

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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B E F O R E:

BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine,
The Speaker (Council
Member Mark-Viverito)
Steven Matteo

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

Malini Cadambi-Daniel
Re-appointee as Commissioner
Equal Employment Practices Commission

Jeffrey Friedlander
Nominee
Conflicts of Interest Board

2 [sound check]

3 [pause]

4 CHAIRPERSON LANDER: Good afternoon and
5 welcome to the New York City Council Committee on
6 Rules, Privileges and Elections. I'm Brad Lander,
7 Chair of the Committee and we're joined this morning
8 by Minority Leader Steve Matteo, Council Member
9 Garodnick from Manhattan and Council Member Margaret
10 Chin of Manhattan, so other members will likely join
11 us along the way, as well as by our Counsel, Patrick
12 Bradford and as always, we want to thank the staff
13 members who did the investigative work in advance of
14 this hearing -- Chuck Davis, our Director of
15 Investigations, as well as Alicia Vissel [sp?] and
16 Andre Johnson-Brown.

17 Today the Committee will consider two
18 candidates -- Malini-Cadambi Daniel, a resident of
19 Queens, for reappointment by the Council to the New
20 York City Equal Employment Practices Commission, and
21 if reappointed by the Council, Ms. Cadambi-Daniel
22 will serve the remainder of the four-year term that
23 expires on June 30th, 2020, and also, Jeffrey
24 Friedlander, a resident of Brooklyn, a candidate for
25 appointment by the Mayor with the Council's advice

2 and consent to the Conflicts of Interest Board. If
3 Mr. Friedlander receives the advice and consent of
4 the Council, he will succeed Andrew Irving and serve
5 for the remainder of a six-year term that expires on
6 March 31st, 2022. And I'll note that
7 Mr. Friedlander's wife is here today as well, so
8 thank you for joining us; we like when family are
9 here.

10 So I won't read too much about it,
11 especially since this is a reappoint -- we'll do the
12 reappointment first on the theory that that is more
13 straightforward. So first I'll say a little bit
14 about the Equal Employment Practices Commission and
15 Ms. Cadambi-Daniel will give her opening statement;
16 we have questions we will ask them.

17 Under the City Charter, the Equal
18 Employment Practices Commission is charged with the
19 duties of reviewing, evaluating and monitoring the
20 employment practices, procedures and programs of City
21 agencies and the Department of Citywide
22 Administrative Services. The goal is to continue an
23 effective, affirmative employment program of equal
24 employment opportunity for all groups throughout the
25 city who are seeking employment with City agencies.

2 Some of the specific powers are monitoring employment
3 practices of all local agencies, reviewing the
4 implementation of agencies' affirmative employment
5 programs and auditing agencies' efforts to ensure
6 fair and effective equal employment opportunities.

7 The Commission consists of five members,
8 two appointed by the Mayor and two appointed by the
9 Council; the Mayor and Speaker jointly appoint the
10 chair, compensation is on a per diem basis, a
11 whopping \$250 for a member and \$270 for the chair.

12 Ms. Cadambi-Daniel, welcome. If you'll
13 please raise your right hand to swear or affirm to
14 tell the truth. [background comment] Oh alright,
15 alright, we'll take... no, I usually let the... I seem to
16 have just done it. Thank you; we'll take it.
17 Usually the Counsel does that, but I took too much of
18 his role first. Alright. Thank you -- with
19 apologies.

20 Alright, so if you will go ahead and make
21 your opening statement. Thank you.

22 [pause]

23 MALINI CADAMBI-DANIEL: Good afternoon;
24 thank you for the opportunity to present myself
25 before you for consideration for reappointment as

2 Commissioner on the Equal Employment Practices
3 Commission. I am Malini Cadambi-Daniel; I work as a
4 National Director for the Service Employees
5 International Union (SEIU) and I have proudly served
6 as an EEPC commissioner since 2009.

7 The work of the Commission is
8 tremendously important for a number of reasons.
9 First, the City, as with all large employers in the
10 U.S., must adhere to laws and regulations
11 promulgating equal employment and protecting certain
12 classes of workers. Second, New York City is a very
13 large, very complicated and very diverse city; if we
14 are not hiring, retaining and promoting highly
15 qualified and diverse candidates and employees; New
16 York City is not operating at its most optimal.
17 Third, proactive attention to EEO policies,
18 procedures and practices may have the ability to
19 reduce grievances and legal actions, potentially
20 saving the City millions of dollars.

