

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION  
JOINTLY WITH THE COMMITTEE ON  
CONSUMER AFFAIRS & BUSINESS LICENSING

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SEPTEMBER 24, 2021

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ROOM 3

B E F O R E: CHAIR CARLOS MENCHACA - IMMIGRATION  
CHAIR DIANA AYALA - CONSUMER AFFAIRS

COUNCIL MEMBERS: CARLOS MENCHACA  
DIANA AYALA  
MARGARET CHIN  
OSWALD FELIZ  
BRAD LANDER  
BEN KALLOS  
JUSTIN BRANNAN  
PETER KOO  
SELVANA BROOKS-POWERS  
KALMAN YEGAR  
FRANCISCO MOYA

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

RACHEL BAUTISTA

CARLOS ORTIZ

MICHAEL TIGER

MARTIN KIM

(PUBLIC)

POLLI HARDEO

CHIOMA AZI



1

2

SGT. MARTINEZ: Begin your recording.

3

The PC recording is up and going.

4

SGT. SADOWSKY: Recording to the cloud

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all set.

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SGT. PEREZ: The backup is rolling.

7

SGT. MARTINEZ: Good morning, and welcome

8

to today's remote New York City Council joint hearing

9

of the Committees on Immigration and the Committee on

10

Consumer Affairs and Business Licensing. At this

11

time, would all panelist, please turn on their video?

12

To minimize disruption, please silence your

13

electronic devices as I'm doing, and if you wish to

14

submit testimony, you may do so via email at the

15

following address: [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov), once

16

again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank you

17

for your cooperation. We are ready to begin.

18

CHAIR MENCHACA: Thank you to everyone.

19

My name is Carlos Menchaca, and I am the Chair of the

20

New York City Council's Committee on Immigration. We

21

are joined today by the Committee, our co-host

22

committee chair on Consumer Affairs and Business

23

Licensing, chaired by colleague Council Member and

24

Chair Diana Ayala from the Bronx and Manhattan. I

25

want to acknowledge some of the members that are here

2 today, and Council Member Feliz, Council Member  
3 Lander, Council Member Chin, and Council Member  
4 Kallos, and Council Member Brannon, and as they come  
5 on, we will acknowledge them. Today, the committees  
6 will be conducting and oversight on the city's  
7 efforts to fight fraud that targets our immigrant  
8 communities; rather this be immigration service fraud  
9 or consumer fraud, but I want to start with some  
10 questions that are going to hopefully ground us in  
11 this discussion that we've been having as a city  
12 council in the city for some time. What exactly is  
13 fraud? What is the role of our city government, the  
14 city council, and the city agencies to combat this?  
15 How are we meandering success in fighting against  
16 fraud? Who is being left out of this work, and does  
17 it matter if these are people and New Yorkers and  
18 neighbors who are immigrants, maybe they are  
19 undocumented, maybe they can't vote in our local  
20 municipal elections, or speak English? These are the  
21 things that are framing my head and my discussion as  
22 we move through this hearing, and hopefully get to  
23 some answer about how we can do it better. Three  
24 million New Yorkers are immigrants. This should come  
25 to as no surprise to anyone. We are a city of

2 immigrants, built by immigrants, and held together  
3 during COVID by immigrants. These same immigrants  
4 have disproportionately been impacted by poverty, low  
5 education attainment, and low English proficiency,  
6 often making them easy targets for bad business  
7 actors to exploit. Ultimately, this can result, not  
8 only in loss of wages and savings, but serious  
9 immigration consequences, hence deportation. COVID-  
10 19 has also brought about a host of new emergency  
11 relief scams, personal protection equipment price  
12 fixing, and dubious home remedies. This city has a  
13 mandate to do everything it can to protect its  
14 citizens, and its people from scammers. That's why  
15 the city council has previously passed legislation to  
16 require the Department of Consumer and Worker  
17 Protection in consultation with the Mayor's Office  
18 Immigrant Affairs to provide immigrant New Yorkers  
19 with information on consumer protection issues and  
20 resources. Legislation to require immigration  
21 service provide to improve clear language in their  
22 contract that lays out their duties, limitations, and  
23 their customer's rights, and legislation that  
24 clarifies the role of the Department of Consumer and  
25 Worker Protection and empowered the agency to

2 identify and penalize deceptive business or trade  
3 practices. We are grateful to the administration for  
4 testifying, and I hope that this hearing is just one  
5 of many opportunities we're going to take advantage  
6 of to work together to ensure that our immigrants,  
7 those that we engage in our districts and beyond,  
8 hear the commitment from the city and administration  
9 to take the allegations that we're going hear and the  
10 exploitations of these scammers seriously, and to act  
11 swiftly to end such practices, and I want to just  
12 bring the work that we've been doing in the council  
13 district office in District 38, and I know that Chair  
14 Ayala has also been dedicated to the excluded worker  
15 fund, a state program that is bringing relief for the  
16 first for so many families who are impacted workers  
17 that did not qualify for federal dollars. The scams  
18 that we are hearing from people as I answer the phone  
19 and talk to people are incredible. We're going to  
20 hear from some of that today, but that is just the  
21 glimpse of what is happening, and how we are going to  
22 dedicate time today to understand it. I want to say  
23 thank you my staff who are Chief of Staff Lauren  
24 Alucero (SP?) and Legislative Director, Cesar Vargas  
25 (SP?). Also, Immigration Committee staff who have

2 been working on this issue, Committee Counsel,  
3 Harbani Ahuja, Policy Analyst, Elizabeth Cronk;  
4 (SP?), and I want to hand it over to my co-chair,  
5 Council Member Ayala.

6 CM AYALA: Thank you Council Member  
7 Menchaca, and I want to recognize that we've also  
8 been joined by Council Members Koo and Brooks-Powers.  
9 So, good morning, everyone. Good afternoon,  
10 actually. My name is Diana Ayala, and I am the Chair  
11 of the Committee of Consumer Affairs and Business  
12 Licensing. I would like to welcome you to our joint  
13 hearing today with the Committee on Immigration,  
14 chaired by my colleague Council Member Carlos  
15 Menchaca. Our hearing today will focus on  
16 immigration services and consumer fraud, and the  
17 steps that the administration has taken to protect  
18 immigrant New Yorkers. As consumers, we are all  
19 unfortunately at risk of being taken in scams and  
20 frauds. Immigrant New Yorkers, however, are unique  
21 endeavors as they face adverse immigration  
22 consequences when they are prey to consumer fraud; in  
23 addition to risking their financial security. In the  
24 worse cases, this can mean losing their immigration  
25 status and facing deportation. In 2017, the council



2 passed Local Law 63 to regulate immigration service  
3 fraud where providers give the impression that they  
4 are providing legal services. Pursuant to this law,  
5 providers are required to inform customers of their  
6 rights post signage in English as well as other  
7 languages in which they do business. Importantly,  
8 the law also prohibits providers from offering and  
9 providing services that should only be provided by an  
10 attorney, and from making statements that could lead  
11 a customer to believe that the provider is an  
12 attorney or an immigration expert. It is essential  
13 that DCWP regulate such providers, but legal services  
14 are not the only industry targeting immigrants. For  
15 example, a recent scam in New York involved calls  
16 leaving voicemails in Mandarin from numbers appearing  
17 to originate from mainland China, and claims to be  
18 made from the Chinese Embassy, the Chinese Consulate,  
19 or Chinese law enforcement agencies. These calls  
20 fraudulently claimed that personal financial  
21 information such as bank account or credit card  
22 information is necessary to avoid issues with legal  
23 status. The COVID-19 created additional  
24 opportunities for scammers to target immigrant New  
25 Yorkers. This includes targeting stimulus checks,

2 and immigrant New Yorkers who received financial  
3 relief through the Excluded Workers' Fund. In May  
4 2020, DCWP issued a statement that crime with the  
5 rise in COVID-19-related scams and produced a list of  
6 scams targeting New Yorkers to raise awareness for  
7 consumers. Clearly the comprehensive action by the  
8 administration is necessary to combat the increase in  
9 scams targeting immigrant New Yorkers, and I look  
10 forward to hearing from MOIA from DCWP today about  
11 how they have worked together over the last 18 months  
12 to educate and protect immigrant New Yorkers from  
13 consumer and immigration services fraud. Before we  
14 begin, I would like to thank my staff, Committee  
15 Counsel, Stephanie Jones (SP?); Policy Analyst,  
16 Leah Scorpio (SP?) and Laura Mixler (SP?), and as  
17 well as my Deputy Chief of Staff, Mitchell Cruz (SP?)  
18 for their work in preparing this hearing. I will now  
19 turn it over to Committee Counsel, Stephanie Jones to  
20 go over some procedural items.

21 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
22 you, Chair Menchaca and Chair Ayala. First, I'd like  
23 to acknowledge that Council Member Yeger has also  
24 joined us. I am Stephanie Jones, Counsel on the  
25 Committee of Consumer Affairs and Business Licensing,

2 and I will be moderating this hearing today. Before  
3 we begin, I'd like to remind everyone that you will  
4 be on mute until you are called on to testify, as  
5 which point, you will be unmuted by the host. During  
6 the hearing, I will be calling on panelist to  
7 testify. Please listen for your name to be called as  
8 I will periodically be announcing who the next  
9 panelist will be. At this hearing, we will first be  
10 inviting testimony from the Department of Consumer  
11 and Worker Protection, followed by testimony from  
12 members of the public. During the hearing, if  
13 council members would like to ask a question of the  
14 administration or a specific panelist, please use the  
15 Zoom raise hand function and I will call on in order.  
16 We will be limited council questions to five minutes  
17 which includes the time it takes to answer your  
18 questions. For all panelists who are called to  
19 testify, please state your name and the organization  
20 you represent, if any. We will now call  
21 representative of the administration to testify. We  
22 will be hearing testimony from Carlos Ortiz, Director  
23 of Legislative Affairs, the Department of Consumer  
24 and Worker Protection. We will also be joined for  
25 questions by Michael Tiger, Deputy General Counsel at

2 DCWP, and Rachel Batista, Commissioner of the Mayor's  
3 Office of Immigrant Affairs, and Martin Kim, Policy  
4 Advisor also at MOIA. At this time, I will  
5 administer the affirmation. Administration  
6 panelists, please raise your right hands, and I will  
7 call on each of you individually to respond. Do you  
8 affirm to tell the truth, the whole truth, and  
9 nothing but the truth before these committees, and to  
10 respond honestly to council member questions?  
11 Commissioner Batista?

12 RACHEL BATISTA: I do.

13 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
14 you. Director Ortiz?

15 CARLOS ORTIZ: I do.

16 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
17 you. Deputy General Counsel Tiger?

18 MICHAEL TIGER: I do.

19 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
20 you, and Mr. Kim?

21 MARTIN KIM: I do.

22 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
23 you. At this time, I'd like to invite Director Ortiz  
24 to present his testimony.  
25

2 CARLOS ORTIZ: Good afternoon, Chairs

3 Ayala and Menchaca. I'm Carlos Ortiz, Director of  
4 Legislative Affairs for the Department of Consumer  
5 and Worker Protection, or DCWP. I'm joined today by  
6 Michael Tiger, DCWP's Deputy General Counsel along  
7 with Commissioner Rachel Batista, and Martin Kim,  
8 Policy Advisor from the Mayor's Office of Immigrant  
9 Affairs. It is a pleasure to testify today on behalf  
10 of Commissioner Hash before the Committee's UH.

