

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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February 29, 2012
Start: 11:00 a.m.
Recess: 11:20 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Inez E. Dickens
Erik Martin Dilan
Lewis A. Fidler
Vincent J. Gentile
Robert Jackson
James Vacca
Albert Vann
Karen Koslowitz
James S. Oddo
Christine C. Quinn

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

Erika Thomas-Yuille
Candidate for Appointment
New York City Conflicts of Interest Board

Thomas Shpetner
Candidate for Appointment
New York City Environmental Control Board

Bishop Mitchell Taylor
Candidate for Appointment
Civilian Complaint Review Board

CHAIRPERSON RIVERA: Good morning, ladies and gentlemen. My name is Joe Rivera. You ready? Okay. My name is Joe Rivera. I chair the Committee on Rules, Privileges and Elections. Before we begin, let me introduce the members who are here with us today. We have two my life, we have Council member James Vacca, Council Member Van Bramer, Council Member—he's joining us, but not a member of the Committee. We also have to my right we have Council Member Robert Jackson, Council Member Al Vann, Council Member Vincent Gentile, Council Member Koslowitz, Council Member Crowley, and we also are joined by Chuck Davis as well as Emerson Sykes [phonetic] and we have Deandra Johnson [phonetic], Jasmine Vega [phonetic], and of course the two others.

Today we will consider the advice and consent and designation of three candidates before us. Before us we have Erika Thomas-Yuille, a Manhattan resident is a candidate for appointment by the mayor to the Conflicts of Interest Board. If the Council gives its advice and consent, she will replace Angela Fyer [phonetic] and serve for the remainder of a six

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2 year term that expires on March 31st, 2016. Next
3 we have Thomas Shpetner—I hope I pronounced that
4 correctly—

5 THOMAS SHPETNER: [off mic]

6 CHAIRPERSON RIVERA: Oh okay, then
7 I have - - so thank you—a Brooklyn resident is a
8 candidate for appointment by the mayor to the
9 Environmental Control Board as the business
10 representative. Mr. Shpetner will be eligible to
11 serve for the remainder of a four year term that
12 expires on November 24th, 2013.

13 We also have Bishop Mitchell
14 Taylor, a Queens resident, was recommended by the
15 Queens delegation for redesignation by the Council
16 to the Civilian Complaint Review Board, upon
17 reappointment by the mayor, Bishop Taylor will
18 serve for the remainder of a three year term that
19 expires on July 4th, 2014. Welcome Ms. Thomas-
20 Yuille, Mr. Shpetner and Bishop Taylor. Will you
21 please raise your right hands to be sworn in?

22 MALE VOICE: Do you swear or affirm
23 that you will tell the truth, the whole truth and
24 nothing by the truth?

25 MULTIPLE VOICES: Yes.

CHAIRPERSON RIVERA: Perfect.

We'll begin with Ms. Thomas-Yuille. I will briefly explain the functions of the Conflicts of Interest Board. The Conflicts of Interest Board is the entity that serves to provide clear guidance to public employees regarding prohibited conduct through training, education and the issuance of advisory opinions. The Board also adopts rules to implement and interpret the revisions of the Conflicts of Interest Code. It reviews and decides on alleged violations of said code with the power to impose fines that can be as high as \$10,000 or includes suspension or dismissal from city service where appropriate. The Board also collects and reviews financial disclosure reports. Board members are entitled to receive a per diem in the amount of \$250 for each calendar day that they perform work for the board. The chair receives \$275. Do you have an opening statement?

ERIKA THOMAS-YUILLE: [off mic]

CHAIRPERSON RIVERA: Just press the mic and state your name for the record, and you may begin.

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2 ERIKA THOMAS YUILLE: Erika Thomas-
3 Yuille. Very briefly, I feel honored to be
4 considered for appointment as a member of the
5 Conflicts of Interest Board, so I thank the City
6 Council and the Mayor's Office for this
7 opportunity. In particular, I thank Council
8 Member Dickens, and I understand that she is not
9 able to be present today. I've been a practicing
10 attorney in New York City for 18 years, and my
11 background and experience in private practice, in
12 government and now in the corporate sector gives
13 me a unique perspective that I look forward to
14 contributing as a member of the Conflicts of
15 Interest Board.

