

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND  
BUSINESS LICENSING

----- X

November 13, 2018  
Start: 1:17 PM  
Recess: 3:03 PM

HELD AT: 250 Broadway - Committee Room -  
14th Floor

B E F O R E: Rafael L. Espinal, Jr.  
Chairperson

COUNCIL MEMBERS: Margaret S. Chin  
Peter A. Koo  
Karen Koslowitz  
Brad S. Lander

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

Ariel Palitz  
Senior Executive Director  
Office of Nightlife  
Mayor's Office of Media and Entertainment

Casey Adams  
Director of City Legislative Affairs  
New York City Department of Consumer  
Affairs

Dana Sussman  
Deputy Commissioner for Policy and  
Intergovernmental Affairs  
New York City Commission on Human Rights

Tiffany Ketant  
Hollaback

Christina Ortiz  
Senior Prevention Coordinator  
New York City Alliance Against Sexual  
Assault

Andrew Rigie  
Executive Director  
New York City Hospitality Alliance

Joanna Alvarez  
Black Women's Blueprint

Chauntel Gerdes  
Outsmart NYC

Eric McGriff  
Prevention Coordinator  
Crime Victims Treatment Center

Director of Training Development  
Outsmart NYC

Amy Northup  
Outsmart NYC

Gilbert Hoover  
Vice President and General Counsel  
Shubert Organization

Ginny Louloudes  
Executive Director  
Alliance of Resident Theaters/New York



[gavel]

CHAIRPERSON ESPINAL: Good afternoon. My name is Rafael Espinal. I am the chair of the Committee on Consumer Affairs and Business Licensing. I am joined today by one of my colleagues, Karen Koslowitz from Queens and also a huge fan of New York City's night life. Thanks for being here. Today the committee will be hearing testimony on four pieces of legislation - Intro number 930, which is sponsored by my colleague, Council Member Brannan, would require event operations to stipulate the costs of additional service fees in their advertisements for events. Such disclosures could help to ensure that customers know ahead of time what the total cost of the ticket will be. The other three pieces of legislation are Intro bill number 1185, which would require nightlife establishments to provide their staff bystander training on harassment between patrons and post signage in their venues that informs the customers about harassment. Intro bill number 1186, which would require the newly established Office of Nightlife to post anti-harassment and online trainings on its website. And Reso number 580, which calls on New York State to update the mandatory

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

2 security guard curriculum to include sexual  
3 harassment and bystander intervention training for  
4 all security guards who work in nightlife  
5 establishments. I am the prime sponsor in all three  
6 pieces of legislation and I am eager to hear  
7 testimony on them today. The nightlife industry in  
8 New York City is a vital cultural and economic  
9 contributor to the fabric of the city, which is why  
10 this committee passed legislation to establish both  
11 the Office of Nightlife and the Nightlife Advisory  
12 Board. According to the Mayor's Office of Media and  
13 Entertainment, New York City's nightlife industry  
14 creates about 29 billion dollars of economic  
15 activity, supporting 250,000 jobs and 11 billion  
16 dollars in wages. However, too many nightlife  
17 patrons, particularly women, have come to expect that  
18 sexual harassment will be a part of their night out.  
19 I want to challenge this assumption. Through this  
20 legislation I aim to tackle harassment in three ways.  
21 First, this will help raise awareness of patron to  
22 patron harassment. Second, it will give tools to  
23 nightlife staff and venue owners on how to help  
24 prevent harassment and protect safe nightlife spaces,  
25 and third, it will provide information to patrons on

1  
2 what they can do if they have been the victim of  
3 harassment. According to the country's leading  
4 sexual violence organization, RAINN, a person in the  
5 US is sexually assaulted every 98 seconds. While  
6 this can happen in all types of spaces, violent men  
7 often use alcohol and nightlife as excuses for their  
8 harmful and dangerous behavior. This should stop  
9 today. Some bar, club, and event space owners in New  
10 York City are proactively working to reduce sexual  
11 harassment in their venues. **Hasta Vista** in Bushwick,  
12 for example, has a clear consent policy disclaimer,  
13 including all of its events details page. The policy  
14 states that the venue has a zero tolerance for  
15 harassment and encourages patrons who have been  
16 violated to report the incident to security or staff.  
17 Bystander intervention, where an individual  
18 witnessing harassment steps in to diffuse a  
19 situation, is another common training model employed  
20 in schools, college campuses, and by the military to  
21 help prevent sexual assaults. Compared to other  
22 forms of sexual harassment training, studies show  
23 that bystander intervention is an effective way to  
24 combat harassing behavior. It stops witnesses from  
25 feeling helpless and gives potential victims a

2 trained resource. We look forward to hearing today  
3 from the administration, industry reps, advocates,  
4 and other **state callers** on what we can do to ensure  
5 that we both have a safe environment nightlife  
6 culture in New York City. Before I call on the  
7 administration to testimony, I want to also  
8 acknowledge we have been joined by Peter Koo from  
9 Queens, and would like for the attorney to please  
10 administer the oath.

11 LEGAL COUNSEL: Please raise your right  
12 hand. Do you affirm to tell the truth, the whole  
13 truth, and nothing but the truth in your testimony  
14 before this committee today, and to respond honestly  
15 to council member questions?

16 UNIDENTIFIED: Yes.

17 UNIDENTIFIED: We do.

18 LEGAL COUNSEL: Thank you. Please state  
19 your names for the record.

20 CHAIRPERSON ESPINAL: Before you give  
21 your testimony, just state your name for the record.  
22 Then you give your testimony.

23 ARIEL PALITZ: OK.

24 CHAIRPERSON ESPINAL: And welcome to your  
25 first hearing.



1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

2

3 ARIEL PALITZ: Thank you so much. My name  
4 is Ariel Palitz, senior executive director for the  
5 Office of Nightlife at the Mayor's Office of Media  
6 and Entertainment. Good afternoon, Chairman Espinal  
7 and members of the City Council Committee on Consumer  
8 Affairs and Business Licensing. My name is Ariel  
9 Palitz, senior executive director for the Office of  
10 Nightlife at the Mayor's Office of Media and  
11 Entertainment. Thank you for the opportunity to  
12 testimony before you today on the establishment of  
13 the Office of Nightlife and our progress thus far.  
14 Nightlife is vital to New York's economy, as well as  
15 its identity. The industry supports nearly 300,000  
16 jobs and generates 48 billion dollars in economic  
17 activity. New York's nightlife has also been an  
18 important incubator of cultural movements and  
19 continues to provide spaces for creativity, social  
20 cohesion, and personal expression. The Office of  
21 Nightlife cements our city's position as a global  
22 leader in a growing movement of more than 40 major  
23 cities around the world and the United States,  
24 working to balance vibrancy and safety by proactively  
25 managing life at night. Similar efforts in cities  
such as Amsterdam, London, Berlin, San Francisco,

1  
2 Detroit, Pittsburgh, and Austin have yielded social  
3 benefits such as reductions in noise complaints and  
4 healthier, more productive nighttime economies.

5 [clears throat] Excuse me. I would like to recognize  
6 Chair Espinal and the council for their leadership on  
7 the creation of the Office of Nightlife as well as  
8 the repeal of the Cabaret Law that had required  
9 nightlife establishments to obtain a permit to allow  
10 patron dancing. These steps are a sign of a new  
11 approach that recognizes what nightlife contributes  
12 to New York while also addressing its challenges and  
13 impacts. As you know, the Office of Nightlife was  
14 established by Local Law 178 of 2017 to serve as a  
15 liaison to nightlife establishments in relationship  
16 to city policies and procedures affecting the  
17 nightlife industry, to assist the mayor and the heads  
18 of city agencies that have duties relating to  
19 nightlife, to serve as the intermediary between city  
20 agencies, residents, and the nightlife industry to  
21 pursue long-term solutions to issues related to  
22 nightlife, and to promote an economically and  
23 culturally vibrant nightlife industry while  
24 accounting for the best interests of the city, its  
25 residents, among other duties. That legislation also

1  
2 created the Nightlife Advisory Board, a 14-member  
3 independent body with five members appointed by the  
4 mayor and nine members appointed by City Council to  
5 make its own recommendations to the mayor and City  
6 Council. That board first convened this August and  
7 its members, including business owners, community  
8 advocates, DJs, hospitality advocates, musicians,  
9 performers, and regulatory attorneys bringing a  
10 variety of perspectives and expertise. As a lifelong  
11 New Yorker and nightlife professional I am excited to  
12 bring my industry- and community-building experience  
13 to my new role in public service. After working many  
14 facets of nightlife for well over 15 years, including  
15 as a promoter at nightlife music venues and an  
16 independent record label, as well as public  
17 relations, I opened and operated Sutra Lounge in the  
18 East Village, which I owned for 10 years. I also  
19 served on Manhattan's Community Board 3 and its  
20 liquor licensing committee for six years, and then  
21 ran a hospitality consulting company called Venue  
22 Advisors, providing integrated commercial real estate  
23 services for entrepreneurs seeking to open nightlife  
24 establishments. Housed at the Mayor's Office of  
25 Media and Entertainment under Commissioner Julie

1  
2 Menin, the focus of our team is addressing not only  
3 nightlife, but life at night, by proactively managing  
4 rather than restricting it. We are working to  
5 support businesses with resources and education to  
6 help them be successful in order to be better  
7 neighbors, to ensure safety and quality of life for  
8 everyone, and to enable creativity and culture to  
9 flourish. I am delighted to share some details about  
10 what we have been working on over the last few  
11 months. First, our five-borough listening tour. As  
12 defined by Local Law 178, the Office of Nightlife is  
13 required to hold at least one public hearing in each  
14 borough at which public comments and testimony shall  
15 be received. These public hearings are designed to  
16 help inform our initiatives and policy  
17 recommendations. To date, we have completed three  
18 out of five listening sessions. We will be in the  
19 Bronx this Thursday and we will conclude our tour on  
20 November 28 in Manhattan. As a liaison between  
21 nightlife stakeholders and city and state government,  
22 we invited agencies with a role in managing nightlife  
23 to participate in the sessions so that they could  
24 listen and respond to issues and concerns from the  
25 public. We were pleased to have representatives from

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

12

2 NYPD, FDNY, Department of Buildings, Small Business  
3 Services, Environmental Protection, Health and Mental  
4 Hygiene, City Planning, Cultural Affairs, as well as  
5 the Office of Administrative Trials and Hearings, as  
6 well as the State Liquor Authority. To raise  
7 awareness about these meetings we conducted extensive  
8 outreach to local elected officials and community  
9 boards, local business groups such as the Chamber of  
10 Commerce and business improvement districts,  
11 nightlife organizations and advocates, local and  
12 citywide media outlets, as well as dozens of venues  
13 to reach patrons and staff. To date, over 400 people  
14 have participated in these listening sessions and we  
15 have received more than 300 comments from a diverse  
16 range of stakeholders, including business owners and  
17 operators, advocates for grass-roots cultural spaces,  
18 neighbors of nightlife establishments, musicians and  
19 performers, event promoters, and nightlife patrons.  
20 Among the issues raised are reports of adverse  
21 impacts of enforcement, operations from the multi-  
22 agency response to community hot spots, known as  
23 M.A.R.C.H., noise issues, and other quality-of-life  
24 concerns relating to nightlife activity, as well as  
25 greater transparency in the review processes. Number

1 two is the economic impact study of nightlife. Later  
2 this year we will be releasing a study of the current  
3 economic impact of the nightlife industry, which  
4 includes activities between 6:00 p.m. and 6:00 a.m.  
5 across all five boroughs. Preliminary findings show  
6 that New York City's 25,000 nightlife establishments  
7 account for an overall economic impact greater than  
8 48 billion dollars, including supporting 300,000  
9 jobs, 13.1 billion in wages, 35.1 billion dollars in  
10 total economic output, and 698 million dollars in  
11 local tax revenues. To complement the economic  
12 impact analysis, more than 1300 nightlife  
13 stakeholders participated in surveys or interviews  
14 about their experiences. This qualitative assessment  
15 surfaced challenges faced by the New Yorkers who rely  
16 on nightlife for their livelihoods, as well as those  
17 living in neighborhoods dense with nightlife  
18 establishments. Much of this feedback is consistent  
19 with the themes that are emerging in our listening  
20 tour. Together these findings are informing the  
21 development of the Office of Nightlife's proposed  
22 programs and initiatives, including those that seek  
23 to improve the nightlife ecosystem by working to  
24 reduce red tape, address public safety and quality of  
25

1  
2 life concerns, and promote economic development and  
3 cultural activity. Third is our interagency working  
4 group. While we have been looking to the listening  
5 tour as well as other outlets to inform our proposed  
6 initiatives, many of which are information, we are  
7 already establishing a framework for how the Office  
8 of Nightlife engages with its city partners, as well  
9 as its public stakeholders. After the listening tour  
10 we will be looking to convene an interagency working  
11 group to address policy changes and coordinate  
12 existing initiatives that currently impact nightlife.  
13 This working group can evaluate potential  
14 administrative and regulatory reforms for how the  
15 city can support safe and vibrant nightlife activity  
16 and mitigate adverse impacts where applicable. This  
17 may include a review of regulatory policy to focus on  
18 education, prevention, and correction of common  
19 issues and improve predictability in inspection  
20 processes, policies that reduce related noise-related  
21 disputes between nightlife establishments and their  
22 neighbors through both physical measures as well as  
23 sound insulation and human services such as  
24 mediation. And capacity building and compliance  
25 assistance for small cultural nightlife spaces that

1 foster creativity, performance, and art production.