11 DCWP's mission is to protect and enhance the daily  
12 economic lives of New Yorkers to create thriving  
13 communities. This, of course, includes (inaudible)  
14 communities who serve a fundamental role in the  
15 city's economy. They are our small businesses, they  
16 are our essential workers, and they are our consumers  
17 who supported our city throughout the pandemic and  
18 will help drive our city's economic recovery. Still  
19 immigrants in our city and across the country have  
20 faced distinct challenges over the past few years.  
21 The inflammatory policies and rhetoric from the  
22 previous president, exacerbated longstanding  
23 obstacles faced by immigrants including the confusing  
24 and uncertain framework that governs one's status in  
25 the United States. However, this is not the true

2 DCWP. Now, where during the darkest days of the past  
3 presidential administration are continuing to enforce  
4 consumer and worker protections on behalf of all New  
5 Yorkers regardless of immigration status. Moreover,  
6 we have been committed to bridging historic gaps  
7 between city government and our immigrant communities  
8 such as language access to ensure the information and  
9 rights afforded to immigrant New Yorkers are within  
10 reach and can help empower these communities. In New  
11 York City, DCWP enforces laws and rules regarding  
12 immigration service providers, or ISPs. ISPs are  
13 those individuals or businesses that charge fees for  
14 any kind of immigration related service. ISPs are  
15 not lawyers and are typically not accredited or  
16 recognized by the United States Department of  
17 Justice. Thus, there are limits to the type of  
18 assistance that ISPs can provide. ISPs cannot give  
19 any legal advise on any immigration matter or  
20 represent an individual in court or before the  
21 Federal government or any other immigration  
22 authority. What ISPs can do is provide assistance  
23 with translations, type up application forms, and  
24 compile or photocopy documents. When engaging with  
25 an ISP, there are several protections in place for a

2 consumer. These protections include rights to a  
3 written contact that itemizes the services being  
4 provided, a receipt that includes the ISP's legal  
5 name and address, and the ability to cancel a  
6 contract and obtain the refund within three days of  
7 entering the contact. Traditionally, DCWP has  
8 conducted enforcement various methods including  
9 mediation, routine patrol inspections, or a response  
10 to complaints that leads to actions before the Office  
11 of Administrative Trials and Hearings or a New York  
12 State court. However, changes to the industry as  
13 well as the impact of the COVID-19 pandemic have  
14 challenged the vast of our enforcement. In prior  
15 years, ISPs operated as store-front establishments.  
16 In more recent times, our inspectors and advocates  
17 have noted that ISPs are operating out of plain site.  
18 They no longer publicize their locations through  
19 traditional mediums, and the operate in the  
20 background of offices or even private residences,  
21 blunting our patrol efforts. Operating informally,  
22 individuals or businesses acting as ISPs (inaudible)  
23 kinship or shared nationalities to connect with  
24 consumers, but at the same time, continue to violate  
25 ISP laws. For example, there is a longstanding issue

2 of individuals or businesses advertising themselves  
3 as notaries to scam immigrant consumers. In this  
4 context, a person advertising themselves as a notario  
5 knows full that in some Latin American countries,  
6 this is a title given to a legal professional, while  
7 in the United States, a notary does not necessarily  
8 have specialized legal training. In some cases,  
9 these entities provide such damaging legal advise  
10 that immigrants are placed into deportation  
11 proceedings. Other illegal ISPs that operate out of  
12 plain site are simply fly-by-night actors that lure  
13 in consumers, demand payments, and then disappear  
14 shortly thereafter. As we have seen through our  
15 consumer protection and licensing enforcement in  
16 different industries, fly-by-night actors sign short-  
17 term leases, they use fake corporate names, or  
18 connect to outreach through informal social media  
19 networks that make locating them after a complaint  
20 has been filed extremely difficult. Still, DCWP  
21 continues to use similar enforcement authority to  
22 bring cases before a New York State court. Holding  
23 these businesses accountable is vital to deterring  
24 illegal activity. In recent years, DCWP has  
25 successfully tried or resolved cases against ISPs, a



2 new beginning for immigrant rights with offices and  
3 consulting service. In these cases, the businesses  
4 misrepresented themselves as attorneys, illegally  
5 provided legal advice, posted deceptive advertising,  
6 and failed to provide accurate contracts and receipts  
7 after collecting fees from consumers. In totals, we  
8 were awarded or have secured more than \$237,000.00 in  
9 civil penalties, and \$34,000.00 in consumer  
10 restitution from these actions. Another (inaudible)  
11 approach to ISPs has been to practically educate our  
12 communities to prevent fraud from occurring the first  
13 place. Since 2019, we have held more than 310  
14 consumer protection education events where we speak  
15 constituents directly about how they can protect  
16 themselves from a fraudulent ISP. This includes  
17 direct collaborations with government agencies such  
18 as the New York State Office of New Americans, the  
19 Protecting Immigrant New Yorkers task force, and the  
20 Queens Borough Presence Immigration Task Force. Our  
21 consumer bill of rights on ISPs is available in 13  
22 languages, and we have additional literature with  
23 tips available to consumers such as only going to  
24 providers with fixed and physical locations, and not  
25 to believe providers that claim special relationships

2 with government entities. Through these educational  
3 efforts, our goal is to empower our city's immigrant  
4 communities with tools to avoid the exploitative  
5 business practices of certain ISPs, and during the  
6 question-and-answer portion of the hearing,  
7 Commissioner Bautista can speak to their agency's  
8 outreach and recent ethnic media campaign to warns  
9 immigrants of the dangers surrounding immigration  
10 fraud. Lastly, we would be at risk to not take note  
11 of Introduction 1622, legislation recently passed by  
12 the council and advocated for by this agency that  
13 extends greater protection to our immigrant  
14 communities. Introduction 1622, the modernization of  
15 the city's consumer protection law includes language  
16 access requirements for businesses and negotiates  
17 strange transactions with consumers. Additionally,  
18 fines for deceptive activity will be adjusted for  
19 inflation for the first time since 1969, allowing the  
20 CDL to continue to serve as an effective deterrent  
21 for illegal business practices such as those  
22 committed by fraudulent ISPs. Protecting our  
23 immigrant community from fraud and supporting their  
24 (inaudible) success is vital for the city, now more  
25 than ever. As we look to a fair recovery for all

2 from the affects of the pandemic, we, as a city, need  
3 to be responsive to our immigrant community's  
4 concerns through enforcement, education, and common  
5 sense and effective legislation. As always, we value  
6 the council as our partner in ensuring that consumer  
7 and worker rights remain a priority for the city.

8 Thank you again for the opportunity to testify, and I  
9 look forward to discussing any questions you might  
10 have.

11 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
12 you, Director Ortiz. I'd like to also acknowledge  
13 Council Member Moya has joined us. I will now turn  
14 it over to questions from Chair Menchaca. Panelist,  
15 please stay unmuted if possible during this question-  
16 and-answer period. Thank you. Chair Menchaca.

17 CHAIR MENCHACA: Thank you. Thank you  
18 for that and for the testimony. I want to start with  
19 some questions to Commissioner Bautista, and welcome  
20 by the way. Thank you for being here today, and we  
21 are really interested to hear a little bit from MOIA  
22 about your understanding of the prevalence and the  
23 type of scams that come to MOIA through all the  
24 different lines that you have out in the community  
25

2 and relationships. What has MOIA witnessed impacting  
3 the immigrant community right now?

4 RACHEL BAUTISTA: So, first, thank you  
5 Chair Menchaca. Of course, you know, I'd like to  
6 first start as saying that we strongly believe that  
7 the best way to combat immigration fraud is to  
8 provide free trusted legal services through our  
9 Action NYC program and other programs that we have,  
10 and to make sure immigrants are aware of the trusted  
11 services that are trusted services that are available  
12 to them, and to combat misinformation with clear,  
13 current, and timely updates on the changes to the law  
14 and policy. In terms of our outreach, MOIA conducts  
15 outreach around the issue of immigration fraud. We  
16 include information about fraud in many of our Know  
17 Your Right presentations, provided by our outreach  
18 and organizing and community service teams. We also  
19 include this information in our curriculum for our  
20 Know Your Rights Programs, and in our public  
21 messaging. Also, we have a We Speak NYC episode that  
22 covers legal services, both legitimate and  
23 illegitimate help, you know what that looks like, and  
24 we also make sure to include information on access to  
25 free legal services through our action NYC in almost

2 all of our public messaging. MOIA has also recently  
3 invested 35,000 in public messaging around fraud in  
4 conjunction with catholic charities and we make sure  
5 to always work with our Action NYC partners. In  
6 terms of when we get reports on issues of fraud, we  
7 get a handful of fraud complaints through our  
8 hotlines. We had added this as a part of our  
9 screening questions for Action NYC this year, and we  
10 found that about 4 percent of client reported a fraud  
11 from the first half of this year. This is, you know,  
12 a low number and we think that this is because, you  
13 know, the administration at the federal level has  
14 changed, and the fraud may be reported to other  
15 institutions that's not MOIA.

16 CHAIR MENCHACA: Commissioner, just on  
17 that one point, you're saying that from all the calls  
18 that are coming in so far this year, is this a  
19 calendar year or is it fiscal year?

20 MARTIN KIM: So, I can chime in here,  
21 Chair. Thank you for that question. The 4 percent  
22 of clients who have reported that in our screening,  
23 that's for the first half of this calendar year.

24 CHAIR MENCHACA: Got it, and what percent  
25 are reporting fraud partly because you have added it

2 to a script when people call the line, and you're now  
3 screening for it?

4 MARTIN KIM: That's right. It's a new  
5 part of our screening.

6 CHAIR MENCHACA: Got it. Okay, and it  
7 was just added this year. So, I think the other  
8 thing that's important to ask is how are you now kind  
9 of connected to the other agencies and really kind of  
10 gathering all the information? Are you a clearing  
11 house for all the different types of scams, and I'm  
12 assuming that some of the scams now that are coming  
13 in are connected to the Excluded Worker Fund? So,  
14 how are you gathering all the information, and how  
15 many of them came in with Excluded Worker Fund  
16 issues?

17 RACHEL BAUTISTA: Sure. So, when we get  
18 a phone call of someone being a victim of fraud, you  
19 know, first, we access, right, what the situation is,  
20 and we will connect them to legal services or we will  
21 also refer to the ONA Hotline, all depending on what  
22 the actual facts are of the case, and when it comes  
23 to an issue that's related to a financial issue, we  
24 will coordinate with our sister agency DCWP.

2 CARLOS ORTIZ: Council member, let add,  
3 just to repeat, you know, we receive complaints  
4 through a number of different mediums. They could be  
5 traditional 3-1-1, online, or through our in-person  
6 staff at these outreach agencies that I was  
7 describing where, you know, we encourage staff to  
8 connect with the constituents directly and offer  
9 their information to further help negotiate or manage  
10 a complaint. We also work closely with government  
11 agencies such as the AG's office, the local DA's  
12 office, the Protecting Immigrant New Yorkers Task  
13 Force which also has advocates on it as well, and  
14 that is really helpful for us to understand as more  
15 of these scams are arising in our communities. With  
16 respect to this particular issue about the Excluded  
17 Worker Fund, we have heard cases of, you know, tax  
18 preparers charging much higher prices to immigrant  
19 consumers. So, it is something that we've begun to  
20 look more and more into, especially as we're taking  
21 complaints. I think something, as well, that we  
22 would offer in that situation to when we connect with  
23 consumers is we have a lot of free-financial services  
24 available through the city such as our free tax prep  
25 centers or our financial empowerment centers where we

2 would encourage people to go to and meet with the  
3 trusted provider or counselor.

4 CHAIR MENCHACA: And Director Ortiz, is  
5 that how I should address you?

6 CARLOS ORTIZ: You can just call me  
7 Carlos.

8 CHAIR MENCHACA: Tocayo.

9 CARLOS ORTIZ: Tocayo.

10 CHAIR MENCHACA: Pero Tocayo, I just want  
11 to dig deeper here in this conversation about the  
12 Excluded Worker Fund and pull out two things. One is  
13 there a price that's okay for charger a New Yorkers  
14 who is filling out the Excluded Worker Fund, is there  
15 something that says this is okay, but then this is  
16 not okay? What is that line? Is that something that  
17 has been developed for the city of New York from you,  
18 from your agency and mayor's office?

19 CARLOS ORTIZ: Thank you, council member.  
20 I think typically what we're looking for with respect  
21 to tax preparers is really deceptive advertising.  
22 No, we don't want people being taken advantage of.  
23 So, for example, one price is listed outside, but  
24 once you sit down with that tax preparer, it's a  
25 different price inside. So, our CPL does give us a



2 lot of authority to protect against that type of  
3 activity, and it's one of the ways we work to help to  
4 any consumer, particular immigrants in this  
5 particular context.

6 CHAIR MENCHACA: So, is there an  
7 acceptable rate of fee for Excluded Worker Fund?

8 CARLOS ORTIZ: I'm not aware of a  
9 particular rate, sir, but I can definitely look into  
10 this and find out more for you, about a particular  
11 number that is being charged.

