

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES, AND
ELECTIONS

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FEBRUARY 17, 2022
Start: 10:51 a.m.
Recess: 12:31 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: MAJORITY LEADER KEITH POWERS

COUNCIL MEMBERS: Keith Powers
Adrienne Adams
Justin Brannan
Gale Brewer
Selvena Brooks-Powers
Crystal Hudson
Perina Sanchez
Rafael Salamanca, Jr.

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

Sylvia Hinds-Radix
Jocelyn Strauber
Towami Komatsu

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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3 MAJORITY LEADER KEITH POWERS: Good
4 morning, and welcome to the Committee on Rules,
5 Privileges, and Elections. My name is Keith Powers,
6 and I'm the MAJORITY LEADER of this committee.
7 Before we begin the hearing today, I'd like to
8 introduce the council members of this committee who
9 have joined us today. We're joined here by our
10 Speaker Adrienne Adams, Council Member Justin
11 Brannan, Council Member Gale Brewer, Council Member
12 Selvena Brooks-Powers, Council Member Crystal Hudson,
13 and Council Member Pierina Sanchez. I'd also like to
14 acknowledge our staff who are here with us today.
15 Rules Committee Council to my right, Lance PolivyvV
16 (SP?) and staff members of the council's
17 investigative unit, Chuck Davis (SP?), Chief
18 Compliance Officer, and investigators Alisha Vassel
19 (SP?) and Ramsey Booden (SP?). Today, the Rules
20 Committee will consider the nomination of Justice
21 Sylvia Hinds-Radix (SP?) for employment to the
22 position of Corporation Counsel and Jocelyn STRAUBER
23 (SP?) for Commissioner of Department Investigations.
24 If the council gives its advice and consent, Justice
25 for Hinds-Radix will be appointed Corporation Counsel

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 and serve an indefinite term at a salary of
3 \$243,272.00. Ms. STRAUBER will also serve an
4 indefinite term. Her salary as DOI Commissioner
5 would be \$237,240.00. The New York City Charter
6 designates the Corporation Counsel as the attorney in
7 counsel for the city and all city agencies. The
8 Corporation Counsel and by extension, the law
9 department is granted the power to conduct all the
10 law business of the city of New York. Further, the
11 Corporation Counsel shall have the right to bring or
12 defend any legal action in local, state, or federal
13 courts. The law department is comprised of
14 approximately 1000 attorney who specialize all types
15 of law that may be necessary to conduct the legal
16 business of the city of New York. The law department
17 includes specialists in a wide range of fields of
18 litigation, land use, ethics, professional
19 responsibility, contracts, administrative law,
20 juvenile delinquency, and legislative interpretation,
21 just to name quite a few. They represent the city,
22 elected officials, and city agencies with any and all
23 legal issues they may confront. The appointment for
24 the Corporation Counsel, the mayor must submit the
25 name of a nominee for Corporation Counsel within 60

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 days of a vacancy to the city council for its advice
3 and consent. We're going to start with the
4 Corporation Counsel here today, and we welcome
5 Justice Hinds-Radix. If you could please raise your
6 hand to be sworn in, and I think we're just waiting
7 for our committee counsel to such swearing in. I
8 think we're waiting one minute, technical
9 difficulties with the streaming, so just bear with
10 us.

11 COMMITTEE COUNSEL: Your honor, do you
12 swear to tell the truth, the whole truth, and nothing
13 but the truth?

14 MAJORITY LEADER KEITH POWERS: Raise you
15 right hand. One second. Just please raise your
16 right hand to be sworn in, thanks.

17 COMMITTEE COUNSEL: Justice Hinds-Radix,
18 do you swear to tell the truth, the whole truth, and
19 nothing but the truth?

20 JUSTICE SYLVIA HINS-RADIX: (Inaudible).

21 MAJORITY LEADER KEITH POWERS: Thank you,
22 and welcome and congratulations on your nomination.
23 Do you wish to make an opening statement?

24 JUSTICE SYLVIA HINES-RADIX: I do.

25 MAJORITY LEADER KEITH POWERS: Okay.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

7

2 JUSTICE SYLVIA HINES-RADIX: Thank you.

3 Thank you, majority leader. Good morning. Thank
4 you, Speaker Adams, Majority leader Powers, and
5 members of the Rules, Privileges, and Elections
6 Committee for affording me the opportunity to speak
7 with you today. My name is Associate Justice Sylvia
8 Hines-Radix, and I am honored to be Mayor Adam's
9 nominee for the position of Corporation Counsel of
10 the City of New York. Standing before you today, I
11 am humbled by the vital role of the city council and
12 the nomination process, and I look forward to
13 answering your questions. I have spent my entire
14 legal career as a public servant fighting for the
15 rights of the underserved and ensuring that the law
16 in the state of New York was implemented with justice
17 and fairness. Upon graduating from law school, my
18 first position as an attorney was with District
19 Council 37 employees, Municipal Employees Legal
20 Services. The city's employees were our clients, and
21 I got to represent them in numerous areas of the law.
22 During my 16 years at DC 37, one of the many titles I
23 held was general counsel of the immigration program,
24 a program which I founded. I represented clients in
25 immigration in other courts and assisted them with

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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the preparation of paperwork to ensure they fulfilled

3 their dreams of becoming United States Citizens. I,

4 too, am familiar with the process of running for

5 office as I was elected to the Civil Court, and the

6 Supreme Court benches. My campaign for Civil Court

7 afforded me the opportunity to connect with the

8 residents of Brooklyn in a way I had not before.

9 Talking to people and hearing of the struggles they

10 encountered on an everyday basis allowed me to see

11 the world from their perspective. With the knowledge

12 I gained from DC 37 and throughout the campaigns, I

13 knew that my voice was needed to ensure that justice

14 was served for those who came through the court

15 system. I was elected in 2001 as a judge of the

16 Civil Court, and after six months and where my

17 judicial career began, I was reassigned to the

18 Criminal Court. I have built my career on the

19 judiciary on the basis of fairness, justice, and

20 equality for those who have appeared before me. When

21 I was elected to the Supreme Court in 2004, I had the

22 distinct privilege of sitting in the city part for

23 approximately two years. I heard thousands of cases

24 defended by the law department on issues from

25 personal injury to labor law and everything in

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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3 between. I recall being highly impressed by the
4 arguments presented by the attorneys representing the
5 city during that time. I learned of the challenges
6 faced by the law department, was cognizant of the
7 fact that they worked tirelessly for the residents of
8 this great city. In addition to the city part, my
9 judicial duties included, but were not limited to
10 foreclosures, guardianships, mental hygiene,
11 matrimonial, as well as a trial part. While in the
12 Supreme Court, I was appointed as the administrative
13 judge for civil matters. In that capacity, I oversaw
14 both the Supreme Court's civil turn and the New York
15 City Civil Court which also encompassed the housing
16 court. I supervised both judicial and non-judicial
17 staff of approximately 1200 employees in one court,
18 and some 800 in the Criminal Court. This
19 administrative role encompassed many facets including
20 keeping track of trial statistics and case load,
21 ensuring that our monthly trial schedules were being
22 met, supervising court offices and support staff
23 including court officers, court clerks, and
24 administrative staff. During my tenure at the
25 Supreme Court, I saw the opening of a new wing at 360
Adams which included new court rooms, jury rooms,

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 conference rooms, and new office space for large
3 departments, all of which I had to responsibility to
4 oversee an addition to my judicial responsibilities
5 on the bench. In November of 2012, I was appointed
6 as an associate justice of the appellate division
7 second department which is the second highest court
8 and is the busiest of the four appellate divisions in
9 the state. We hear cases on appeal from ten counties
10 across the state, amid issues from criminal, civil,
11 family, and surrogate court as well as the court of
12 claims. It has been an honor and a pleasure to serve
13 with some of the best and hardest working people that
14 the New York state judiciary has to offer. It is my
15 opinion that my legal training as an attorney, as a
16 trial judge, and as an associate justice of the
17 appellate division for over 35 years has actively
18 prepared me to undertake this role if confirmed by
19 you. It has always been my view in life to evaluate
20 the complexities of a situation, always being guided
21 by the facts, the law, and listening to the
22 information provided. I am always mindful of the
23 rule of law and the need for these pieces to work if
24 we are to have a just and equitable society. As the
25 mayor noted, I am the first African American

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

11

2 Caribbean female nominee for this position, having
3 been born in Barbados, a small island in the
4 Caribbean. I was raised by hard working parents who
5 instilled in my siblings and I, the importance of
6 being honest, humble and courteous. I am acutely
7 aware that I stand on the shoulders of many who have
8 paved the way for me to come before you today, and I
9 am excited to take on a new challenge in my legal
10 career if confirmed by you and given the opportunity
11 to do so, and I thank you.

12 MAJORITY LEADER KEITH POWERS: Thank you,
13 Your Honor. I want to recognize Speaker Adrienne
14 Adams who may wish to make an opening statement and
15 ask some questions.

16 SPEAKER ADRIENNE ADAMS: Thank you very
17 much, Majority Leader Powers. Good morning, Justice
18 Hines-Radix. Very nice to see you in person today.

19 JUSTICE SYLVIA HINES-RADIX: Good
20 morning, Speaker.

21 SPEAKER ADRIENNE ADAMS: And welcome. I
22 just have a couple of questions for you. In your
23 response to question 13 on the questionnaire, which I
24 will read. The question was, how do you interpret
25 the powers of Section 395 of the City Charter with

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

12

2 respect to the reporting and placement of agency
3 attorneys. Do you agree that this Section does not
4 apply to the city council? And your response was,
5 Section 395 instructs the law department and other
6 city agencies as to when agency counsel may be
7 retained and must be read in conjunction with the
8 role of the Corporation Counsel in other charter
9 sections. The city council, as a co-equal branch of
10 government has a unique role under the city charter
11 and has historically selected its own legal staff to
12 assist with its ordinary legislative duties and I do
13 not anticipate any dispute concerning this practice.
14 So, my question is in light of your answer, on the
15 difference between agency counsels and the city
16 council's lawyers, how can you assure us that when
17 our powers are at issue or in other circumstances
18 where the council is your client, we will have a
19 relationship that recognizes this and doesn't treat
20 the council's input in participation as if our
21 lawyers are just an extension of the law department
22 as may be the case with other agency attorneys?