21 In the nearly eight years since I have
22 served as a commissioner, the Commission has been
23 through a number of changes, most being very positive
24 advancements for the Commission and New York City's
25 work in improving equal employment opportunities.

2 During this period, the Commission transitioned
3 executive directors and added staff, digitized
4 internal systems and met the City Charter mandate for
5 audit. All of these milestones have translated into
6 a high-functioning commission focused on assisting
7 New York City agencies and improving their hiring and
8 employment practices, policies and procedures.

9 Having put into place excellent operating
10 systems, the Commission is now focused on how it can
11 further help New York City agencies achieve the
12 greatest equal employment opportunities for
13 candidates and current personnel. In consideration
14 are new reports analyzing Commission and City data,
15 forms for City EEO personnel to share best practices
16 and ways to better and more effectively engage with
17 City agencies. These new areas for the Commission
18 will hopefully promote better policies but also
19 support stronger interactions among City agencies.

20 New York City is one of the most diverse
21 metropolises in the world and part of the strength of
22 our city and its agencies is the diversity of its
23 employees. As the Commission nears its 30th
24 anniversary, it is important to keep the momentum and
25 continuity at the EEPC in supporting the City's

2 agencies' ability to improve their hiring and
3 employment practices.

4 It is an honor to have served as the
5 Commissioner for the Equal Employment Practices
6 Commission and I hope to continue in this role.
7 Thank you.

8 CHAIRPERSON LANDER: Thanks very much;
9 I'll just ask you a question or two and then if my
10 colleagues have them as well.

11 I wonder from your time on the EEPC if
12 you could just give us an example or two of a place
13 where you feel like the Commission has helped make a
14 difference, move something forward, either
15 systemically at an agency or just doing the right
16 thing in an individual case that you were looking at;
17 just give us a little more flavor for where you feel
18 like you've been able to push the ball forward.

19 MALINI CADAMBI-DANIEL: So I think one of
20 the most -- what's the word I'm looking for -- high
21 profile cases that the EEPC has been engaged in is
22 around the Fire Department, and so as has been well-
23 documented, there have been issues with the New York
24 City Fire Department and the EEPC, for a number of
25 years now, has been working with the FDNY in terms of

2 improving its EEO hiring and promotion practices
3 within the Department. I do think in this time there
4 have been changes in the Fire Department; I do think
5 there is forward motion that is happening, it may not
6 always be at the pace that a lot of people might want
7 to see it at, but there is forward motion, and I do
8 think that it is an example to a lot of agencies,
9 large and small, that even when it seems like there
10 is difficulty in sort of moving the ball forward; the
11 change, even if it's incremental, is helpful. We've
12 spoken with female firefighters and you know, while
13 they would love to see more change happening in FDNY,
14 they even acknowledge that there is some sort of
15 progress that is happening there. So I think that's
16 one example; I'm trying to think of a few others that
17 have happened.

18 I mean we audit some 30 agencies every
19 year and I would say by and large most of those
20 agencies really do want to do the best thing for the
21 candidates that come forward and for their own
22 personnel, so I think it's -- what I've seen happen
23 over the years now is that we're taking what the
24 agencies are doing and what they're learning and
25

2 trying to see if we can sort of cross-share that
3 stuff, so.

4 CHAIRPERSON LANDER: And then I noticed,
5 you mentioned in response to the pre-hearing
6 questions the issue of paying more attention to LGBTQ
7 employees and I wonder if you could just give a
8 little more flavor of what the EEPC has done there or
9 what you would like to see the Commission strengthen
10 its practice in going forward.

11 MALINI CADAMBI-DANIEL: Yeah, I think in
12 my first questionnaire about eight years ago I
13 mentioned that, and I don't know if I anticipated
14 what's happened in the world of LGBTQI, the community
15 there, and so particularly around transgender rights
16 and responsibilities. And so I think the Commission
17 has not necessarily had a particular focus on it and
18 what I would like to do actually is like, have more
19 of an attention on it; I think what needs to happen
20 is actually more education, both for the Commission
21 itself and for the agencies, so trying to figure out
22 what is the best way to sort of bring that knowledge
23 from the Commission level and out to the different
24 agencies would be very helpful, and I'd really love
25 to spearhead some more work around that. I do think

2 this is going to be a growing area of concern, so I
3 would love to put some more attention on it.