12 CHAIR MENCHACA: Okay. So, the second  
13 part to that is the city has tax preparers that you  
14 have on hand that could have been supportive of the  
15 Excluded Worker Fund at no charge, and funnel people  
16 to there? Is that something that you all did? Did  
17 you do any support for Excluded Worker Fund  
18 application since you have, you know, a positive  
19 relationship with immigrants?

20 CARLOS ORTIZ: Yes, council member.  
21 Thank you. I mean, we are extremely proud of our  
22 financial empowerment services. It is a key facet of  
23 the work that we do here. We conduct, you know,  
24 every year, we have an extensive outreach campaign  
25 that goes out and it's also multilingual as well

2 cause we do believe this a service that New Yorkers  
3 really need to take advantage of, in this context,  
4 included Excluded Workers, who for a long time, went  
5 without support from our Federal Government, so, we  
6 are always happy to talk about our services and make  
7 sure that immigrant New Yorkers utilize them as well.

8 MARTIN KIM: And Chair, if I can add to  
9 that, I think in the outreach that MOIA has done  
10 around the Excluded Worker's Fund, we've certainly  
11 highlighted not just the availability of the fund,  
12 but the fact that the state has funded community  
13 based organizations within communities in New York  
14 City to provide free assistance and application for  
15 the Excluded Worker's Fund which is something that we  
16 definitely have wanted to highlight.

17 CHAIR MENCHACA: Okay, and I don't know  
18 if you've been following that, but a lot of that  
19 money came in late. Did you know that too?

20 MARTIN KIM: Yes. So, that is part of  
21 the conversation that we have been having with some  
22 of the community partners because as you know, we  
23 have close relationship with those partners, and also  
24 something that we have raised in discussions that  
25

2 we've had with the New York State Department of  
3 Labor.

4 CHAIR MENCHACA: Okay, so I just want to,  
5 in this Q and A, and actually, I'm going to pause. I  
6 have a lot more questions for MOIA, but I want Chair  
7 and other members to ask first, so they can get their  
8 questions out. We can come back and do a deeper  
9 dive, but I just wanted to illustrate something that  
10 I'm seeing just in this conversation. One, just  
11 identifying and defining fraud around Excluded  
12 Worker's Fund which is the thing of the moment right  
13 now, and not having like a sense of, this is okay to  
14 charge, and this is not okay to charge on hand, one.  
15 Two, understanding that if you're following the  
16 Excluded Worker Fund and this report from the state,  
17 and it was a little bit jumbled, and I wasn't very  
18 happy with that. I know that organizations were  
19 waiting for money. It really pushed us as a district  
20 office, for example, to get out there and do a lot of  
21 this support. Our district office became an Excluded  
22 Worker Fund support team. We filled out over 200  
23 applications with a 95 percent approval rate. That's  
24 because we have positive relations with the  
25 government. I haven't heard yet that the city

2 decided to want to take that on and utilize that  
3 relationship so that people didn't go somewhere else  
4 to pay or to be frauded, and these are the questions  
5 I was asking at the beginning of this hearing.  
6 What's fraud? What's our responsibility? If it's a  
7 state thing, do we not do anything, but they are  
8 people, they are New Yorkers. So, I'm really trying  
9 to tease this out. What's our responsibility, and  
10 are we just going to come in after the fact? So, I'm  
11 going to be following up on that train of thought  
12 when we come back, I'll ask the questions or after  
13 the other members, and if there's any response right  
14 now, I would appreciate any response to what I'm just  
15 laying out in this discussion from MOIA or from  
16 Carlos.

17 RACHEL BAUTISTA: I think that, you know,  
18 we would like to hear the other questions, but  
19 definitely, you know, the issues have been noted, and  
20 we're happy to continue the conversation to talk  
21 about the needs and the gaps.

22 CHAIR MENCHACA: Great ... (crosstalk).

23 CARLOS ORTIZ: And I think what I would,  
24 council member, (inaudible) is we do take the issues  
25 that are affecting our communities very seriously.

2 You know, throughout the entire pandemic, through all  
3 facets of our work, rather it's worker's rights,  
4 consumer protection, or financial services, we've  
5 made sure to center our immigrant communities in  
6 particular. You know, there are particular issues  
7 that they face rather it's fear of retaliation,  
8 issues with their status that make cases very  
9 sensitive for our communities. So, definitely, we  
10 encourage people to bring complaints towards us. We  
11 work with them, and with our resources, you know, we  
12 try to have successful outcomes on their behalf for  
13 sure.

14 CHAIR MENCHACA: Okay, and again, my  
15 point is that we could have prevented a lot of fraud  
16 if we engage in a robust engagement process with  
17 trusted partners and knowing that the state was going  
18 to fumble that on the executive side, cause we saw  
19 that coming. So, Chair Ayala.

20 CHAIR AYALA: Thank you, Chair Menchaca.  
21 So, I think these questions would be for DCWP. Do we  
22 know what the number of consumer fraud cases reported  
23 to the agency is for this year?

24 CARLOS ORTIZ: Sorry, I was muted. In  
25 terms of complaints, we have received about, I think

2 27 complaints from our constituents this year, that's  
3 online with what we usually receive annually  
4 regarding immigration service providers, and I think,  
5 you know, definitely during the initial part of the  
6 pandemic, there was a dip in complaints which I think  
7 make sense. It coincides with the fact that many  
8 non-essential businesses have been closed, but then  
9 we're returning to the norm with how much intake  
10 we're receiving.

11 MICHAEL TIGER: But Chair Ayala, just to  
12 clarify your question, and my colleague's response.  
13 Were you asking immigration fraud-related complaints,  
14 ISP-related complaints, or all consumer protection  
15 complaints?

16 CHAIR AYALA: Well, I actually wanted to  
17 know what was the number, the total number of  
18 complaints coming into the agency, and how many of  
19 those complaints, what percentage of those complaints  
20 were specifically immigrant focused?

21 MICHAEL TIGER: I think Carlos was giving  
22 the numbers for the immigration. I mean, I don't  
23 have right on-hand the total number of complaints,  
24 we've gotten this calendar year. So far, it's many,  
25

2 many, many more than that, but we can get that to  
3 you, and give you that number in short order.

4 CHAIR AYALA: Okay, okay, and all right,  
5 that's great, thank you. I mean, it seems like a  
6 small, you know, number. We're already, you know,  
7 nearing the end of September, so I, you know, I  
8 always get kind of concerned right, that maybe people  
9 are making complaints to other agencies, or just, you  
10 know, normally understand who make the complaints to.  
11 Is MOIA receiving any complaints that, you know, and  
12 communicating that information to DCWP?

13 RACHEL BAUTISTA: Yes, we've ...  
14 (crosstalk).

15 CHAIR AYALA: My instinct would probably  
16 be to call you first, right. I mean, most people  
17 don't know who to call, right, so unless I'm calling  
18 3-1-1 and they're directing me, you know straight to  
19 DCWP, you know, if I'm an immigrant person and I'm,  
20 you know, (inaudible) probably would call you first.  
21 So, I'm curious about that.

22 RACHEL BAUTISTA: Yes, Council Member  
23 Ayala. So, at our Ask MOIA hotline, it's a very,  
24 very low number is 2020. We received 1 notario fraud  
25 inquiry which we referred to DCWP, and in 2021, the

2 Ask MOIA hotline received three notario fraud  
3 inquiries which we referred to our Action NYC program  
4 due to the fact that it was related to immigration-  
5 related needs, and one was referred to the Office of  
6 New Americans.

7 CHAIR AYALA: But none were referred to  
8 DCWP?

9 RACHEL BAUTISTA: The one in 2020 was.

10 CHAIR AYALA: Okay.

11 RACHEL BAUTISTA: Cause the ones in 2021  
12 were immigration specific.

13 CHAIR AYALA: Okay. Okay. Now, and this  
14 is for Commissioner Bautista, in your testimony, you  
15 mentioned; well actually, when I heard your  
16 testimony, but you mentioned public messaging being,  
17 you know, a tool that you use to help educate the  
18 community. How do you define public messaging? What  
19 does that look like?

20 RACHEL BAUTISTA: It includes, you know,  
21 our website, our social media, you know, any  
22 advertising that we may be doing, and then again, our  
23 outreach team and our constituent services team also  
24 gives out the information when they go out to do  
25 presentations in the public as well.



2 CHAIR AYALA: Are any of the agencies  
3 utilizing text messaging as a tool of engaging with  
4 communities where we have especially a large pockets  
5 of immigrant communities?

6 CARLOS ORTIZ: With respect to DCWP,  
7 that's not an outreach tool that we use frequently.  
8 Typically, our presentations are meant to be  
9 proactive and interactive. There are presentations  
10 in community centers, presentations with local CBOs,  
11 community-based organizations, or faith-based  
12 organizations. So, that's typically how we're  
13 reaching our constituencies.

14 CHAIR AYALA: I think as we evolve right?  
15 There are a variety of tools that we now have, that  
16 we can utilize to ensure that we're sharing that  
17 message with as many people as possible and in as  
18 many different ways as possible. So, you know, for  
19 me, the more the merrier. I would be plastering  
20 information everywhere, right. Bus stations, you  
21 know, check cashing places, places where I know that  
22 people frequent, because you know, even though I  
23 appreciate, and there is a value, right, to having  
24 resource fairs and having you know, individuals from  
25 the agencies come and present at different, you know,

2 non-profit organizations, maybe senior center. Not  
3 everybody shows up to those events, right. So, then  
4 I kind of start to freak out cause I'm wondering how  
5 are we getting information out those people that are  
6 so busy working, right, that throughout the day that  
7 they have the time, and you know, now we have a flash  
8 flood, and everybody's phone is beeping, right, like  
9 crazy, because we're getting that information in real  
10 time. Whenever there's an emergency, right, we're  
11 getting that information in real time. There has to  
12 be a way to create some sort of messaging, you know,  
13 the technology exists already, right. That's very  
14 specific to communities where we're using that as an  
15 additional tool, right, in the tool box to help  
16 better educate our communities so that they know,  
17 right, at the time, and they're not afraid of these  
18 types of tactics. Now, the popup offices, Carlos.  
19 You mentioned that, you know, many of them are like  
20 fly-by-night, you know offices, is it your experience  
21 that they're usually located in communities of color,  
22 communities where you have, you know, a larger  
23 immigrant population?

24 CARLOS ORTIZ: Thank you for the  
25 question, council member. I think in our experience,

2 it has been a mixture actually. I mean, sometimes we  
3 have them located in our immigrant communities, and  
4 sometimes, we have them located in the center of the  
5 city of Manhattan, particularly, in back-office  
6 suits, so it is a mix in terms of where they are  
7 located.

8 CHAIR AYALA: That is challenging, right  
9 to identify the; cause I've seen it happen where, you  
10 know, the office is open, and then they have like  
11 this, you know, huge influx of people going in, and  
12 then all of the sudden, they're closed, right. So,  
13 how difficult has it proven to identify, you know,  
14 the location of these sites, and catch these bad  
15 actors before they have an opportunity to run?

16 CARLOS ORTIZ: It does prove difficult.  
17 I mean, I think similarly in my community, I see  
18 similar popup situations happen where you have a lot  
19 of activity happening, in particular, and the next  
20 day, it's gone it feels like. So, that does make it  
21 difficult, for example to patrol or to respond to a  
22 complaint. For that reason, we are so proactive in  
23 making sure we're preventing people from going there  
24 in the first place through our education. And that  
25 said, you know, when we're able to compile enough

2 facts, and we have complaints that come before us, we  
3 are also able to bring successful actions forward,  
4 and that really, we hope, is able to deter future  
5 business activity.

6 CHAIR AYALA: Is DCWP working with local  
7 bids to better inform them so that they're aware,  
8 right, as they start to maybe see these popup sites  
9 come up?

10 CARLOS ORTIZ: Yes, we are in constant  
11 communication with bid associations.

12 CHAIR AYALA: Perfect. Okay, does  
13 anybody know what the number of non-profit groups is  
14 that were awarded funding for the Excluded Worker's  
15 Fund application process?