2 Number four is our one-stop nightlife web portal.

3 Many stakeholders have called for the Office of

4 Nightlife to post resources online that support

5 business operations and employee and patron safety.

6 We are also looking into the development of an online

7 portal at NYC.gov/nightlife to assist various

8 stakeholders. One aspect will be a tool for new and

9 prospective nightlife establishments directing them

10 to information and providing user-friendly graphical

11 resources that integrate or leverage other agency

12 guidelines, forms, permits, and regulations. It will

13 also include best practices for patron safety and

14 workplace safety as well, working without outside

15 advocates and experts, as well as our city partners.

16 We also look forward to developing informational

17 resources that address common issues related to

18 patron safety and workplace safety. Issue areas

19 currently under consideration include reducing

20 impaired driving, drug and alcohol awareness, fire

21 safety measures, training protocols for staff for

22 prevention of theft, violence, sexual assault, or

23 overconsumption. Codes of conduct and consent

24 education for patrons, LGBTQ safety, and other



1  
2 preventable hazards. I am encouraged by the  
3 partnerships we have been able to build thus far,  
4 including advocates, elected officials, industry and  
5 community representatives, and among our sister  
6 agencies. I thank you once again for the opportunity  
7 to speak with you today, and want to recognize once  
8 again the chair's leadership and passion to bring  
9 these issues to the forefront. As you can see, the  
10 Office of Nightlife is working very hard to ensure  
11 that the nightlife industry can continue to  
12 contribute to the cultural, social, and economic  
13 well-being of New Yorkers. I look forward to the  
14 exciting work ahead and to answering any questions  
15 you may have.

16 CHAIRPERSON ESPINAL: Thank you.

17 CASEY ADAMS: Good afternoon, Chair  
18 Espinal, Council Member Koslowitz. My name is Casey  
19 Adams and I am the director of City Legislative  
20 Affairs for the New York City Department of Consumer  
21 Affairs. I would like to thank the committee for the  
22 opportunity to testimony today on behalf of our  
23 commissioner, Lorelei Salas, about Introduction 930-  
24 2018, a bill that would require the operator of a  
25 place of entertainment or its agent to disclose

1  
2 service fees along with the price of a ticket on  
3 advertising and promotional materials. DCA's mission  
4 is to protect and enhance the daily economic lives of  
5 New Yorkers to create thriving communities. In  
6 general, DCA believes that greater price transparency  
7 and information benefit consumers by helping them  
8 make informed choices about products and services.  
9 We understand and share the council's concern about  
10 services that don't clearly disclose fees associated  
11 with ticket purchases until consumers are several  
12 steps into a transaction. Requiring earlier  
13 disclosure of fees in advertising and promotional  
14 materials could help consumers understand the full  
15 cost of a purchase up front, rather than being  
16 surprised later. We look forward to working with the  
17 council to ensure that the bill is crafted in a  
18 manner that captures the services intended, protects  
19 consumers, and minimizes compliance costs for  
20 businesses. Thank you.

21 DANA SUSSMAN: Good afternoon, Chair  
22 Espinal and members of the Committee on Consumer  
23 Affairs and Business Licensing. I'm Dana Sussman,  
24 deputy commissioner for Policy and Intergovernmental  
25 Affairs with the New York City Commission on Human

1  
2 Rights, and I am pleased to be here today with my  
3 colleagues from the Office of Nightlife and  
4 Department of Consumer Affairs to discuss the work of  
5 the commission and the administration in combatting  
6 sexual harassment. Because the commission has not  
7 previously had the opportunity to appear before the  
8 committee, I'll briefly describe the work of the  
9 agency. By statute, the commission has two main  
10 functions. The first is as a civil law enforcement  
11 agency, enforcing the city's antidiscrimination law,  
12 called the City Human Rights Law, one of the most  
13 comprehensive antidiscrimination and antiharassment  
14 laws in the country. The commission's law  
15 enforcement bureau investigates complaints of  
16 discrimination from the public, initiates its own  
17 investigations on behalf of the city, and utilizes  
18 its in-house testing program to help identify  
19 entities breaking the law. The law includes 24  
20 categories of protection, most of which protect  
21 against discrimination and harassment in practically  
22 all areas of city living, employment, housing, public  
23 accommodations, on the street, in transit, and in  
24 other spaces. The second main function of the  
25 commission is to perform community outreach and

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

20

2 provide education on the city human rights law and  
3 human rights-related issues, which is why the  
4 commission also has a community relations bureau,  
5 which has offices in all five boroughs. The  
6 community relations bureau provides free workshops on  
7 individuals' rights and businesses, employers, and  
8 housing providers' obligations under the city human  
9 rights law and creates programming on human rights  
10 and civil rights related issues. Combating sexual  
11 harassment, particularly in the workplace, but across  
12 all areas of jurisdiction, has been a core focus of  
13 the commission's work since Commissioner Carmelyn  
14 Malalis took helm of the agency almost four years  
15 ago. For example, in 2015 the commission issued it  
16 highest civil penalty in the history of the  
17 commission in a sexual harassment case, \$250,000, the  
18 maximum allowable under our statute, with an  
19 additional over \$400,000 in damages to the  
20 complainant. In December 2017, almost one year ago,  
21 the commission held a citywide public hearing on  
22 sexual harassment in the workplace. We heard  
23 testimony from a diversity of industries, from  
24 workers in the construction industry, domestic  
25 workers, restaurant workers, to the fashion,

1 modeling, and film industries. We heard from  
2 workers, advocates, and government officials about  
3 what we as the administration could do differently or  
4 do better to combat sexual harassment. It was a  
5 powerful night where over 100 people converged from  
6 across the five boroughs, and some traveling up from  
7 D.C., to listen to people's experiences enduring,  
8 fighting, challenging, and overcoming sexual  
9 harassment. And earlier this year in April the  
10 commission issued a report reflecting on the themes  
11 of the testimony and making specific policy  
12 recommendations on how the city and commission can  
13 better combat sexual harassment across industry  
14 sectors and communities of workers. In June the  
15 mayor signed a package of bills that strengthens the  
16 city human rights law's already broad protections  
17 with respect to sexual harassment in the workplace  
18 and creates additional responsibilities for employers  
19 with respect to educating and training staff on their  
20 rights. The commission will be launching a dedicated  
21 gender-based harassment unit with attorneys who  
22 specialize in gender-based harassment cases very  
23 shortly. The commission engages in strategic in  
24 business outreach so that businesses know their  
25

2 obligations and responsibilities under the city human  
3 rights law. With respect to these new requirements  
4 on sexual harassment, the commission is in the  
5 process of visiting every business improvement  
6 district in New York City, which represents over  
7 85,000 businesses, to distribute the mandated Know  
8 Your Rights materials created by the commission to as  
9 many businesses as possible. The commission has  
10 worked with SBS to distribute information about the  
11 new laws on their bid list serve and has provided  
12 information about the new legislation to chambers of  
13 commerce and other business associations throughout  
14 the city. Commission staff regularly speak before  
15 business associations, to employers and to bar  
16 associations on the new legal requirements. The  
17 commission has a dedicated web page on sexual  
18 harassment with FAQs and materials for employers on  
19 the new sexual harassment requirements available for  
20 download. If an employer or business owner ever has  
21 a question about compliance or best practices they  
22 can email my team directly and a member of the policy  
23 team will respond to them within 24 hours. The  
24 commission is working in collaboration with our  
25 sister agencies and with the Office of Nightlife to

1  
2 make sure this information is available to the  
3 nightlife industry and to ensure that businesses know  
4 how to access the commission and its resources. In  
5 addition, the commission provides free live in-person  
6 training on sexual harassment in the workplace and  
7 offers it to businesses, nonprofit organizations, and  
8 other associations upon request, and the commission  
9 will launch a free online interactive training on  
10 sexual harassment in the workplace in 2019 that will  
11 meet both the state and city requirements for  
12 mandated sexual harassment training. It is important  
13 to note that sexual assault and sexual harassment are  
14 two distinct and separate things, although they can  
15 often overlap. Sexual harassment is a concept most  
16 commonly rooted in the principle of gender  
17 discrimination in the workplace, which is addressed  
18 through civil rights laws like the New York City  
19 human rights law, and through civil actions, like the  
20 ones that the commission can initiate. By contrast,  
21 sexual assault is most commonly addressed through  
22 criminal law enforcement. Sexual harassment and  
23 sexual assault may occur at the same time, or sexual  
24 harassment may lead to sexual assault, but sexual  
25 harassment does not always involve a sexual assault.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

2 21

3 The administration's commitment to address these  
4 issues is also reflected in Executive Order 36, which  
5 Mayor Bill de Blasio signed in September and which  
6 expands the authorities and responsibilities of the  
7 Mayor's Office to Combat Domestic Violence and  
8 changed its name to the Office to End Domestic and  
9 Gender-Based Violence. The new office will continue  
10 to develop and coordinate a citywide response to  
11 intimate partner and family violence and now has  
12 expanded authority to address gender-based violence,  
13 which includes sexual assault, stalking, and  
14 trafficking. By creating this office we as the  
15 administration are continuing to respond to the  
16 voices of survivors and advocates and recognizing the  
17 need for a system-wide coordinated approach to these  
18 issues. The new office will seek to implement best  
19 practices and policies, develop and strengthen  
20 services and intervention initiatives, enhance  
21 coordination across agencies and disciplines, and  
22 employ methods for data and information sharing. The  
23 office will continue to operate the New York City  
24 Family Justice centers and the Domestic Violence  
25 Fatality Review Committee, and will now operate the  
Advisory Committee to review individual case-level



2 data on domestic and gender-based fatalities. The  
3 commission, along with the support of our sister  
4 agencies, like the Office to End Domestic and Gender-  
5 Based Violence and Office of Nightlife, along with  
6 Department of Consumer Affairs, is deeply committed  
7 to combating and addressing sexual harassment in the  
8 workplace and to educating businesses on their  
9 responsibilities in creating harassment-free spaces.  
10 For these reasons, we support the goals of Intros  
11 1185 and 1186 and look forward to working with City  
12 Council to ensure they align with or enhance our  
13 current efforts. Thank you for calling today's  
14 hearing on these important issues, and we look  
15 forward to your questions.