23 JUSTICE SYLVIA HINES-RADIX: And, Madame
24 Speaker, that is not my intent. I am acutely aware
25 of the position of the city council as a co-equal

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

12

2 branch of government and as an elected official, I am
3 aware of the difference that should be afforded.
4 Therefore, if I am confirmed, my position will always
5 be that you are treated with the respect that is
6 required of your office and that your staff is
7 treated in that manner also. So, that is an
8 assurance that I can give in that instance.

9 SPEAKER ADRIENNE ADAMS: Thank you very
10 much. Just one more question for you. For question
11 14. Question 14 was, do you think it is ever
12 appropriate for the law department to argue that the
13 city was pre-empted and quotes that the city, through
14 its local legislative body is precluded by state or
15 federal law from legislating on a certain matter from
16 passing a dually enacted local law when there is an
17 argument that the city has such power? Your response
18 was, "To argue against the validity of a city law may
19 not be in the city's best interest, and therefore, it
20 is usually inadvisable for any city official to
21 oppose a position that may be a diminution of the
22 city's powers. However, in my view, it would be
23 inappropriate for a Corporation Counsel or
24 Corporation Counsel nominee to make blanket statements
25 about any future legal positions." So, my question

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

1 A

2 is, how can you assure us that any future
3 consideration of arguing pre-emption against a local
4 law will center on the best long-term interest of the
5 city and that as the legislative body of the city
6 council will be involved in those decisions?

7 JUSTICE SYLVIA HINES-RADIX: Speaker, I
8 can assure you that I will always do what is in the
9 best interest of the city. The Corporation Counsel
10 is the city's attorney, and I can assure you, in
11 respect of the fact that I do not think it wise for a
12 nominee to make a blanket statement about future
13 litigation, I can always assure you of the process,
14 of the process of open communication and the fact
15 that there will always be an open communication and
16 notification to you, cause you are also a client.

17 SPEAKER ADRIENNE ADAMS: Thank you very
18 much, and I do have one more. They all have the same
19 theme as you see. So, question 17 was, do you think
20 it is ever appropriate for the law department to
21 argue that the city lacks the home rule authority to
22 act in a certain area where there is an argument that
23 the state legislature cannot act without a home rule
24 request from the city? Your response was, I do not
25 believe that it is appropriate to pre-judge how I

2 would handle a particular matter. I think the best
3 and most effective way to handle this would be with
4 an analysis of the issue, and then I can make a
5 determination upon the city's best interest and the
6 potential impact. So, my follow up question to that,
7 to give you an example, if the city had, for decades
8 considered the issuance of taxing medallions, a
9 matter of local control, would it be appropriate for
10 the law department to suddenly argue that the state
11 can act without a home rule message because the city
12 needs the money to plug a hole in the budget and even
13 if there was a situation where this could conceivably
14 be appropriate, what type of engagement process in
15 making such a decision would you envision for non-
16 mayoral partners in government such as the council
17 whose powers this could also effect?

18 JUSTICE SYLVIA HINES-RADIX: Can I ask
19 you to repeat the question?

20 SPEAKER ADRIENNE ADAMS: Sure.

21 SPEAKER ADRIENNE ADAMS: Speaker.

22 SPEAKER ADRIENNE ADAMS: Sure. To give
23 context, I was giving your response to whether or not
24 it was appropriate for the law department to argue
25 that the city lacks the home rule authority to act in

2 a certain area, all right? Where there is an
3 argument that the state legislature can act without a
4 home rule request from the city, and your response to
5 that question was that you didn't believe that it was
6 appropriate to pre-judge how you would handle a
7 particular matter, and you thought that the best and
8 most effective way to handle it would be with an
9 analysis of the issue, and then you would be able to
10 best make a determination, I'm paraphrasing, and ...

11 JUSTICE SYLVIA HINES-RADIX: I'm sorry, I
12 thought you were done. And now under the analysis of
13 the issue, should be an analysis that involved the
14 kind of analysis that you would have with the city
15 council and agencies. It's not an exclusive, I
16 believe that in order, for us to be able to move
17 forward, it has to be communication. In order to
18 make any kind of analysis that would be beneficial,
19 there has to be communication across the board, and I
20 think that's what we have here. I am quite familiar
21 with the situation that you talked about and I do not
22 know think that it would be appropriate for me to
23 make, to take a position on the issue before the
24 medallion, but I can always assure you that the
25 communication and analysis that is supposed to go

2 into any of these situations is something that I will
3 be willing to do and be willing to have the kind of
4 communication with you and have the feedback in order
5 to make determinations that are in the best interest
6 of the city.

7 SPEAKER ADRIENNE ADAMS: Okay, thank you
8 very much. I think you answered the; just a follow
9 up to the follow up. What I'm trying to get to is
10 that because we are a co-equal branch of government
11 with the mayor's office, the type of engagement
12 process for making the decisions, and we're hearing
13 communication, how would you necessarily envision
14 that engagement process for making these
15 determinations for nonmayoral partners in government
16 like us, like this body in the council whose powers
17 are also affected?

18 JUSTICE SYLVIA HINES-RADIX: Well, Madame
19 Speaker, I have not been a Corporation Counsel, but
20 I'm fully aware that attorneys have communication,
21 that there's counsels from the city, and I expect
22 that that communication should be had with the
23 attorneys at the Corporation Counsel that these
24 issues should be ironed out. I am also fully aware
25 that there are somethings, that issues cannot be

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 resolved between counsels and I believe that the
3 Corporation Counsel, based on the provisors of the
4 charter, should make their final determination as to
5 how these issues should be handled.

6 SPEAKER ADRIENNE ADAMS: Okay, thank you
7 very much.

8 JUSTICE SYLVIA HINES-RADIX: You're
9 welcome.

10 MAJORITY LEADER KEITH POWERS: Thank you,
11 Madame Speaker, and I also want to recognize we've
12 been joined here by Council Member Salamanca as well,
13 welcome, and thank you for those questions. I'm
14 going to have some follow ups here as well, and
15 thanks for your testimony. You know, as you might
16 recall, we were here just about, less than a year ago
17 to consider the nomination of Georgia Pestana for
18 Corporation Counsel and a few of us were here on the
19 Rules Committee as well, but the questions we asked
20 about were the institutional roles of the law
21 department and disputes regarding the legal position
22 of the city and believing those are important to
23 establish a strong working relationship and as we're
24 at the beginning of a new term with a new mayor and a
25 new speaker, of course, another good opportunity to

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 discuss the role of the Corporation Counsel as a
3 lawyer of the city and certainly the interaction
4 between the different branches of government when it
5 comes to the Corporation Counsel. So, a few
6 questions. The first one is, in response to
7 questions about conflicts between the mayor and the
8 council regarding the legal position of the city of
9 New York, you indicated that ultimately, the
10 Corporation Counsel decides the legal position of the
11 city. I agree with you on that, but a couple of
12 questions to follow up on that. I guess we're trying
13 to determine what principles would guide you in
14 making those determinations about deciding a legal
15 position when there may be a conflict between the
16 mayor and the city council in terms of our positions,
17 and secondly, what would you do if a mayoral agency
18 did not comply with a dually issued subpoena from the
19 city council?

20 JUSTICE SYLVIA HINES-RADIX: Well, the
21 Corporation Counsel, as I stated, is not the attorney
22 for the mayor. It's not just the attorney for the
23 city council, just the attorney for the agencies, but
24 it's the attorney for the city of New York. I will
25 always be guided by ensuring that the interest of the

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 city of New York is protected and the analysis that I
3 make, that will be the first analysis that I make as
4 I do that. Not that it's going to be beneficial to
5 the mayor, but it's going to be beneficial to the
6 city of New York.

7 MAJORITY LEADER KEITH POWERS: And just
8 to be more specific to the second question. If a
9 mayoral agency is not complying with the dual issued
10 subpoena, can you just tell us, from the city
11 council, can you tell us what steps you might take or
12 how you might approach that?

13 JUSTICE SYLVIA HINES-RADIX: My advice,
14 and I don't think it is appropriate for me to say
15 what I would say to another client, but my advice
16 would always be to the administration and to anyone
17 is to follow the rule of law.

18 MAJORITY LEADER KEITH POWERS: Okay.
19 Just to provide a clarity on the first part of the
20 question, first part of the answer rather. If you
21 believe the city council has a stronger legal
22 argument than the mayor in a conflict between the
23 mayor and the city council, will you uphold the city
24 council's position if you believe it has a strongly
25 legal position ...

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

21

2 JUSTICE SYLVIA HINES-RADIX: I will
3 always go with the argument that is in the best
4 interest of the city. If it's the city council's
5 argument that is in the best interest of the city,
6 that's the position that I will have to take, but it
7 has to be what is in the best interest of the city of
8 New York.

9 MAJORITY LEADER KEITH POWERS: Okay, I
10 appreciate that an example that used by the Speaker
11 with the tax medallion, that is not hypothetical.
12 That is a real example that happened about 10 years
13 ago where we eroded the home rule authority of the
14 city council in pursuit of a plan for the mayor, and
15 so I think that's a real life example, but we have,
16 in the city council ourselves, have experienced a
17 number of issues with the law department relate to
18 basic client services as a client. If confirmed, do
19 you commit to creating a new training or to refine
20 existing training programs ...

21 JUSTICE SYLVIA HINES-RADIX: I missed
22 what you said.

23 MAJORITY LEADER KEITH POWERS: Sorry.

24 JUSTICE SYLVIA HINES-RADIX: Do I commit
25 ...

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 MAJORITY LEADER KEITH POWERS: If
3 confirmed ...

4 JUSTICE SYLVIA HINES-RADIX: Thank you ...

5 MAJORITY LEADER KEITH POWERS: ... will
6 commit to creating a new training or to refine the
7 existing training programs on basic client services
8 regarding the role of the council and our desire to
9 be a close partner on all litigation matters
10 involving the city council and what I may ask in
11 addition to that, will you also commit to meeting
12 with our legal staff to discuss ways to be a better
13 partner and to work together?