16 MARTIN KIM: So, thank you for that  
17 question, Chair. I believe it was just over 40 in  
18 New York City specifically, but we get back to you  
19 with the exact number.

20 CHAIR AYALA: And can you also reach out  
21 to highlight where exactly they're located?

22 MARTIN KIM: Yes, we can do that.

23 CHAIR AYALA: Thank you. That's all for  
24 me, Chair Menchaca.

2 CHAIR MENCHACA: Okay, thank you, thank  
3 you Chair Ayala. If other members have questions,  
4 please raise your hand. We have Council Member Chin.

5 SGT. SADOWSKY: Time starts now.

6 CM CHIN: Thank you. Thank you to the  
7 co-chairs. You know, the thing with the scam and  
8 even us with an Asian last name, my staff, we get  
9 calls in Mandarin, you know, telling us that this and  
10 that or the council is calling. It's just so  
11 rampant, and people really don't know where to  
12 complain, and how do you complain about those, and I  
13 think, people know to hang up and not answer, and  
14 there's been public education about that. One of my  
15 questions is that, you know, we do a lot of these  
16 outreach events, but the utilization of the  
17 traditional ethnic media, I think is really critical.  
18 There are so many radio stations, television  
19 stations, newspapers, community newspapers. I want  
20 to say like how MOIA and DCWP really utilize those to  
21 get the word out, but not just, you know, some paid  
22 advertisement would be helpful to support these  
23 media. Other thing is that to really write stories  
24 about how some cases were reported and got resolved,  
25 and people got compensated. I think people need to

2 read about those stories to see that it's good to  
3 report, or there is a way for them to complain. The  
4 other thing, the third thing that is the proactive  
5 approach. I know Director Ortiz talked about, you  
6 know, DCWP used to like, scan, you know, look at  
7 advertisement and things like that to see where these  
8 people are, and I think that is still needed to be  
9 done. I mean, there's still advertising. That's how  
10 communities find out about it, and my last point is,  
11 the service providers, the chairperson also talked  
12 about it, they charge money for filing taxes or  
13 filling out housing applications or getting you on a  
14 waiting list, and they charge hundreds of dollars  
15 just to help somebody fill out rather it's SSI or  
16 disability, and are these service provider agencies,  
17 are they licensed? I mean, are we able to regulate  
18 the amount of money they charge? I mean, this  
19 rampant. I mean, but it's like word of mouth, and we  
20 hear about it, and often times, people are willing to  
21 pay because they can't get the service through the  
22 government agency. Like these CBOs over-utilize or  
23 they're not close, you know, it's far from their  
24 home, and so they utilize these services, and they  
25 pay out so much money to just fill out an application

2 that could have been done for free. So, I think  
3 those are the things that we really have to continue  
4 to look at because it's not easy for anyone in the  
5 community to file a complaint, and that's why the  
6 complaints are so low. I mean, even when you call  
7 the hotline, you got through the English first to  
8 press the button for Chinese or Spanish, and some  
9 people sort of like, don't bother, but you hear it  
10 through the community. You know, you hear people  
11 talking about, you know, their neighbor or their  
12 relative, how could they pay so much money, and so I  
13 think if we could take a more proactive approach to  
14 really like seek out these, you know service  
15 providers and they can show that they don't  
16 overcharge to do their service, and make sure people  
17 know that there is success if you file a complaint.  
18 You could get a result, and they need to hear about  
19 those stories. Just like we get stories, you know,  
20 from civilian review board or the conflict of  
21 interest board, you know, they send us stories, so I  
22 think that's something that we should be more  
23 proactive on. Thank you. So, is DCWP, like on these  
24 service providers, are they being licensed, like

2 these people who help people fill out an application?

3 Are you aware of these groups?

4 CARLOS ORTIZ: We're definitely, I mean,  
5 I would definitely we have heard reports about these  
6 groups that are helping, or I should say, they are  
7 bringing in folks with respect to the Excluded Worker  
8 Fund and are charging higher prices. I don't believe  
9 that these would be licensed entities. Am I correct  
10 in that?

11 MICHAEL TIGER: No, I mean, you know, of  
12 course, you know, the council passed an amendment in  
13 2017 to our immigration service provider law that our  
14 agency enforces which has a lot of strict regulations  
15 about what immigration service providers can do, it  
16 doesn't set rates, but it prohibits, for example,  
17 charging for forms that are free through government,  
18 but that's not a licensing scheme, but there is a  
19 series of regulations in title 20 which is DCWP, as  
20 part of the administrative code that sets for  
21 regulations for immigration service providers.

22 CM CHIN: But I think it's got to go  
23 beyond that. I know that, you know, there's been  
24 great work done on that, and it's been really helpful  
25 because I think that's how it started, that people



2 were being charged so much money on an application  
3 that weren't even done by attorneys, but right now,  
4 people are being taken advantage of by, you know, tax  
5 ... (crosstalk).

6 SGT. SADOWSKY: Time expired.

7 CM CHIN: ... you know, free application,  
8 they should be getting it for free, and they're being  
9 charged hundreds of dollars to get these applications  
10 filled out. So, DCWP should really look at your  
11 rules, and see if you can expand, you know, the  
12 regulation to cover, you know, some of these  
13 agencies. I'm not again people being creative and  
14 providing jobs and you know, working for themselves,  
15 but they should not be taking advantage of people  
16 who, you know, are immigrants. Do we need to pass  
17 legislation on that? I don't know.

18 CHAIR MENCHACA: Yeah, I think you came  
19 up with some really good ideas, Council Member Chin  
20 on maybe expanding, if they can't do it right now  
21 with regulation, maybe we pass a Bill that gives them  
22 the ability to regulate further with rates, setting  
23 rates on applications that are connected to  
24 government.

25 CM CHIN: Yeah, okay.

2 CHAIR MENCHACA: I mean, that's, I mean,  
3 I don't know if we can answer that on our side. Can  
4 the Bills that are current in motion, can they cover  
5 rates and further regulation of anyone that's helping  
6 somebody fill out a government application.

7 CM CHIN: Can also, Commissioner from  
8 MOIA ... (crosstalk).

9 RACHEL BAUTISTA: Yes. Hi.

10 CM CHIN: Answer the question about  
11 really utilizing ethnic media.

12 RACHEL BAUTISTA: Yes. Absolutely. So,  
13 we at MOIA, we send resources to community and ethnic  
14 media on a regular basis over email. We're happy to  
15 collaborate with DCWP in putting together an  
16 antifraud round table with our community and ethnic  
17 media partners, and you know, we have a robust  
18 network of community and ethnic media representing  
19 all boroughs in many languages and would be happy to  
20 do so.

21 CM CHIN: Yeah, I think you got be, you  
22 know, really more proactive on that because you know,  
23 but also, I know that the mayor has dedicated a  
24 certain amount of funding for ethnic media, which is  
25 great. So, I think that they could be really a great

2 resource, just for people who read about stories or  
3 hear about it on the radio, that's really makes a big  
4 difference because that's what a lot of the immigrant  
5 communities rely on, is ethnic media, and we really  
6 got to utilize some more, you know, and really  
7 partner with them, but also providing some financial  
8 support through advertisement and things like that.

9 CARLOS ORTIZ: Council member, if I could  
10 just add or compliment some of the Commissioner's  
11 answer, and we also actively use ethnic media radio  
12 spots to help reach our communities as well, and you  
13 will also frequently see in multiple languages, our  
14 advisements in bus shelters, on subway squares, and  
15 they particular overlap with, you know, the  
16 communities that are of highest need to use, for  
17 example, our free financial services, or you know,  
18 could be connected with our worker protection folks  
19 here at DCWP.

20 MARTIN KIM: And just to add one last  
21 thing. The Commissioner mentioned the \$35,000.00  
22 allocation that MOIA provided. That was exactly  
23 four- or five-week community, an ethnic media  
24 campaign about immigration fraud risks, especially at  
25 a time, this was in June of this year when there was

2 increasing buzz around possible immigration reform,  
3 and we were seeing a possible uptake in fraud in this  
4 area.

5 CM CHIN: Yeah, I think that happened in  
6 the past when people heard about amnesty, and then  
7 all the sudden, you know, everybody was filling out  
8 like applications and charging a huge amount of  
9 money, so, I'm glad we were more proactive on that.

10 CHAIR MENCHACA: And I just want to get a  
11 clarity on that, it's \$35,000.00 for ethnic media.  
12 What was the \$35,000.00 for?

13 RACHEL BAUTISTA: One second.

14 MARTIN KIM: Yeah, sorry about that,  
15 yeah, so it was specifically in partnership with  
16 catholic charities. It was a community and ethnic  
17 media campaign, included, I believe paid  
18 advertisement, but there was also, in addition to the  
19 media campaign, the funds also supported additional  
20 staff at the hotline, at the Action NYC hotline  
21 because we knew we would get increased call volume  
22 around this campaign.

23 CHAIR MENCHACA: Got it, and I'm so  
24 curious. What does \$35,000.00 get us in this kind of  
25 effort?

2 MARTIN KIM: Yeah, thank you for the  
3 question, Chair. You know, I don't have the exact  
4 breakdown in terms of what the budget was in front of  
5 me, but we can kind of circle back with our folks and  
6 get back to you on that.

7 CHAIR MENCHACA: Okay, yeah, again, this  
8 is to Council Member Chin's question about what are  
9 we investing in this larger communication through  
10 channels that we know get to our immigrant  
11 communities, and this has been a longer question. I  
12 know that the mayor has really tried to get there in  
13 terms of putting funding towards it, but \$35,000.00  
14 doesn't seem like a lot, especially when we have a  
15 lot of different communities, different languages,  
16 and newspapers, and etc., and we've had conversations  
17 in the past about a big chunk of it goes to Spanish,  
18 but we have immigrants in the API community with  
19 multiple dialects that often feel neglected from this  
20 kind of resource. So, it doesn't sound like you have  
21 information, but I think I'm going to make an  
22 assumption here that it didn't go far enough to make  
23 impact, and that's an assumption I'm making right now  
24 based on that number, \$35,000.00. If you don't have  
25 a response to that, I want to go back and connect

2 some of the topics that Council Member Chin brought  
3 up in terms of how we're responding to these and the  
4 stories that we can be collecting. What are the good  
5 stories that are connected to MOIA and to consumer  
6 affairs about the stuff that you've done yourself?  
7 I've heard a couple things that push to ONA or other  
8 agencies, but what have you all done in terms of  
9 combatting, like literally it in a case, and I think  
10 there's a restitution number. If I could get those  
11 numbers, I think there's like a \$34,000.00  
12 restitution where you were able to get money back  
13 into the hands of immigrants. Can you walk me  
14 through, what have you done?

15 CARLOS ORTIZ: Thank you, council member.  
16 As I mentioned, we did have a number of recent  
17 successful actions at oath, and we have ongoing  
18 actions as well that we're investigating following  
19 complaints, but let me defer over here to colleague,  
20 Michael Tiger, to describe some of the details of  
21 each of those cases.

22 MICHAEL TIGER: Yeah, thank you, Carlos,  
23 thank you Chair Menchaca. I mean, we can give you as  
24 much detail as you would like on individual cases,  
25 but ... (crosstalk).

2 CHAIR MENCHACA: If you want to highlight  
3 the best ones that you have.

4 MICHAEL TIGER: Yeah, I mean, one case  
5 that we were able to obtain restitution in the case  
6 we resolved that we first brought in oath, and then  
7 brought a separate complimentary action in state  
8 court is referred to in Carlos' testimony against the  
9 Buitron Office who was an immigration service  
10 provider who is targeting the Ecuadorian community,  
11 and there were certain consumers that did file a  
12 complaint with us. We talked and we developed their  
13 story, and then we were able to complete a compelling  
14 enough narrative that we were able to file a  
15 compelling case, and then later in state court, and  
16 that resolved in a resolution where we were able to  
17 get tens of thousands of dollars back for that  
18 consumer. I mean, also complaints come into our  
19 consumer service division, which is a division within  
20 the Department of Consumer and Worker Protection,  
21 that is the clearing house for all types of  
22 complaints that come into through the agency from a  
23 consumer perspective, and then we will try, when we  
24 can to mediate those complaints, and I know in 2021,  
25 there's at least one instance of being able to

2 successfully resolve as case at the mediation stage  
3 for a consumer, and then some of the other cases that  
4 we have brought, we have seen some of things that you  
5 are very familiar with and other members of the  
6 committee are very familiar with; people providers  
7 pretending to be lawyers when they're not or making  
8 representations to the federal government without  
9 notifying the person that is retained, not giving  
10 them the documents that either the immigrant has  
11 given the consumer documents (crosstalk) of  
12 complaints that you are familiar with. (crosstalk).  
13 I'm sorry, go ahead, Chair Menchaca.