16 CHAIRPERSON ESPINAL: Thank you so much  
17 for all your testimony. Before I start asking  
18 questions, I would like to give the floor to my  
19 colleagues, if they have any.

20 COUNCIL MEMBER KOSLOWITZ: The nightlife,  
21 when were you in Queens?

22 ARIEL PALITZ: That's a good question, in  
23 October.

24 COUNCIL MEMBER KOSLOWITZ: And where you?  
25

2 ARIEL PALITZ: We were at the LaGuardia  
3 Colleague.

4 COUNCIL MEMBER KOSLOWITZ: Because I  
5 never got notice that you were there.

6 ARIEL PALITZ: I'm surprised to hear that  
7 and sorry to hear that. I'm quite certain that the  
8 staff members that I had for community and industry  
9 outreach were sure to reach out to all elected  
10 officials, as well as community boards and precincts,  
11 so it's possible that perhaps it arrived at your  
12 office but unfortunately didn't make it to you, which  
13 is unfortunate and we will make sure that you are  
14 contacted in the future.

15 COUNCIL MEMBER KOSLOWITZ: How many  
16 people attended the hearing?

17 ARIEL PALITZ: In Queens we had a very  
18 robust coming out there, I don't have the exact  
19 numbers with me, ah, 75. Oh, 95, sorry.

20 COUNCIL MEMBER KOSLOWITZ: 95 people?

21 ARIEL PALITZ: Yes, and there was a cross  
22 section of nightlife operators, employees, patrons,  
23 as well as residents.

24 COUNCIL MEMBER KOSLOWITZ: And you don't  
25 know the breakdown of the residents compared to?

1  
2           ARIEL PALITZ: I do have those numbers  
3 and I can get them to you right after.

4           COUNCIL MEMBER KOSLOWITZ: I would  
5 appreciate that.

6           ARIEL PALITZ: Most definitely. We felt  
7 pretty good about the turnout and the representation,  
8 the diverse representation there.

9           COUNCIL MEMBER KOSLOWITZ: OK, thank you.

10          CHAIRPERSON ESPINAL: Council Member Koo?

11          COUNCIL MEMBER KOO: Thank you, Chair.

12 Yeah, I have a question for [inaudible] there. The  
13 quality of life is really important almost everywhere  
14 and in my district, well, we have a place called  
15 Skyview, which is many apartments, maybe six,  
16 condominium buildings, over there, and many of them,  
17 they always, in the past always complained about the  
18 noise. The noise is not coming from my district, but  
19 from the neighborhood district, which is not far  
20 away. You know where CityVille is? Near CityVille  
21 there's a junkyard, there's a big junkyard, and very  
22 often through social media or something like that  
23 they hold big parties there and after like 10 o'clock  
24 or so, so they create a lot of noise. The noise can  
25 be heard miles away, even at Bayside you can hear it.

1  
2 And they couldn't figure out where the noise was  
3 coming from. But finally they figured out it is from  
4 that place. But they do don't parties every night,  
5 but often, especially in the summertime. So I wanted  
6 to take a note into this and called on there with the  
7 police department. They have two [inaudible],  
8 Corona district, there's police, but the people  
9 complaining are usually from my district, which  
10 constitutes the fashion district of Bayside. The  
11 noise comes all the way from Corona to over there.  
12 So I hope in the future you take note whenever there  
13 are complaints coming in I will let you know, you  
14 coordinate with the PD and other agencies to make  
15 sure you shut down all those illegal parties, you  
16 know? Thank you.

17 ARIEL PALITZ: Thank you for bringing  
18 that to my attention.

19 CHAIRPERSON ESPINAL: Along those lines,  
20 what are, in your tour, right, you've done three  
21 boroughs so far, Brooklyn, Queens, Staten Island,  
22 you're doing the Bronx this week?

23 ARIEL PALITZ: Yes.

24 CHAIRPERSON ESPINAL: Thursday.

25 ARIEL PALITZ: On Thursday.

2 CHAIRPERSON ESPINAL: Thursday? What are  
3 the most common complaints you're hearing, or, yeah,  
4 the most common complaints from venue owners and also  
5 the community?

6 ARIEL PALITZ: Thank you for your  
7 question. As I mentioned, we're really very pleased  
8 with the diversity of the turnout and there is a  
9 cross section of concerns from industry to community.  
10 When it comes to the industry, we've heard sort of  
11 concerns regarding enforcement and city agency  
12 regulation, cost of doing business, and then when it  
13 comes to the community, of course, there's the  
14 quality-of-life concerns.

15 CHAIRPERSON ESPINAL: Are any of the, or  
16 from the information you're gathering, do you believe  
17 that there is an opportunity to help address all of  
18 those issues in a way that would be balanced towards  
19 the communities and the businesses?

20 ARIEL PALITZ: From what I've seen in  
21 just the production and creation of the listening  
22 tours and how the interest that we have received from  
23 city agencies as well as the community, I definitely  
24 get a sense of enthusiasm and cooperation and

2 creative thinking that I believe will be conducive to  
3 addressing these issue.

4 CHAIRPERSON ESPINAL: And just of kind to  
5 go back to Karen's concern about certain communities  
6 feeling as if they weren't invited to the listening  
7 tours, after the tours are over has your office given  
8 any thought of the possibility to go into different  
9 community boards through the lifetime of the office?

10 ARIEL PALITZ: Absolutely. I think that,  
11 of course, the five-borough listening tour is  
12 something that was legislatively mandated. However,  
13 I see really part of the job description is an  
14 ongoing and consistent listening tour. We will never  
15 stop listening. We reach to people from within the  
16 industry and community, and we've had small and large  
17 meetings and we'll continue to do so in every corner  
18 of every borough to ensure that everyone feels heard.

19 CHAIRPERSON ESPINAL: Have you had  
20 conversations with other council members about issues  
21 in their own districts, or introduction meetings,  
22 getting to know what each member...

23 ARIEL PALITZ: Absolutely, I receive  
24 calls all week long from city council members,  
25 community boards, precincts regarding just general

2 meet-and-greets or specific issues regarding venues  
3 and we're happy to address them always.

4 CHAIRPERSON ESPINAL: Does your office  
5 currently have the capacity to get information out to  
6 venues or to community members? Has your office  
7 started working on any materials, things of that  
8 nature, that are helpful or conducive to businesses?

9 ARIEL PALITZ: Well, we've been in office  
10 for about nine months now and we have been laying  
11 down frameworks and foundation in order to begin to  
12 establish some initiatives and proposals. Right now  
13 we're focusing primarily on the listening tour to  
14 inform us to ensure that we have our priorities in  
15 order, in order to address the things that are most  
16 important?

17 CHAIRPERSON ESPINAL: OK. So how many  
18 people are on your staff currently, or how many  
19 people are part of the office?

20 ARIEL PALITZ: Well, as you know, we're  
21 within the Mayor's Office of Media and Entertainment  
22 and the Office of Nightlife currently has three other  
23 staff members including, plus me.

24 CHAIRPERSON ESPINAL: OK, all right.  
25 Speaking on harassment, one of the bills would

2 require you to post information on a potential  
3 website that you'll be creating. Is there a time  
4 line on when that website will be launched?

5 ARIEL PALITZ: We don't currently have a  
6 timeline, but from what we've heard from the industry  
7 as well as all stakeholders, this is something that  
8 would provide a lot of relief and direction for  
9 information and it is a priority for us to, once the  
10 town halls are over, to begin the process.

11 CHAIRPERSON ESPINAL: So would the  
12 website also be a venue for folks, whether they be  
13 business owners or [inaudible] people to also log in  
14 complaints or just any other inquiries for  
15 information?

16 ARIEL PALITZ: Well, thank you for  
17 asking. I don't see the Office of Nightlife as an  
18 enforcement or reporting office. However, being the  
19 liaison that we are between NYPD and 311 that we will  
20 utilize the website in order to direct people, not  
21 only for ways of reporting complaint, but also for  
22 alternative routes of mediation and education and  
23 support in order to help better address the source of  
24 complaint through other means.



2 CHAIRPERSON ESPINAL: So do you have  
3 access to 311 complaints and the data behind that?

4 ARIEL PALITZ: We have been in  
5 conversations with 311 in developing a custom  
6 platform for us to be able to monitor the top  
7 concerns and calls that are coming in so that we best  
8 know where to put our attention and resources.

9 CHAIRPERSON ESPINAL: OK, great. My  
10 question is now to the Commission on Human Rights.  
11 Have you started a conversation with the Office of  
12 Nightlife around harassment in general?

13 CASEY ADAMS: We have, actually. We've  
14 been in touch around issues of concern for venue  
15 owners and employers around how to ensure that they  
16 are meeting the existing mandates under the law, ways  
17 that we can be transparent about what the  
18 requirements are, and in fact creating programming  
19 specifically to issues that come up in nightlife, not  
20 specific, in addition to sexual harassment, but a  
21 host of other issues that might come up under the  
22 city human rights law as well.

23 CHAIRPERSON ESPINAL: Do you have data on  
24 the prevalence of sexual harassment at night compared  
25 to day?

2 CASEY ADAMS: We don't have data. We  
3 focus our, so the vast majority of the complaints on  
4 sexual harassment occur in the context of the  
5 workplace, which obviously would include nightlife  
6 institutions as an employer in the workplace context.  
7 I don't have specific numbers on how many complaints  
8 we have from workers in that industry, but I could  
9 see if we can collect that and share that with you if  
10 that would be useful to you.

11 CHAIRPERSON ESPINAL: Do you have any  
12 suggestions on how the city can help prevent patron  
13 harassment, or is the office looking to make any  
14 suggestions through the Office of Nightlife?

15 CASEY ADAMS: We have explored, and I  
16 think there was real increase in the desire across  
17 all different, many different contexts, to educate  
18 folks on bystander intervention and de-escalation  
19 tactics, and so we saw that increasingly in the past  
20 couple years, even with respect to, you know, bias  
21 and acts of discrimination that occur on the streets,  
22 in public places, and so we've partnered with  
23 different organization that provide bystander  
24 intervention training to host those trainings for  
25 community members, and so that I think is an area

1  
2 that we continue to find to be very fruitful and we  
3 would happily collaborate with the Office of  
4 Nightlife and the organizations that do bystander  
5 intervention training quite well to get those  
6 trainings out.

7 COUNCIL MEMBER KOSLOWITZ: It bothers me  
8 that they all weren't constituents that came out,  
9 that only you had 95 people which consisted of people  
10 that own businesses, nightlife businesses, I mean,  
11 Queens has 2.5 million people, and if out of that, if  
12 50 of them came to complain, to me that's not enough,  
13 we're not reaching out, you know, further into the  
14 communities and having it LaGuardia Community  
15 College, which I love dearly, it's not Queens, it's  
16 not good for people that live in southeast Queens or  
17 live all the way out in Bayside, or places where they  
18 don't have transportation, they don't have subways.  
19 They have to take buses, and it would take them like  
20 maybe two hours to get to LaGuardia College. If you  
21 can, when you do this, have it more centralized where  
22 everybody can get to it that wants, because I know  
23 for a fact that we have a lot of complaints about  
24 nightlife and, you know, noises, and I think it would  
25 be much better if you could reach out to the people

2 that have the complaints and to listen to them, you  
3 know, coming out in the street at night, late at  
4 night, in residential areas and, you know, carrying  
5 on like it was 2 o'clock in the afternoon. And, you  
6 know, these are problems. I know in my office I get  
7 calls constantly about this going on, drinking,  
8 coming out with drinks in the street, you know,  
9 carrying on. Years ago what they used to have is  
10 different agencies coming out. Like, I used to have  
11 in my council district a place in Jamaica that all  
12 bad things were happening and you had the Consumer  
13 Affairs, you had the Department of Buildings, you had  
14 different departments coming out and going in there  
15 at night when all this was going on and many of the,  
16 this particular place was closed down because there  
17 was a lot of things happening inside. So I think we  
18 have to reach out more into the communities and, like  
19 I said, LaGuardia College, I love LaGuardia College,  
20 but that's not, that's the beginning of Queens.