14 JUSTICE SYLVIA HINES-RADIX: If
15 confirmed, that will be one of the first things I
16 would want to do; to meet with your staff to have a
17 discussion of the issues that are of concern for you,
18 and to find out how we can better work together. I
19 believe that it would fool-hearted not to have any
20 kind of training to see what is there first. I would
21 have to have an analysis of what is there, make a
22 determination of what is working and what is not
23 working, and after I've done that, make the necessary
24 changes and make sure the attorneys are aware of the
25 ethical obligations to their clients.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 22

3 MAJORITY LEADER KEITH POWERS: Okay. I
4 have a couple of questions. I'll ask one and then
5 I'll move on to some members and come back as needed.
6 Can you describe the process by which would determine
7 whether to defend a dually enacted law? For example,
8 if the mayor vetoes a bill of the city council and we
9 override that veto, can you tell us how you would
10 handle that? Would you defend the city law if the
11 council still wishes to defend it against the veto,
12 and tell us how you might approach similar theme
13 here, conflict between branches of government,
14 council passes a law, how will your approach be in
15 terms of defending that dually enacted law?

16 JUSTICE SYLVIA HINES-RADIX: I know and
17 attorneys know that there is a presumption of
18 validity of a law. If it's a valid law, the
19 Corporation Counsel should defend it.

20 MAJORITY LEADER KEITH POWERS: Okay, I
21 have a few more, but I'm going to let some colleagues
22 ask questions, I'll clean up if needed. Okay, we're
23 going to head over, I think, to Council Member Brewer
24 to start, and then we'll take sign ups from other
25 folks as well.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 21

3 COUNCIL MEMBER GALE BREWER: Thank you
4 very much, and I appreciate the fact that you reached
5 out, not just to us, but to the previous Corporation
6 Counsels. They really appreciated that, and one of
7 the questions I have obviously, what the Speaker
8 asked, we're all interested in, but I'm also, looking
9 at the budget, do you have some ideas about how to
10 get people not to sue the city so that there are
11 obviously, when they do, you are, your department
12 handles that, but there's always been a hope that we
13 could find ways to be less, a city that sues all the
14 time. So, I know it's a, not necessarily, a legal
15 question, but I'm wondering if you had any thoughts
16 about that? I know that some of the previous
17 Corporation Counsels did.

18 JUSTICE SYLVIA HINES-RADIX: Well, one of
19 the things, and I think the Corporation Counsel
20 implemented something, as I had been discussing with
21 them, in the risk management unit, so that those
22 issues that are progressive, that can be a discussion
23 about those issues, so we can stave them off before
24 they become lawsuits or look at agencies or where
25 things are going on that we can make agency heads
aware of, and try to see whether they're bad actors

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 and how they can deal with these bad actors to ensure
3 that the situations that cause lawsuits, that we can
4 stave them off.

5 COUNCIL MEMBER GALE BREWER: Okay, and I
6 think that's something important cause it's not been
7 satisfactorily accomplished, but there have been
8 attempts in the past. The other question I have is
9 maybe you addressed with Council Member Powers, but
10 the training and the retention, because you are not
11 going make fortune in Corp Counsel as an attorney,
12 but you are certainly going to get great experience
13 and we want that experience to last because it is so
14 important for our city. So, what suggestions, given
15 your past, would have for retention of these great
16 attorneys?

17 JUSTICE SYLVIA HINES-RADIX: The great
18 thing that we have in the Corp Counsel is that there;
19 an attorney who leaves law school and goes to a law
20 firm will probably not get to do a deposition or have
21 a trial for years, but this situation exists as you
22 go into the city because of our volume and because of
23 how participation that is given to these attorneys
24 and that is something that we have to be able to
25 play. One of the other things that, if I were

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

26

2 confirmed, that I would like to do is to have
3 discussions with Deans at law schools to be able to
4 go out, and encourage some of our attorneys from the
5 Corporation Counsel to go out to speak to young
6 lawyers who are now in law school or who are being
7 trained to tell them about the Corporation Counsel,
8 to tell them about the work that they do. There are
9 a lot of people who are committed to civil service.
10 When I got out of law school, I wanted to be a civil
11 servant. I didn't want to go to a law firm, and
12 there are lots of people that are committed to doing
13 that, and I think that if we get the message out
14 about our agency and the work that we do and the
15 wonderful partners that we have for equal branches of
16 government who do all of these things, that this
17 would be an ability to be able to retain some of the
18 people that come to us.

19 COUNCIL MEMBER GALE BREWER: Okay, and
20 then picking up on what, the excellent questions from
21 the Speaker on this issue, I was a president
22 previously, and we did work on some cases where we
23 were in conflict with the mayor, and we were able to
24 hire outside counsel that then was paid for by the
25 law department. So, my question is, again, sort of

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 picking up on what the Speaker suggested, obviously,
3 it's not just the city council. You have other
4 independently elected ...

5 JUSTICE SYLVIA HINES-RADIX: ... right ...

6 COUNCIL MEMBER GALE BREWER: ... and do you
7 have any sense of how you would make those decisions
8 about when there was a conflict or is that something,
9 as you said earlier, it would be case by case?

10 JUSTICE SYLVIA HINES-RADIX: I believe it
11 has to be on a case-by-case basis. There couldn't be
12 a blanket, what we're going to do because without the
13 facts before me and the analysis of what has happened
14 between either the agency and the mayor, the mayor
15 and the council, there couldn't be a determination
16 unless I have a specific case.

17 COUNCIL MEMBER GALE BREWER: It's going
18 to come up more and more, would be my guess, just for
19 your information.

20 JUSTICE SYLVIA HINES-RADIX: I'm sorry?

21 COUNCIL MEMBER GALE BREWER: It's going
22 to come up more and more.

23 JUSTICE SYLVIA HINES-RADIX: I'm quite
24 sure.

25

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 28

3 COUNCIL MEMBER GALE BREWER: So, you
4 might have that as, thinking about it as a priority.
5 Then finally, I know that this mayoral override, I
6 know when we discuss it, it's not something that most
7 people know about, but I dealt with it as both
8 president working with the DiBlasio administration,
9 and it was very unclear as to how the mayor makes a
10 decision. Basically, a mayoral override in our case
11 was when we're not going to do the zoning, we're
12 going to do it our way, and of course, there's only
13 one industry in New York City. It's called real
14 estate, and when that comes up in the political
15 context, it's always controversial. So, I guess,
16 what I'm saying to you, is on the issues like mayoral
17 override, we would need some transparent guidelines
18 as to what determines a mayoral override, and I
19 assume that would fall in the hands of the
20 Corporation Counsel.

21 JUSTICE SYLVIA HINES-RADIX: And I
22 believe in transparency, and I am not, as I said to
23 Council Member Powers, I am not fully familiar with
24 the document that was referred to on override, but I
25 can commit to you that should I be confirmed, I will
work to ensure that I am fully familiar with it and

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 2a

3 you, as a client, will be entitled to whatever
4 information with reference to this, that this not
5 privileged.

6 COUNCIL MEMBER GALE BREWER: It will come
7 up on real estate. Thank you very much.

8 MAJORITY LEADER KEITH POWERS: Thank you.
9 I just wanted to add on to that last point cause it
10 was an issue that was raised, obviously, in the press
11 as well which I know you're familiar with on the
12 zoning override. It may or may fall entirely in your
13 jurisdiction as Corporation Counsel to display and
14 provide us that sort of entirety of the policy around
15 the administration or the administration's goals or
16 guidance when it comes to mayoral override. It is
17 one of the strongest powers the city council has, is
18 the ability to impact and effect decisions around
19 land use, and I think both for the administration and
20 for the Corporation Counsel it would be a good policy
21 and it would be an important policy for us to have a
22 better understanding of how the guidance is issued
23 and what are the policies, and I assume somewhat
24 discretionary for the administration to make
25 decisions about important factors, but I also believe
there is a Corporation Counsel role in guidance for

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 memos that help, and we have, I think to date, not
3 been able to see those, so I would, not a question,
4 but I would encourage and implore yourself and the
5 administration to come to the council and give us a
6 little bit of better guidance of when, if there is
7 available documents for us to share those with us,
8 but also to provide us with clarify of explanation.
9 I've also raised that to the other folks in the
10 administration as well because it does, you know,
11 intersect with one of our primary powers.

12 I will now hand it over to Council Member
13 Selvena Brooks-Powers.

14 COUNCIL MEMBER SELVENA BROOKS-POWERS:

15 Thank you, and thank you for your opening remarks,
16 Judge. I do have one brief question. I'm interested
17 in understanding how you would handle lawsuits before
18 the city in terms of the public. Often times, the
19 city is in positions where they have to decide to
20 settle out in cases and how that is handled because
21 sometimes it's a pretty extensive process and so, I'm
22 interested in how you would handle a situation like
23 that?

24 JUSTICE SYLVIA HINES-RADIX: If you're
25 talking about the settlement process, the charter

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

21

2 sets out for settlements or claims with the
3 controller's office in conjunction with the
4 Corporation Counsel, and if you're talking about if
5 the case goes on, or your talking about a case that
6 goes on, it goes through a court process.

7 COUNCIL MEMBER SELVENA BROOKS-POWERS:

8 So, just in terms of the process in itself, but also
9 in the instance where there's a settlement to be
10 reached. How would you handle it under your
11 leadership in that office?

12 JUSTICE SYLVIA HINES-RADIX: Well,

13 settlements are going to be by negotiation and by an
14 evaluation of the case, what has happened. I think
15 primarily if there's a case and there is the
16 perception by the Corporation Counsel or by the
17 lawyers that this is a case where a citizen has been
18 harmed and we have some responsibility. That
19 determination should be made early to get rid of the
20 case, and in the best interest of the city rather
21 than just continued litigation that may be perceived
22 as being frivolous.

23 COUNCIL MEMBER SELVENA BROOKS-POWERS:

24 Thank you.

25

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 22

3 JUSTICE SYLVIA HINES-RADIX: You're
4 welcome.

5 MAJORITY LEADER KEITH POWERS: Thank you.
6 Do we have other members who wanted to ask questions?
7 Council Member Sanchez.

8 COUNCIL MEMBER PIERINA SANCHEZ: So, good
9 morning.

10 JUSTICE SYLVIA HINES-RADIX: Good
11 morning, Council Member

12 COUNCIL MEMBER PIERINA SANCHEZ: Judge,
13 it's very good to see you in person this time. Thank
14 you for taking the time for our early conversation
15 yesterday.

16 JUSTICE SYLVIA HINES-RADIX: Thank you
17 for speaking with me.

18 COUNCIL MEMBER PIERINA SANCHEZ: Of
19 course. So, my first question is regarding, as we
20 talked about yesterday, the broad preview of course
21 that the law department has with so many different
22 city agencies. Can you tell us a little bit about
23 what your philosophy will be in terms with working
24 with agency counsels and in particular, you know, my
25 interest in seeing the city of New York be a little
bit more aggressive in terms of affirmative

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 22

2 litigation, especially in the area of housing,
3 holding landlords accountable, you know, helping to
4 protect New Yorkers in an affirmative way as opposed
5 to just reactive, you know, getting lawsuits and the
6 different ways that we respond?

