

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

-----X

March 13, 2013
Start: 10:56 a.m.
Recess: 11:17 a.m.

HELD AT: Committee Room
City Hall

B E F O R E:
Joel Rivera
Chairperson

COUNCIL MEMBERS:

- John Doe
- Council Member Leroy Comrie, Jr.
- Council Member Elizabeth S. Crowley
- Council Member Erik Martin Dilan
- Council Member Vincent J. Gentile
- Council Member Karen Koslowitz
- Council Member James S. Oddo
- Council Member Christine C. Quinn
- Council Member James Vacca
- Council Member Albert Vann

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

Anthony Crowell
Appointee
Conflict of Interest Board

Andrew Irving
Appointee
Conflict of Interest Board

William Martin
Committee Clerk
Committee on Rules, Privileges and Elections

CHAIRPERSON RIVERA: Good morning, ladies and gentlemen. My name is Joel Rivera. I'm the Chair of the Committee on Rules, Privileges and Elections. Before we begin let me introduce my colleagues who are here with us today. We have Council Member Al Vann. We have Council Member Eric Dilan, Council Member Leroy Comrie, Council Member James Vacca, Council Member Karen Koslowitz, and we have other members who will be going back and forth between this and other committee hearings taking place in the building. Today we will consider two candidates for advice consent and a resolution approving membership changes to certain standing committees. First, the candidates are Anthony Crowell, a resident of Brooklyn as a candidate for appointment by the Mayor to the Conflict of Interest Board if the Council gives its advice and consent. He will replace Monica Blumm and serve for the remainder of a six year term that expires on March 31st, 2018. And Andrew Irving, a resident of Manhattan is a candidate for reappointment by the Mayor to the Conflict of Interest Board. If the Council gives it's advice and consent he will

1
2 serve the remainder of a six year term that
3 expires on March 31st, 2016. Welcome, Mr. Crowell
4 and Mr. Irving. Will you please raise your right
5 hand to be sworn in.

6 MALE VOICE 1: Do you swear or
7 affirm to tell the truth, Mr. Irving?

8 MR. ANDREW IRVING: Yes.

9 MALE VOICE 1: - - Mr. Crowell, do
10 you swear or affirm to tell the truth?

11 MR. ANTHONY CROWELL: Yes.

12 CHAIRPERSON RIVERA: Thank you very
13 much, gentleman. Before we go on to your
14 testimony and let me briefly explain the functions
15 of the Conflict of Interest Board. The Conflict
16 of Interest Board is the entity that serves to
17 provide clear guidance to the public employees
18 regarding prohibited conduct through training,
19 education and issuance of advisory opinions. The
20 Board also adopts rules to implement and interpret
21 the visions of of the Conflict of Interest Code.
22 It reviews and decides on alleged violations of
23 said code with the power to impose fines that can
24 be as high as \$25,000 or include suspension or
25 dismissal from city service where appropriate.

1
2 The Board also collects and reviews financial
3 disclosure reports. Board members are entitled to
4 receive a per diem in the amount of \$250 for each
5 calendar day that they perform work for the Board.
6 The Chair receives \$275. Good morning, gentlemen,
7 do you wish to make an opening statement? And
8 whichever one decides to go first.

9 MR. ANDREW IRVING: Sure.

10 CHAIRPERSON RIVERA: Okay.

11 MR. IRVING: Sure. Thank you.

12 [crosstalk]

13 CHAIRPERSON RIVERA: Just state
14 your name for the record and you may begin.

15 MR. IRVING: Okay.

16 CHAIRPERSON RIVERA: You can toss a
17 coin if you want to figure out.

18 MR. IRVING: Okay. Good morning.

19 My name is Andy Irving. I'm honored by Mayor
20 Bloomberg's decision to nominate me for
21 reappointment to the Board and I'm happy to be
22 here to help this Committee perform it's function
23 in connection with the Council's advise and
24 consent role regarding my nomination. I was
25 before the Council and the Committee some years

1
2 ago but I'll just take a moment to reintroduce
3 myself. I'm a 40 year resident of the City of New
4 York. I live in Manhattan and I've been on the
5 Board since 2005. The role of the Board is very
6 important, as the Chairman briefly summarized.
7 The function of the Board, we enforce, we
8 interpret and we administer Chapter 68 of the City
9 Charter. The purpose of those conflict of
10 interest provisions as it says in the preamble to
11 the, to Chapter 68, is to preserve the public
12 trust, to promote public confidence in government,
13 to protect the integrity of government decision
14 making and to enhance government efficiency. And
15 on that last one, the framer's of Chapter 68 and I
16 as a member of the Board, believe that carrying
17 out those first functions of promoting integrity
18 and public confidence, that is what enhances
19 government efficiency. I believe that I've been
20 able to make a positive contribution to the work
21 of the board and will be able to do so going
22 forward if my appointment is confirmed. I bring
23 to the Board's work, first if all, quite simply,
24 the perspective of someone who lives in this city
25 and I rely on government service and public