21 ARIEL PALITZ: Thank you for bringing up  
22 this concern, and I can understand how you would feel  
23 that way. This is the first of many meetings. We  
24 have had others before and we'll have many after in  
25 order to execute what was required through

1  
2 legislation. We did our best to find the most  
3 centrally located venues that could accommodate the  
4 listening tour and I feel as though it was a  
5 relatively good representation, not only for  
6 complaints but also for idea sharing and partnership  
7 building, and that has been really the goal of the  
8 listening tour, is to have a new approach to listen  
9 to concerns, but also to come up with creative  
10 solutions and for all stakeholders to hear each  
11 other.

12 COUNCIL MEMBER KOSLOWITZ: I understand,  
13 but it's hard for me to believe that 95 people were  
14 in attendance and Queens has, like I said, 2.3  
15 million, 5 million, and only 95 was there. I don't  
16 feel that Queens was really represented. You know...

17 ARIEL PALITZ: I hear you.

18 COUNCIL MEMBER KOSLOWITZ: I mean, that's  
19 my feeling.

20 ARIEL PALITZ: Again, this is the first of  
21 many. After this tour we will be going out meeting  
22 at community boards...

23 COUNCIL MEMBER KOSLOWITZ: Well, that,  
24 the community boards, if you go to each individual  
25 community board that is a good thing.

2 ARIEL PALITZ: I'd also like to add that  
3 there have been people from many different boroughs  
4 attending other meetings as well, and even in the  
5 upcoming Bronx and Manhattan meeting we do anticipate  
6 people from all boroughs to attend, and they were  
7 invited to and welcome to do so. And we have also  
8 created an email address, nightlife@media.nyc.gov,  
9 for people who were not able to attend the meetings  
10 for whatever reason to also submit their testimony.  
11 But I would like to assure you that moving forward we  
12 will be throughout the Queens and the last thing they  
13 will feels is unheard.

14 COUNCIL MEMBER KOSLOWITZ: OK, thank you.

15 CHAIRPERSON ESPINAL: Thank you, Karen.

16 And, yeah, just to, just reiterate what Ariel is  
17 saying, the bill that we passed did require the  
18 office to do one town hall in each borough as its  
19 first assignment in order for us to get an idea  
20 what's happening within different communities, but  
21 just to kind of push on Karen's point, it's important  
22 that that's an ongoing, I think, effort, right? Just  
23 continue to listening to different...

24 ARIEL PALITZ: Most definitely.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

2 CHAIRPERSON ESPINAL: ...community  
3 boards, making sure that different neighborhoods  
4 within those boroughs also get the opportunity to  
5 continue talking to the office and expressing what  
6 they feel the office should be doing to help ease  
7 concerns within those communities.

8 ARIEL PALITZ: We look forward to it.

9 CHAIRPERSON ESPINAL: Yeah. Peter Koo,  
10 Council Member?

11 COUNCIL MEMBER KOO: Thank you, yeah. So  
12 I want to echo the same thing Council Member Karen  
13 Koslowitz has said. I didn't hear too much about  
14 your office and your first town hall, we didn't know  
15 too much about it until now. So I hope in the future  
16 you will do more to enrich our community. My  
17 community has a lot of karaokes, right? They're open  
18 very late, bars, you know, some restaurants are open  
19 very late too, until like 2:00 a.m. or 3:00 a.m. and  
20 most of them, they are good, they are good operators.  
21 Usually it's not the operator that cause problems,  
22 usually it's the customers. The customers, they have  
23 too much to drink or do other things, they're too  
24 high, they go in street and they yell and they make  
25 noise, and sometimes they even urine, you know, on a

2 lot of people's properties. So there's the complaint  
3 I always get. So my question to you is what do these  
4 people call, I mean, they are calling the police,  
5 they call your office, or what's your role in terms  
6 of citizens complaining, the residential complaining  
7 about nightlife, you know, noise, rowdiness, people,  
8 because sometimes a lot of bars are located  
9 underneath apartment buildings, and when they make  
10 noise and they're rowdy people upstairs couldn't  
11 sleep. In the past they called 311. So from now on  
12 they can call your office so you guys can be the  
13 middleman to solve the problems with them?

14 ARIEL PALITZ: Well, thank you for your  
15 question, and I just want to reassure you that  
16 quality-of-life concerns as well as safety is a top  
17 priority for the Office of Nightlife as well as the  
18 administration. As far as reporting and enforcement,  
19 that is not my understanding of the primary goal of  
20 this office. What we are is a liaison between the  
21 industry, the residential community, as well as city  
22 agencies, and our purpose is to take a look at the  
23 holistic problems and systemic issues and to be able  
24 to utilize the relationships that we have with the  
25 sister agencies to work in concert with each other



2 and to be able to address these issues with  
3 multiagency partnerships, creative solutions,  
4 thinking outside the box. Up until now there has not  
5 been a central point of contact in order to  
6 orchestrate these resources, and I believe the  
7 creation of the office and our role will help to  
8 dispatch the existing resources in a better and more  
9 effective way.

10 COUNCIL MEMBER KOO: So my question is  
11 like can you tell us under what circumstances we  
12 should call you, the steps that we should call  
13 [inaudible] when they have a complaint about noise  
14 and rowdiness and with urination, all these things,  
15 they should call 311 first and then they call your  
16 office later, or what's the steps?

17 ARIEL PALITZ: Well, I think if it's a  
18 question of safety they should always call 911 first.

19 COUNCIL MEMBER KOO: 911, OK.

20 ARIEL PALITZ: And if it is a question of  
21 quality-of-life complaint then 311 would be the right  
22 resource. We are working with 311 in regards to how  
23 to better use it as a tool and to provide different  
24 options such as mediation, which I don't think is  
25 something that has really been readily available, so

2 to be able, and actually at our town halls in  
3 addition to all of the city and state agencies that  
4 are represented, we have also provided free mediation  
5 services that is already available in each borough  
6 for neighbors as well as operators to be able to  
7 utilize this service to create understandings and  
8 agreements amongst themselves to improve their  
9 quality of life. The time to call the Office of  
10 Nightlife I think would be when there are chronic  
11 issues and when council members or other electeds or  
12 community boards find that all other routes have not  
13 maybe resulted in the conclusion that they were  
14 hoping for.

15 COUNCIL MEMBER KOO: OK, thank you.

16 CHAIRPERSON ESPINAL: Thank you, and  
17 thank you for answering that. I was actually going  
18 to ask about the chronic complaints and whether or  
19 not our council member offices can call you about  
20 trying to figure out a larger kind of plan on how to  
21 deal with these bigger issues, so, yeah, great. So  
22 now to my favorite topic, and it's DIY spaces and  
23 culture spaces. Have you been hearing from them at  
24 these town halls in different boroughs, or is it  
25 mostly concentrated in one borough? Have you been

2 hearing in Staten Island or in Queens about DIY  
3 spaces existing and the need for assistance to  
4 becoming legal spaces or getting help in making sure  
5 that they're able to continue operating?

6 ARIEL PALITZ: Well, thank you for  
7 bringing it up. I know that it is an issue near and  
8 dear to your heart and part and parcel, part of what  
9 created Office of Nightlife, and it is also a very  
10 important issue for the Office of Nightlife, not only  
11 safety but vibrancy of underground communities and to  
12 answer your question, yes, we have heard from them in  
13 all three boroughs so far, including Staten Island,  
14 and this is a new office and we are taking the  
15 opportunity through these town halls to listen to  
16 these stakeholders and to hear what their needs are,  
17 as well as to work with our sister agencies to see  
18 how we can best support the vibrancy and safety of  
19 the do-it-yourself underground community.

20 CHAIRPERSON ESPINAL: Has there been, has  
21 any though, sorry, has any thought been given around  
22 creating a liaison that would focus on the DIY  
23 community, you know, as you mentioned, their issues  
24 are a lot more unique than a venue, than a fully  
25 operated legal venue. I believe that they also cater

2 to a different community that has other special needs  
3 that above-ground venues do not have. Is there any  
4 thought in your office to hire someone, or to appoint  
5 someone?

6 ARIEL PALITZ: Well, there has been a lot  
7 of thought to this and many issues, and for now I  
8 consider myself the liaison for the DIY community in  
9 the city and, again, we're, I think the best approach  
10 is to take advantage not only of the listening tours,  
11 but this time as we're establishing the office to  
12 really hear from the community and to hear what their  
13 needs are and then to work with the sister agencies  
14 to see how we can best support them to ensure safety  
15 while they're on the road to legitimacy as well.

16 CHAIRPERSON ESPINAL: What has been your  
17 interaction with NYPD and M.A.R.C.H., the M.A.R.C.H.  
18 taskforce in general? Have you had any productive  
19 conversations about, one, how they end up being  
20 deployed into certain venues or communities about how  
21 venues and can avoid being targeted by M.A.R.C.H., or  
22 how the city can just reform the way M.A.R.C.H. is  
23 deployed into certain venues?

24 ARIEL PALITZ: I have had many  
25 conversations, not only with NYPD but other agencies

1  
2 that are deployed during M.A.R.C.H. and this is a  
3 conversation that is on the table and there is a lot  
4 of willingness and desire to improve what has  
5 already, in the perspective of the city agencies,  
6 have been on the road to improving and a continued  
7 effort to improve the way that they are dispatched,  
8 and also on the efforts before the dispatch of  
9 M.A.R.C.H. on outreach and education and support and  
10 mediation, and I believe there's a multiagency  
11 interest in doing that as well.

12 CHAIRPERSON ESPINAL: So I'm sure you're  
13 aware I have a bill with Council Member Steve Levin  
14 that would increase transparency. Has there been any  
15 conversation over you being able to have access to  
16 information on how and when M.A.R.C.H. is deployed,  
17 or any conversation around you being able to  
18 intervene before M.A.R.C.H. actually is deployed into  
19 a venue?

20 ARIEL PALITZ: We are in conversation and  
21 we will continue to discuss with the sister agencies  
22 on the best way to work together in order to support  
23 the industry and to allow it to be supported as best  
24 as possible.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

16

2 CHAIRPERSON ESPINAL: OK. I just also  
3 want to mention we have been joined by Council Member  
4 Chin from lower Manhattan. All right, my last  
5 question for you, Ariel. In the bill it also  
6 mentions that the office and also the advisory board  
7 should come up with a policy report to submit to the  
8 mayor's office and to the City Council outlining all  
9 of the policy recommendations that the City Council  
10 and the mayor should take on in order to help create  
11 a more vibrant nightlife in New York City. I want to  
12 acknowledge that the office was delayed when it came  
13 to, when it first came to your hiring and the opening  
14 of the office. I believe the bill calls for this  
15 report to be released 18 months after the bill was  
16 passed. Is there any timely updates on when we could  
17 be able to, expecting that sort of report?

18 ARIEL PALITZ: I would not be able to  
19 give you a timeline update on that right now, but we  
20 can, I can return to our office and get a better  
21 assessment of the reality of what that might look  
22 like.

23 CHAIRPERSON ESPINAL: OK. I'm anxiously  
24 waiting. Looking forward to it, too. Any other  
25 questions from my colleagues? No? Thank you.

2 ARIEL PALITZ: Thank you.

3 CHAIRPERSON ESPINAL: See, you had an  
4 easy time today.

5 UNIDENTIFIED: It's always an easy time  
6 here. [laughter] We get along.

7 ARIEL PALITZ: Thank you for the  
8 opportunity.

9 CHAIRPERSON ESPINAL: Thank you for  
10 testifying and it was exciting to hear all of the  
11 great work you're doing, and I'm excited to hear what  
12 the future holds for the office. So thank you.