14 CHAIR MENCHACA: Yeah, what was the  
15 resolution?

16 MICHAEL TIGER: Of which on? So, I mean  
17 ... (crosstalk).

18 CHAIR MENCHACA: Either one of those.

19 MICHAEL TIGER: So, we've brought, we  
20 brought a case to oath, as I said, and in state court  
21 against the Buitron Offices as referred to in Carlos'  
22 testimony that we were able to resolve favorably. We  
23 had a case at oath against (inaudible) that was  
24 advertising on Youtube, (inaudible) called ID for ICE  
25 that, where he was advertising on this Youtube



2 channel that if you purchase this card from him that  
3 that would be a get out of jail free card. Now, this  
4 was at the time, at the time, it was at the height of  
5 the prior presidential administration, and their  
6 actions against vulnerable immigrant communities.  
7 So, those went to trial, and had a successful trial.  
8 I can't go into much more detail cause that's  
9 actually on appeal ... (crosstalk).

10 CHAIR MENCHACA: So, it's still in motion  
11 with ... (crosstalk).

12 MICHAEL TIGER: Well, yes, because we got  
13 a success trial, but they're allowed to then appeal  
14 through the state court system, and that is going up  
15 through the system, as I'm sure you're familiar with,  
16 sometimes, the wheels of justice can take years as  
17 the appeal process grinds on.

18 CHAIR MENCHACA: How many cases like that  
19 are in motion right now? Are you in court for dozens  
20 of New Yorkers right now, like taking that case and ...  
21 (crosstalk)?

22 MICHAEL TIGER: Well, we're always  
23 looking for, you know, immigrant fraud. It's  
24 definitely a part of our portfolio, things we care  
25 deeply about. As Carlos alluded to in his testimony,

2 and I think was elicited by Chair Ayala, you know, we  
3 haven't got dozens and dozens, and dozens of  
4 complaints at any given time, but we're always on the  
5 lookout for consumers that we can help that have a  
6 good narrative and violations of either the  
7 immigration service provider law or the consumer  
8 protection, which is our broader consumer protection  
9 statute that we use to remedy all sorts of harm, but  
10 as Carlos alluded to is, I believe in his testimony,  
11 we have several open investigations right now. I  
12 can't talk about those in detail because they're open  
13 investigations, but at any given time, we are looking  
14 at these types of harms and seeing if we can help  
15 consumers when the complaints do go through the  
16 process.

17 CARLOS ORTIZ: Council member, if I could  
18 add a piece here a well, that, you know, this  
19 experience that we have through these actions that  
20 we're bringing forth, or getting from advocates, also  
21 informed, you know, legislative recommendations that  
22 we have made in the past, and that we could talk  
23 about particularly, Introduction 1622 which has new  
24 language protections in place for immigrants that  
25 increased penalties that adjust for inflation, but

2 you know, we hope that that will make sure that  
3 businesses don't feel that they can harm consumers  
4 and get away with it, or if they get caught, it's the  
5 cost of doing business, which is really preventative  
6 for deterrence ... (crosstalk).

7 MARTIN KIM: I'm sorry.

8 CARLOS ORTIZ: And the last piece I  
9 wanted to mention was, you know, recent legislation  
10 that we worked to ensure that, you know, all of our  
11 laws and rules, we're able to seek restitution for  
12 our consumers. So, that's part of making people  
13 (crosstalk).

14 CHAIR MENCHACA: All of what?

15 CARLOS ORTIZ: I'm sorry, I don't know if  
16 I'm breaking up. In all of our laws and rules that  
17 we can seek restitution for consumers.

18 CHAIR MENCHACA: So, you're just speaking  
19 to the power you have?

20 CARLOS ORTIZ: Well, to what we've  
21 changed recently to address what we've been seeing  
22 through our actions that we brought forth. You know,  
23 something (inaudible) like licensing is an option,  
24 you know, we don't always see licensing necessary as  
25 a (inaudible) for some issues, particularly if a

2 business is purposely, they're always going to be  
3 trying to do something illegal, you know. These fly-  
4 by-night operators are always trying to operate under  
5 the legal thresholds, but when we talk about  
6 increased fines, you know, that's something that we  
7 hope can deter business activity as well.

8 MICHAEL TIGER: Yeah, to sort of use  
9 Carlos' answer as a springboard, Chair Menchaca, you  
10 know, we bring these cases, we're able to identify  
11 like how can we better enforce these cases, and we've  
12 been hardened to have the council as a partner to  
13 serve past federal laws, I mean, as Carlos alluded to  
14 Intro 1622, which is Council Member Chin's Bill that  
15 the council voted on last month, and it's going to be  
16 very important. It' raises penalties that had been  
17 updated since 1969. It has provisions specific to  
18 immigrant communities, and we think it's going to be  
19 very important going forward to use that as a tool  
20 along with the immigration service provider law that  
21 I referenced earlier in response to Council Member  
22 Chin's question. So, we're always looking at when we  
23 take these cases, like how can we enforce these  
24 better and we, you know, think it's important to have  
25 this partnership with the council to make our

2 enforcement powers stronger to help all New Yorkers,  
3 and especially this vulnerable community.

4 CHAIR MENCHACA: Okay, and I get that.

5 Again, I am now looking less for intention, cause I  
6 hear a lot of intention of like this is what you want  
7 to do. I really want to get to numbers and  
8 understanding what has happened so that we can see a  
9 measure, rather it's happening and how effective it's  
10 been. I think that's my goal of the next questions,  
11 and I want to remind members if you have question,  
12 raise your hand, but I think what I want to follow up  
13 with, what Carlos said in terms of the fines going  
14 up, has that happened? Have you increased fines?

15 MICHAEL TIGER: No, it's not effective  
16 yet, Chair Menchaca. It hasn't even lapsed into law,  
17 and then it will be an effective day of 120 days  
18 after that, so it will early 2022 when the fines will  
19 be increased.

20 CHAIR MENCHACA: Early 2022, okay, so the  
21 current system and rubric of fines, how many fines  
22 have you collected, and I think that number was  
23 given earlier, but I didn't catch it. What have you  
24 collected around immigrant fraud fines thus far?

2 MICHAEL TIGER: I'm not sure, Carlos, I  
3 mean, you provided in the testimony ...

4 CARLOS ORTIZ: Yes.

5 MICHAEL TIGER: The totals for the four  
6 cases that we brought at either oath or in state  
7 court. I don't know if that includes ISP violations  
8 from our enforcement division.

9 CARLOS ORTIZ: Yes, that's correct, Mike.  
10 The number that I provided was for these four most  
11 recent and notable cases. I believe it was 234,000  
12 civil penalties, and about 34,000 in restitution that  
13 we've secured.

14 CHAIR MENCHACA: 234,000 violations were  
15 issued.

16 CARLOS ORTIZ: \$234,000.00 in civil  
17 penalties.

18 CHAIR MENCHACA: \$234,000.00 in civil  
19 penalties.

20 CARLOS ORTIZ: From those four biggest  
21 cases that our lawyers brought either at oath or in  
22 state court.

23 CHAIR MENCHACA: Those are connected to  
24 four cases?

25 CARLOS ORTIZ: Okay.

2 CHAIR MENCHACA: Okay, I just want to; I  
3 don't know if I'm like not understanding this  
4 correctly, but from all the work that you're doing,  
5 you're bringing four cases that have 234,000 in civil  
6 penalties and \$34,000.00 in restitution, and I feel  
7 like it's so; now correct me if I'm wrong, but it  
8 just feels a little bit lope sided in terms of what  
9 we're actually doing as a city to combat this when we  
10 look at the numbers, the number of cases. How many  
11 cases are you taking to court? How many people are  
12 getting fined? How much money are we taking from  
13 folks? Now, that's going to go up, I get it, but  
14 just now, what we've done, that's seems proactive  
15 when Council Member Chin is saying, we'll have good  
16 stories, there doesn't seem to be many stories we can  
17 point to, and this is not only frustrating, it just  
18 feels like it's massive. We're putting money out  
19 there for ethnic media to signal, but we're just kind  
20 of waiting, and I have some more questions about  
21 other data, but am I not seeing this correctly or?

22 MARTIN KIM: Well, Chair Menchaca, I just  
23 wanted to reiterate something I think that the  
24 Commissioner had mentioned at the state in terms of  
25 how we see the problem. I think, when we're talking,

2 yeah, when we're talking about the problem, I think  
3 our goal is always actually to provide for  
4 prophylactic measures, right, because the sense from  
5 us is actually that we don't want to be in a position  
6 where fraud has occurred, and then it's a matter of  
7 how do we help people after the fact? From our  
8 perspective, I think it is most important, right, to  
9 provide crucially needed immigration legal services  
10 and the information that the community needs in order  
11 to seek the right kind of help from the right kind of  
12 service providers. So, when we're talking about  
13 numbers, I think the numbers we would point to and  
14 talk about in our success stories are the numbers  
15 related to Action NYC intakes and screenings, right,  
16 over 9000 screenings in calendar year 2020. The  
17 rates of successful cases, which was, I believe over  
18 97 percent in 2020. Those are like from MOIA's  
19 perspective, the way we see the issue is when we are  
20 always looking to kind of make sure the services are  
21 provided so people don't have to seek out and aren't  
22 in a position where they're necessarily having to  
23 seek services from unscrupulous providers.

24 CHAIR MENCHACA: I think the Commissioner  
25 wanted to say something as well.



2 RACHEL BAUTISTA: Thank you. So, yes, I  
3 think that, you know, we can absolutely follow up on  
4 this for you. We can come back to you with a  
5 detailed budget about, you know, the high-level  
6 issues, the \$35,000.00 that allocated towards the  
7 production of the multi-lingual ads, the social  
8 media, and our media vibe, all of our marketing  
9 strategies are informed by research and best  
10 practices for how to effective reach immigrant  
11 audiences. We also have a number of learnings from  
12 the implementations of a number of public awareness  
13 campaigns, from the public charge to the support  
14 (inaudible), so we're happy to further discuss this  
15 issue with you.

16 CHAIR MENCHACA: Okay, thank you. Thank  
17 you for that. Again, I'm still not clear about the;  
18 I think, Martin talked about the prophylactic  
19 response that would prevent fraud, and what I'm  
20 hearing is Action NYC; so help me fill this out,  
21 Action NYC getting people lawyers, and I'm assuming  
22 we're paying lawyers to help them fill out forms or  
23 we're paying lawyers to help them after they've been  
24 frauded? To ethnic media to get the word out about  
25

2 fraud and don't be frauded. Is that what we're  
3 talking about with prophylactic responses?

4 MARTIN KIM: (Crosstalk). Go ahead  
5 Commissioner, sorry.

6 RACHEL BAUTISTA: Thank you very much.  
7 Yes, so, we've been working through our Action NYC  
8 partners, so when there is a prod issue that comes up  
9 as immigration legal services specific, we do work  
10 with our Action NYC attorneys to help address that,  
11 and if for some reason, you know, it falls outside of  
12 that scope, that's when we do our referrals to ONA.

13 CHAIR MENCHACA: What would constitute an  
14 out of bounds for MOIA to take the case on?

15 RACHEL BAUTISTA: Martin?

16 MARTIN KIM: Yeah, yeah, so, I think what  
17 the Commissioner is referring to is when, for  
18 example, you had mentioned like fraud related to  
19 consumer fraud, right, when there's like a immigrant  
20 law specific issue relation, yeah, immigration-  
21 related fraud, that's something that our Action NYC  
22 providers could handle, but when we're talking about  
23 like someone has been, like we mentioned the COVID  
24 scams, right, those are something we were refer to

2 the Office of New Americans hotline, and it's  
3 important to note that ... (crosstalk).