1
2 servants in numerous ways as a citizen of this
3 city. And a delivery of city services honestly
4 and fairly is important to me just as a citizen of
5 the city. I'm a lawyer. I've been a lawyer since
6 1976. My legal career has included representing
7 public servants, their collective bargaining
8 representatives and city agencies. So, I've
9 become familiar with the workings of city
10 government through that. I've also represented
11 fiduciaries and for the last almost ten years I
12 have worked as an independent fiduciary, which
13 means acting on behalf of someone else to manage
14 someone else's affairs and assets bound by a duty
15 of loyalty and a duty to avoid conflict. And I
16 think that that professional experience that I
17 have helps me to understand how best to interpret
18 and administer the law as it is. And with that,
19 I'll be happy to take any questions.

20 CHAIRPERSON RIVERA: Thank you.

21 We'll first hear from Mr. Crowell.

22 MR. ANTHONY CROWELL: Good morning
23 members of the Committee and Chair Rivera. Thank
24 you. My names is Anthony Crowell. Safeguarding
25 public integrity is fundamental to the orderly and

1
2 effective administration of government. New York
3 City has among the most well regarded laws to
4 guard against conflicts of interest in public
5 service. During my 15 year tenure with New York
6 City, first as an Assistant Corporation Counsel a
7 the Law Department and then as Special Counsel and
8 Councilor to the Mayor, and the Mayor's office, I
9 developed a solid understanding of virtually all
10 aspects of city operations and law, including the
11 purpose and intent of the conflicts of interest,
12 lobbying and financial disclosure laws. I also
13 gained a hands on, practical knowledge of the
14 application of those laws to real life situations.
15 Because I remained so committed to helping the
16 mission of city government and because I
17 understand so well the roles of both rank and file
18 staff and high ranking officials having served in
19 both roles myself, I would like to service the
20 city again by sharing my legal expertise and
21 practical experience as a member of the Conflicts
22 of Interest Board. I've long believed that having
23 more individuals with ground level knowledge and
24 experience on the Conflicts of Interest Board,
25 like, the kind I have gained, would be a great

1
2 help to ensuring that the process by which rules
3 are adopted, advice is provided and enforcement
4 actions are undertaken is well informed. Thank
5 you.

6 CHAIRPERSON RIVERA: Thank you very
7 much, gentlemen. Do we have any questions on
8 behalf of the Committee? Council Member Vacca.

9 COUNCIL MEMBER VACCA: Mr. Crowell,
10 what do you currently do? What is your--

11 MR. CROWELL: [interposing] I am
12 currently The Dean and President of New York Law
13 School.

14 COUNCIL MEMBER VACCA: You had a
15 capacity here in the city prior to that?

16 MR. CROWELL: Correct.

17 COUNCIL MEMBER VACCA: What was
18 your capacity?

19 MR. CROWELL: My most recent
20 position was as Councilor to the Mayor. I served
21 in that position from 2006 to 2012 and before that
22 I was Special Counsel for the Mayor from 2002 to
23 2006. And before that I was Assistant Corporation
24 Counsel from 1997 to 2002.

25 COUNCIL MEMBER VACCA: You did

2 okay. How many members are on the Commission?

3 MR. CROWELL: Five.

4 COUNCIL MEMBER VACCA: There are
5 five members? And you would be filling an
6 unexpired term?

7 MR. CROWELL: I would be filling an
8 unexpired term by someone who is no longer
9 eligible to serve because of, they served a
10 maximum duration.

11 COUNCIL MEMBER VACCA: What is the
12 maximum duration?

13 MR. CROWELL: It's two, is it, two
14 terms of six years, 12 years in full.

15 COUNCIL MEMBER VACCA: So, that
16 individual could not be recommended for
17 reappointment again?

18 MR. CROWELL: Correct, correct.

19 So--

20 COUNCIL MEMBER VACCA:
21 [interposing] Who was that individual?

22 MR. CROWELL: Monica Blumm.

23 COUNCIL MEMBER VACCA: Monica
24 Blumm.

25 MR. CROWELL: Monica Blumm, yes.

2 COUNCIL MEMBER VACCA: You belong
3 to many organizations, which I think is fantastic.
4 You give your time to the city very, in a very
5 constructive way.

6 MR. CROWELL: Mm-hmm.

7 COUNCIL MEMBER VACCA: You have no
8 issue with time insomuch as giving the time
9 required to fulfill this responsibility?

10 MR. CROWELL: No, not at all. I
11 will say that I'm very civically active. I have a
12 wonderful position. I often think of what Council
13 Members go through. Many of them have full time
14 jobs and also undertake their Council positions,
15 which are virtually full time jobs, if not more
16 than full time jobs.

17 COUNCIL MEMBER VACCA: Right.

18 MR. CROWELL: And are so actively
19 involved in their community. So, it's not
20 dissimilar to that kind of level of involvement
21 and commitment to civic service. So, I do have
22 enough time, yes.