13 ARIEL PALITZ: Me, too. Thank you so  
14 much.

15 CHAIRPERSON ESPINAL: And I'll see you in  
16 the Bronx.

17 ARIEL PALITZ: OK, yes.

18 CHAIRPERSON ESPINAL: Up next we have  
19 Emily May from Hollaback, Christina Ortiz from New  
20 York City Alliance Against Sexual Assaults. We have  
21 Andrew Rigie from New York City Hospitality Alliance,  
22 and we have Joanna Alvarez from Black Women's  
23 Blueprint. [pause] Before you begin just state your  
24 name for the record, and you have three minutes on  
25 the clock.

2 TIFFANY KETANT: Hi, I'm Tiffany Ketant  
3 and I'm from Hollaback.

4 CHAIRPERSON ESPINAL: You can start.

5 TIFFANY KETANT: Oh, OK, sorry.

6 CHAIRPERSON ESPINAL: Just make you say  
7 your name before you begin.

8 TIFFANY KETANT: Good afternoon, and  
9 thank you for the opportunity to provide testimony on  
10 behalf of Hollaback. My name is Tiffany Ketant,  
11 speaking on behalf of Emily May, who is the co-  
12 founder and executive director at Hollaback. Just a  
13 quick note, Emily apologizes for being unable to  
14 attend. She is moving today. Hollaback is a global  
15 people-powered movement to end harassment in all its  
16 forms. Since 2011 we have trained over 15,000 people  
17 on how to intervene when they see harassment  
18 happening in public spaces, including nightlife  
19 establishments. In 2014 our Hollaback team in London  
20 launched the Good Night Out campaign to provide  
21 bystander intervention training in nightlife  
22 establishments. And the training has scaled to over  
23 20 cities around the world, including Melbourne and  
24 Vancouver. In May we partnered with the NYC Human  
25 Rights Commission to integrate best practices from



2 bystander intervention training into their sexual  
3 harassment training in the workplace, which has been  
4 scaled citywide. As part of the training the NYC  
5 Human Rights Commission recommends employers hire  
6 Hollaback if they wish to train their teams further  
7 in the area of bystander intervention. We have  
8 trained government institutions like the NYPD and the  
9 NYC Department of Sanitation, civic organizations  
10 like the Brooklyn Public Library and New York  
11 Immigration Coalition and corporations like Life and  
12 Voxed. In regards to recommendations as leaders in  
13 the field of bystander intervention we endorse the  
14 bills proposed today and we are grateful to the  
15 leadership of the council for bringing them forward.  
16 We recommend training security guards on techniques  
17 for responding with sensitivity to shock and trauma,  
18 which will specifically target how to respond with  
19 sensitivity to shock and trauma and the measures that  
20 an employee must take to address the report of  
21 harassment. We recommend that the signage posting  
22 should note that the security guards have been  
23 trained to receive complaints and intervene in  
24 situations of harassment and use the language you  
25 will be believed, which has demonstrated a positive

2 impact on reporting by overcoming this common reason  
3 that people do not report. We recommend training 311  
4 and 911 operators on how to effectively respond to  
5 harassment and ensure this resource is posted on the  
6 public signage. Lastly, we recommend funding for the  
7 Office of Nightlife to develop a high-quality e-  
8 learning training with the purpose with the proposed,  
9 the purpose in the fiscal year of 2019 to 2020  
10 budget. We recommend the council allocate at least  
11 \$150,000 during this purpose with the budget. Thank  
12 you for your leadership on addressing harassment in  
13 all its forms for all New Yorkers.

14 CHAIRPERSON ESPINAL: Thank you.

15 CHRISTINA ORTIZ: Good afternoon. My  
16 name is Christina Ortiz and I'm the senior prevention  
17 coordinator at the New York City Alliance Against  
18 Sexual Assault. Thank you to the Committee on  
19 Consumer Affairs and Business Licensing for allowing  
20 us to address you in these hearings. The alliance is  
21 a citywide umbrella organization that strives to  
22 prevent sexual assault and support the survivors. It  
23 does this by addressing gaps in sexual prevention and  
24 intervention in underserved communities, providing  
25 technical assistance to hospitals and programs on

1  
2 their response to sexual assault, and to delivering  
3 training to social service agencies, hospitals,  
4 medical providers, bar and nightlife staff, college  
5 campus communities, youth, and more. The alliance  
6 has spent over 10 years working collaboratively with  
7 various stakeholders to engage nightlife in sexual  
8 violence prevention. Several high-profile cases of  
9 sexual violence between 2006 and 2010 demonstrated  
10 the role bystanders and nightlife employees can play  
11 in making establishments safer and more patron-  
12 friendly. An increasing number of nightlife industry  
13 professionals acknowledge the need to combat sexual  
14 violence as part of venue security, patron safety,  
15 and responsible nightlife services. In response to  
16 this, a coalition of advocates, service providers,  
17 and law enforcement called the Manhattan  
18 Multidisciplinary Sexual Assault Task Force created a  
19 subcommittee to address the issue of sexual assault  
20 and nightlife. This subcommittee included the New  
21 York County District Attorney's office, the alliance,  
22 New York City Hospitality Alliance, Crime Victims  
23 Treatment Center, and Mount Sinai Beth Israel. The  
24 New York City Hospitality Alliance and CVTC as a  
25 first step in collaboration with the Sexual Violence

1  
2 Prevention and Response Program at Columbia  
3 University and Manhattan Sexual Assault Task Force  
4 conducted focus groups with venue owners, staff, and  
5 patrons. These focus groups indicated a gap in  
6 knowledge regarding what constitutes sexual violence,  
7 the laws related to sex crimes, best practices for  
8 evidence preservation and, most importantly, safe  
9 intervention techniques. Nightlife venues were eager  
10 to support trained management and staff equipped with  
11 the necessary skills to intervene safely and prevent  
12 situations that could lead to sexual violence. The  
13 employees of these establishments also expressed  
14 interest in being part of a workplace that is free of  
15 sexual aggression. Based on these focus groups, the  
16 subcommittee pursued a two-pronged approach - on-  
17 premise training for nightlife establishments and the  
18 creation of a coalition that could lead prevention  
19 efforts in the nightlife arena. Three rape crisis  
20 programs, CVTC, Bellevue, and Mount Sinai Beth  
21 Israel, along with the alliance, want a citywide  
22 collective that would engage expertise in the  
23 nightlife community and serve as an incubator of the  
24 nightlife staff training. This coalition came to be  
25 called Outsmart NYC. With regard to the legislative

2 proposals that are the subject of these hearings, the  
3 alliance would like to make two recommendations.

4 First, with respect to Resolution 580, which  
5 recommends the addition of sexual assault  
6 intervention and prevention training to security  
7 guard, we would like to recommend more expansive  
8 additions, including recognizing and responding  
9 safely to intimate partner violence, de-escalation  
10 techniques, conflict resolution, and responding to  
11 situations when drugs and alcohol are involved. [bell  
12 sound] [inaudible]

13 CHRISTINA ORTIZ: Oh, OK. We urge the  
14 council to consider the development of a subcommittee  
15 of the Nightlife Advisory Board that would examine  
16 the current curriculum and the needs of the  
17 communities in which the guards work to make a  
18 recommendation regarding updates in this curriculum.  
19 Thank you. We are grateful to the Committee on  
20 Consumer Affairs and Business Licensing for tackling  
21 these important issues. Thank you.

22 CHAIRPERSON ESPINAL: Thank you.

23 ANDREW RIGIE: Good afternoon, Mr. Chair,  
24 council members. My name is Andrew Rigie. I am the  
25 executive director of the New York City Hospitality

2 Alliance. I am also a council appointee of the  
3 Nightlife Advisory Board and the chair. However, I  
4 am...

5 CHAIRPERSON ESPINAL: Congratulations.

6 ANDREW RIGIE: Thank you. I am  
7 testifying in my capacity with the New York City  
8 Hospitality Alliance. So, as it's been discussed, we  
9 have been supportive of many efforts to address  
10 sexual harassment and assault within the hospitality  
11 industry. We had worked together with our colleagues  
12 at the Sexual Assault Alliance, Outsmart New York,  
13 and others on bystander curriculum. We supported the  
14 Stop Sexual Harassment Act in New York City. We've  
15 also worked with the NYPD on developing our ground-  
16 breaking best practices for nightlife establishments,  
17 which addresses what to do in cases of sexual assault  
18 and reporting it. I'm not saying that all of these  
19 initiatives are enough. We need to continue to do  
20 more. However, we believe both Intro 1185 and  
21 Resolution 580 can be slightly amended to make sure  
22 that they are both fair to all and effective. So,  
23 first I want to address who is covered by the bills  
24 and what is required. Recently both the State of New  
25 York and the City of New York passed two different

2 but similar antiharassment trainings that focuses  
3 more within the workplace, but not focused on  
4 patrons. However, they do include provisions to  
5 address bystander intervention, which is of course  
6 consumer or patron facing. With this new bill, 1885,  
7 it would create a third class called a nightlife  
8 establishment, which would have to provide additional  
9 antiharassment training to employees. So while they  
10 are not identical trainings, they do overlap,  
11 although they don't fully overlap and that's  
12 something that needs to be discussed, because  
13 requiring employees to take two sets of trainings  
14 annually, an employer to take or make two sets of  
15 records annually creates quite a burden and certainly  
16 will create compliance issues for the industry.  
17 Basically we need a worker to be able to take one  
18 antiharassment training and which should satisfy both  
19 city and state requirements. Also, the definition in  
20 this bill that creates this third class calls it a  
21 nightlife establishment. We have some real concerns  
22 about that. That definition was created in the City  
23 Charter to establish the Office of Nightlife. We  
24 were there with those negotiations, those  
25 discussions, and that was clearly a broad and

2 somewhat vague definition of a nightlife  
3 establishment to ensure that the office could address  
4 issues within nightlife, DIY spaces, restaurants, and  
5 any other type of entertainment venue. It was not  
6 intended to be a [bell sound] definition which  
7 statutory requirements and penalties would then be  
8 extended. So that is one issue. It's not a  
9 technical definition and it should be changed. We  
10 also think that these types of issues occur not just  
11 in nightlife establishments, they occur at gyms,  
12 dentist office, anywhere where commercial activity  
13 can occur. So we do believe this bill should be  
14 expanded to address training within all industries,  
15 not just the nightlife industry, and if you bear with  
16 me for two more moments...

17 CHAIRPERSON ESPINAL: Yeah, take your  
18 time.

19 ANDREW RIGIE: I just wanted to address a  
20 couple other matters. When it comes to the posted  
21 sign, while it's not overly burdensome certainly a  
22 lot of business owners feel that there has been a lot  
23 of gotcha violations and summonses issued, and we're  
24 talking about reform, especially when it comes to the  
25 M.A.R.C.H. task force, we presume that another sign,



1  
2 whether it's defaced, improperly posted, not posted  
3 at all, will just add to another type of nit-picky  
4 violation that we're trying to get away from. So  
5 that's something that we think should be further  
6 discussed with the advocates because if there is  
7 evidence showing that it does have a positive impact  
8 on people who have been harassed or assaulted we want  
9 to address that, but we don't need to create an  
10 additional burden if it's not necessary. But we  
11 certainly have participated and support the voluntary  
12 programs people have done. And the Resolution 580,  
13 that calls on the State of New York to update its  
14 security guard training. We have been supportive for  
15 years of reforming that training. Right now if you  
16 are a security guard in a bar or nightclub you take  
17 the same training as a security guard in a pharmacy.  
18 Clearly the environment is much different. We  
19 believe this is a good start, but the training should  
20 be more expansive to focus on issues like de-  
21 escalation, dealing with overdoses, intoxicated  
22 patrons, unfortunately also active shooter  
23 situations, as we recently saw. So we think it's a  
24 good start, and our final comment on that would just  
25 be the language. We do think the language of the

2 resolution paints a quite negative context of  
3 nightlife at a time when we're trying to embrace it,  
4 so we think we can address the seriousness of the  
5 issue, but in a manner that doesn't paint nightlife  
6 in a negative light. So we really thank you for your  
7 leadership on these nightlife issues, your  
8 consideration of our comments, and we hope to work  
9 together so these bills and resolution can basically  
10 work for our **point**.