16 CHAIRPERSON RIVERA: Perfect.
17 We'll save the questions until all of the
18 presenters speak. Next is Mr. Shpetner. I will
19 briefly explain the functions of the Environmental
20 Control Board. Within the New York City Office of
21 Administrative Trials and Hearings (OATH) there is
22 an Environmental Control Board (ECB) that
23 adjudicates notices of violations issued by
24 various city agencies, including the Department of
25 Environmental Protection, Police, Sanitation,

1 Health and Mental Hygiene, Fire, and Buildings.
2 ECB has the power to render decisions and orders
3 and to impose civil penalties under law. ECB may
4 apply to a court of competent jurisdiction for
5 enforcement of any decision, order or subpoena
6 that it issues. Among the provisions of the law
7 enforced by ECB are those relating to the
8 cleanliness of city streets, the disposal of
9 waste, the provision of a pure, wholesome and
10 adequate supply of water, the prevention of air,
11 water and noise pollution, the regulation of
12 street peddling and the city response to
13 emergencies caused by releases or threatened
14 releases of hazardous substances. ECB has the
15 authority to make, amend or rescind such rules and
16 regulations as may be necessary to carry out its
17 duties. Also ECB has concurrent jurisdiction with
18 the Board of Health to enforce those divisions of
19 the health code and the rules and regulations
20 relating thereto that the Board of Health shall
21 designate. ECB consists of the commissioners of
22 the Department of Environmental Protection,
23 Sanitation, Health and Mental Hygiene, Buildings,
24 Police, Fire and the chief administrative law
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2 judge of OATH as well as six persons appointed by
3 the mayor with the advice and consent of the
4 Council. The chief administrative judge of OATH
5 serves as chair of ECB. Within its appropriation,
6 ECB may appoint an executive director and such
7 hearing officers including non-salaried hearing
8 officers and other employees as it finds necessary
9 to properly perform its duties. Members other
10 than agency commissioners may not be employed by
11 the city. Five of the six non-commission members
12 must possess broad general background and
13 experience—one in each of the following areas: air
14 pollution control, water pollution control, noise
15 pollution control, real estate or the business
16 community. This sixth non-commissioner member
17 represents the general public. Members other than
18 the agency commissioners are compensated and
19 receive a \$175.10 per diem when performing the
20 work of ECB. Members' terms are for four years.
21 Do you have an opening statement?

22 THOMAS SHPETNER: Yes, thank you.

23 Very briefly—

24 CHAIRPERSON RIVERA: [Interposing]

25 Just state your name for the record.

THOMAS SHPETNER: Oh, pardon me.

My name is Thomas Shpetner. I'm 43 years old and a longtime resident of Park Slope in Brooklyn. I have two little boys we're raising there. I'm honored and pleased to be considered by the Council and I want to thank the Mayor's Office for proposing me. I have a long history of public sector awareness, beginning with my parents who were both school teachers, and have worked in various capacities, including for HHC and for the United States Securities and Exchange Commission and I'm very eager to apply my experience and my background to the functions of the ECB, so thank you for your consideration.

CHAIRPERSON RIVERA: Thank you. We will now move to Bishop Taylor. I will briefly describe the functions of the Civilian Complaint Review Board. The Civilian Complaint Review Board aka CCRB is an independent body charged with the duty to investigate complaints of misconduct by police officers toward the public. Board members are required to reflect the city's diversity. The Board consists of 13 members—5 designated by the Council for appointment by the mayor, 5 appointed

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2 by the mayor and 3 designated by the police
3 commissioner, which are the only members who have
4 law enforcement experience. CCRB has a civilian
5 staff responsible for conducting investigations of
6 complaints received by the Board. CCRB
7 jurisdiction is limited to complaints claiming
8 excessive force, abuse of authority, discourtesy
9 or use of offensive language. The Board operates
10 in panels of at least three members. All CCRB
11 members are eligible for compensation on a per
12 diem basis. The current per diem rate is \$315 per
13 day. Do you have an opening statement?