23 COUNCIL MEMBER VACCA: Okay. I
24 thank you.

25 CHAIRPERSON RIVERA: I see no other

2 questions on behalf of the Committee. The Chair
3 recommends an aye vote and believes that both of
4 you will be great assets to the City of New York.
5 If the clerk can please call the vote.

6 MR. WILLIAM MARTIN: William
7 Martin, Committee Clerk. Roll call vote, Committee
8 on Rules. Council Member Rivera?

9 CHAIRPERSON RIVERA: I vote aye.
10 Congratulations.

11 MR. MARTIN: Comrie?

12 COUNCIL MEMBER COMRIE: Permission
13 to explain my vote?

14 CHAIRPERSON RIVERA: Go right
15 ahead.

16 COUNCIL MEMBER COMRIE: I'm going
17 to vote aye on all. I just wanted to congratulate
18 both gentleman for requesting to serve and just
19 thank Mr. Crowell for being Mr. everything, it
20 seems like, to being on all these committees and
21 all these boards. And I really have to say that I
22 do hope that as you all are working in all these
23 different capacities that you do, you know,
24 remember to, that there is a balance. I think,
25 you know, I'm impressed with everything you're

1
2 doing but I'm a little concerned for you just
3 'cause you seem to be involved in every major,
4 almost in every major thing that this
5 administration is doing. So, I, you know, I
6 appreciate it. I just want it noted for the
7 record. It's been great working with you, you
8 know, you definitely have the desire for service.
9 But I want to just make sure that we can keep you
10 around in the city for another 20, 30 years.

11 [laughter] So...

12 MR. CROWELL: Noted and appreciated
13 and you have my commitment to always seeking a
14 balance, yes.

15 COUNCIL MEMBER COMRIE: All right.
16 Well, aye on all.

17 MR. MARTIN: Thank you.

18 CHAIRPERSON RIVERA: Before we move
19 on with the rest of the vote I just want to also,
20 a couple of the vote if the committee assignment
21 changes, if all the members can please see the
22 resolution in place in front of them for the newly
23 elected Council Members committee assignments.
24 We'll just couple the votes on those as well. So,
25 if the clerk can please recall the vote.

2 MR. MARTIN: Council Member Rivera?

3 CHAIRPERSON RIVERA: I vote aye.

4 MR. MARTIN: Comrie?

5 COUNCIL MEMBER COMRIE: I vote aye.

6 MR. MARTIN: Dilan?

7 COUNCIL MEMBER DILAN: I vote aye.

8 MR. MARTIN: Vann?

9 COUNCIL MEMBER VANN: Aye.

10 MR. MARTIN: Vacca?

11 COUNCIL MEMBER VACCA: I vote aye.

12 MR. MARTIN: Koslowitz?

13 COUNCIL MEMBER KOSLOWITZ: I vote

14 aye on both and I want to congratulate the two of
15 them.

16 MR. MARTIN: Oddo?

17 COUNCIL MEMBER ODDO: Yes.

18 MR. MARTIN: Gentile?

19 COUNCIL MEMBER GENTILE: I vote

20 aye.

21 MR. MARTIN: By a vote of eight in
22 the affirmative and zero on the negative with no
23 abstentions all items have been adopted. Members
24 please sign a committee reports. Thank you. [off
25 mic]

2 CHAIRPERSON RIVERA: Thank you very
3 much, ladies and gentlemen. Congratulations to
4 both candidates and we will keep the vote open for
5 both the Speaker and other members of the
6 Committee who will be joining us shortly. We'll
7 keep the vote open. [off mic]

8 MR. MARTIN: Speaker Quinn?

9 SPEAKER QUINN: Aye on all.

10 MR. MARTIN: Vote Committee on
11 Rules now stands at nine in the affirmative, zero
12 in the negative and no abstentions.

13 CHAIRPERSON RIVERA: Meeting for
14 Rules, Privileges and Elections--

15 MR. MARTIN: [interposing] Final
16 vote in the Committee on Rules, Privileges and
17 Elections is now nine in the affirmative, zero in
18 the negative and no abstention.

19 CHAIRPERSON RIVERA: Meeting on
20 Rules, Privileges and Elections is adjourned.
21 Ready to reopen the meeting on Rules, Privileges
22 and Elections. We're going to call a vote for
23 Council Member [off mic] call the vote again on
24 the [off mic] we're going to call the vote on
25 Rules, Privileges and Elections?

1
2
3
4
5
6
7
8
9
10
11

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 16

MR. MARTIN: Council Member
Crowley?

COUNCIL MEMBER CROWLEY: I vote
aye.

MR. MARTIN: Final vote in the
Committee on Rules is now ten in the affirmative,
zero in the negative and no abstentions.

CHAIRPERSON RIVERA: We are now
finally closing the Committee on Rules, Privileges
and Elections for good.

C E R T I F I C A T E

I, Tara Juhl certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A rectangular area containing a handwritten signature in cursive script, which appears to read "Tara Juhl".

Date 3/28/13