11 JOANNA ALVAREZ: Good afternoon, council  
12 members. My name is Joanna Alvarez and I'm  
13 representing Black Women's Blueprint. Thank you for  
14 the invitation to give testimony on the issue of  
15 bystander intervention in favor of Intro 1185 and  
16 1186. Black Women's Blueprint was founded in 2008  
17 and it works to place black women's and girls' lives  
18 and struggles squarely within the context of larger  
19 reach with justice concerns and it's committed to  
20 building movements where gender matters and social  
21 justice organizing, so that all members of black  
22 communities achieve social, political, and economic  
23 equity. The story of Janice Talson Jackson, a 29  
24 year old mother of three who was killed in  
25 Pittsburgh, Pennsylvania at a local bar for rejecting

1  
2 a man's advances [inaudible] national anthem of black  
3 women and girls across this country that saying no is  
4 not a human right. Janice's resistance was fatal.  
5 Black women continue to face a death penalty for  
6 saying no, embodying their own personal agency, and  
7 exercising bodily autonomy. The boundaries we set as  
8 black women continues to draw blood. Could this  
9 woman's life have been saved if bystander  
10 intervention was implemented? As yet another black  
11 woman is slain openly and publicly we have to send  
12 different messages to black women and girls bearing  
13 witness to cities' tragedies. We have to dismantle  
14 misogyny and patriarch that lives between our sheets,  
15 sits at the corner in the bars of our neighborhood  
16 businesses, lurks in our parks, and steals the  
17 innocence of the young women that walked through them  
18 at night. To where do we run when the parks foster a  
19 culture of rape during the hours of recreation?  
20 Black women are assaulted at all times of the day in  
21 plain sight of the community. Janice's story sends a  
22 message to black women everywhere. You can be killed  
23 for your resistance, your autonomy, your femininity,  
24 and your blackness. There is a risk in bystander  
25 intervention and innocent bystanders also fear for

2 their lives in those moments of advocacy. We need  
3 strategies concerning misogyny, interracial and  
4 sexual violence. We must send a community and  
5 systemic accountability for the protection of our  
6 women, prevention, recognizing that few resources  
7 exists that are culturally relevant and focused on  
8 preventing rape and sexual assault before it occurs.  
9 We develop innovative programs focused on identifying  
10 and preventing sexual violence before it occurs. The  
11 training institute delivers prevention, education,  
12 curricula based on an understanding of the complex  
13 interplays between the individual, relational,  
14 social, culture, and environmental, historical, and  
15 persistent structural **functions** that influence the  
16 spectrum of discrimination, oppression, and violence  
17 that impact people's lives. Intervention, we  
18 specialize in [inaudible] bystander intervention  
19 models. Transformative and healing models as well as  
20 asset-based community accountability models. Using  
21 proven effective pedagogy and methodologies, the  
22 institute works to equip people, groups, and other  
23 organizations [bell sounds] with a framework for  
24 developing strategies anchored in civil and human  
25 rights as key points for intervention. Thank you.

2 CHAIRPERSON ESPINAL: Thank you so much.  
3 Thank you so much for all the testimony. It's really  
4 enlightening and encouraging to hear of all of the  
5 work you're all doing. A question. So do you all  
6 actively work with nightlife establishments to some  
7 degree, or have worked with nightlife establishments  
8 to help institute some of the ideas you have?

9 UNIDENTIFIED: Yes.

10 CHAIRPERSON ESPINAL: Yes, and what has  
11 that relationship been like?

12 JOANNA ALVAREZ: So, the history of the  
13 alliance is building Outsmart NYC, which you'll hear  
14 from some other members who are here today to  
15 testify, and that is building a curriculum to educate  
16 them on bystander intervention and help them realize  
17 that the skills that they already have and that  
18 they're already using and just help them become more  
19 comfortable with that.

20 CHAIRPERSON ESPINAL: What have been some  
21 of the best practices that you see that work and are  
22 easy for establishments to take on. Yeah, any of you  
23 can answer, that's fine, yeah.

24 JOANNA ALVAREZ: Well, what I've noticed  
25 through some of the trainings that they're already

2 doing the work and we're just there to help them  
3 realize that they're already doing the work. A lot  
4 of them, they're working together as teams. They  
5 have policies. They have procedures. And they just  
6 need to become more comfortable with it, and we've  
7 also noticed is recognizing that something is  
8 happening is the first step to bystander intervention  
9 and also realizing that you don't do anything if  
10 you're going to put yourself in harm, so that's why  
11 nightlife is key to, they're already an established  
12 team so they're already able to do this work and  
13 they're already doing the work. So we don't give  
14 them enough credit and I think that's part of the  
15 problem.

16 CHAIRPERSON ESPINAL: Well, Andrew, thank  
17 you for testifying. I think you brought up many  
18 valid points and we're going to work with you closely  
19 to make sure this is a bill that works for everyone.  
20 I think we share the same common goal and I also  
21 appreciate you mentioning that we should also expand  
22 the type of businesses that we're covering around  
23 this conversation, for example, like the gym, I  
24 thought that was a great recommendation as well. Do

2 you, are there businesses within your organization  
3 that are already working with groups like Hollaback?

4           ANDREW RIGIE: Ah, yes, well, with  
5 Outsmart and the Alliance we worked closely and had  
6 many different focus groups, patron-focused, worker-  
7 focused from, you know, the bar back and busse to  
8 security, and there's a lot of interesting things  
9 that came out of it. I think what we see happening  
10 is often people are engaging in some sort of  
11 bystander activity but may not actually know it. Two  
12 things that pop in my head were just if you see two  
13 people that come in separately and you see them  
14 leaving together and one of them seems intoxicated,  
15 the person at the door simply asking them, and  
16 someone else can step in if I'm incorrect, but, you  
17 know, simply asking them if you can help them get a  
18 taxi, you know, provides them an opportunity to take  
19 an out if they don't want to leave with a person. So  
20 there's little things, again, that we kind of just do  
21 though we may not recognize, and I think it's been  
22 successfully. We've gotten really positive feedback  
23 from the business owners that we've worked with on  
24 this and I think going through some of the trainings  
25 was quite insightful for a lot of the workers, and it

3 also empowers them in a sense that they are the eyes  
4 and the ears of a business, even if they are at one  
5 of the entry-level positions. They have a role in  
6 keeping the business vibrant and keeping people safe  
7 and having a good time.

8 JOANNA ALVAREZ: Do you mind if I say...

9 CHAIRPERSON ESPINAL: Yeah, of course.

10 JOANNA ALVAREZ: I think it's important  
11 when you're creating these laws that has to do with  
12 training that we think about the communities that  
13 these trainings are going to be in. We're a diverse,  
14 New York City is a diverse city, we're not a college  
15 town, so some curriculum that might work in, for  
16 Rutgers, New Brunswick, won't work here. We have to  
17 think about our LGBT community and our [inaudible]  
18 community, people of color community, and think about  
19 why 911 may not be their best bet, their best  
20 resource. So I think that's, I just want to say I  
21 think it's really important that you all think about  
22 that when you're creating these laws that has to do  
23 with educating communities that aren't so one-  
24 dimensional.

25 CHAIRPERSON ESPINAL: One hundred  
percent, and actually this came out of the, for me



2 personally, it was out of the House of Yes, which I  
3 know creates a safe space for all different types of  
4 communities and that's really what inspired me to  
5 move forward with something like this. But, again, I  
6 look forward to continuing having those  
7 conversations, seeing how we can make the bills  
8 better. I guess my last question is to you, Andrew.  
9 One of the pieces here, as the resolutions state,  
10 regarding security guards, is there anything that  
11 establishments can do to push these security  
12 companies to train their workers instead of having  
13 legislation come from the top down?

14 ANDREW RIGIE: There are a few of the  
15 security guard companies that work, let me just start  
16 to say, most nightlife establishments that have  
17 security do retain an outside third party. Some of  
18 them, if they have a few establishments, will employ  
19 the actual security. You know, I think some of the  
20 nightlife companies are, especially in light with  
21 more of the active shooter types of situations, have  
22 been updating their curriculums. Some of them have  
23 focused on some of these other issues. But I think  
24 obviously it just is going to come to, if not  
25 legislation, reaching out to them individually and

2 also bringing more awareness within the industry.

3 We've had members, restaurants, bars, that have come

4 to us for different trainings and we've reached a

5 large number of businesses on these subjects, but

6 certainly there's thousands of more businesses that

7 may not be coming to our training. So I think

8 awareness, I think through the Office of Nightlife

9 certainly there's a great opportunity to be able to

10 provide information, getting the best practices guide

11 out to businesses and making sure that they're

12 reviewing it and implementing different strategies

13 and trainings are key. But there's not, I mean,

14 there's a couple of key security guard companies that

15 work within the space and I'd be happy to make a

16 connection and introduction with some of these other

17 groups as well, so we can sit down and talk about

18 what they need to do sans a mandate.

19 CHAIRPERSON ESPINAL: Do you have any

20 idea how many of these companies exist?

21 ANDREW RIGIE: I don't know how many, I

22 mean, I know that there's three or four off the top

23 of my head that work with a lot of different venues,

24 but clearly there are so many venues throughout the

25 city, and frankly there's also maybe a lot of venues

2 that don't have security, they may just have an  
3 employee sitting at the door, so it may look like  
4 there are security guards sitting at the front door,  
5 but really they're checking IDs and they're not , you  
6 know, quote unquote, a security guard or trained with  
7 those types of techniques and provided the experience  
8 they need.

9 CHAIRPERSON ESPINAL: All right, thank  
10 you. Thank you all, appreciate it. Thanks for  
11 testifying. Up next we have Eric McGriff from  
12 Outsmart NYC, Amy Northup from Outsmart NYC, and  
13 Chauntel Gerdes, and forgive me if I mispronounced  
14 your name.