7 JUSTICE SYLVIA HINES-RADIX: So, there
8 are two questions. So, right, council member? So,
9 I'll address first your issue with affirmative
10 litigation, and there is an affirmative litigation
11 unit at the Corporation Counsel. It's small

12 COUNCIL MEMBER PIERINA SANCHEZ: Very
13 small.

14 JUSTICE SYLVIA HINES-RADIX: I would have
15 no reservations about extending that unit if I saw it
16 was in the best interest of the city and the areas
17 where affirmative litigation is needed, and you have
18 mentioned some of them, and I would like to
19 continued, if confirmed, that conversation with you
20 or any member of the city council who knows of areas
21 that they would like to be addressed so that we can
22 have that unit up and running and doing the types of
23 things that would save, and we all know it, it could
24 end up being to protect citizens, it also brings
25 money into the city that we probably need.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 21

3 COUNCIL MEMBER PIERINA SANCHEZ: Thank
4 you, and anything in addition to your philosophy
5 about working with agency counsels?

6 JUSTICE SYLVIA HINES-RADIX: My goal is,
7 and it has always been my goal, and it will continue
8 to be my goal to ensure that there is proper respect
9 and communication across the board. If attorneys are
10 able to communicate effectively, it makes it much
11 easier with the work that we have to do. You know,
12 in the final analysis, we're all doing what we
13 believe is in the best interest of the city because
14 we love the city. So, it doesn't help us, the pigeon
15 hole and say I belong here and I belong here, and not
16 be able to talk to each other and make the
17 determinations that are necessary in order to ensure
18 that the city's interest is protected.

19 COUNCIL MEMBER PIERINA SANCHEZ: All
20 right, thank you, and my last question is following
21 the lead of our Majority Leader and our Speaker, and
22 it's with respect to your answer to question 15, and
23 the question was, the law department has previously
24 demanded that the city council agrees to stays of
25 city law that mayor disagreed with. Will you commit
to not use multiple extension requests to delay the

2 implementation of local laws in which the mayor
3 disagrees, and your response was with the respect to
4 the process of litigation, and of course, doing what
5 is in the best interest of the city and avoiding
6 unnecessary delays. My follow up question is in
7 additional context where there isn't litigation and
8 perhaps for different reasons, the mayor has
9 requested multiple stays or delays of implementation
10 of city law. What criteria would you use in those
11 instances to communicate with us and to arrive at
12 decisions about implementation?

13 JUSTICE SYLVIA HINES-RADIX: I will
14 always make sure that there's communication between
15 your legal staff and our staff, but I always also
16 have to be mindful; you're not asking me how I would
17 a specific litigation, but how I would handle the
18 communication back and forth, and to go direct issue
19 that I raised before, this seems to be a question of
20 communication and information that should be
21 received, and I am very much on board with you, that
22 information should be provided to you as a co-equal
23 branch of government and I will be respectful of
24 that.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 26

3 COUNCIL MEMBER PIERINA SANCHEZ: Thank
4 you.

5 MAJORITY LEADER KEITH POWERS: Thank you.
6 We'll now go to Council Member Hudson.

7 COUNCIL MEMBER CRYSTAL HUDSON: Hi there,
8 good morning.

9 JUSTICE SYLVIA HINES-RADIX: Good
10 morning.

11 COUNCIL MEMBER CRYSTAL HUDSON: I just
12 wanted to expand upon question six which asks can you
13 make a commitment that the law department will send
14 copies of all draft legal papers to the appropriate
15 city attorneys from the relevant agency or non-
16 mayoral city entity including the city council at
17 least three business days before they are due with
18 the exception of replied papers in New York State
19 court or unexpected time sensitive filing that would
20 not allow for three business days? You know when the
21 city council has major constitutional litigations,
22 scheduling orders, stipulations, and we're given an
23 extremely short turnaround to make comments on
24 substantive briefs, it puts the council at a huge
25 disadvantage, and so I'm wondering if you can make a
clear commitment that the law department will provide

2 all legal papers at least three business days before
3 they're due?

4 JUSTICE SYLVIA HINES-RADIX: Well, and
5 the reason why three business is sometimes
6 unrealistic, but I'd like propose this. I'd like to
7 propose that we are working on this area and with
8 this litigation much earlier than waiting for the
9 last three days because if you're working with this,
10 your staff is working with Corporation Counsel, then
11 your staff, with all due respect, if you do not mind,
12 I would like to see your staff working with the
13 Corporation Counsel staff, cause if they're working
14 together, the necessary information that is needed in
15 this case will not be a surprise, and that's where I
16 would like to see us going, in a (inaudible)
17 collaboration is upfront and not at the tail end
18 because I think the reason why there are issues with
19 not getting papers and documents is because they are
20 at the tail end, and if we are able to cut this off,
21 then we're able to get where we're going, but I would
22 be hard pressed, and to some extent be disingenuous
23 of me to say well, I'm going to commit to three days
24 when I know that based on the volumes that it doesn't
25 happen, but I will commit to ensure that the

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 28

3 information, and to ensure and to tell the staff, if
4 I'm confirmed, that the information has to be sent
5 out as expeditiously as possible and the cases, like
6 the case that you've mention is something that has to
7 be highlighted and dealt with.

8 COUNCIL MEMBER CRYSTAL HUDSON: Thank
9 you.

10 JUSTICE SYLVIA HINES-RADIX: Oh, you're
11 welcome. I'm sorry, council.

12 MAJORITY LEADER KEITH POWERS: All right,
13 we have one more question, a follow up question from
14 Council Member Sanchez.

15 COUNCIL MEMBER PIERINA SANCHEZ: Hi.
16 It's actually not a follow up question. I just
17 wanted to shout out in advance, the administrative
18 law regulatory litigation division that does
19 incredible work and is probably one of the ones that
20 we will be interfacing the most with at the council
21 as we negotiate legislation. So, there is an
22 incredible team there attending your confirmation.

23 JUSTICE SYLVIA HINES-RADIX: Thank you.

24 MAJORITY LEADER KEITH POWERS: Thank you.
25 Do we have any other questions? Congratulations on

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2a

2 your nomination, and thank you for taking time with
3 us today.

4 JUSTICE SYLVIA HINES-RADIX: Thank you
5 very much.

6 MAJORITY LEADER KEITH POWERS: Thank you.
7 We're now going to move on to the Department of
8 Investigations.

9 JUSTICE SYLVIA HINES-RADIX: Do I leave
10 or do I have to stay?

11 MAJORITY LEADER KEITH POWERS: What's
12 that?

13 JUSTICE SYLVIA HINES-RADIX: Do I have to
14 stay or do you want me ...

15 MAJORITY LEADER KEITH POWERS: Your
16 choice. You are allowed to. You are allowed to
17 leave. We're done with you. She may want some
18 company. I don't know.

19 JUSTICE SYLVIA HINES-RADIX: Okay, I'll
20 stay.

21 MAJORITY LEADER KEITH POWERS: A little
22 solidarity never hurt. So welcome. Thank you, thank
23 you, and we're going to move on with the Department
24 of Investigations. We welcome you here today
25 pursuant to the charter chapter two section 31, the

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

10

2 mayor appoints the Commissioner of the Department of
3 Investigations upon the advice and consent of the
4 city council. Before taking a vote, the city council
5 holds a public hearing. The DOI Commissioner is
6 authorized and empowered to conduct any study or
7 investigation in which, in the judgement of the
8 Commissioner are in the best interest of the city of
9 New York. These include, but not limited to
10 investigations concerning the affairs, functions, and
11 council methods, personnel and effectiveness of the
12 city agencies over which DOI has jurisdiction. The
13 DOI Commissioner also has a duty to conduct
14 investigations demanded by the mayor or the city
15 council. The (inaudible) of Interest Board also has
16 the power to direct DOI to conduct investigations
17 concerning matters relating to COIB's responsibility
18 under chapter 68 of the New York City Charter. Upon
19 request, the DOI Commissioner must investigate any
20 such council and COIB investigation within a
21 reasonable time. The DOI has jurisdiction over any
22 agency officer or employee of the city of New York,
23 any person doing business with the city and any
24 person or entity paid or receiving money from the
25 city. DOI also has a complaint bureau which receives

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

11

2 complaints from the public. The DOI commissioner is
3 also responsible for approving the appointments of
4 New York City agency inspector general, IGs and
5 conveys the associated standards of conduct for all
6 appointed IGs. In order to ensure the uniformity of
7 their activities, the DOI Commissioner monitors and
8 evaluates the activities of the IGs. IGs report
9 directly to the Department of Investigations
10 Commissioner. The Commissioner is required to a
11 member in good standing of the Bar of the state of
12 New York and must have at least five years of law
13 enforcement experience. We welcome here today, Ms.
14 Stabber. Would you please raise your right hand to
15 be sworn in?

16 COMMITTEE COUNSEL: Ms. STRAUBER, do you
17 swear to tell the truth, the whole truth, and nothing
18 but the truth?

19 JOSLYN STRAUBER: I do.

20 MAJORITY LEADER KEITH POWERS: Great.
21 Thank you, and welcome. Do you wish to make an
22 opening statement?

23 JOSLYN STRAUBER: Yes, I do.

24 MAJORITY LEADER KEITH POWERS: Okay, go
25 ahead.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

12

2 JOSLYN STRAUBER: ... microphone.

3 MAJORITY LEADER KEITH POWERS: We do
4 recommend that.

5 JOSLYN STRAUBER: How's that? Better?

6 MAJORITY LEADER KEITH POWERS: Better.

7 JOSLYN STRAUBER: Okay, start again.

8 Thank you Speaker Adams, Chair Powers, Chair Brewer,

9 and the members of the Rules Committee for the

10 opportunity to speak with you today as Mayor Adams'

11 nominee for the Commissioner of the Department of

12 Investigation. My name is Joslyn Strauber, and I'm

13 honored to have been asked to serve as Commissioner.