4 CHAIRPERSON LANDER: Well I think, you
5 know I'll speak just for myself, but I think in
6 general the Council, you know it's a set of work,
7 especially at this moment, that we feel very strongly
8 about, so if there are things you think the Council
9 can do; I think it's obviously something that the
10 Mayor and the Council are strongly committed to, but
11 actually making that a practice, you know at a moment
12 when people are having to adjust and change their
13 practices and having that spread out across the very
14 large behemoth that is the City of New York's
15 employment; that's great for you to take some
16 leadership on it and we would be glad to work with
17 you and support that work as well.

18 Do any... we've been joined by Council
19 Member Jumaane Williams from Brooklyn, welcome.
20 Colleagues; any questions? I will just ask one more
21 then.

22 You also spoke in your pre-hearing
23 questionnaire about the work of modernizing the EEP;C;
24 obviously there's a lot more ability to work with
25 data than we've had in the past; I know that a lot of

2 City agencies though will have different databases
3 and different systems, so the challenge of really
4 using that data in a strong way I suspect is one of
5 the challenges you're referring to there, but I
6 wonder if you could just tell us a little more about
7 what kind of modernizing work has been done and what
8 kind still needs to be done.

9 MALINI CADAMBI-DANIEL: It's remarkable
10 what's happened in just eight years in the
11 Commission; there were a lot of paper files that were
12 just stacked up everywhere and the executive director
13 has done a really great job in terms of digitizing
14 all of that work. But more than that, going forward,
15 she has spearheaded trying to get software into the
16 Commission that actually makes the audit process much
17 simpler and much more time-effective for both the
18 City agencies as well as for the EEPC. I think this
19 is phenomenal because on the one hand it makes it
20 much easier in the process of getting the audits
21 done, so that's a really great thing; it means that
22 we're going to actually be able to audit more
23 agencies, number one; number two; it makes it less
24 cumbersome for the agencies themselves to participate
25 in the audit process, but three; we will get

2 digitized data now that we can actually analyze and
3 come up with some sort of like broad analysis in
4 terms of what's happening across agencies. I think
5 that's very helpful, and when you take that with what
6 DCAS has, in terms of the fees [sic] data, and I
7 don't know the acronym fully, but it's like for the
8 City data of employees and you can envision taking
9 different datasets and where it's feasible, actually
10 kind of drill down deep in terms of what's happening
11 across agencies; I think that'll be far more
12 illuminating than we actually realize. And I think
13 we're going to be surprised in a number of ways,
14 meaning, it's one thing to collect a set of
15 qualitative data and just sort of pull out some of
16 the outliers, but to just be able to look across the
17 City and see how these different agencies are doing
18 in terms of both diversity and opportunity and
19 promotion, I think is going to actually propel us
20 forward.

21 CHAIRPERSON LANDER: Thank you. Council
22 Member Chin.

23 COUNCIL MEMBER CHIN: Thank you for your
24 remarks and I think -- in my last term I was on the
25 Civil Rights Committee and I remember the budget

2 hearings that we had -- so do you think that right
3 now the Commission is sufficiently staffed to be able
4 to carry out your mandate? That's one question. And
5 the other is that, through your experience in your
6 past -- almost eight years -- have you found that
7 certain agencies are doing much better than others
8 and have there been improvements in terms of creating
9 equal opportunity and support for the staff?

10 MALINI CADAMBI-DANIEL: So for the first
11 question, I feel that's a bit of a loaded question
12 because I don't want to say that we're appropriately
13 staffed and just like cap the budget inadvertently,
14 but I will say that after a number of years where the
15 Commission has actually struggled in terms of having
16 a full compliment of staff; it is doing much better
17 now than it's ever done, so I am very happy with the
18 staff that is presently there and see that having the
19 full compliment of staff is actually making the
20 Commission much more robust. I am going to leave as
21 to whether that's enough sufficient staff to the
22 executive director, but I feel like we're actually
23 getting to the place where it's a very robust
24 Commission.

2 So the second question about, have some
3 agencies improved -- I'm trying to recall offhand any
4 good examples. What I feel like has actually
5 happened over time at the Commission; I think I've
6 see certain agencies -- and I really sort of hesitate
7 to call any one agency out on the negative side of
8 things -- but I do see that because we're able to get
9 through the charter mandate of the number of audits
10 per year and we're getting back to agencies quicker;
11 the gap between audits is smaller now; I actually
12 think that helps the agencies that we're auditing,
13 because they're seeing this as a regular process and
14 not a capricious or arbitrary one; I think before it
15 sort of loomed larger in their heads about oh no, the
16 EEPC is coming back and they're going to audit us and
17 they're going to shame us for our, you know
18 disparities or something like that. First is like,
19 we're building relationships with the agencies, we're
20 helping them actually sort of think through some of
21 their issues; I don't think most of the things that
22 happen among these agencies are malicious; it's more
23 just like lack of oversight or lack of information or
24 processes that are put into place, and I think that's
25 where the Commission has been really good for the..

