued for the benefits they bring to the citizens of New York in terms of economic prosperity, social well-being, and human dignity.

As we know from international experience, a public preference for worker-owned firms is critical to the success of a democratic economy. France and Italy both passed laws granting preferential treatment of worker cooperatives in public contracting over 125 years ago. And, in fact, the laws were passed due to lobbying efforts by federations of worker cooperatives quite similar to the coalition presently assembled.

On the basis of their preferred status, among other institutional supports, Italy's democratic firms have grown to encompass 6% of the total workforce. This growth substantially took place in the aftermath of World War II—and was heavily reliant on the preferential treatment afforded in

government contracting. These impacts are particularly noticeable in the construction industry where Italy's single largest construction company, Cooperative Construction Consortium, is a worker cooperative business group. Founded in 1912, the firm now employs more than 20,000 workers and generates more than \$7.5 billion in annual turnover. The city of Bologna is another prime example of the power of government support for worker cooperatives, where the city outsources approximately 80% of its social services to democratic firms. And these examples are not static—the democratic economic development within Italy, France, and Spain is moving forward and expanding—even, as we know, in the face of devastating macroeconomic conditions. With forward planning, our city can match and exceed our contemporaries and colleagues in Europe.

Presently, firms in the healthcare, cleaning, translation/interpretation, construction, logistics, and printing industries are ready and eager to provide services to the City of New York. Worker cooperatives, like other small businesses face many barriers to entry. In particular, many contracts are of such a scale that medium-sized firms have difficulty competing, e.g., in cleaning and translation. Yet, contracts with Health and Hospitals Corporation, Metropolitan Transit Authority, Department of Education, NYC Housing Authority, NYC Housing Development Corporation, and Port Authority among other agencies should offer a wide field of opportunities. In future, research efforts should include a market analysis of the city's procurement needs—targeting the most suitable avenues for new development of local worker cooperative businesses.

By passing legislation Int. No. 423 and amending Title 6 of the administrative code, City Council will issue a comprehensive study of how much City procurement money goes to worker cooperatives, and make recommendations for a future citywide program to promote procurement opportunities for worker cooperatives, including outreach and notification, certification, and the establishment of participation goals. This measure will constitute a significant step forward for New York City. With the ultimate goal of preferential treatment for democratic, worker-owned firms in the City's public contracting rules, this Introduction will set the stage for substantive economic change—and for a path to economic growth in New York City.

Closing

The Coalition applauds Council Members Arroyo and Rosenthal, and the members of the Committee on Community Development for understanding the importance of worker cooperatives and their contribution to the alleviation of poverty. We are grateful for the opportunity to submit this testimony, and would be pleased to provide whatever additional information you may require.

New York City Worker Cooperatives Coalition is comprised of the organizations listed below:

Bronx Cooperative Development Initiative

Center for Family Life in Sunset Park

Center for Urban Entrepreneurship at Brooklyn Law School

Consortium for Worker Education

CUNY School of Law's Community & Economic Development Clinic

Democracy at Work Institute

Federation of Protestant Welfare Agencies

Green Worker Cooperatives

Make the Road NY

New Economy Project

Northern Manhattan Improvement Corporation

NYC Network of Worker Cooperatives

SolidarityNYC

Student Organization for Democratic Alternatives

The ICA Group

The Working World

Urban Justice Center

Worker's Justice Project



Edward W. De Barbieri

Assistant Professor of Clinical Law Counsel, Center for Urban Business Entrepreneurship

Testimony in Support of Intro 0423-2014, A Local Law to amend the administrative code of the city of New York, in relation to worker cooperatives

The New York City Council, Committee on Community Development Chair Maria Del Carmen Arroyo

> October 21, 2014 1 p.m.

Good afternoon Chair Del Carmen Arroyo, and Committee Members. Thank you for the opportunity to testify before the Committee. My name is Ted De Barbieri, and I am an Assistant Professor of Clinical Law at Brooklyn Law School. I teach second and third year law students how to represent community-based nonprofit organizations, and worker cooperatives. I am also Counsel to the Center for Urban Business Entrepreneurship, which provides opportunities for law students to learn how to counsel new ventures, including worker-owned ventures in low-income neighbors around the city.

I am here today to speak in support of the proposed bill, Intro 0423-2014, a local law to amend the administrative code of the city of New York. The proposed bill does two things: first, it requires the administration to report on the city's procurement of goods and services from worker cooperatives; and second, it requires the administration to analyze the city's procurement from worker cooperatives and determine the need for a citywide program to promote opportunities in city procurement for worker cooperatives. Both of these goals are common-sense, practical steps to encourage job creation, and asset development, among low-income New York City residents.

Studies show that dollars spent at locally-owned, as opposed to chain or franchised, establishments results in greater local economic return and greater local recirculation of revenue. In other words, locally-owned businesses themselves spend locally and support networks of locally-owned businesses. When the city purchases goods and services from locally-owned businesses, dollars stay local, and get spent, through a multiplier effect, on other locally-sourced goods and services. Overall, this encourages small business growth and development.

Small businesses are the engines of economic growth in the city. Small businesses owned by immigrant entrepreneurs, in particular, are the hardworking backbone of new entrepreneurial ventures. Since many small business owner faces challenges going into business alone, many entrepreneurs choose to form worker cooperatives to share risks, capital investment, and profits. Through the support of the City Council's Worker Cooperative Initiative, more worker cooperatives are being formed. They have a need to

sell goods and services, and to support the local economy, which we know small businesses do.