14 DOI plays a critical role in ensuring accountability,

15 transparency, and integrity in city government, and

16 this is a critical time for our city when good

17 government is enormously important. DOI, which has a

18 dual mission is uniquely positioned to uphold that

19 standard. It's work helps to identify and eliminate

20 fraud, corruption, and abuse through investigations

21 that may result in the recovery of tax dollars,

22 criminal and civil enforcement actions and proposals

23 for policy and procedural reforms that can prevent

24 future misconduct and waste of city resources, and

25 DOI's mission is particularly compelling to me

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

12

2 because it's work supports the work of other city
3 agencies including those who serve the most
4 vulnerable New Yorkers. I'm also honored to appear
5 before you here today. This hearing is intended to
6 ensure DOI's independence and as a former prosecutor,
7 I full appreciate the independence in powers and
8 investigative agency to follow the facts where ever
9 they may lead and to do so fairly and impartially.
10 This council also can direct DOI to undertake
11 investigations and plays its own vitally important
12 oversight role with respect to city agencies, and I
13 hope if confirmed to work in partnership with you in
14 furtherance of our shared interests in ensuring that
15 city government works better for all New Yorkers.

16 I'd like to start by telling you a bit
17 about my personal and professional background and I
18 believe I am qualified for this very significant
19 role. I was born and raised in Manhattan. I've
20 lived here nearly all of my adult life and my husband
21 and I are raising our two children here. I'm a third
22 generation New Yorker. My grandfather immigrated
23 here from Europe through Ellis Island as a teenager
24 and raised his family including my father in
25 Brooklyn. My dad's enthusiasm for his litigation

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 practice and mother's intense focus on the importance
3 of hard work and career, led me to law school, and
4 then to two federal judicial clerkships; one with the
5 late Chief Justice of the United States, William
6 Rehnquist, and a fellowship at the Department of
7 Justice in Washington D.C. I then returned to New
8 York City and after a few years at a large, private
9 law firm, I was fortunate to be hired as an assistant
10 United States Attorney for the Southern District of
11 New York, a job I had hoped to have since law school.
12 Working in that office, like the DOI, the oldest of
13 its kind in the nation, I had the great privilege of
14 working every day with dedicated colleagues and
15 skilled law enforcement agents to make the city a
16 safer and more just place. I am grateful to have
17 served for eight and a half years in an officer where
18 we followed the facts where ever they led without
19 fear or favor, and where we sought to do the right
20 thing in the right way for the right reasons. I am
21 also thankful for the supervisors who helped me apply
22 those values to each case and each decision every
23 day. That approach and those values have guided my
24 work ever since, and if I am confirmed, they will
25 guide my leadership of the talented and dedicated

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

15

2 staff of DOI as well. After a few years handling
3 investigations, trials, and appeals, I was ultimately
4 promoted to deputy chief and then co-chief of a newly
5 formed unit that combined the office's prosecutions
6 of international narcotics with its prosecutions of
7 terrorism and national security. In that capacity, I
8 supervised over 20 prosecutors, handling complex,
9 high-profile international investigations and
10 prosecutions, working closely with the NYPD, the FBI,
11 the DEA, and other law enforcement agencies. During
12 the over four and half years that I served as a
13 supervisor, we charged and convicted numerous
14 defendants on terrorism, narcotics conspiracy, and
15 money laundering charges among others. Many of these
16 cases, most notably the so-called Time Square bomber
17 who is currently serving life in prison for seeking
18 to detonate a car bomb in Time Square on May 1st,
19 2010, directly impacted the safety of this city.
20 Both as a line prosecutor and as a supervisor, I saw
21 firsthand the value of close working relationships
22 between prosecutors and law enforcement agents to
23 build cases that are factually and legally sound.
24 DOI had a particular strong and productive
25 partnership with the SDNY US Attorney's Office during

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

16

2 my time there, and many significant prosecutions
3 resulted from that relationship. I also learned to
4 navigate complex, sensitive situations requiring the
5 cooperation of multiple stakeholders, each of whom
6 were duty-bound to serve varying interests. I
7 believe this experience will serve me well if
8 confirmed as Commissioner. I will work to enhance
9 DOI's relationships with its key law enforcement
10 partners. I will also work in alignment with the
11 heads of city agencies, city hall, and this council
12 to improve city government and I understand the
13 importance balance between this valuable
14 collaboration and the equally important need to
15 maintain DOIs crucial independence. At the end of
16 2013, I left the US Attorney's Office for private
17 practice and have been since then with the Law Firm
18 of Skadden, Arps where I'm a litigation partner and
19 have spent the last eight years. In that capacity, I
20 represent individuals and companies in their response
21 to civil and criminal government investigations and
22 prosecutions. These matters involve suspected civil
23 and criminal fraud and corruption offenses as well as
24 money laundering, sanctions violations, among others.
25 They often involved multiple regulators and law

2 enforcement agencies and are handled under time
3 pressure and at times, intense public scrutiny. In
4 this work, I have seen from the defense side of the
5 table, the tremendous power of government
6 investigators and prosecutors and how important it is
7 that they do rigorous work, dig deeply into all the
8 key facts, and refrain from jumping to conclusions
9 without sufficient support. This experience has
10 well-prepared me to serve as Commissioner and to
11 guide and support the executive staff and inspectors
12 general and the handling of complex sensitive
13 investigations. Through my work on these
14 investigations, I have seen firsthand that it is
15 critical that institutions convey a commitment to
16 compliance at the senior-most levels, the tone at the
17 top, and support that commitment with robust and
18 appropriately targeted policies and procedures. I am
19 mindful also that such processes must be compatible
20 with the realities and resources of the work places
21 where they apply. I would bring that nuance
22 perspective to my work at DOI and to the policy and
23 procedural recommendations that DOI is empowered to
24 make. A dedication to pro bono work is hallmark of
25 my firm's culture and I have maintained an active pro

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

12

2 bono practice. For the past two years, I have
3 represented indigent clients charged in criminal
4 cases in federal court in Manhattan. In getting to
5 know these clients, I have come to understand in a
6 much more personal way, the challenges that many
7 faced from a young age, and that many of the most
8 vulnerable New Yorkers face today, particularly in
9 the ongoing COVID pandemic, poverty, domestic
10 violence, gang violence, substance abuse, and a lack
11 of educational opportunity. I have also been active
12 in the firm's diversity, equity, and inclusion
13 efforts, and I have seen that the best work places
14 are diverse and inclusive, such that people of very
15 different backgrounds feel respected, safe, and
16 comfortable sharing different perspectives. I
17 believe that the best decisions are made after full
18 consideration of truly diverse viewpoints by people
19 working toward a common mission, and if confirmed, I
20 intend to maintain and foster that kind of workplace
21 at DOI. I will close by saying that I would be
22 thrilled to have the chance to take on this role and
23 to apply my skills and experience to the very
24 significant work of leading this critical agency at
25 this very important time. For me, this is an

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 opportunity to return to public service in and for
3 the city that I love and it has given me and my
4 family so much, both personally and professionally,
5 and it is an opportunity to work with this council
6 and with other components of city government to
7 ensure that our government better serves all New
8 Yorkers while preserving and protecting the
9 independence that makes DOI so effective. Thank you
10 for your consideration of my nomination, and I'm
11 happy to answer any questions that you have.

12 MAJORITY LEADER KEITH POWERS: Thank you,
13 and thank you for that testimony, and I'm now going
14 to call on Speaker Adrienne Adams to ask some
15 questions.

16 SPEAKER ADRIENNE ADAMS: Thank you,
17 Majority Leader. Good morning.

18 JOSLYN STRAUBER: Good morning, Speaker.

19 SPEAKER ADRIENNE ADAMS: It's good to see
20 you. Ms. Strauber, I wanted to open by noting that
21 in your prehearing questions, you describe the ways
22 in which the council's oversight functions compliment
23 those of DOI, and as the Speaker, I agree with your
24 assessment that proper oversight can create, as you
25 put it, "greater accountability, transparency, and

2 integrity." If you're confirmed, we look forward to
3 partnering with you in this important work. You also
4 noted your interest in strengthening whistle blower
5 protections, and that's a goal that I share as well,
6 and I look forward to working with you on that
7 important objective. In looking at your questions
8 and answers, I'm going to go to question 10 which
9 was, Sometimes DOI investigators will not disclose
10 anything about an investigation to the recipient of a
11 subpoena. When issuing a subpoena to the city
12 council, a mayoral agency, or a non-mayoral agency
13 such as a borough president, public advocate, or
14 controller, would you commit to instructing DOI
15 investigators to provide at least a high-level
16 overview of what is being investigated to assist the
17 government agency, council, or non-mayoral agency in
18 properly responding to such a subpoena? Your
19 response, I am reluctant to provide a blanket
20 commitment of this nature because I think these sorts
21 of issues are best handled on a case-by-case basis. I
22 can envision circumstances in which sharing a high-
23 level overview of the nature of the investigation
24 would be appropriate and others in which that
25 disclosure might risks compromising an investigation.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

51

2 As I know this council is aware, DOI must maintain
3 confidentiality with respect to its investigations in
4 order to do its job effectively. I can say that in
5 general, I believe it would be appropriate for DOI to
6 assist any recipient of a subpoena in its response by
7 clarifying where necessary and helpful, the nature
8 and scope of the materials requested. That kind of
9 dialogue would conserve the entity's resources in
10 identifying and producing materials and ensure that
11 DOI receives the materials that it needs. So, we
12 asked you about whether you would commit to providing
13 at least a high-level overview when issuing subpoenas
14 to the council regarding the nature of the
15 investigation to assist us in gathering responsive
16 materials to assist with your investigations. While
17 DOI's investigatory authority is very broad, there
18 are some limits, and it also serves as a check that
19 an investigation is actually valid. Will you commit
20 to working the council to ensure at least additional
21 dialogue about the nature of subpoenas unless there
22 is an extremely sensitive reason, it would impede a
23 DOI investigation?

24 JOSLYN STRAUBER: I am certainly open.

25 Thank you for the question, and this question and

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

52

2 issue of how we can collaborate while maintaining the
3 necessary confidentiality and thereby DOI's
4 effectiveness is an important one. I am certainly
5 committed, you know, as I learn my way into this
6 role, to having a dialogue with the council about the
7 nature of the communication that we can have. As you
8 noted in my answer, you know, my concern is that
9 these can be very fact specific situations where
10 different types of information may or may not be
11 appropriate depending on the facts, and I am
12 certainly committed to have a dialogue about this
13 issue and I look forward to finding a way forward
14 where DOI can continue to protect the confidentiality
15 of its work and where appropriate, provide the council
16 with the information that it needs to respond to any
17 request that may be made.