2 really for the last few years, like the last.. I would
3 say almost three years now, where it's just been...
4 being timely, being really thoughtful and
5 consistently engaging with the agency has actually
6 sort of lessened the anxiety for the agencies that
7 we're auditing and making them much more thoughtful
8 and willing to want to work with us.

9 CHAIRPERSON LANDER: Alright, seeing no
10 other questions from my colleagues and that no one
11 has signed up to testify, I am going to close the
12 hearing [gavel] on Ms. Cadambi-Daniel. We don't vote
13 the same day as the hearing in this Committee, so
14 there'll be a vote scheduled for Wednesday -- 10
15 a.m., I think -- [background comment] Wednesday at 10
16 a.m. to vote on the... [interpose]

17 MALINI CADAMBI-DANIEL: Thank you.

18 CHAIRPERSON LANDER: on the nomination.
19 Thank you.

20 And now we will move to our second
21 candidate of the day; this one on the Conflicts of
22 Interest Board. The Conflicts of Interest Board is
23 the entity that serves to provide clear guidance to
24 public employees regarding the Conflict of Interest
25 code, which lays out the type of conduct prohibited

2 by public servants; the Board works to achieve this
3 through training, education and the issuance and
4 publication of advisory opinions relating to proposed
5 or potential conduct. The Board also adopts rules to
6 implement and interpret the provisions of New York
7 City's Conflicts of Interest Code; it reviews and
8 makes decisions on alleged violations of that code,
9 with the power to impose fines that can be as high as
10 \$25,000 per violation, which could include suspension
11 or dismissal of City employees from serving as a
12 public servant, when deemed appropriate. The Board
13 also collects and reviews financial disclosure
14 reports and this Council just recently extended its
15 ambit to cover these 501(c)(3) and (c)(4)
16 organizations that are engaged in public
17 communication on behalf of individuals.

18 The Board consists of five members who
19 are appointed by the Mayor, with the advice and
20 consent of the City Council; the Mayor must also
21 designate one of these members as chair of the Board;
22 the Charter states that these members should be
23 chosen for their independence, integrity, civic
24 commitment, and high ethical standards. The Board
25 members serve a six-year term and are prohibited from

2 serving more than two consecutive six-year terms.

3 These members are mandated to meet at least once per
4 month and are prohibited from holding public office,
5 seeking election to any public office, being a public
6 employee in any jurisdiction, holding party political
7 office, or appearing as a lobbyist before the City.

8 So that obviously eliminates quite a lot of people
9 when you take both the ethical standards and the
10 specific prohibitions. Board members also, as the
11 EEPC, are entitled to receive compensation per diem
12 in the amount of \$250 for each calendar day that they
13 perform work for the Board or \$275 for the chair.

14 As mentioned before, Jeffrey Friedlander
15 has been nominated by the Mayor for the Council's
16 advice and consent for appointment to the Conflicts
17 of Interest Board and we're grateful for your
18 interest in serving and for being here today. And if
19 you will please raise your right hand to be sworn in
20 and I'll let the Counsel do it this time.

21 COMMITTEE COUNSEL: Do you swear or
22 affirm that you'll tell the truth, the whole truth
23 and nothing but the truth?

24 JEFFREY FRIEDLANDER: I do.
25

2 CHAIRPERSON LANDER: Thanks very much.

3 Rules Committee members, there are written copies of
4 opening statements and questions and answers to pre-
5 hearing questions in your booklet. Mr. Friedlander,
6 please proceed with your opening statement.

7 JEFFREY FRIEDLANDER: Chair Lander and
8 members of the Committee, I have a brief opening
9 statement.

10 Good afternoon. It's my great pleasure
11 to appear before you today as a nominee of the Mayor
12 to serve as one of the five members of the New York
13 City Conflicts of Interest Board. I am a lifelong
14 New Yorker; it's been my privilege to have been able
15 to spend my entire career in the service of the city
16 that I love.