15 CHAUNTEL GERDES: Gerdes.

16 CHAIRPERSON ESPINAL: Gerdes, Gerdes.

17 CHAUNTEL GERDES: We'll just go in order,  
18 OK?

19 ERIC MCGRIFF: OK.

20 CHAUNTEL GERDES: Yes. [pause]

21 CHAIRPERSON ESPINAL: You may begin.

22 CHAUNTEL GERDES: Hello and good  
23 afternoon, everyone. My name is Chauntel Gerdes and  
24 I'm a trauma therapist and community mobilization  
25 strategist with over nine years of experience serving

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING  
20

2 survivors of sexual and intimate partner violence  
3 through Mount Sinai Beth Israel Victims' Services  
4 program. We are also a co-founder of Outsmart NYC,  
5 which has been mentioned earlier. We are a growing  
6 partnership between the nightlife and hospitality  
7 industries and programs serving survivors of violence  
8 across New York City. We are invested empowering the  
9 nightlife and hospitality industries in preventing  
10 sexual violence through prevention education,  
11 bystander intervention and crisis response training,  
12 community mobilization, and expanding access to  
13 supportive services. We want to thank Council  
14 Members Espinal, Brannan, Moya, and Levin for your  
15 desire to make comprehensive sexual violence  
16 prevention and bystander intervention training more  
17 accessible to the nightlife and hospitality  
18 industries at large. At Outsmart NYC we believe that  
19 nightlife personalities and professionals are  
20 uniquely positioned to be city leaders in violence  
21 prevention. As such, we are in support of  
22 legislation that acknowledges the crucial role that  
23 staff have in our safety, as they are indeed the  
24 curators of many of our memories and experiences. In  
25 the age of Me Too it is all too easy to want to point

2 a finger at an industry and call it the problem. To  
3 others, sexual violence is somebody else's issue,  
4 because it is much easier to demonize the symptomatic  
5 sites rather than address the systemic causes of  
6 violence. Sustainable culture change is possible  
7 when we build holistic and collaborative  
8 relationships between the industries and their  
9 surrounding communities to address issues of violence  
10 and harm together. As such, we also hope that this  
11 legislation can encourage better relationships  
12 between operators, community members, and local  
13 precincts. Mandating training for an industry that  
14 bears witness to some of our most intimate, most  
15 joyful, and most liberating moments requires that we  
16 prioritize the nuance needs of this industry and  
17 create flexible structures to address them. A club  
18 in Meatpacking will require much different forms of  
19 intervention than, say, a DIY space in Ridgewood or a  
20 wine bar in Astoria. This means that in moving  
21 forward the legislation proposed needs to center  
22 nightlife's expertise, existing expertise, of what  
23 works in their spaces and provides them with the  
24 support necessary to mitigate the multitudes of  
25 barriers that they face in intervening, barriers such

1  
2 as job security, health insurance coverage, lost  
3 wages, prior victimization, lack of supportive  
4 management, and much more. It means creating  
5 training and tools such as signage and resources that  
6 are intersectional and inclusive, recognizing how  
7 violence disproportionately impacts people of color,  
8 LGBTQI individuals, and undocumented folks. Sexual  
9 violence does not happen in a silo and it is  
10 important [bell sound] to recognize, can I keep  
11 going? OK. And it's important to recognize that  
12 both the identities of venues and the identities of  
13 staff and patrons impacts how safe people feel to  
14 intervene and seek support. In our work we know that  
15 many operators and staff want tools, but are denied  
16 access to effective trauma-informed resources and  
17 care. What many people don't realize is that  
18 witnessing harm without the capacity or tools to  
19 intervene can be incredibly traumatic for staff.  
20 Many of the industry professionals that we work with  
21 have been deeply impacted by a sense of helplessness  
22 when witnessing situations that they recognize as  
23 harmful. When we ignore this we are silencing the  
24 very people who are most poised to cut off harm way  
25 before it escalates to violence. We ask that in

1  
2 moving forward with any of this legislation that the  
3 committee take into account the expertise of industry  
4 professionals, trauma treatment providers, and  
5 preventionists. We ask that you all consider how  
6 streamlining these trainings rather than creating  
7 structures that allow for flexibility to the  
8 community being served can minimize this impact. We  
9 ask that even in the very language of this  
10 legislation, as Andrew mentioned, reflect a desire to  
11 create sustainable and safe structures tailored to  
12 this industry, so that they may continue to lead in  
13 this very brave and radical culture change for our  
14 city. Thank you.

15                   ERIC MCGRIFF: Can everyone hear me? All  
16 right. Good afternoon, everyone. Thank you,  
17 Councilman and the Committee on Consumer Affairs. My  
18 name is Eric McGriff and I'm the prevention  
19 coordinator for the Crime Victims Treatment Center  
20 and the director of training development for Outsmart  
21 NYC. I also sit on the Manhattan Sexual Assault Task  
22 Force as the nightlife chair. I've been involved in  
23 domestic and sexual violence prevention for over ten  
24 years. And for those of you who may not know,  
25 violence prevention is not just a term we throw

1  
2 around. It comes with actual concrete evidence-based  
3 principles and strategies that we have to follow in  
4 order for that prevention to be effective. And so  
5 that's the lens through which I'm giving this  
6 testimony, as a sexual violence prevention  
7 specialist. First, I want to bring to everyone's  
8 attention that sexual harassment and sexual assault  
9 both fall under the umbrella of sexual violence. We  
10 want to eradicate sexual violence in our spaces and  
11 using the term sexual violence will allow us to be  
12 inclusive of all the attitudes and behaviors we're  
13 looking to bring an end to. Second, it is important  
14 for us to understand that alcohol and other drugs do  
15 not cause violence. If they did, then that means  
16 that everyone who consumes them has no choice but to  
17 act violently, when we all know that isn't true. If  
18 we're all going to be truly invested in preventing  
19 sexual violence in the nightlife community, then we  
20 need to acknowledge that very crucial point. It is  
21 important because that very myth has been the source  
22 of tremendous shame towards the nightlife community  
23 and shame does not inspire culture change. It more  
24 often causes us to not speak up and to handle things  
25 internally out of fear, thus maintaining the status



1  
2 quo. It causes individuals or venues to adopt an  
3 what happens in the home stays in the home type of  
4 mentality. Shame is a tool used to compel  
5 submission, especially when supported by such  
6 falsehoods. It is only a small percentage of  
7 individuals who act violently when drunk. It is the  
8 relative few who use alcohol as a weapon to commit  
9 sexual assault and they do it over and over again,  
10 limiting the options of the majority stop that  
11 relative few from perpetrating is akin to the  
12 ineffective risk reduction tactics we often tell  
13 those who disproportionately experience sexual  
14 violence, like women and fem individuals to use,  
15 things like watch what you wear, watch your drink,  
16 don't flirt. These messages allow us to avoid  
17 talking about the actual perpetrator. They show us  
18 how we are sometimes complicit in sexual violence by  
19 keeping the attention off of the perpetrator and for  
20 blaming the venue or the alcohol when you may not do  
21 so in a DUI case or in a case where someone is maybe  
22 wearing a fancy suit and gets robbed. Third, I want  
23 to acknowledge that most sexual violence does not  
24 happen in nightlife spaces. That is a statistical  
25 fact. The number one place for sexual harassment is

1 in public spaces, which is inclusive of nightlife,  
2 but not exclusive. The number two is at work, which  
3 brings me to my fourth point. Why aren't we talking  
4 about sexual violence experienced by staff? Some of  
5 the biggest barriers to intervention in nightlife is  
6 not knowing how to identify harm before it gets to  
7 the physical level or how to intervene. But also not  
8 having support of staff or knowing [bell sound] you  
9 may have to report to someone who doesn't see it as  
10 an issue or doesn't know how to help. Preventing  
11 sexual violence becomes especially hard if you are  
12 someone who experiences sexual violence from  
13 coworkers or management. If a venue is receiving  
14 comprehensive prevention and bystander intervention  
15 training from an employer who makes it a point to say  
16 that sexual violence is not tolerated and is adamant  
17 about making resources available, then the staff will  
18 feel more empowered to intervene, knowing they are  
19 supported. I also want to note that sexual assaults  
20 mostly do not happen in nightlife spaces or at  
21 parties. An overwhelming majority of sexual assaults  
22 happen in or around the living quarters of the  
23 victim. The grooming is often what happens in  
24 nightlife spaces, which further brings to the  
25

1           forefront the important for prevention training.

2           Lastly, I want to acknowledge that prevention has to  
3           be specific to the community. It's actually one of  
4           the principles of effective prevention programming.

5           We call it sociocultural relevance. Doing so allows  
6           communities we engage to personalize and take  
7           ownership of the work to prevent and end sexual

8           violence. Having a general mandatory training is a  
9           great first step, but will ultimately not be as  
10          effective as a training tailored to the community.  
11          The industry needs to be held accountable in ways

12          that offers tools and gives opportunities to show up  
13          and be collaborative in our interventions. We have  
14          those tools here in New York City. Prevention is

15          long-term. It's an ongoing relationship that starts  
16          with a conversation and has to be carried out in  
17          multiple sessions, again effective prevention program

18          strategies. It's trauma-informed. It's giving  
19          education from people who work with survivors,  
20          leveraging the expertise of those in the industry and

21          providing a connection to free legal, free medical,  
22          free therapeutic services, which we do at Outsmart.

23          I'm so glad that the City Council provided us this  
24          opportunity to speak and I look forward to the

25          opportunity to speak and I look forward to the

1  
2 collaborations that will come because there is  
3 definitely a lot of work to be done and we're moving  
4 in the right direction. Thank you.

5 AMY NORTHUP: Hi, good afternoon, my name  
6 is Amy Northup, long-time nightlife professional and  
7 Outsmart facilitator.

8 UNIDENTIFIED: [inaudible]

9 AMY NORTHUP: Oh, yeah. Sorry. I'll try  
10 doing that again. I'm Amy Northup, long-time  
11 nightlife professional and...

12 UNIDENTIFIED: [inaudible]

13 AMY NORTHUP: Is it on? Of course  
14 [laughs].

15 UNIDENTIFIED: Hello?

16 AMY NORTHUP: No, I think it's working.

17 UNIDENTIFIED: You got it. Now you got  
18 double.

19 AMY NORTHUP: Cool. Take three. My name  
20 is Amy Northup, a long-time nightlife professional  
21 and Outsmart facilitator. I am so excited to be  
22 speaking on these topics today and so grateful to the  
23 council members for prioritizing sexual violence  
24 prevention in nightlife spaces. This is a topic that  
25 means a lot to me. By trade I am an actress and a

1  
2 director, so I've been in hospitality for a long time  
3 in New York. About fifteen years as a bartender  
4 mostly, but I have worked as a waitress and a manager  
5 as well. I love nightlife. I love New York City  
6 nightlife. I think, frankly, it gives New York its  
7 life blood. But it's not without problems and I  
8 agree that one of the biggest problems is the  
9 prevalence of sexual violence. My colleagues have  
10 spoken to you a little bit today, some of the nuances  
11 and the language of the proposed legislation to the  
12 definition of sexual violence versus sexual assault  
13 or sexual harassment, to what role alcohol plays in  
14 facilitating it, not causing it, that is important.  
15 They have spoken more specifically to the  
16 normalization of sexual violence in nightlife and why  
17 nightlife staff may or may not want to intervene.  
18 Spoiler alert - we do. We want to be safe doing it  
19 and supported by our management, our industry, and  
20 our city in doing so. And, most importantly, they  
21 have spoken to the crucial element of Kimberle  
22 Crenshaw's concept of intersectionality in these  
23 conversations. I beg you to listen to them closely.  
24 These are your experts. I deeply believe, as does  
25 Outsmart, that nightlife professionals are uniquely

1  
2 poised to make huge, if not some of the biggest,  
3 impact in the culture shifts we are so desperately  
4 craving in these Me Too movements. We're on the  
5 ground. We are the places that the people come to  
6 meet and drink and sometimes do drugs, to go on dates  
7 and laugh and play and talk and flirt. We are the  
8 places that people go to be people, and that is  
9 beautiful. It can be messy and sometimes dangerous.  
10 It is not by nature inherently violent. Truly, you  
11 all, these spaces are awesome, these spaces that we  
12 build to come together. But we do have to be well  
13 trained to handle all of this humanity. We have so  
14 much opportunity to intervene, to reduce harm and to  
15 make these spaces that we are all a part of safer.  
16 Yes, all. I tell people all the time that everyone  
17 is in nightlife. Even if you've never worked in, if  
18 you go to bars, if you go out to eat, if you walk by  
19 these places on your way home from a long day, you  
20 are part of a nightlife community. And we as  
21 communities have to start taking better care of each  
22 other and we have to start holding each other  
23 accountable, and we need better tools to do that. We  
24 have to start making each other's safety our  
25 business. We have to be trained in bystander