18 SPEAKER ADRIENNE ADAMS: Thank you very
19 much. I guess the concern was the response to
20 provide a blanket commitment. That's what got my;
21 but you answered the question. Thank you very much.
22 I just have one more, regarding question number 6.
23 The question was, there have been allegations of
24 fraud in city contracting around PPE purchased at the
25 height of the COVID-19 pandemic. Some of us actually

2 experienced some of those things that felt like fraud
3 in our districts. What specific plans, if any, do
4 you have to prevent fraud and corruption in city
5 contracting, which I thought was an excellent
6 question. Your response was, this is a significant
7 and complex issues and one that highlights the need
8 for DOI to work collaboratively with other city
9 agencies. This problem requires not only an
10 investigative response, and DOI has pursued
11 investigations in this area including one that
12 resulted in an arrest of a New Jersey man for price
13 gouging for PPE that he was not authorized to sell,
14 and could not deliver, but also robust internal
15 corruption prevention practices on an agency-by-
16 agency basis to identify and prevent fraud and
17 corruption in contracting. Those practices were the
18 focus of DOI's annual corruption report last month.
19 I'm going to skip the last paragraph, but my question
20 is, in your written responses, you indicated an
21 interest in better using data analytics to
22 proactively identify potential fraud in city
23 contracting. So, can you please describe in more
24 detail how DOI could better use such analytics for
25 this purpose?

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

51

2 JOSLYN STRAUBER: Sure, and Speaker
3 Adams, this is something that I hope to learn more
4 about as I immerse myself in the data analytics work
5 that DOI is currently doing. I understand there are
6 three relatively new employees at DOI in this role,
7 but the city collects vast amounts of data on
8 expenditures, on needs, on invoices, I mean, there's;
9 and again, I haven't seen any of this material yet,
10 but I know that it's out there, and my hope is that
11 potentially through the use of algorithmic programs
12 that can be run over vast amounts of data, we will be
13 able to develop a way to identify what I would call
14 red flags, not conclusive indicia of wrongdoing, but
15 a suggestion that there might be something amiss and
16 would be able to target our investigative efforts
17 more efficient as a result as opposed to doing spot
18 checks for example, or you know, interviews with
19 various people where we don't have targeted basis to
20 do so. So, it's another way in potentially to
21 investigations in this area beyond complaints that
22 might be made, reports that might be made to DOI, for
23 example.

24 SPEAKER ADRIENNE ADAMS: Thank you very
25 much. I consider that very forward thinking in the

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

55

2 needs of DOI and the things that we're looking to
3 promote forward the best practices and efficiencies
4 for DOI, so thank you very much for your testimony.
5 I appreciate it.

6 JOSLYN STRAUBER: Thank you.

7 MAJORITY LEADER KEITH POWERS: Thank you,
8 Madame Speaker, and welcome, and I have a few
9 questions as well. My first one is, can you provide
10 us some detail about how you would avoid perception
11 of bias in an investigation of the mayoral
12 administration since of course, the mayor is the one
13 who appoints this position. Let's state there. Can
14 you just give us some comfort about how you will
15 tackle any sort of perception or reality bias in an
16 investigation of city agency, the mayor's office, or
17 any entity that of course is related to folks who are
18 appointing you and putting you in that seat today?

19 JOSLYN STRAUBER: Sure. I'm happy to
20 address that cause I think we all agree that DOI's
21 independence is really critical to its work, to any
22 investigator's work to be able to be and be viewed as
23 fair and impartial. I think the way that you do that
24 is you do your job when you're doing your
25 investigations, and by that I mean, you know, you do

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

56

2 follow the facts where they lead, you don't fail to
3 pursue an investigative angle because it might expose
4 any particular person, any particular target or any
5 particular issue, and investigations, once begun
6 when thoughtfully done, have a momentum of their own,
7 you know, facts lead to other facts, documents you
8 review lead to questions you need to ask of various
9 people and if you are faithful to those facts, then
10 your investigations will be fair and impartial and
11 they will not turn or bend or stop because they
12 happen upon a particular target of any kind, any
13 person in any position so I think doing the work that
14 way is the best way to dispel any concern that there
15 might be a lack of independence or a fear of pursuing
16 certain targets, and I can assure you that that is
17 how I would intend to do the job if confirmed. In
18 terms of the public perception of that which I think
19 is also very important because the public needs to
20 know that DOI is doing its job as a watchdog. It's
21 an important part of trust in government which I
22 think is a very important thing especially now, and I
23 think you do that by being as transparent as you can
24 about the work that you're doing. Now, often in the
25 context of an investigation, that transparency

2 doesn't come until the investigation is concluded,
3 and indeed, you wouldn't want to be transparent along
4 the way because you might be looking at a target that
5 turns out to not have done anything wrong, and you
6 wouldn't want to unfairly, you know, tar that person,
7 smear that person in the press as being, you know, as
8 being the subject of any investigation which has a
9 very significant negative effect, but I do think by
10 being as transparent as possible in your reports and
11 in your public statements, you will assure the public
12 to the extent that you can while maintaining the
13 necessary confidentiality that your doing your job in
14 the right way, the independent way which is really
15 the only way that DOI can function effectively.

16 MAJORITY LEADER KEITH POWERS: Thank you
17 for that answer, and there's a perception that the
18 city council members, independently elected
19 officials, and some city employees are treated
20 differently than the mayor and top city hall aids.
21 This isn't about one administration or another, but
22 just in general over the course of time, in DOI
23 investigations. You've answered part of that
24 obviously, but can you give us more, sort of sense of
25 how you might change that public perception and give

2 comfort to folks that if that is the reality or
3 perception of that will be changed over the course of
4 time while you're at DOI.

5 JOSLYN STRAUBER: I mean, I think
6 fundamentally it's the same practice of sort of day-
7 in and day-out doing your job the right way and
8 keeping your focus on the facts and on DOI's mission
9 which is finding those facts as they pertain to
10 corruption fraud, waste, and abuse. You know,
11 there's other proactive work that DOI does when it
12 goes out to agencies, for example, to speak about
13 prevention of corruption, so there are other ways
14 that DOI can speak about its mission, but I think in
15 terms of assuring that its investigations are fair
16 and impartial, it's to do them in that way and then
17 to be as transparent with the public as is
18 appropriate given the nature of the job about the
19 work that you're doing.

20 MAJORITY LEADER KEITH POWERS: Yep, I
21 appreciate that. You had mentioned, I think the
22 Speaker had mentioned as one of her questions around
23 whistle blower protections and ways and your interest
24 in strengthening whistle blower protections under
25 city law, and I note that we did a; I had a Bill and

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

50

2 I think it passed into law last year that was to
3 strengthen those protections around city contractors
4 of a certain amount of money to make sure they also
5 have obligations. Do you have other areas where you
6 might identify today, I know you haven't taken office
7 yet, but where you might identify areas where you
8 feel there is a need to strengthen protection from
9 whistle blowers?

10 JOSLYN STRAUBER: So, I think to answer
11 that question, I need to be sort of in the job and
12 doing the work and speaking with the folks on the
13 ground who are dealing with people who are sharing
14 information, and although there is whistle blower
15 protection, anytime anyone does that, they are doing
16 it at some person risk. I am very much in favor of
17 the expansions that I understand, you know, this
18 council has included in the whistle blower law over
19 the last, you know, 10 or 15 years, and I look
20 forward to considering whether there are ways that we
21 could either strengthen the existing protection or
22 clarify it, but I don't feel like I am in a position
23 yet to have an informed view on that and to offer
24 suggestions.

25 MAJORITY LEADER KEITH POWERS: Okay.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2

3 JOSLYN STRAUBER: But I think it is a
4 very important area and you know, we've talked about
5 the importance of DOI's independence to doing its
6 work. Another very important component, and this is
7 related to independence is that individuals feel like
8 they can come forward and provide information, and
9 they'll be treated with respect and taken seriously
10 and entitled to all the legal protections that they
11 thereby obtain under the law, and so, taking that
12 commitment seriously and DOI has done, as you know,
13 investigations of violations of the whistle blower
14 protection law, is also very important to the
15 continued functioning and effectiveness of DOI.

16 MAJORITY LEADER KEITH POWERS: Good, and
17 I would note that, I believe your predecessor had
18 testified to council at some point within the last
19 few years on some of the recommendations. So, you
20 might want to go back and look at in terms of ways to
21 strengthen it. I think it has turned into some
22 legislation here at the city council as well. On the
23 topic of your predecessor, in 2020, your predecessor
24 had recommended and reported to responding to the
25 George Floyd protests and policing here in the city,
recommended combining the DOIs, NYP Inspector

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

61

2 General, the CCRB, and the Commission to Combat

3 Police Corruption into a single entity. Do you agree

4 with that recommendation?

5 JOSLYN STRAUBER: So, I've looked at the
6 report, obviously, I've studied it. I'm sure I could
7 study it more, it's a very thorough sort of scholarly
8 work, I think, and that recommendation was made after
9 consulting with a number of different folks with
10 direct experience with the CCRB with the work that
11 the OIG and NYPD does. Again, I think this is an
12 area where; and I should also say that the concern
13 that was expressed that having three overlapping
14 bodies is not efficient, that there could be
15 competition, that there can be challenges in
16 obtaining necessary information and no central, you
17 know, individual to go to for that information. I
18 think those are all real concerns, and concerns at a
19 conceptual level that I take very seriously as well.
20 I mean, certainly efficiency and the streamlining of
21 processes is something that's very important to DOI
22 as a general matter. In terms of whether or not I
23 agree with the specific recommendation, I would like
24 to have some time, if I'm confirmed in the role to
25 speak to more of the folks involved to speak to

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

62

2 people at DOI. There's a great deal in the report,

3 but I'd like to have some, you know, sort of some

4 one-on-one conversations to try to get a better sense

5 of what my view is and ask some questions about the

6 cost and benefits of the alternative, so I can

7 certainly say that conceptually, I think the

8 recommendations are sound and the goals they express

9 are ones that I share. I would want to understand,

10 among other things, how the oversight body that's

11 proposed would work in practice. There's some

12 recommendation in the report about how its members

13 would be appointed. I'd like to understand in a more

14 granular way what that would look like before

15 expressing a view and obviously I would say that

16 position, as it currently exists in DOI because

17 legislative changes would be required to affect that

18 recommendation, will continue to be, obviously, a

19 very important component of the work that we do and

20 that will continue, you know, unchanged until this

21 council or others see fit to make a legislative

22 change.