17 Beginning in 1970, when I joined the New
18 York City Law Department as a member of its honors
19 program, following my graduation from NYU Law School,
20 until my retirement in July 2015, I worked with
21 thirteen corporation counsels and under seven mayors.
22 I was appointed first Assistant Corporation Counsel
23 in 1995 and served in that capacity for 20 years
24 under Mayors Giuliani, Bloomberg and de Blasio, and
25

2 served as Acting Corporation Counsel on two
3 occasions.

4 Mayor Koch was fond of repeating -- and
5 he did this very often -- the adage that there is no
6 profession more ennobling than public service when it
7 is done well and done honestly, and in that spirit I
8 have endeavored to do my best to represent the City.

9 Throughout my 44-year career I have been
10 guided by the principle that public service is a
11 public trust and have had the true privilege of
12 working alongside colleagues who have displayed
13 selfless dedication and a shared passion for the
14 wellbeing of the City and its residents. At a time
15 when public confidence in our institutions
16 unfortunately is eroding, it is vitally important
17 that government be seen to act and indeed does act in
18 conformance with the highest ethical standards. New
19 York City has been a leader in promoting ethical
20 government through measures like financial
21 disclosure, limitations on lobbying, an independent
22 Department of Investigation, a system of campaign
23 finance, and of course, the Conflicts of Interest
24 Board. It would be my honor to continue in public
25 service as a member of COIB, joining with the other

2 members of the Board and its respective staff in
3 carrying forward the essential function it performs
4 on behalf of the people of the City. Thank you very
5 much.

6 CHAIRPERSON LANDER: Thank you very much
7 Mr. Friedlander and I will just note, having had the
8 opportunity to see you serve across not maybe all of
9 those corp counsels and [background comment] mayors,
10 but at least some of them, that obviously your
11 history working in a, you know, nonpartisan or a
12 cross-partisan way and to focus on the law and the
13 facts seems very clear to me and I commend the Mayor
14 on your nomination.

15 I think this is implicit in your
16 statement, but let me just ask you to draw it out...
17 [interpose]

18 JEFFREY FRIEDLANDER: Sure.

19 CHAIRPERSON LANDER: a little more;
20 obviously, when you come into the Conflicts of
21 Interest Board there's both advisory opinion-making
22 and then viewing individual cases, you know and those
23 will come, in some cases, from people that you have
24 known or have worked with and you know, can you talk
25 a little about applying that same studious

2 impartiality to the work that you would be doing on
3 the Board?

4 JEFFREY FRIEDLANDER: **[inaudible]** the
5 Board of course does advisor opinions and also is
6 faced with complaints and situations where there's at
7 least the possibility of wrongdoing. I think I could
8 very fairly carry out those responsibilities and the
9 fact that I have worked with somebody over a period
10 of time or once in a period of time would not affect
11 my ability to apply the facts to the law. Okay, whoo
12 [sic].

13 CHAIRPERSON LANDER: I may come back to
14 that... [crosstalk]

15 JEFFREY FRIEDLANDER: 'Kay. Yeah,
16 please...

17 CHAIRPERSON LANDER: or others may have..
18 **[inaudible]**... [crosstalk]

19 JEFFREY FRIEDLANDER: please. Okay.

20 CHAIRPERSON LANDER: I think that as a
21 general statement... [crosstalk]

22 JEFFREY FRIEDLANDER: Yeah. Yeah.

23 CHAIRPERSON LANDER: that's obviously a
24 good starting place.

2 I mentioned in my opening statement the
3 fact that the Council recently, through Local Law 181
4 of 2016, expanded the Conflicts of Interest Board's
5 responsibility in relationship to these advocacy
6 organizations affiliated with government officials
7 and I just wonder if you could kind of give us your
8 general sense of that work and how -- you know, there
9 is some work the Board has to do now to get ready and
10 you know, I don't think it's a secret, since it was
11 testified to publicly... [crosstalk]

12 JEFFREY FRIEDLANDER: Right.

13 CHAIRPERSON LANDER: before this Council,
14 that the Board actually had some concern or you know,
15 that given staffing levels and experience that there
16 was going to be real work to do for it to get ready
17 to take on that new responsibility and I just wonder
18 if you could give us your sense of, you know --
19 first, I guess, have you ever had any involvement in
20 any of those kinds of organizations; were you
21 involved at the Law Department in any of the thinking
22 about them, and you know, how will you come to COIB
23 to take up that responsibility?

24 JEFFREY FRIEDLANDER: Well I have not
25 been involved in them at the Law Department; I have

2 looked at and studied the legislation; I support it.