14 BISHOP MITCHELL TAYLOR: Good
15 morning, everyone. I'm Bishop Mitchell Taylor,
16 the senior pastor of the Central of Hope
17 International and the general overseer of the Hope
18 Fellowship of Churches International and also the
19 founder and president of the East River
20 Development Alliance. I've had the wonderful
21 privilege of living in New York all of my life,
22 growing up in Queensbridge Houses and living
23 around Queensbridge, Long Island City all of my
24 life. I've had the privilege of serving on the
25 Civilian Complaint Review Board for the past two

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2 and a half years. I think that my experience in
3 growing up in public housing and serving residents
4 that live in public housing, not only in
5 northwestern Queens, but city-wide, gives me a
6 unique perspective on some of the things that take
7 place in the streets with our officers and our
8 citizens of New York, and being able to jockey
9 between both of the opinions and allegations that
10 are penned [phonetic] in the complaint takes
11 someone that has a sense of what's happening in
12 the street as well as what's happening with the
13 police department, and I think I have a unique
14 perspective on both, serving in many capacities in
15 the city of New York over my 25 year tenure as a
16 pastor. I can go on and on, but I guess I'll
17 stop. I'm a preacher. What do you expect?

18 CHAIRPERSON RIVERA: We expect you
19 to preach. Thank you very much. We've also been
20 joined by Council Member Erik Dilan and Alicia
21 Vassal [phonetic] from the Committee as well, and
22 before we go on to a vote, I'm going to ask
23 Council Member James Van Bramer who is with us
24 here today to say a few words..

25 COUNCIL MEMBER VAN BRAMER: Thank

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2 you very much, Mr. Chair, for allowing me to visit
3 your distinguished Committee and say a few words
4 about a great constituent of mine, Bishop Mitchell
5 Taylor. We work very closely together. In fact
6 we were together about 10pm last night celebrating
7 Black History Month in Queensbridge and he has
8 served with great distinction on the CCRB for two
9 and a half years, and as you can see in the
10 booklet is a terrific member and as well as a
11 great preacher. I attend services at Center of
12 Hope periodically and in fact, attended with my
13 mother a few weeks back. Of course, the Eastern
14 Development Alliance and the work that goes on
15 there is really changing lives every single day,
16 so I can't think of a better person to be on the
17 CCRB and I want to thank Bishop for volunteering
18 and serving the City of New York in so many
19 different capacities. Given all that he has got
20 on his plate, we're lucky to have him, and I know
21 many of my colleagues already know Bishop Taylor
22 and the work that he does, but I wanted to be here
23 today to say a few good words and of course, urge
24 everyone to support it. Thank you.

25 CHAIRPERSON RIVERA: Thank you very

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2 much. We also have a written statement by Council
3 Member Inez E. Dickens in support of the
4 appointment of Erika Thomas-Yuille to the
5 Conflicts of Interest Board.

6 It states, good morning. I would
7 like to express my support for the appointment of
8 Erika Thomas-Yuille to the New York City Conflicts
9 of Interest Board. Ms. Thomas-Yuille is an
10 exceptional lawyer with a successful legal career.
11 She will be a valuable asset to the city of New
12 York's Conflicts of Interest Board. Also she is
13 an upstanding resident of my district in the
14 village of Harlem. I would like to thank her for
15 assuming a large responsibility and I am sure she
16 will do an extraordinary job. Unfortunately, I
17 could not be present today as I am on medical
18 leave, but I am asking my colleagues to vote in
19 support of the appointment of Ms. Erika Thomas-
20 Yuille to the Conflicts of Interest Board.

21 Even though she may not be with us
22 physically, her presence is always with us 24
23 hours a day. With that, are there any questions?
24 Council Member Gentile?

25 COUNCIL MEMBER GENTILE: Just

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2 quickly, Mr. Chairman, and you know, the
3 investigative booklet we get on each of the
4 candidates has certain information, and I just
5 wanted to make sure if something in here is not
6 correct that you correct it—I've noticed of the
7 three candidates only Bishop Taylor, according to
8 this book, voted in 2011, and the other two
9 candidates last voted in 2010. That's what the
10 book says. If it's incorrect, I'd give you the
11 chance to correct it on the record.

12 THOMAS SHPETNER: Okay, to the best
13 of my recollection, I've never missed a vote. If
14 that is not in fact the case, I am just sitting
15 her confused.