23 MAJORITY LEADER KEITH POWERS: Okay, and

24 I appreciate that, and I think I note that we also

25 need to fill that position of the IG, I think in the

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

62

2 office. I think the individual left recently. We'll
3 call on other colleagues. I believe we're starting
4 with Council Member Salamanca.

5 COUNCIL MEMBER RAFAEL SALAMANCA: Thank
6 you, Mr. Majority Leader, and I would like to
7 congratulate both of you guys on your nomination,
8 congratulations.

9 JOSLYN STRAUBER: Thank you.

10 COUNCIL MEMBER RAFAEL SALAMANCA: I just
11 have some very basic questions for you. So, DOI is
12 in charge of background checks for city employees and
13 throughout my time in government, at times, they have
14 worked at a very snail pace in terms of the
15 background checks. How do you plan on improving that
16 process?

17 JOSLYN STRAUBER: Yeah, I think that's a
18 really important issue, so what I know about this
19 issue historically is that my predecessor made a
20 significant effort including reorganizing the
21 background unit to make the process more efficient,
22 and I think those efforts were successful, but I also
23 think we can all agree that they could be even more
24 efficient and should be more efficient, you know,
25 especially for particularly sensitive positions, you

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 ^

2 know, you can think about. There's lots of examples,
3 but folks who are in daycare centers, for example,
4 you know, other situations where there are vulnerable
5 people involved that they're dealing with. So, I
6 will say that I don't have an answer for you as I sit
7 here today about how the process could be made more
8 efficient. I think it is certainly a goal to make it
9 more efficient, and that's something that I want to
10 study at DOI, consult with the background unit about,
11 you know, speak to folks about, and think about what
12 we could do to build on the improvements that I think
13 have already been made, but I'm sure could be further
14 improved upon.

15 COUNCIL MEMBER RAFAEL SALAMANCA: Okay,
16 thank you. Here, you've mention about ways to be
17 proactive, lectures and other means to educate city
18 agencies on identifying corruption and potential
19 fraud. I know here in the council annually, we need
20 to take some type of seminar classes, conflict of
21 interest training that we have to do yearly. What
22 are your plans in terms of that proactive work with
23 city agencies to kind of educate them on dos and
24 don'ts?

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

65

2 JOSLYN STRAUBER: Well, I think the
3 ongoing, I would guess you could call it a lecture
4 process or a series, I think that's been very
5 effective in not only providing information, but what
6 I found certainly in other contexts is when you
7 provide people with information about potential legal
8 risks, compliance risks, and violations, that can
9 also prompt reporting of complaints, so it's not just
10 that hopefully, they are more mindful of these issues
11 or think about ways to improve their own compliance,
12 but they may also then appreciate that something
13 they've observed or been aware of, that they might
14 now have thought was an issue is actually an issue
15 and something that's worth reporting. So, I think
16 that is a process that we should continue. You know,
17 I think on an agency-by-agency basis, the types of
18 training that an agency wants to offer is within
19 their preview, but I think the sort of overview that
20 we can give of the issues as we see them from DOI's
21 perspective, can help an agency build on those
22 trainings and their own internal policies and
23 procedures.

24 COUNCIL MEMBER RAFAEL SALAMANCA: All
25 right. One of your biggest oversights is appointing

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 66

3 inspector generals throughout certain city agencies.

4 One that stands out for me here, of course, is NYPD,

5 but also the Department of Corrections, and you know,

6 throughout the last couple of years, I'm pretty sure

7 you've read the issues that we've had in Riker's

8 Island and the other jails that we have throughout

9 the city of New York, and just recently, there was a

10 report that during COVID, there was an increase of

11 drug seizures in the city jails, yet, visits were

12 limited. So, therefore, we know that these narcotics

13 are coming in, obviously through non-visitors, so it

14 must be employees. What is your plan on addressing

15 this?

16 JOSLYN STRAUBER: So, I think I may have

17 just seen the same report which was relatively

18 recent. I think this is a good example of an issue

19 where the article suggests that it may be coming in,

20 I think the article's query was is it coming in

21 through corrections officers. There were some other

22 sides of the story in the article. Maybe something

23 was coming in through the mail; maybe, you know there

24 were some other alternatives that were offered. So,

25 it's certainly seems, you know, like an issue that

may warrant further scrutiny, this is, again the

2 kind of thing where, in terms of dealing the
3 Department of Corrections in general, I want to
4 really spend some time with the folks at DOI, the
5 inspector general, you know, the folks who are on the
6 ground and can, you know, give me more of an in-depth
7 briefing on how they see the circumstances. I hope
8 that within its jurisdiction, DOI can be a positive
9 agent for change and I certainly have seen, you know,
10 the public articles about these issues over the last
11 couple months. Exactly what form that would take is
12 something that, you know, I'll want to dig in and
13 learn more about if I'm confirmed.

14 COUNCIL MEMBER RAFAEL SALAMANCA: All
15 right, and my last question, if possible, during
16 these DOI background checks, employees, many times,
17 have to pay for these background checks, and some of
18 these employees, their income is not at that level.
19 Is there a way, once you're confirmed that you can
20 review the fees that are being charged for the
21 employees, and maybe create some type of scale where
22 employees at a different salary base will be charged
23 less than other employees that can actually afford
24 these fees that are being charged.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2

3 JOSLYN STRAUBER: So, that's a great
4 question. This is not an issue that I've thought
5 about. I can certainly see from a fairness and
6 proportionality perspective that scaling fees to
7 correlate with someone's anticipated salary makes
8 sense. How feasible that is and sort of what drives
9 the fee structure is something I'm yet familiar with,
10 but I'm very happy to take a look at that issue, and
11 I certainly think it's an important point to address.

12 COUNCIL MEMBER RAFAEL SALAMANCA: All
13 right, thank you. Thank you, Mr. Chair.

14 MAJORITY LEADER KEITH POWERS: Thank you.
15 We're now going to move over to Council Member
16 Brooks-Powers.

17 COUNCIL MEMBER SELVENA BROOKS-POWERS:
18 Thank you, and thank you for being here today. I had
19 the opportunity to speak with you recently as well.
20 As I mentioned before, the DOI Commissioner is a very
21 important role in ensuring that we root out
22 conflicts, corruption, and what have you, and it's
23 super important to ensure that someone in that
24 position is free from all perception as we spoke
25 about of bias, and so just on the record, I'd like to
have you state, just as you told me before, how you

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

70

2 to remove any potential conflict, and while it may
3 not be required in certain instances, it often
4 removes any question of it. So, if that was a matter
5 that faced you, would you be willing to remove
6 yourself from a not-for-profit board?

7 JOSLYN STRAUBER: If I was on a board
8 where there was any, you know, again, I would seek
9 guidance from, in this case, from COIB and I would
10 follow their advice. If there was a reason, for
11 example a strong concern that I had or that this
12 council had that related to a particular issue, I
13 would also want to seriously consider that as well in
14 making a decision about whether or not to resign.

15 COUNCIL MEMBER SELVENA BROOKS-POWERS:

16 Also, how will oversee agencies like HPD to ensure
17 that their contracts are enforced and adhered to?
18 I've found since being council member, there have
19 been moments where there are existent city programs
20 that require citizens that buy into these programs to
21 follow a particular contract, but the agency itself
22 does not. So, how would you handle matters like
23 that?

24 JOSLYN STRAUBER: So, I think that's an
25 area where I would want to know a little bit more

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

71

2 about the specific issue, and I would want to educate
3 myself more against through speaking with the
4 inspector general on the ground that covers that
5 agency to get guidance about what they're seeing,
6 what they're thinking, and then develop a plan to
7 address that.

8 COUNCIL MEMBER SELVENA BROOKS-POWERS:

9 Thank you.

10 MAJORITY LEADER KEITH POWERS: Thank

11 you, just before I go to the next individual, just
12 wanted to, on the record, be more clear about the two
13 conflicts that I think have been asked and addressed.
14 You are sitting on two board right now. I think
15 you're familiar with which two they are; they
16 Brearley School located on the upper east side; I
17 love the upper east side, and of course, public color
18 board organization funded here by the city. Could
19 you just give us a sense of how you're planning to
20 handle those resignations from those boards, or how
21 you're planning to handle your membership on those
22 boards on the record?

23 JOSLYN STRAUBER: Sure, and I want to be
24 very clear in my view on this. So, I have resigned
25 from, or committed to resign from the public color

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

72

2 board in light of initial indications from the
3 Conflict of Interest Board that that's a complicated
4 situation to manage given the many touch points with
5 the city. I have received just today in writing from
6 the Conflicts of Interest Board their determination,
7 and I should note it's not a formal opinion of the
8 board, but of the council to the board that I could
9 remain on the school board that you mentioned
10 consistent with Chapter 68. However, if there is a
11 strong concern on the part of his council, as I said,
12 about that membership, although it is obviously like
13 all things, and like the memberships you all had as
14 well, I'm sure, important to me, and in this case to
15 my family given the nature of the connection, I am
16 prepared to resign from that board as well. So, I do
17 want to make sure that my position on that is very
18 clear.

19 MAJORITY LEADER KEITH POWERS: I

20 appreciate it, and I believe members have a copy of
21 the letter. We're going to move over to Council
22 Member Brewer, and then I think Council Member
23 Sanchez.

24 COUNCIL MEMBER GALE BREWER: Thank you

25 very much, and I appreciate your reach out previous

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

72

2 to his hearing. One of the question I have, I think
3 there's lots of way of approaching this job, and you
4 certainly outlined your concept and it's excellent,
5 but one of the challenges; and sort of picking up
6 maybe earlier with Council Member Sanchez's idea
7 about how to be proactive, and one of the ways to do
8 that was done by some previous DOI Commissioners and
9 not others. So, the question I think as you know,
10 when you have perhaps, as was mentioned earlier with
11 corrections, but there are many others, a potential
12 systemic issue. How would you approach that in terms
13 of a public, a report; unfortunately, you are going
14 to find that there are people who commit acts that
15 are not appropriate to their job, and etc., and you
16 have to investigate that, but then there's the other
17 which is a more systemic approach. So, I'm wondering
18 if you plan to do that. These are what I would call
19 public reports, different than what we talked about
20 earlier, and I wanted to know if you think that's
21 part of the job and if that's something that you
22 would look to as a DOI Commissioner?