3 I think it is of a piece **[inaudible]**... [crosstalk]

4 CHAIRPERSON LANDER: I apologize..

5 JEFFREY FRIEDLANDER: Yeah. Yeah.

6 [background comments]

7 CHAIRPERSON LANDER: yeah, get to
8 recognize Council Member Ydanis Rodriguez, who has
9 joined us and thank you for doing so. I'm sorry.

10 JEFFREY FRIEDLANDER: Yeah. I was
11 saying, I support the legislation; I think it's of a
12 piece with some of the other reforms that I
13 mentioned, whether it's campaign finance or lobbying
14 restrictions or public disclosure. It seeks to limit
15 the appearance or the fact of the influence of money
16 in decision-making in government and I think it's a
17 good thing.

18 Now it's been assigned to the Conflicts
19 of Interest Board; the Conflicts of Interest Board
20 has a lot of work to do; I mean there's a 2018
21 effective date, rules have to be drafted and after
22 that, databases have to be set up, and it's a bit of
23 a departure for the Conflicts of Interest Board and
24 there is a limited staff. But I think -- I'm
25 committed; I would be committed if confirmed to

2 working to see to it that the obligations are timely
3 complied with so that the law can be enforced
4 speedily.

5 Again, we talk about the limited staff;
6 I've had the opportunity, in preparing for this, to
7 go through the latest annual report of the COIB and I
8 jotted down just a few facts, which might be
9 interesting; I know some of the staff is here, so. I
10 mean, just in training, I mean there were 638 classes
11 and 55 agencies and training 27,113 employees, 14 CLE
12 courses and a New York Law School seminar, and then
13 there are the formal written opinions, the telephone
14 requests, the review of 8,900 filings into campaign
15 finance and the staff I think is about 22. So they
16 do a tremendous amount of work and I think they
17 probably.. we could do [sic] a little more, right? So
18 I think this is going to work out.

19 CHAIRPERSON LANDER: Budget hearings
20 start later this week, [laughter]..

21 JEFFREY FRIEDLANDER: Yeah, I know.
22 Yeah.

23 CHAIRPERSON LANDER: so we'll look
24 forward to perhaps the COIB continuing along this
25 line that you're outlining currently. We appreciate

2 that the EEPC did not use this hearing to push for
3 any **[inaudible]**...

4 JEFFREY FRIEDLANDER: Okay.

5 CHAIRPERSON LANDER: but that doesn't
6 mean you and the COIB should not. Council Member
7 Williams has a question.

8 JEFFREY FRIEDLANDER: Sure.

9 COUNCIL MEMBER WILLIAMS: Thank you
10 Mr. Chair. Thank you, Mr. Friedlander. You probably
11 can't comment on it, but I want to know if you saw a
12 recent -- what is it called, a suggestion; it wasn't
13 a rule; it's a uhm... [background comment]

14 CHAIRPERSON LANDER: Advisory opinion.

15 COUNCIL MEMBER WILLIAMS: advisory
16 opinion that was given about elected officials' use
17 of social media and see if you had any comment on it.
18 I think it was devoid of any practical application
19 that most of us have on a day to day basis and is
20 very confusing and I don't think it helps move
21 forward. I think they want it to move forward, but I
22 wanted to see if you have read it and had any opinion
23 of your own.

24 JEFFREY FRIEDLANDER: Let me say first
25 that I'm not on social media, so I **[inaudible]** from

2 that perspective. I did read the opinion and I think
3 the underlying assumption of that opinion is
4 unassailable in that it repeats advice given before
5 by the Board and certainly within the statute itself
6 in that public facilities should not be used for
7 private purposes. Now if in fact the opinion, there
8 are nuances here that have to be addressed where the
9 application -- it's different I guess from using City
10 letterhead or City employees to do work for you in a
11 private capacity, which clearly are impermissible.
12 If there is some nuance, some adjustment that has to
13 be made -- as a member of the Board, I'd be very
14 happy to consider that and I assume the other members
15 would as well and it may be that -- I don't know the
16 circumstances under which the opinion was issued or
17 what it is in response to, but if it causes a problem
18 with some special application; I'm certainly open to
19 considering adjusting it or interpreting it in a way
20 that would remove problems, of course, consistent
21 with the general underlying principle.