16 COUNCIL MEMBER GENTILE: It says
17 it's based on BOE records, so that's why I wanted
18 to just put it out there if that's not correct.

19 THOMAS SHPETNER: The morning of
20 9/11 I voted in the Democratic primary and didn't
21 make it to work that day. I was employed at the
22 Securities and Exchange Commission, so if anyone
23 understands the importance of voting, I'll vote
24 for a dogcatcher. If there's a mistake in there,
25 I'll certainly amend it.

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2 ERIKA THOMAS-YUILLE: I actually
3 don't recall. I would say the records probably
4 speak for themselves, but I don't recall whether I
5 did vote in 2011. I have two small children at
6 home and I usually bring them with me to vote.
7 It's only a few blocks away, so I would say I
8 encourage someone to check if they would like to
9 check, but I don't contest what the records say.

10 COUNCIL MEMBER GENTILE: Okay.

11 Thank you.

12 CHAIRPERSON RIVERA: Any other
13 questions? Seeing none, at this point in time the
14 Chair recommends an aye vote and we'll just
15 provide the records from BOE if necessary. The
16 Chair recommends an aye vote and can the clerk
17 please call the roll?

18 COMMITTEE CLERK: William Martin,
19 Committee Clerk, roll call vote in the Committee
20 on Rules. Council Member Rivera?

21 CHAIRPERSON RIVERA: I vote aye and
22 congratulations to all three.

23 COMMITTEE CLERK: Comrie?

24 COUNCIL MEMBER COMRIE: [no audible
25 response]

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COMMITTEE CLERK: Dilan?

COUNCIL MEMBER COMRIE: I'm sorry.

I was just listening to one of my colleagues.

Yes, I vote aye wholeheartedly and want to thank

all of the parties for wanting to serve the city

and thank Bishop Taylor for continuing to serve on

the CCRB. Aye on all.

COMMITTEE CLERK: Dilan?

COUNCIL MEMBER DILAN: Aye on all.

COMMITTEE CLERK: Jackson.

COUNCIL MEMBER JACKSON: Aye on

all.

COMMITTEE CLERK: Vann?

COUNCIL MEMBER VANN: Aye.

COMMITTEE CLERK: Gentile?

COUNCIL MEMBER GENTILE: Aye on

all.

COMMITTEE CLERK: Vacca?

COUNCIL MEMBER VACCA: Aye on all.

COMMITTEE CLERK: Crowley?

COUNCIL MEMBER CROWLEY: Aye on

all, and I too would like to thank Bishop Taylor

for bringing such an extraordinary perspective to

the CCRB. Thank you for your years of service and

1 agreeing to continue to serve. Thank you.

2 COMMITTEE CLERK: Koslowitz?

3 COUNCIL MEMBER KOSLOWITZ: [off
4 mic] -be excused to explain my vote? I want to
5 congratulate all of you and I especially want to
6 congratulate Bishop Taylor for all the good work
7 he does throughout the borough of Queens.
8

9 COMMITTEE CLERK: By a vote of nine
10 in the affirmative, zero in the negative and no
11 abstentions, all items have been adopted.
12 Members, please sign the Committee reports.

13 CHAIRPERSON RIVERA: We'll leave
14 the vote open for other Council Members who will
15 be joining us and the Speaker as well.

16 BISHOP MITCHELL TAYLOR: Thank you
17 so much.

18 THOMAS SHPETNER: I'd like to add
19 my thanks as well.

20 ERIKA THOMAS-YUILLE: Thank you.

21 [pause]

22 COMMITTEE CLERK: Council Member
23 Oddo?

24 COUNCIL MEMBER ODDO: Yes.

25 COMMITTEE CLERK: The vote now

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currently stands at ten.

[pause]

COMMITTEE CLERK: Speaker Quinn?

SPEAKER QUINN: Aye.

COMMITTEE CLERK: The final vote in the Committee on Rules is 11 in the affirmative, zero in the negative and no abstentions. Thank you.

CHAIRPERSON RIVERA: This closes out the Committee on Rules, Privileges and Elections.

[gavel]

C E R T I F I C A T E

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

Signature Kimberley Uhlig

Date 3/16/12