23 JOSLYN STRAUBER: Yes, I absolutely think
24 that public reports are part of the job and sometimes
25 those reports are about a single issue and sometimes

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

71

2 they are about a series of events that have reflected
3 or highlighted a broader issue, you know, for
4 example, security lapses at the jails that allowed
5 drugs and guns to come in, just to given an example
6 of a recent, you know the subject of a report, a
7 relatively recent report. So, I think that, and one
8 of the things that is very appealing to me about this
9 work is that it allows you to do both things. You
10 are certainly going to pursue individual acts of
11 wrong doing that relate to corruption, waste, and
12 abuse, but you also have the opportunity, you know,
13 through your broader preview to look at all of the
14 situations you're seeing, to study issues at a higher
15 level and to, where appropriate, prepare reports that
16 include recommendations for procedural and policy
17 changes that can improve that issue, and I think, you
18 know, sometimes those things go together. Sometimes
19 you have a report where there's no enforcement action
20 against an individual, but I think to do the job
21 requires pursuing, you know, both aspects.

22 COUNCIL MEMBER GALE BREWER: Okay, and I
23 assume that there are reports that have been in the
24 past where there have been recommendation and they
25 have not been fulfilled. Is that something that you

2 would look at to see if there are undone
3 opportunities to commit better public policy. Is
4 that something that you would look at in terms of
5 past commissioners?

6 JOSLYN STRAUBER: Absolutely, and I
7 believe there is publicly available information about
8 the recommendations that have been made by DOI and
9 the extent to which they have or have not been
10 fulfilled. DOI certainly has that information, I
11 should say, I think, at least some of it is also
12 public and I completely agree that given that our
13 authorization is not too demand those changes, but
14 only to recommend them. The practice of following up
15 ensuring that they're being followed; if they're not,
16 figure out why not, is something that I think is very
17 important. So, yes, I agree with that and that is
18 something that I would do.

19 COUNCIL MEMBER GALE BREWER: Our council
20 (inaudible) but obviously, we have agencies like
21 Housing Authority, Department of Education, Health
22 and Hospital, slightly different than the usual city
23 agency. Would you also commit to working with their
24 inspector generals or DOI to see how even more
25 aggressive, perhaps, it would be an oversight of what

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

76

2 their up to, because I don't want to talk about
3 NYCHA. I have great respect for it, but there's
4 always a million issues at NYCHA, for example?

5 JOSLYN STRAUBER: So, it seems to me, if
6 I'm understanding the question right, I think, you
7 know, DOI has a responsibility and an obligation with
8 respect to all agencies. You know, obviously, like
9 every agency, we have limited resources, and one of
10 the reason I mentioned the data analytics point is
11 that I think prioritizing what we're going to pursue
12 is going to be very important, and as I said in some
13 of my written answer, although it's a somewhat
14 general statement, I am interested in doing things
15 that are impactful, right. Using our resources in a
16 way that really helps New York City and its
17 residents, but I don't think there's any agency where
18 I wouldn't want to undertake, you know,
19 investigations where necessary, exercise our
20 oversight responsibility where necessary.

21 COUNCIL MEMBER GALE BREWER: Okay, cause
22 I think DOE has a special situation with a special
23 school commissioner, and that would be something to
24 also look at. Just finally, we're all interested in
25 independence. Obviously, it came up with the

2 Corporation Counsel and it comes up with you. Do you
3 sort of, to pick up on some of the ways you answered
4 your questions, can you just reiterate how you would
5 see independence? You could get questions from the
6 outside about somebody in the mayor's office. You
7 obviously don't want anybody to taint how you do your
8 investigations, etc. Can you just talk about how you
9 would be independent?

10 JOSLYN STRAUBER: Sure. Well, I think
11 first of all, with certain types of investigations,
12 they really can't be shared with anyone outside of
13 DOI. That could be because you might compromise
14 ongoing covert investigative activity, it might be
15 because, you know, there are, you know, folks
16 involved at the agency, potentially in the
17 misconduct, and you wouldn't be able to share the
18 nature of your investigation. So, you know, that's a
19 situation where, that's one way of foreclosing
20 interference. You know, obviously to the extent, and
21 I'm not, certainly not expecting this to happen, but
22 if I was ever asked to delay or limit an
23 investigation, I simply would not do that. I also
24 think that with those concerns, you know aside, there
25 is room as I said for collaboration. I think it's

2 important for DOI to understand and have
3 relationships with the other city agencies so that it
4 has an understanding of what's going on, what the
5 issues are. If we're making policy or procedural
6 recommendations, obviously, we have to make sure that
7 they're well-suited to the agency. The mayor's
8 office, like this council can direct DOI to undertake
9 investigations, so there's obviously going to be a
10 need for communication there, and I think maybe the
11 most important way to preserve independence is always
12 use your own independent judgement and to base that
13 judgement on the facts that you're finding, and what
14 the law is, and really on nothing else, no outside
15 influence, but really your own judgement on that
16 issues, and that is how I would pursue the job.

17 COUNCIL MEMBER GALE BREWER: Thank you.
18 I'm excited about your interest in data analytics.
19 It's something I pursued as the author of the Open
20 Data Bill and I look forward to that topic. Thank
21 you very much.

22 JOSLYN STRAUBER: I do too. Thank you.

23 MAJORITY LEADER KEITH POWERS: Thank you.
24 I do believe we have questions from Council Member
25 Sanchez.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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2 COUNCIL MEMBER PIERINA SANCHEZ: Okay,
3 good afternoon now. So, my question is actually a
4 very brief one, and it's with respect to your answer
5 to number 9 which is the council has important
6 oversight responsibilities. How would you envision
7 working with the council to ensure that DOI and the
8 council's respective oversight functions can co-exist
9 smoothly and productively, and your response was that
10 you look forward to working with the council's
11 Committee on Oversight Investigation Chair, which is
12 to my right, Council Member Gale Brewer, and so my
13 question is just about partnership with the other
14 committees on the council who will be also working in
15 partnership with, of course, the Committee on
16 Oversight Investigation? We're all, you know,
17 constantly performing oversight, so it's kind of just
18 a word choice kind of question, but I would love to
19 hear about your, you know, plans to work with the
20 rest of us and other committees.

21 JOSLYN STRAUBER: Well, I very much
22 appreciate the question. I think I think
23 principally, so I certainly didn't mean to exclude
24 any other committees of this council, and really, you
25 know, I think it's an important question because I

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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3 think our role is always to listen to concerns that
4 are raised and to act appropriately on those
5 concerns, and I would want to make sure that we were
6 able to have that dialogue and to hear issues that
7 are being identified in any committee that seem, you
8 know appropriate for DOI's consideration. So, the
9 answer is of course, and I was not intending to
10 exclude other committees in that statement, so thank
11 you for the opportunity to clarify.

12 COUNCIL MEMBER PIERINA SANCHEZ:

13 Excellent. Thank you so much. The Committee on
14 Housing and Building looks forward to working with
15 you if confirmed, and congratulations on your
16 nomination to both.

17 JOSLYN STRAUBER: Thank you.

18 MAJORITY LEADER KEITH POWERS: Thank you
19 for both of your testimonies and congratulations on
20 your nominations as well and thank you for answering
21 questions for us. We're not going to now open up the
22 floor to the public for comments. Comments are two
23 minutes per person. Council Member, are there any
24 members of the public who are present here to speak?
25 Okay, I am told no. Well, I thank both of you, and;
I think we have an individual coming own right now.

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 21

3 We will put two minutes on the clock and if you can
4 just state your name at the beginning as well, thank
5 you.

6 TUANI COMATSU: My name is Tuani Comatsu.
7 I talked to you previously, Mr. Powers. I also
8 talked to you, Gale Brewer on September 26, 2017, and
9 September 28, 2017 about Public Town Hall meetings
10 that I was illegally prevented from attending. You
11 told me on September 26th, that you were going to
12 look into that. On September 28th, you said
13 something to the effect of maybe I was being
14 difficult (CROSS-TALK) ...

15 MAJORITY LEADER KEITH POWERS: I'm sorry,
16 sir. Are you testifying about the nominations today?

17 TUANI COMATSU: Yeah.

18 MAJORITY LEADER KEITH POWERS: Okay.

19 TUANI COMATSU: Because I've made
20 complaints to DOI previously, the law department's
21 Corporation Counsel is in charge of the defendant's
22 attorneys in my federal court litigation. So, I was
23 hoping to have a conversation about what commitment
24 the two of you have as was discussed today by Ms.
25 Brewer about trying to reduce the number of lawsuits
that are filed against the city when the city public

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

2 22

3 officials violate the first amendment, 14th amendment
4 rights in regards to public forums. You talked about
5 open data, open meetings, and yet, like I stated, I
6 told you when it was happening, that I was being
7 illegally branded from attending these public forum.
8 You said you would look into it. That practice
9 continued long after you and I had those
10 conversations. So, the question is, if someone like
11 Ms. Brewer is the chairwoman of the oversight
12 committee, working people like me possible expect to
13 have any oversight when we have these conversations
14 more than three years ago and these practices are
15 still happening. I had a conversation recently with
16 Federal Judge Edgardo Ramos about a week ago in
17 regards to the fact, Penny Ringle, he yet again,
18 violated my first amendment and 14th amendment rights
19 at a public meeting on November 16th, last year, and
20 that was the first time I had conversation with Mayor
21 Adams. So, the point is, all this stated from a bate
22 and switch regards to a lease agreement. So, I
23 signed an apartment lease agreement. You talked
24 about real estate today, and HRA changed my lease
25 agreement two days after I signed it. I got more
than 15 punches to my head ...

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

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3 MAJORITY LEADER KEITH POWERS: Okay,
4 we'll talk. We will have individuals talk to you off
5 the clock. Thanks.

6 TUANI COMATSU: Thank you.

7 MAJORITY LEADER KEITH POWERS: I
8 appreciate it. Any other individuals here from the
9 public? I don't believe so. Well, again, thank you
10 both of you and congratulations on your nominations,
11 and against every here who came and participated in
12 today's hearing. We now recess today's hearing and
13 reconvene on Thursday, February 24th for our vote on
14 these nominations. Thank you everyone, and we'll see
15 you then.

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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 February 28th, 2022