22 COUNCIL MEMBER WILLIAMS: I appreciate
23 that; I think you kind of hit it on the head; I think
24 the general principle is of course we shouldn't be
25 using government services or resources for personal

2 use, but as you mentioned, it's different than
3 letterhead or very concrete things that people can
4 point to and I think there were some nuances that
5 were grossly missed in this interpretation. So I'm
6 just glad to hear that you would be open to that; I
7 don't want to litigate it here, but it did cause a
8 lot of folks -- and I'm going to say it publicly --
9 but I know a lot of my colleagues also took some
10 concern about how to practically apply what it is
11 that they were saying. So I'm glad to hear you say
12 that. Thank you.

13 JEFFREY FRIEDLANDER: Thank you.

14 CHAIRPERSON LANDER: And I'll maybe start
15 -- I'll elaborate a little here.. [crosstalk]

16 JEFFREY FRIEDLANDER: Yeah.

17 CHAIRPERSON LANDER: you know, at least
18 reading the *New York Post's* interpretation of the
19 advisory opinion -- which is not obviously the best
20 way to interpret, but that is their interpretation --
21 if I were to tweet right now I thought Jeffrey
22 Friedlander gave an outstanding testimony at our
23 hearing, I think *The Post* thinks I would be violating
24 the rule, so maybe we could correct *The Post's*
25 opinion, but -- and Council Member Garodnick you can

2 see agrees with me -- and if let's say for that tweet
3 I just wanted to attach your resume or a story and I
4 said to my staff, could you kind of email me a link
5 to his resume or a story that might be good to put in
6 my tweet -- isn't he an impressive nominee -- that
7 then they would be -- I guess I would be violating
8 the rule to ask them to have prepared it and they
9 would be violating the rule to have done it. So we
10 don't need -- I think you're right that we don't want
11 to litigate here; we look forward to working with
12 COIB on it and I also appreciate your openness and
13 response to Council Member Williams' question and I
14 think we have often had very good dialogue with the
15 other Board members and with the staff when we have
16 had issues and things that we needed to address and
17 we look forward to your being part of that dialogue
18 as well.

19 Do any other members have other
20 questions? No. Very good. Oh yeah; what? Council
21 Member Chin.

22 COUNCIL MEMBER CHIN: I had the pleasure
23 of speaking with Mr. Friedlander before the hearing
24 and I really thank you, especially for your years of
25 public service. So I do commend the Mayor for

2 nominating you and your willingness to serve. It's
3 going to be a lot of work, but earlier you mentioned
4 about, you know, the staffing and budget; I think it
5 is critical for COIB to sort of advocate to make sure
6 there is sufficient funding to do the work that you
7 are mandated to do; that is important, and I think
8 that the trainings are important. But what I find
9 also is that the education of the public -- a lot of
10 us, you know, we get training I think once a year and
11 we have to do all these compliance and I'm happy that
12 when we have a question we could always reach out and
13 get answers, but I think there's another component
14 that you might want to take a look at; is how does
15 the public kind of understand that there is this
16 Conflicts of Interest Board and a lot of us in public
17 service do have to abide by a lot of rules and
18 regulations to really sort of like allow them to
19 really know all that happens and not just look at
20 elected official that saw this problem that happened,
21 but there are a lot of rules and regulations that we
22 also have to follow and also the same thing with
23 people who work for government. And it is a
24 wonderful profession, **[inaudible]** public service, but
25 sometimes we don't get that kind of respect, so I

2 think that the public education part could be helpful
3 and through your experience, you might be able to
4 help us sort of like figure out what is the best way
5 to really get that out there.

6 JEFFREY FRIEDLANDER: That's a good
7 question. I know, for one, the website of the COIB
8 is I think a very good one; there's an awful lot of
9 information for the public to see there; now the
10 public is not necessarily going to be directed to
11 that website, but if they do happen to come upon it,
12 it's very interesting. I know the new Executive
13 Director of the Board, Carolyn Miller, was recently
14 on NY1 with Errol Lewis and I think did a pretty good
15 job in explaining what it is that the Board is doing,
16 but there's probably a lot more to do to let the
17 public know. You know there's two sides to this; I
18 mean, yes, the COIB enforces wrongdoing **[inaudible]**
19 ethical standards, but again you know, it should be
20 there to demonstrate that people are acting in an
21 ethical way, and I think New York City -- I think;
22 I've always believed -- is sort of in the forefront
23 when you compare it to other jurisdictions
24 **[inaudible]**. But New York City is clearly in the
25 forefront of establishing an ethical infrastructure

2 and I think really, this Council, Charter [inaudible]
3 Commissions, mayors over time are really to be
4 commended for establishing this structure in which
5 COIB is only one piece, but I think it is definitely
6 worth disseminating that message to the public.