1  
2 intervention. It's hard, right? Intervention sounds  
3 like a terrifying term. It sounds at its least scary  
4 like confrontation, which so many of us,  
5 understandably, are very averse to. We love I don't  
6 know man, it's just not my business. Yes, it is. At  
7 Outsmart we teach people that it doesn't always have  
8 to be dramatic or scary. It's actually about de-  
9 escalation. Sometimes it's entirely nonverbal even.  
10 It's as simple as checking in, as saying how y'all  
11 doing over there, everything OK? Hint - we already  
12 do this. As making eye contact or pouring some  
13 water, yeah, you guessed it, we already do this too.  
14 This is just about adding the lens of observation and  
15 an eye towards sexual violence prevention. It's  
16 about checking in on someone when their date goes to  
17 the bathroom after overhearing something concerning,  
18 or seeing something really uncomfortable body  
19 language-wise. Hey, how's it going over here? I'm  
20 sorry if I'm being nosy, but you seem a little  
21 uncomfortable. Am I misreading that? Are you OK? Oh,  
22 my God, you saw that? Again, we're so used to not  
23 naming it to each other that just being seen is  
24 really powerful. I'm so relieved. They're really  
25 aggressive, right? Yeah, I noticed that. Do you want

2 me to help? Do you want me to help, because I think  
3 I might know how to help. I think so often we don't  
4 intervene because we don't know how we would help if  
5 we were to. This is what Outsmart does. We  
6 facilitate conversations with people who are already  
7 experts at what they do, ask them to add the lens of  
8 sexual violence prevention and help them to become  
9 experts at that, too. And maybe handling and maybe  
10 helping in these messy gray-area situations. I have  
11 had some version of that conversation hundreds of  
12 times. Sometimes they're weird, sometimes they're  
13 easy, sometimes they're super uncomfortable, and  
14 sometimes I'm wrong. But I am a hundred percent sure  
15 that I have helped people feel empowered to get  
16 themselves out of scary situations, that I have  
17 helped mobilize someone's friends to get them home  
18 safe, that I have kept someone who didn't mean to  
19 commit harm from doing so. And, yes, that I have  
20 looked predators in the eye and without saying these  
21 exact words said not in my house and not on my watch.  
22 I'm able to do this because I have the tools, because  
23 I have made it my priority to make it my business, to  
24 create the culture I want to live in in my bars.  
25 I've learned from and been trained by the best. I've



2 mobilized my expertise and built resilience for  
3 uncomfortable conversations. I have practiced  
4 because of Outsmart, because of trainings like this.  
5 This legislation is crucial. It's not without  
6 problems, but it's a really good start. I think it  
7 needs some shaping, some fine-tuning. I kind of  
8 think it must go deeper. It must center  
9 intersectionality. We must name and grapple with not  
10 only the existence of potential for violence to  
11 screen our patrons, but also between our patrons and  
12 ourselves, and we as an industry must have a  
13 reckoning with the prevalence of violence amongst  
14 ourselves. These things are not inextricable from  
15 each other. But we have to be including sexual  
16 violence prevention in our nightlife spaces or we are  
17 deeply not doing our jobs, as legislators, as  
18 nightlife professionals, or as community members. We  
19 are the leaders in this work. Bartenders, managers,  
20 bouncers, yes, please, bouncers. Please help give us  
21 the tools to do this work. Thank you.

22 CHAIRPERSON ESPINAL: Thank you so much,  
23 and thank you all for your testimony. Very  
24 insightful, very helpful. I appreciate, thank you,  
25 thank you. It was great, truly. Thank you. The

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

2 last panel, we have Ginny Louloudes and Gilbert  
3 Hoover, again, sorry if I am mispronouncing your  
4 name.

5 GINNY LOULOUDES: No, it's Louloudes.

6 CHAIRPERSON ESPINAL: Louloudes, great.

7 GINNY LOULOUDES: You were very close.

8 CHAIRPERSON ESPINAL: You may begin.

9 GILBERT HOOVER: Hi, I'm Gilbert Hoover.

10 UNIDENTIFIED: Is this on?

11 UNIDENTIFIED: Yeah, it's on.

12 GILBERT HOOVER: I'm Gilbert Hoover. I'm  
13 vice president and general counsel of the Shubert  
14 Organization, the city's largest owner and operator  
15 of Broadway theaters. In addition to owning and  
16 operating seventeen Broadway theaters and six off-  
17 Broadway stages, Shubert operates Telecharge, a  
18 leading provider of ticket and services to Broadway  
19 and off-Broadway venues. I'm also appearing as a  
20 representative of the Broadway League, which is the  
21 principle trade association for the commercial  
22 theater industry in New York State and across North  
23 America for over eighty years. It presently  
24 represents more than 750 theater owners, producers,  
25 and road presenters nationwide, with over 400 offices

2 in New York City. In my written statement, I have  
3 information about the impact of Broadway on the  
4 city's economy. In the interest of time I will skip  
5 that. But we would like to thank you, Chairman  
6 Espinal, and the other members of the committee for  
7 holding this meeting and for your ongoing efforts to  
8 address consumer protection issues for our city's  
9 theater-goers and other consumers of entertainment.  
10 The League has always encouraged transparency in the  
11 ticket-purchasing process so that consumers are fully  
12 aware of the source of their tickets, the price of  
13 their tickets, and any fees or surcharges that may be  
14 imposed prior to purchase. We recently advocated in  
15 the state legislature for enhanced consumer  
16 protections that include improved market  
17 transparency. Under the New York State law that was  
18 recently passed, Chapter 110 of 2018, which the  
19 Broadway League supported, every operator of a place  
20 of entertainment and any ticket reseller will have to  
21 disclose in a clear and conspicuous manner the total  
22 price of the ticket and how much of the price  
23 consists of a service charge before a sale is  
24 completed. We feel this language appropriately  
25 balances the need for transparency and consumer

1 protection without imposing excessive regulatory  
2 constraints on the marketplace. Earlier drafts of  
3 the state legislation included language that like  
4 that proposed in Intro 930 and would have required  
5 operators to disclose service fees along with the  
6 ticket prices in all advertising and promotional  
7 materials. However, the state legislature ultimately  
8 rejected that language in favor of the above-noted  
9 disclosure requirement at the point of sale. We  
10 agree with the approach taken by the state  
11 legislature. We do not think it is practical to  
12 require disclosure of all fees in all advertisements  
13 or promotions, as prices and surcharges vary widely  
14 by outlet and delivery method. For example, tickets  
15 sold at the box office generally have no additional  
16 transaction fee. Tickets sold on the web may include  
17 different fees depending on whether the tickets are  
18 mailed, held at the box office, or printed at home.  
19 And tickets sold over the phone will have yet another  
20 range of service fees. Managing [bell sound] all of  
21 this information and conveying the multitude of  
22 possibilities in one disclosure in all advertisements  
23 which including pricing information would simply be  
24 impracticable. While we are grateful that the City  
25

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING  
OF

2 Council continues to take an active interest in the  
3 health of the live entertainment industry and is  
4 considering affirmative measures to improve the  
5 ticket-buying experience, we believe that the newly  
6 enacted state law adequately addresses this issue and  
7 additional oversight by the city is not required at  
8 this time. I thank you for the opportunity and I'm  
9 happy to address any questions.

10 GINNY LOULOUEDES: Thank you, Chairman  
11 Espinal. Good afternoon. My name is Ginny Louloudes  
12 and I'm the executive director of the Alliance of  
13 Resident Theaters/New York, the service and advocacy  
14 organization for New York City's four-hundred-plus  
15 nonprofit theaters in all five boroughs. I'm here  
16 today to testify on behalf of proposed legislation  
17 that would require my members to disclose service  
18 fees charge when purchasing tickets in all  
19 promotional materials. When I alerted my membership  
20 to this legislation, several expressed their concerns  
21 and its impact on their marketing costs. Most of  
22 these companies have annual budgets below 2 million  
23 dollars. They promote their shows online and via  
24 postcards that are about this size. There's a copy  
25 of a postcard with every testimony I've attached.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

o c

2 Advertising our fees will require anywhere from one  
3 sentence to one paragraph, depending upon the range  
4 of ticket prices. This could require larger  
5 postcards, higher printing costs, money they can ill  
6 afford. For our largest theater companies, such as  
7 those who have theaters on Broadway and off, there  
8 are additional concerns. One company already  
9 includes information on their fees on direct mail and  
10 email outreach created for their shows, but they  
11 don't list this information on their ads since it  
12 would require additional space. Now, let me show  
13 you. This is today's ABCs. The only theater that is  
14 a nonprofit theater listed in here under off-  
15 Broadway's Lincoln Center Theater, under Broadway's  
16 Roundabout, they are the two largest theaters in the  
17 country. They have small ads because this ad is  
18 about seven thousand dollars a day. None of them  
19 list ticket prices, by the way, because they can't  
20 afford the line. It's a thousand dollars a line. So  
21 if they have to list all their ticket prices and all  
22 the fees and all the different categories of which  
23 they fall, the ad would look more like this one,  
24 which is by the richest producer on Broadway, which  
25 is why he can do what he does. Not my people. They

1 do not charge service fees. This small Broadway,  
2 this company that I'm talking about that is actually  
3 a Broadway company, they don't charge fees for their  
4 outreach and special access programs. They don't  
5 charge fees for their smallest theater. They also  
6 have a lower fee for their off-Broadway space.

7 Communicating the various fees in our advertising  
8 would be extremely expensive and confusing since the  
9 fees varying depending on the space and the audience.

10 In all cases, the service fees only apply when a  
11 patron purchases a ticket online or by phone. By  
12 purchasing a ticket in person a patron can afford to  
13 avoid these fees. At online ticketing sites the  
14 service charge and fees are clearly marked when you  
15 go to your cart. At that point you can choose to  
16 cancel the purchase. And almost every company, even  
17 those with in-house box offices or those who have no  
18 theater companies and use an online box office, like  
19 Theater Mania, Ticket Central, or Brown Paper  
20 Tickets, my question for you is if the theater  
21 company does what you want to them to do, but the  
22 online ticketing doesn't disclose the fee, who's  
23 charged? And how do you make sure that the online  
24 people don't charge the theater company for what  
25

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING  
oo

2 they're doing wrong. And don't forget that these  
3 fees exist because credit cards are charging each  
4 company a fee every time a credit card is processed.  
5 Theaters don't do this [bell sound] to be sneaky,  
6 they do it because they can't afford to cover their  
7 operating costs, and if I can have two more minutes  
8 I'll just list, very briefly, things are tough right  
9 now for my theaters. I'm just going to go to the  
10 end. We made fifty, we make loans to our members of  
11 up to fifty thousand dollars for cash flow, because  
12 it costs a lot of money to produce a play before you  
13 get any revenue in from tickets. Last year we made  
14 fifteen loans. In four months of the fiscal year  
15 we're in currently we've made thirteen, and I have  
16 two that are waiting to go to the loan committee. We  
17 have lost a lot of our revenue because of the midterm  
18 elections and people giving to that and not making  
19 contributions or even coming to the theater. It is  
20 tough times right now. So I would say to you my  
21 members are happy to have one line that says fees may  
22 be included with this purchase and I'm happy to work  
23 with your office to find out how to make the  
24 consumers' ticket-buying experience more helpful, but  
25 please understand that there's a dollar sign that



2 goes with every line, with every disclosure. Thank  
3 you so much.

4 CHAIRPERSON ESPINAL: Thanks for  
5 testifying. Have you had, have both of you had a  
6 chance to speak to the bill's sponsor, Justin  
7 Brannan?

8 AMY NORTHUP: No, but he's my new council  
9 member, so I'd love to meet him.

10 CHAIRPERSON ESPINAL: OK, you should  
11 reach out to his office.

12 AMY NORTHUP: I will definitely do that.  
13 I live in his district.

14 CHAIRPERSON ESPINAL: Yeah, OK, great.  
15 OK, thank you. We'll take your testimony into  
16 consideration, but I also suggest you...

17 AMY NORTHUP: Do you want to keep this?

18 CHAIRPERSON ESPINAL: Ah, sure. You can  
19 give it to Caitlyn in the back there. All right,  
20 thank you. I mean, with all of that said we are  
21 going to take all of the testimony into consideration  
22 to see how we can best amend these bills moving  
23 forward and this meeting is adjourned. [gavel]

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 December 15, 2018