Procuring goods and services from worker cooperatives should be a priority for the city. This proposed bill is a step towards prioritizing worker cooperatives in city procurement.

Proposals such as this have been studied and supported by other organizations, such as the Sustainable Economies Law Center, which recommended city procurement from cooperatives in a recent policy report.

The time is ripe for the Council to pass this law and prioritize city procurement from worker cooperatives.

I thank you for your time, and for considering this legislation today.

TESTIMONY

ON

INT. NO. 04123 LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE IN RELATION TO WORKER COOPERATIVES

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL COMMUNITY DEVELOPMENT COMMITTEE

CHAIR MARIA DEL CARMEN ARROYO

PRESENTED BY:

Mojdeh Pourmahram

PRO BONO FELLOW
URBAN JUSTICE CENTER
COMMUNITY DEVELOPMENT PROJECT



OCTOBER 21, 2014

Good afternoon and thank you, Chair Arroyo and Council Members of the Committee for the opportunity to testify today. My name is Mojdeh Pourmahram and I am a Pro Bono Fellow at the Community Development Project of the Urban Justice Center.

The Community Development Project's mission is to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities. We partner with community organizations to win legal cases, publish community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical and transactional assistance in support of their work towards social justice. CDP first collaborated with community based organizations to develop worker cooperatives more than ten years ago, when we helped the first worker-owned and operated restaurant in New York City open its doors. Since then we have worked with several other co-ops in the service, retail, and construction industries. CDP is also a founding member of the NYC Network of Worker Co-ops.

As businesses owned by the workers, worker co-ops are centered around membership and community benefit. Cooperatives have helped workers in the service industry, low-wage workers, and immigrant workers earn higher pay, gain greater job stability, develop business skills, and have greater control over their working conditions. Worker cooperatives are a tool for economic development that puts power in the hands of the workers. Worker co-ops not only better the lives of their members, but help New York City's most distressed neighborhoods by investing jobs, opportunities, and money in the hands of the people in those neighborhoods. City support for these co-ops can help take this still-small sector and turn into a wide-based strategy for economic growth and entrepreneurship in low-income communities. An important step toward increasing formation and use of work co-ops is city procurement of goods and services offered by worker cooperatives.

The Community Development Project urges the city to continue support for and growth of worker cooperatives. Increasing government support through legislation and funding can be a powerful tool to promote growth, public knowledge, and use of worker cooperatives in New York City. We encourage the city to adopt this law as a step towards using worker cooperatives in a larger, long-term strategy to create jobs that provide workers with skill development, job security, and higher wages. The report that will be submitted as a result of this legislation will help the city strategize how to increase participation of worker co-ops in city procurement, and may also help worker co-ops develop business strategies for growth.

We ask the city to include and prioritize worker cooperatives in the procurement process. City procurement has been an important element to the success of worker cooperatives in other cities such as Cleveland. In Cleveland, the city's Local and Sustainable Purchasing Preference and Buy Local Campaign have led the city and large institutions to purchase goods and services from worker cooperatives. San Francisco has also seen a strong push for legislation prioritizing worker cooperatives in city procurement. New York City already procures goods and services from co-ops such as Cooperative Home Care Associates, which employs nearly 2,000 workers and provides services to several city agencies. This legislation will help increase the numbers behind existing co-ops as well as encourage the creation of new co-ops. By creating policies and laws that include worker co-ops, New York City places itself at the forefront of the worker co-op movement and legitimizes worker co-ops as a widely recognized and supported business model.

Increased participation and opportunities in city procurement for worker cooperatives will strengthen the city's economy, increase employment, and support community-based businesses that are bettering the lives of their members and the city.

Worker cooperatives in New York City have been shown to be an important and stable business model that contribute to economic growth, decrease the wage gap, and provide opportunities for low-income workers to improve their working wages and conditions. CDP has worked with community based organizations to develop several worker co-ops that have been successful in improving the lives of their members, including Si Se Puede! Women's Cooperative, We Can Do It! Inc. and Sunrise Cooperative, Inc. In the five years CDP has worked with Si Se Puede!, the co-op has grown from 11 or 12 people to over fifty members. Si Se Puede!'s members have tripled their wages to as much as \$25 an hour and, because there are no middlemen or fees, members receive 100% of the pay for their work. Sunrise Cooperative is a group of 60 immigrant-owned automotive shops that faced displacement due to Mayor Bloomberg's plans to redevelop Willets Point, Queens. In order to protect their thriving businesses and status as a regional destination for auto parts and repairs, a group of owners and workers in the automobile industry approached the Economic Development Corporation to form a relocation plan. This group formed a cooperative and was able to secure a new location in the Bronx, allowing the group of businesses to continue serving as a one-stop shop for customers and to reach a broader customer base than any one business could on its own. The final relocation will leverage agency resources, equity from Sunrise Cooperative members, and private capital. These co-ops as well as many others in New York have had significant success and we encourage the city to promote use of worker co-ops by including them in the procurement process.

As these examples demonstrate, worker co-ops play an increasingly vital role in the New York City economy by creating living-wage jobs and providing upward mobility for workers in traditionally low-income and static jobs. This initiative by the city is an important move towards economic growth in an under-served and often under-represented sector of the economy. CDP applauds the city and encourages the city to continue support of worker co-ops through funding and legislation. Through such measures the city can invest and support a business model that is improving the economy of the city and the lives of the people who live here.

Once again, thank you for the opportunity to testify.

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