4 CHAIR MENCHACA: That's a state, that's a  
5 state program.

6 MARTIN KIM: Say that again.

7 CHAIR MENCHACA: That's a state line.

8 MARTIN KIM: Yeah, It's, I mean, it's one  
9 of the partners, and as I was going to say, one of  
10 the reason we do refer to, yes, the State Office of  
11 New Americans hotline is because they are very well  
12 positioned to collect facts and then refer, if  
13 necessary to state actors, right, depending on what  
14 we're talking about, if it's a criminal case, I might  
15 go to the District Attorney's, there might be some  
16 instances when the New York State Attorney General  
17 might be involved. Referrals also go to DCWP,  
18 depending on, you know the specifics of the case.  
19 So, a lot of that can be routed through the Office of  
20 New Americans.

21 CHAIR MENCHACA: Okay, I haven't heard  
22 anything about putting Action NYC in front of people  
23 to fill out the XYZ form. These are the things that  
24 people are being prodded by, right, so we heard from  
25 Margaret Chin, from all of us that this is where

2 people are getting prodded, and all I heard at this  
3 point is not prophylactic, it's in response. This is  
4 kind of taking care of the symptoms. Give me an  
5 example of how we're getting front of it, not passive  
6 stuff like social media and that kind of thing but  
7 getting in front of it so people do not fall into a  
8 prodded situation that fraudulent.

9 MARTIN KIM: Sorry, Commissioner, please  
10 go ahead first.

11 RACHEL BAUTISTA: Yeah, so, you know,  
12 through our Know Your Rights campaign, we are being  
13 proactive in term of getting the message out into the  
14 community and educating people on what our role is  
15 when comes to an issue of fraud and how to identify  
16 fraud. You know, again, as I mentioned earlier, we  
17 talked about how we have We Speak NYC, we have a  
18 video that speaks directly to this issue that we also  
19 put out into the community, and so, you know we have  
20 been, you know, proactively working to getting the  
21 information out into the community, and I'll pass it  
22 on to Martin as well, if he'd like to add anything.

23 MARTIN KIM: Right, because I think,  
24 yeah, thank you for that question, Chair. I'm  
25 hearing what sounds like a desire to use Action NYC

2 providers for a host of a variety of other things  
3 including like application assistance for state  
4 programs. I mean, I think one thing to note  
5 obviously, is as the Commissioner mentioned ...  
6 (crosstalk).

7 CHAIR MENCHACA: Any government, you know  
8 the prod stuff, right, so we know what the prod is,  
9 and we can kind of short circuit the notario and help  
10 our; this is what we're doing in our district  
11 offices, but we only have so much capacity, right so  
12 this is a city agency, or thinking about city-wide  
13 stuff, you're seeing trends, you may be collecting  
14 data about what this is and this is what I'm trying  
15 to get to the point, and maybe the point is that  
16 you're not doing it, and that's okay, and we can move  
17 on, but that's just how I'm feeling right now about  
18 where the Q and A is going and really there's no;  
19 this is not me asking me, or maybe it is me asking  
20 you to do that, but it's not something you do right  
21 now, and that there is no, I mean, Know Your Rights,  
22 I would maybe think about that as a community  
23 education and empowerment, and that's good, but if  
24 you don't change the other component, which is whose  
25 filling out these forms and how are they charging

2 people, and if people are calling the hotlines and  
3 asking for that support, they're not getting it, then  
4 we're missing that part of the fraud cycle.

5 MARTIN KIM: Right, and I think, thank  
6 you Chair, I think that it's definitely something,  
7 you know, MOIA has thought deeply about in terms of  
8 how to make sure that we're having trusted provider  
9 provide these kind of services, and as you know, with  
10 like a host of our programs including the funds that  
11 we have been running during the pandemic to, you  
12 know, to serve undocumented immigrant New Yorkers,  
13 this was work that we did through funding and working  
14 with our CBO partners, and part of the reason we do  
15 that is because we know that there are some  
16 populations in communities that are more comfortable  
17 working with these trusted providers, right, that's  
18 the model also that we use in the Action NYC setting  
19 to, you know, provide these services. So, it's not  
20 always the case, I think that it is, you know, the  
21 most effective, right, to have MOIA doing direct  
22 intake or direct provisions in this case.

23 CHAIR MENCHACA: Yeah, MOIA, Action NYC  
24 had declined for application support ... (crosstalk).

2 RACHEL BAUTISTA: Excuse me, can you  
3 repeat that again, council member?

4 CHAIR MENCHACA: Yeah, are any of the  
5 contracts that you have right now connected to Action  
6 NYC, and their design of those contracts through  
7 Action NYC through the trusted partners,  
8 reimbursement or application support, so allowing for  
9 folks to be able to fill out housing applications and  
10 school-to-work, or whatever they bring to that  
11 lawyer?

12 MARTIN KIM: So, so yes, actually, so,  
13 you know, when we were working with our partners on  
14 the OSF Fund, right, one of the responsibilities and  
15 what was kind of built into that contracting model  
16 was a recognition that in some cases, we wanted them  
17 to do more referrals and help out with application  
18 assistance for different programs that someone coming  
19 in the door might be eligible for, so this is a model  
20 that we have used, yes, in the past, and continue to  
21 use in some context.

22 CHAIR MENCHACA: Okay, let's move on. I  
23 think I've kind of circled enough here on this point.  
24 I want to get to data. So, does DCWP track links  
25 about scams and frauds, and I'm looking for like

2 specifics here. Do you have any data that you can  
3 share today about what those scams are, who they are  
4 targeting, thinking about language specific  
5 communities, what kind of languages are being  
6 targeted? Do you have that data?

7 CARLOS ORTIZ: Thank you, council member.  
8 So, with respect to complaints that we receive and  
9 input, these are tracked by particular category that  
10 is assigned to them. So, in preparation for the  
11 hearing about immigration fraud, we looked into the  
12 ISP related complaints we received, and I believe  
13 that number should be about 115 ISP complaints  
14 received in the past few years, but I'd have to dive  
15 in the data itself to parse out the specific  
16 languages that consumers were reporting in.

17 CHAIR MENCHACA: Is that something, like  
18 what information do you get, so what, what are you  
19 going to dive into? What information do you have?

20 CARLOS ORTIZ: So, in terms of like, I  
21 mean, this is over the course of 115 complaints, you  
22 know, what we usually ask for is, you know, we want  
23 details of what allegedly occurred, we want business  
24 names and business addresses and contact information.  
25 Sometimes in the course of mediation, we will request



2 additional documents, and then our consumer service  
3 representatives will work directly with the  
4 complainant to bring us to mediation, or in other  
5 cases we have to bring in action or patrol,  
6 inspection to verify what's happening out there.

7 MICHAEL TIGER: What we have now, it is  
8 in our system about what each complaint is about. As  
9 far as objective coding that will get, that will  
10 allow you just to pull out like, these are the ones  
11 that (inaudible) because we get tens of thousands of  
12 complaints a year across our entire portfolio.  
13 Remember, we license over 50 business categories, we  
14 enforce the consumer protection law which applies to  
15 every business in the city. So, for code, the  
16 objective code that we can use that we can easily  
17 extract data is the immigration service provider  
18 code, but as Carlos said, we can provide more  
19 detailed data by going into the actual individual  
20 records, but that would take an effort to go into the  
21 individual data.

22 CHAIR MENCHACA: Got it. It sounds like  
23 we can change that so that we can understand what is  
24 coming in instead of narratives. It just seems very  
25 clunky, and it's going to be hard to measure, and

2 because we do not take; we have people, we're not  
3 taking their immigration status and so, we can take  
4 other information like what language they prefer, and  
5 that helps us understand. So, that's just a note  
6 here and a flag for us to fix because it doesn't  
7 sound like you're going be able to have the kind of  
8 bandwidth to kind of go through all the different  
9 complaints quickly to take data, and understand how  
10 we can measure success around this, and I keep just  
11 passive, I think, and I don't know if Council Member  
12 Chin has a follow up on this area. So, I'll pause my  
13 questions, and hand it over to Council Member Chin.

14 CM CHIN: Yes, yeah, thank you. Just one  
15 that, if the agency, MOIA and DCWP, if you could  
16 track the language, wouldn't that help you in terms  
17 of like where to focus? I mean, if there are some  
18 immigrant communities that are not complaining,  
19 wouldn't that kind of help you to be more proactive  
20 in those communities. I mean, I think that's some  
21 really important statistics to sort of help you  
22 target community, you know, what information you have  
23 to offer.

24 CARLOS ORTIZ: Yes, council member. I  
25 think for that, when we're thinking about

2 (inaudible), is we definitely want to make sure that  
3 we have all the information on what's accessible to  
4 them and for that reason, we, you know, we translate  
5 our Bill of Rights for consumers that utilize these  
6 businesses into 13 languages. When we go on outreach  
7 events, we have a number of different stakeholders  
8 with which we partner with to work in different  
9 communities that they represent. So, I think it's a  
10 great point and that's how we work collaborative,  
11 also with MOIA. MOIA does connect us with a lot of  
12 folks a well to make sure that rather it's a remote  
13 outreach event that has a large spread or if it's an  
14 in-person event that we're connecting in the right  
15 way.

16 CM CHIN: Yeah, but I'm just saying that  
17 it's by collecting the language from complainants  
18 (crosstalk), and I also I think, yeah, I think that's  
19 the point to help you when, you know, like certain  
20 groups are not complaining, and also you can work  
21 with MOIA. I remember one of the previous hearings  
22 that we had, I mean, MOIA also had the capacity.  
23 They work with groups that their language is not  
24 translated cause they're like smaller, you know,  
25 cultural groups that the city might be that familiar

2 with, and you know, 13 languages is nothing compared  
3 to the amount of different languages that are being  
4 spoken in the city, right, so I think like by  
5 working, the two agencies working together, and then  
6 collecting some of this data that can help  
7 (inaudible) where to put more resource, where to  
8 target, that definitely would be useful. Thank you,  
9 Chair.

10 CARLOS ORTIZ: Thank you, council member.  
11 I mean, these are all great points, and certainly our  
12 collaboration with MOIA is fundamental to reaching  
13 out to these immigrant communities.

14 CHAIR MENCHACA: Well, let's maybe talk a  
15 little; thank you Council Member Chin; let's talk  
16 about MOIA and how they target language through your  
17 intake, not necessarily DCWP, but MOIA, do you take  
18 in data that is related to language and other things  
19 that can help understand your intake?

20 MARTIN KIM: Yes, thank you for that  
21 question, Chair. We do, both in our MOIA hotline and  
22 in the variety of services that we provide. We track  
23 language.  
24  
25

2 CHAIR MENCHACA: Okay, and do you have  
3 any report about what languages are coming in at  
4 higher rates?

5 MARTIN KIM: We do have that information,  
6 especially for the hotline. I don't have that  
7 information with us currently. I will note that when  
8 it comes to fraud complaints specifically, as the  
9 Commissioner mentioned earlier, we're talking about a  
10 very small number of complaints. So, when it comes  
11 to those complaints specifically, you know, it's  
12 unclear rather that's like a trend or, you know, just  
13 a few isolated instances where we get the call.

14 CHAIR MENCHACA: Okay, so we'd like to  
15 see that data, and really what I want to lift right  
16 now is something we just keep securing over, and I  
17 mentioned this earlier today that the AAPI community  
18 often feels disconnected from the resources from  
19 targeting from attention. How is MOIA solving that?  
20 It's not the first time we've heard this around scams  
21 and fraud.

22 MARTIN KIM: So, sorry Commissioner, you  
23 were about to speak.

24 RACHEL BAUTISTA: No, go, go ahead.  
25

2 MARTIN KIM: Sure. I was just going to  
3 say specifically I know there was mention of the  
4 Chinese phone scam and I know that in that instance  
5 in particular, we had actually heard a lot of reports  
6 from the community. As Council Member Chin  
7 mentioned, we, as staff members, were also getting  
8 those calls, and that was an instance in which we  
9 really worked with our community partners to do  
10 engagement. We did city-wide engagements in February  
11 of 2019 around this issue, and around lunar new year  
12 specifically, about the scam. We spoke with a shared  
13 information at a convening of city-wide Chinese-  
14 speaking organizations and partners, and there was  
15 also coordination with Consulate General of the  
16 People's Republic of China in New York all around  
17 this scam. So, I think that's just one example of  
18 where, when we do hear kind of concerns uplifted from  
19 this community that we take steps to address and  
20 target kind of our response.