7 CHAIRPERSON LANDER: Thank you, Council
8 Member. I have just one last question. Because we
9 take COIB guidance very seriously here in this
10 committee whenever there is a COIB letter of a
11 nominee that's coming before us, we always want to
12 make sure to ask about it; make sure that the nominee
13 has reviewed it and so if you could just -- we'll do
14 that for you, of course -- so if you could just
15 explain the circumstances of seeking COIB guidance
16 and clarify your commitment to follow it, that would
17 be very helpful... [crosstalk]

18 JEFFREY FRIEDLANDER: Oh yeah. Well
19 actually, Charles Davis raised these questions and I
20 think they're good questions; it came up in three
21 areas. First, I remember of the World Trade Center
22 Captive Insurance Company a question as whether that
23 presents a conflict of interest with these duties and
24 I've been a member of that board since its inception
25 in 2003 and I've been appointed [inaudible] over one-

2 year terms by both Mayor Bloomberg and Mayor de
3 Blasio, and also I'm an alternate member of the
4 Executive Committee of NYC and Company, which
5 essentially is our trade and tourism entity which the
6 City contracts with to carry out functions for the
7 City in promotion of trade and business in the
8 hospitality and restaurant areas and the like.

9 So the question is whether either of
10 those presents a conflict of this position. The
11 Board has issued an opinion in which they have said
12 that these entities do not do business with the COIB
13 and there is no conflict. Again, the other issue was
14 you know that there -- I mean my mother was a school
15 teacher and two of my brothers are also in public
16 service; my brother Michael is a designer, head of
17 design at the Sanitation Department -- works on
18 things like salt sheds and garages and all these real
19 exciting architectural masterpieces -- and another..
20 [crosstalk]

21 CHAIRPERSON LANDER: It's no joke; that
22 salt shed's won more awards than... [crosstalk]

23 JEFFREY FRIEDLANDER: The salt shed is
24 beautiful. Yeah...

25 CHAIRPERSON LANDER: and rightly so.

2 JEFFREY FRIEDLANDER: and he's gotten one
3 for that; it's really beautiful. And another brother
4 has been a teacher for his career and he's retired
5 now, but of course comes in from time to time to do
6 substitute work when he's asked to do that. So the
7 question is whether that presents a conflict. So my
8 concern was, you know, take this job and divest my
9 brothers **[inaudible]** [laughter] to ask advice and of
10 course, if any issues came up regarding them, I would
11 have to completely recuse myself. On the others, of
12 course there's -- I can't use any public resources or
13 appear before COIB on behalf of those entities or do
14 anything to... do other than to keep those
15 responsibilities separate from one another. So that
16 I think **[inaudible]** I am definitely willing to and
17 would pledge to adhere to those guidelines.

18 CHAIRPERSON LANDER: Thank you, seems
19 appropriate; that's the most thorough and precise
20 articulation of the COIB guidance that I think we've
21 gotten on this committee. Right, right, right.
22 Counsel is just clarifying that in addition to your
23 excellent articulation of this letter that if for any
24 reason the corporations you're a board member of
25 would have to come before or be related to a

2 proceeding before the COIB that you would recuse
3 yourself as well... [crosstalk]

4 JEFFREY FRIEDLANDER: I definitely would,
5 yes.

6 CHAIRPERSON LANDER: Great. Thank you
7 for that; thank you for your time here today..
8 [crosstalk]

9 JEFFREY FRIEDLANDER: Thank you. Thank
10 you very much.

11 CHAIRPERSON LANDER: I don't think we
12 have any other questions, so I really appreciate your
13 past service, as Council Member Chin said, and your
14 willingness to -- not that there's people beating
15 down the doors to serve on the corps [sic], but as
16 you say, for all the reasons you described, a very
17 important body, both for upholding the rules and for
18 sustaining and building public trust. We will go
19 ahead and close the hearing [gavel] on
20 Mr. Friedlander's nomination... [background comment]
21 stand in recess until Wednesday at 10 a.m., when it
22 will resume from recess to vote on these nominees and
23 also, Council Members, in addition to these two
24 nominations, I think we will likely have appointments
25 of our new Council Member Bill Perkins to his

2 committees. I will not be here Wednesday at 10 a.m.,

3 so one of the other members of the Committee will

4 chair in my stead. [background comments]

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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 March 1, 2017