21 CHAIR MENCHACA: Okay. So, I think what  
22 I want to kind of get of sense of now, kind of  
23 switching to these partners that we have that are  
24 state and federal, what is MOIA planning with  
25 strategy, and maybe this is with DCWP, to collaborate

2 with state and federal officials around scam and  
3 consumer fraud that are directly targeting  
4 immigrants? Any plans? What's your work around very  
5 specific state and federal partnerships? Not just,  
6 hey, let's do a referral, but I'm talking about  
7 strategy to combat this.

8 RACHEL BAUTISTA: So, as you know, we are  
9 part of a partnership with several of our New York  
10 State, New York City partners that includes that  
11 include the New York State Attorney General's Office,  
12 the NYPD, the District Attorneys, and of course, DCWP  
13 and us at MOIA are part of this collaborative, and  
14 so, you know, we continue doing this work. We  
15 actually organized an antifraud public meeting back  
16 in 2019, so we do have this task force that we've  
17 been working together for quiet a while to address  
18 this issue, and you know, I'll hand it over to my  
19 colleague, Carlos Ortiz.

20 CARLOS ORTIZ: Thank you Commissioner.  
21 Yes, I think along those lines we work with the same  
22 partners, rather that's these task forces that I've  
23 been referencing. We also work, you know, federal  
24 enforcement agencies. We make referrals to the  
25 Queens DA's office, or we make referrals to the AG's

2 office and other particular industries. I think in  
3 terms of proactive measures, I mean, I was real happy  
4 to hear that folks were talking about, you know, the  
5 information we've been putting out there regarding  
6 these scams, particularly during the pandemic and  
7 like this is the type of work we're constantly doing,  
8 and always readjusting our talking points, we're  
9 adjusting our education to be responsive to what's  
10 happening at a particular moment, and so, for  
11 example, in this upcoming couple months, you know,  
12 we're talking a lot about free tax prep in terms of  
13 that financial empowerment, and ways people can use  
14 these free resources to start helping to build their  
15 financial stability.

16 CHAIR MENCHACA: Well, I think my next  
17 questions is really about how do we solve these  
18 things through legislative ways, and I think we've  
19 already come up with a couple with a collective  
20 council member high mind to give you more ability to  
21 focus and have power to regulate, and I know you said  
22 that regulation is not necessarily the way to go, but  
23 we're also kind of pointing to the fact that there  
24 are a lot of holes in your data capture, and moving  
25 from narrative to real scientific measurement about



2 where things are coming from in a community that is  
3 hard to reach, and also hard to connect to government  
4 in the first place. I'm kind of seeing really low  
5 numbers of engagement around fraud that people might  
6 not even know that they're being frauded if their  
7 getting charged money and fees to fill out government  
8 applications that should be free, and then also  
9 really not understanding exactly how the contracts  
10 that are Action NYC related or others, that they can  
11 actually do a very targeted campaign or even state  
12 programs because they're still city employees, and  
13 the \$15,000.00 that some individuals are getting  
14 right now, they're getting charged a lot of money.  
15 Some people are getting charged hundreds and  
16 thousands of dollars to get those \$15,000.00, but  
17 we're only getting that antidotally. They don't even  
18 know that that's illegal. So, again, I'm just really  
19 kind of painting the picture here that this is really  
20 hard to understand and there's a lot of holes here  
21 that we need to fix. So, are there any other  
22 legislative ideas that you have constructed thus far  
23 that we can learn about so as legislators, we can  
24 move and work with our legislative partners up in the  
25 state and federal government?

2 CARLOS ORTIZ: Thank you, council member.  
3 If I could jump in. I think first I didn't say that,  
4 you know, we didn't think regulation would be  
5 helpful. I said we are very appreciative of what  
6 council is doing to already strengthen our hands in  
7 some of these cases, and regulation is part of, you  
8 know, that's the authority that we have to protect  
9 consumers, protect workers. I think what I was  
10 specifically mentioning that is a type of regulation  
11 which is licensing which, I think a particular, that  
12 is not, I think, by itself, you know, always going to  
13 be an answer to any particular issue. Now, I think  
14 as Mike pointed out earlier, protecting immigrants  
15 from this type of fraud is part of our work that we  
16 take very seriously, and that we work intensively to  
17 get done, you know, that's developing facts, that's  
18 working with complainants, you know, to help make  
19 sure that they have the strongest case that put  
20 forward for them, and in terms of future legislation,  
21 that's something we're always happy to work with both  
22 committee, with you, Chair Menchaca and Chair Ayala  
23 to out really, common sense and effective measure  
24 forward.

2 RACHEL BAUTISTA: Yes, and MOIA will, you  
3 know, continue to work with DCWP to share information  
4 about the various topics including fraud and consumer  
5 rights, and we'll make sure to continue doing that in  
6 the future, and we also feel that the best way to  
7 combat fraud is to provide immigration those service,  
8 so you know, we're open to further discussion.

9 CHAIR MENCHACA: Okay. Okay, well, I  
10 think we were able to get as much as we could from  
11 these questions, and in the partnership, and provide  
12 some areas of opportunity to really focus and think  
13 how we capture data, how we measure our own success,  
14 how we create more preventative measure or that is  
15 literally just going and supporting our communities  
16 to fill out applications to remove the role of  
17 notarios. I think I'd like to live in a world where  
18 an immigrant doesn't have to go a store front popup  
19 and get services about a city program to apply  
20 because they can't speak English, and that's a  
21 strategy and prioritization and that's leadership, so  
22 I hope that we can change that with all of us on this  
23 call, and the future leaders that are coming to the  
24 council and to the mayor's office. So, I think I'm  
25 done, Chair Ayala. I don't know if you have any kind

2 of final questions or thoughts before we head over to  
3 the next part.

4 CHAIR AYALA: I have no further  
5 questions, thank you.

6 CHAIR MENCHACA: Okay. We're done. I'll  
7 hand it over to the council. Thank you for being  
8 here today and thank you for all the members.

9 MARTIN KIM: Thank you, Chair.

10 RACHEL BAUTISTA: Thank you.

11 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
12 you, chairs. We'll now turn to public testimony.  
13 I'd like to remind everyone that unlike our typical  
14 council hearing, we'll be calling individuals one-by-  
15 one to testify. Each panelist will be given three  
16 minutes to speak. Please begin once the sergeant has  
17 started the timer. Council members who have  
18 questions for a particular panelist should use the  
19 raise hand function in Zoom, and I will call on you  
20 after the panelist have completed their testimony.  
21 For panelists, once your name is called, a member of  
22 our staff will unmute you, and the Sergeant at Arms  
23 will give the go ahead to begin upon setting the  
24 timer. Please wait for the sergeant to announce that  
25 you begin before delivering your testimony. I would

2 like to now welcome Polli Hardeo to testify first,  
3 followed by Chioma Azi, and then Ulysis Nobela (SP?).  
4 Polli.

5 SGT. SADOWSKY: Time starts now.

6 POLLI HARDEO: Chairs Menchaca, Ayala,  
7 council members and staff, good afternoon, and thank  
8 you for the opportunity to speak with you today about  
9 combatting immigration services fraud. My name is  
10 Polli Hardeo, and I'm a Senior Staff Attorney with  
11 the Immigration Protection Unit of the New York Legal  
12 Assistants Group, also known as NYLAG, and I work  
13 with the Action NYC program in partnership with the  
14 Arab American Association of New York, also called  
15 Triple A. Triple A is the community-based  
16 organization in Bay Ridge, Brooklyn that supports and  
17 empowers the Arab American immigrant community by  
18 providing a range of service including legal  
19 immigration service through Action NYC to foster  
20 greater understanding of Arab culture and immigrant  
21 issues. Likewise, MYLAG is the leading civil legal  
22 service organization combatting economic, racial, and  
23 social injustice by advocating for people  
24 experiencing poverty or in crisis. We addressed the  
25 emerging and urgent legal needs with comprehensive

2 free legal services, impact litigation, policy  
3 advocacy, and communication education through  
4 numerous legal units within the organization.

5 Specifically, our immigration protection unit  
6 represents a subset of this population facing a  
7 variety of legal obstacles related to immigration.

8 We appreciate the opportunity to testify to the  
9 council today on the critical issue of combatting  
10 immigration fraud. As the victim of this practice  
11 are amongst most marginalized members of society.

12 Immigration processes and agencies are tortuous and  
13 expensive for immigrants and their families to  
14 navigate. In light of time, I'm going to discuss one  
15 of the main examples that we wanted to bring to your  
16 attention. Shelia is one of the many New Yorkers who  
17 was defrauded by these scams. Sheila arrived in the  
18 United States as a new undocumented immigrant from  
19 India. A family member recommended a service to her  
20 who could help her get papers. At a later Action NYC  
21 consultation with Shelia, NYLAG learned that this  
22 service filed an application on her behalf for  
23 asylum. Shelia paid this notario thousands of  
24 dollars without fully understanding what she was  
25 applying for or being privy to the process. Shelia

2 only noticed that something wasn't right when the  
3 notario confiscated and lost her passport and other  
4 documents and made her pay him the full amount of her  
5 fee. By the time that she realized that she was  
6 being taken advantage of, it was too late, and Shelia  
7 could not recover the money that she had conned.  
8 NYLAG counseled Shelia about her options and reported  
9 the abuse. Shelia was able to withdraw her asylum  
10 application, but ultimately decided to return to  
11 India. She no longer had any savings. As an Action  
12 NYC attorney for Triple A, I see how important  
13 reputable community institutions are like the  
14 Association for Combatting Immigration Services  
15 Fraud. Triple A has a longstanding reputation  
16 (inaudible) community center, and we have many  
17 examples of immigration service fraud and how to  
18 combat them, especially by partnering with the DCWP,  
19 and we applaud their services and the council for  
20 bringing attention to the issue. Thank you.

21 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
22 you for your testimony. Chair, did you wish to say  
23 anything?

24 CHAIR MENCHACA: Oh no. I just want to  
25 say thank you again, and I don't know if this is time

2 for this, are we going to hold the panel for any  
3 questions?

4 COMMITTEE COUNSEL STEPHANIE JONES: We  
5 normally do them after each panelist, but we can ...  
6 (crosstalk).

7 CHAIR MENCHACA: Okay, got it. So ...  
8 (crosstalk).

9 COMMITTEE COUNSEL STEPHANIE JONES: Is  
10 that okay?

11 CHAIR MENCHACA: Yeah. The case that you  
12 just brought up, and I know you've been listening to  
13 the conversation that we've been having with the city  
14 agencies, what are you recommending as someone who is  
15 intimately involved in case work around the city's  
16 approach to solving fraudulent notario-style  
17 interactions with our immigrant community?

18 POLLI HARDEO: So, I see resilience as a  
19 goal that we should strive towards because too often,  
20 policies are reactionary It happens after people  
21 have been defrauded and there's not enough to bring  
22 awareness before the fact. So, I feel like awareness  
23 in the community is really large, and honestly,  
24 working with the Action NYC project has been eye  
25 opening in a lot of ways because the Arab American



2 Association, for example, we have a variety of Arabic  
3 speakers and many dialects of Arabic. We have a  
4 variety of languages, you know, other than Arabic,  
5 and being able to have access to those services,  
6 that's been a huge game changer for the community in  
7 Bay Ridge, but I do think that more policies that  
8 focus on resilience, I think that's key.

9 CHAIR MENCHACA: And resilience is  
10 preventative measures and things that can happen to  
11 remove someone getting caught up in fraud, and I  
12 wondered, do you feel like there's capacity within  
13 the system, like in Arab-American Association right  
14 now to take on some of that work, is the city really  
15 needing to put more resources, is this something our  
16 non-profits can do right now without any new  
17 resources?

18 POLLI HARDEO: So, in terms of resources,  
19 we do have a few resources available to us, so we  
20 have legal resources. For example, when we hear of  
21 instances of immigration services fraud, we can  
22 sometimes help immigrants to get new visas which, you  
23 know, protects them moving forward in prosecuting  
24 these crimes, but there's also, you know, in terms of  
25 other resources, there's a hotline that immigrants

2 have where they call and we can help in that process,  
3 but non-profits, you know, we do what we can, and  
4 there's always room for more resources. I'm never  
5 going to say no to more funding, more capacity, more  
6 staff. I think all of those are needed, but I think  
7 it should start with non-profits, but there's always  
8 room for more resources, absolutely.

9 CHAIR MENCHACA: Okay, yeah, I understand  
10 that the question was a little leading, so I  
11 apologize for that, but it's an opportunity to talk  
12 about that part too cause it's real, and city  
13 agencies, I am hearing, just this last panel from  
14 MOIA and DCWP really rely on the non-profit sector to  
15 do this work. So, we should measure capacity and if  
16 we're going to be asking organizations to do more  
17 prep work for application stuff, because that's what  
18 is; but we don't even know, we have data measurement  
19 problem right now, but that could be helpful in this  
20 whole thing, so thank you for your testimony.

21 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
22 you so much. Next, we'll be inviting Chioma Azi to  
23 testify, and then Ulysis Nobela. Chioma.

24 SGT. SADOWSKY: Time starts now.  
25

2 CHIOMA AZI: Greetings everyone. My name  
3 is Chioma Azi, and I am the National Legal Director  
4 at African Communities Together, a community-based  
5 non-profit organization that advocates for African  
6 immigrants, civil immigration, and housing rights  
7 while also providing services to support and empower  
8 immigrants to be dynamic members of their  
9 communities. I'm very grateful to be present here  
10 today virtually to discuss ways that we can combat  
11 immigration services fraud. On behalf of our entire  
12 staff, I extend our sincere appreciation for this  
13 opportunity to discuss this very, very important  
14 issue. I've been a practicing immigration attorney  
15 for more than a decade, and over the years, I've seen  
16 dozens of individuals, probably more than that, who  
17 have been diked and exploited by licensed attorneys  
18 as well as those masquerading as knowledgeable  
19 professionals. Immigrants, as we all know, are  
20 highly vulnerable to immigration fraud due to the  
21 simple fact that they have less knowledge about or  
22 access to resources to access reliable information,  
23 let alone competent legal assistance. Rather there's  
24 a language barrier, a lack of solid community or  
25 family support, or just trusting the wrong person,

2 too often, immigrants are falling victim to  
3 unscrupulous people who defraud them out of thousands  
4 of dollars. Immigrants are also highly vulnerable,  
5 as we know due to the sensitive nature of immigration  
6 status and the natural desperation that comes with  
7 trying to make a better life in a country that is not  
8 one's native home. They're also vulnerable to the  
9 naturally high cost associated with obtaining and  
10 maintaining documented status in the United States,  
11 and this allows con artists to charge exorbitant fees  
12 with minimal questions from immigrants. While  
13 national and local conversation on immigration fraud  
14 tend to focus immigrant communities from  
15 predominantly Spanish speaking countries and so-  
16 called notario fraud, African immigrant communities  
17 also face their own culturally specific immigration  
18 fraud concerns that I'd like to highlight today. One  
19 clear example is the fraud that occurs by way  
20 religious institutions. Most African communities  
21 with religious institutions play a very central role  
22 in the community, they're a gathering point, and  
23 their source of social, cultural, and emotional  
24 fellowship, and while generally they play a very  
25 positive role in our community, they're also a very

2 easy source for fraudsters to choose victims. These  
3 fraudsters shield themselves under the goodwill of  
4 these institutions when they're true intent is to  
5 exploit immigrants. These folks sometimes present  
6 themselves as highly knowledgeable or even sometimes  
7 falsely claim to be attorneys as I have seen in a few  
8 cases. Another common source of immigration fraud in  
9 the African immigrant community comes from community  
10 members themselves who presents themselves ...  
11 (crosstalk).

12 SGT. SADOWSKY: Time expired.

13 CHIOMA AZI: It looks like I lost time.

14 Thank you.

15 COMMITTEE COUNSEL STEPHANIE JONES: Thank  
16 you so much for your testimony.

17 CHAIR MENCHACA: I have a question.

18 COMMITTEE COUNSEL STEPHANIE JONES: Yes,  
19 please.

20 CHAIR MENCHACA: Thank you for bringing  
21 up the African immigrant community. You know, we  
22 have so many blind spots, I think, and I think you  
23 really hit it in your testimony. Is there something  
24 you haven't said in your testimony or, I think you're  
25 submitting your full testimony, but give us a sense

2 about what the, what I'm going to call the blind spot  
3 because this is an assumption I'm making with the  
4 African community, what that looks like, what that  
5 feels like in relationship to fraud, and any  
6 recommendations that you'd like to council and the  
7 agencies who are still here, what we should hear from  
8 you directly.

9 CHIOMA AZI: We touched on some of them  
10 today but think one of the big blind spots is  
11 language, language access. When we were talking  
12 about the information that's disseminated to the  
13 community, most of that information is not  
14 disseminated in languages that are spoken by African  
15 immigrants. They're just not even considered. So, I  
16 think that's one big blind spot. I think one big  
17 challenge that our community faces is we do have good  
18 number of folks who do seek assistance from licensed  
19 attorneys, and so there's a whole unique aspect of  
20 fraud that can go on with licensed attorneys. So,  
21 just to give a very brief example, there's a rumor  
22 that is highly popular in the African immigrant  
23 community that you can get documentation after being  
24 here undocumented for 10 years, and this rumor is  
25 really coming from practitioners who tell people that

2 you can get working status if you've been here for 10  
3 years, and it circulates, and it's insidious because  
4 this is being spread by people who are licensed to  
5 practice, and in some cases, people are getting the  
6 ability to work, but it's a completely false, it's a  
7 misrepresentation of the actual benefit, if you can  
8 call it that. So, I think definitely, I'm glad you  
9 mentioned the blind spot cause I think again, when  
10 we're talking about these types of issues, the  
11 African community is often forgotten, and it's a very  
12 diverse community, you're talking hundreds of  
13 languages across 54 countries, so I think it's  
14 important to just, you know, really keep in mind that  
15 there is a very wide spectrum of folks that are also  
16 being defrauded.

17 CHAIR MENCHACA: And a quick follow up to  
18 that before we hand it over to Council Member Chin.  
19 Define what you mean by language access, and just  
20 define it for me and for the committees.

21 CHIOMA AZI: It's simply any information  
22 disseminated by local government, stakeholders in  
23 languages that our community can read or hear because  
24 not everyone is literate, so we're also talking  
25 about, if we're talking about culturally sensitive

2 media, which someone mentioned earlier, radio  
3 programming in languages that are spoke by our  
4 community. You know, print, you know, also  
5 traditional sources of media. Not everyone is social  
6 media, you know savvy, so some folks are getting,  
7 maybe from WhatsApp, but basically information that  
8 they can consume, rather it's read or hearing in a  
9 language that they are familiar and comfortable with.

10 CHAIR MENCHACA: I'll pause here, and if  
11 we hand it over to Council Member Chin.

12 SGT. SADOWSKY: Time starts now.

13 CM CHIN: Thank you, Chair. Yeah, I was  
14 going to ask about the language access question. I  
15 know that there's so many different languages from so  
16 many different countries. Are you connected with the  
17 Mayor's Office of Immigrant Affair, or do you know  
18 the group that you work with or connected so that  
19 they know about, you know, the different languages  
20 and organizations that they should be contacting  
21 with, Chioma?

22 CHIOMA AZI: Yes, we are. Yeah, we are  
23 connected, and interesting enough, a colleague of  
24 mine recently testified and had an opportunity to  
25 interact with the Deputy Mayor, but it seems to be a



2 challenge that we're not able to; we've had struggles  
3 to really make it clear that there's a wide variety  
4 of languages that we need our community to be heard  
5 on. The initiatives that we have taken as we have a  
6 pool of interpreters that provide access for not only  
7 our community, but other partners as they need, if  
8 they're working with African immigrant service  
9 seekers, we're able to provide interpreter who can  
10 provide access for them, but I just think theirs is a  
11 blind spot. I really do believe that it's a blind  
12 spot because it's something that we have been in  
13 discussion with, so we look forward, and we hope that  
14 we can have more extensive conversation on this  
15 issue.

16 CM CHIN: Have you ever applied for  
17 fundings through the council or through the Mayor's  
18 Office of Immigrant Affairs?

19 CHIOMA AZI: Well, we do have Action NYC  
20 contracts, so we are engaged in, you know, we are  
21 definitely getting funding through the city. I  
22 actually have to confess, I'm new to the  
23 organization, so I can't speak to every single  
24 funding streams, but I know one of our largest  
25 funding streams is through Action NYC grants, and I

2 also know we have had ongoing conversation about  
3 language access amongst other things when it comes to  
4 our community.

5 CM CHIN: Yeah, I think, I really urge  
6 you to contact, you know, the organizations or  
7 contact the city council, council representative  
8 because there are funding sources that support  
9 language access in other programs, and I'm not that  
10 familiar with your group, so that's why I'm asking,  
11 you know, there are other African-American groups  
12 that we have worked with, but definitely, it's a  
13 funding resource, and that could really help, thank  
14 you.

15 CHAIR MENCHACA: Chair Ayala, do you have  
16 any questions, and if not, then, do we have another  
17 panelist?

18 COMMITTEE COUNSEL STEPHANIE JONES: I  
19 don't think so, but I'll say now if anyone, if we  
20 have missed anyone, please raise your hand on Zoom  
21 now, and you'll be called on in the order that your  
22 hand was raised, just in case we missed anybody.  
23 Okay, seeing no hands raised, you may proceed Chair  
24 with your closing remarks.

2 CHAIR MENCHACA: Thank you. I want to  
3 thank the members of the council, my co-chair,  
4 especially Council Member Chin for your amazing  
5 questions, and I think we've revealed some ideas for  
6 legislation that are either council and state, and  
7 Chair Ayala for joining in this conversation to  
8 really bring both of these agencies to account. I  
9 think my final thoughts about what I've heard today  
10 is that we're really lacking in information that can  
11 tell us in real time what's coming in in terms of  
12 fraud, and that's concerning for a lot of different  
13 reasons, but I believe that we can kind of solve  
14 those things by inserting new ways of capturing data  
15 since we are dedicated to a sanctuary city, we cannot  
16 take immigrant status at all, but we can take  
17 language, and that we know is a barrier to services.  
18 We know that there could be barrier to immigrants who  
19 are trying to reach out about fraud. They may not  
20 pick up the phone and call a government agency,  
21 because of their lack of trust with government right  
22 now. We're still rebuilding that after four years of  
23 terror with previous president, and we're also seeing  
24 that there could be a capacity issue if non-profits  
25 like the Arab-American Association and other

2 organizations that are doing legal services, if you  
3 take on things like the Excluded Worker Fund, which  
4 was paid for by the state, but was slow to get out in  
5 the world so that the non-profits could speed up and  
6 get ready, causing some of us in our city council  
7 offices to take on the application support, which is  
8 a lot of work, but we were ready to do that. That's  
9 all, I think, part of what is this blind spot that  
10 the city can really focus on, and I think that we're  
11 going to be following up with the city agencies to  
12 ensure that they get us a better sense about how  
13 they're capturing, how their understanding their  
14 accountability, their processing roles, and  
15 resourcing our community organization, ethnic media,  
16 etc. So, I'm thankful for this conversation, and  
17 I'll hand it over to the committee counsel or Chair  
18 Ayala.

19 CHAIR AYALA: Yeah, I didn't, you know,  
20 have more to add than that, but I think that, you  
21 know, it was a good hearing, and I thank you for  
22 bringing it to our attention. I think that, if  
23 anything, we were able to identify several, you know,  
24 gaps in services and I think that that will be  
25 helpful in kind of outlining, right, how our practice

2 looks like in the coming year, so that we're better  
3 prepared and ahead of the issues in a way that is  
4 really helpful our immigrant and most vulnerable  
5 communities. So, thank you Chair, thank you to all  
6 the different agencies and the panelist for coming  
7 today, and of course, Margaret, we love you.

8 CHAIR MENCHACA: We love you, Margaret,  
9 and thank you Carlos, Tocayo for being here too. I  
10 see you on the camera. I'll be calling this hearing  
11 adjourned. Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 13, 2021