OPENING STATEMENT OF ANTHONY W. CROWELL NOMINEE TO THE CITY PLANNING COMMISSION BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON RULES, PRIVILEGES & ELECTIONS SEPTEMBER 7, 2022

Chair Powers, Speaker Adams, members of the Committee, thank you for the opportunity to appear before you today to discuss my nomination. I thank the many Council Members who reached out to me in the pre-hearing process. I also want to acknowledge Gail Benjamin, a fellow veteran of City service, with whom I look forward to serving should we both be appointed to the Commission.

My entire career as a lawyer and organizational leader has been in public service, building institutions, communities, and systems to better serve human needs and to advance justice.

I care deeply about making our City affordable and accessible to those who need homes and jobs. And I care deeply about making our City more livable, safe, and healthy.

It is essential for those charged with making land use decisions in our City to come together to address the affordable housing, homelessness, and global climate crises. We must bridge divides, work collaboratively and creatively across government to inspire innovative and meaningful opportunities to trigger affordable housing development, spur local business growth, reduce carbon emissions, and build our tax base. This means implementing land use and other policies to make New York competitive to attract businesses (large and small) and residents, both from inside and outside the City.

As Mayor Adams's "City of Yes" proposal suggests, New York City is a vast ecosystem. Thus, all neighborhoods need to be open to planning and growth, with a deep respect and commitment to serving local needs, while also respecting the broader citywide imperatives we share.

I will approach my review of proposed projects with independence, the greatest of sensitivity and objectivity, and always seek to understand their benefits and burdens -- at both the local and Citywide levels -to make fair and appropriate decisions given the facts at hand.

I have served in many leadership positions, but among my most valuable skills has been in acting as organizational connective tissue – listening, identifying common goals, translating, bringing people together, educating the public, and developing solutions, in a transparent and open way, from which everyone can move ahead. I believe I am a successful consensus builder and change agent. And I commit to bring fully the sum of my life experiences and skills to the City Planning Commission.

I come from a working-class background and was the first in my family to attend college. I am a member of the LGBT community. My family emigrated here in the early 1900s, poor, and lived in the tenement houses of Brooklyn. Times were tough but they sought refuge in New York City, as so many do.

I studied urban policy and planning as an undergraduate in Philadelphia, to make cities better and more just. After graduation, I worked for five years at the International City/County Management Association (ICMA) in Washington, D.C., and put myself through law school at night.

At ICMA, I focused on federal policies impacting localities, including housing and community development, the environment, and land use. I also assisted in the preparation of amicus briefs to the U.S. Supreme Court in numerous cases, including land use cases.

In law school, my focus was state and local government, housing and community development, and environmental law. As a student attorney in the Community Economic Development Clinic, I counseled low-income residents of a tenants' association to work with non-profit developers to transform their community into a limited equity cooperative.

Instead of advocating for thousands of cities as part of a national association in Washington, I came here to advocate for one -- New York City - the envy of all others. What happens in New York matters everywhere. That's why we're the world's second home, why other cities look to us for best practices, and why all leaders in the City land use process must listen to communities and work together to make the right decisions. Millions of people depend on us, and the world is watching.

As a lawyer at the City's Law Department, I helped shepherd eminent domain proceedings to support urban renewal projects that would lead to the development of affordable housing and job creation. I also represented the City in real property tax litigation cases, defending the City's real estate property tax base, the lifeblood of our revenue stream. Later, I worked on issues concerning the impact of federal laws on the City's land use processes, as well as the City's street infrastructure, the Building and Fire Codes, and matters of core governance. When the 9/11 attacks happened, I served as Counsel at the 9/11 Family Assistance Center and directed the City's Death Certificate Program to assist victims' families.

I joined the Mayor's office in 2002. First as Special Counsel and then as Counselor to the Mayor, I served for more than a decade. Among a vast and diverse array of duties, I worked on the City's massive 9/11 recovery effort. I also supported, and witnessed, historic and transformative efforts in local neighborhoods and economic corridors Citywide to create new housing and job opportunities for those in need, and to build our tax base. I also led critical reform efforts to promote government integrity and prevent conflicts and corruption, including in our land use processes.

I have served on many boards and commissions which affect the shape and needs of the City, including the Economic Development Corporation, NYC & Co, and the Brooklyn Chamber of Commerce Boards. But, most significantly, I continue to serve on the Board of the Brooklyn Public Library, where I have been a Trustee for almost 20 years, and Board Chair for five of them. During my time as Chair, we worked to develop a capital program to creatively finance systemwide library improvements, which included building new facilities in communities with

the most need. The positive impacts of that work are being realized daily and our work continues.

Today, I am immensely proud to serve as the Dean and President of New York Law School, which has 1,100 students, a very large percentage of whom grew up in New York City. They are among the most racially, ethnically, and religiously diverse students at any law school in the nation. One-third of them are first in their families to attend college. Thirty-two languages are spoken among them. Nearly 20% identify as LGBT+. And many of them attend law school at night, while working full-time to support their families. NYLS is a microcosm of New York, it is also an amazing engine of social mobility, and working very closely with our students allows me to be in touch with their personal needs and goals, as well as those of their communities. And, with certainty, a lack of affordable housing tops the list of what I hear most from them each year.

NYLS's robust curricular offerings, and diversity, equity, and inclusion programs have made NYLS a recognized leader among law schools. We seek to connect our students with the drivers of the New York and global economies, where their leadership is needed to forge systemic equity and justice. At the heart of our experiential learning curriculum is a deep commitment to social justice and economic opportunity. To those ends, we offer a broad range of community based legal clinics, which my colleagues and I have worked hard to evolve over the past decade, to help meet the vast needs of New York's underrepresented and marginalized communities. This includes clinics in housing justice, immigration, small business and non-profit formation, special education, veterans' rights, civil rights, and disability justice.

Over the past decade NYLS has built one of the most sophisticated housing justice programs anywhere in the nation. NYLS faculty were forceful frontline architects and advocates for the passage of the City's right to counsel law. And now, through our Housing Justice Leadership Institute, we are aggressively building the ranks and capabilities of lawyers – including our students, graduates, and many others -- who will be called on to represent those facing the threat of eviction. We also house the Safe Passage Project, which over the past decade has become New York City's largest provider of immigrant legal services for children.

Indeed, if there is one thing my experiences in government and law school management have taught me, it's the value of trust bred by sincere, clear, and transparent communication and constituent engagement. These tools are essential in any setting, but particularly in the land use process where we must build community and engender widespread support that serves the bigger purposes of what we are trying to achieve.

As I said previously, this is New York and what happens here matters everywhere. When I think about my proposed role on the City Planning Commission, I recognize that there is, and always will be, so much for me to learn. Always being open to listening and learning, and reaching across the City to bridge divides, will be the keys to my success, and that of my fellow Commission members.

I thank you and look forward to hearing what is on your minds today, and offering you my perspectives. Thank you.

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Elena Ruth Sassower, Director

SEPTEMBER 7, 2022 TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS

In Opposition to Confirmation of Milton Williams, Jr., Esq. to the New York City Conflicts of Interest Board & Anthony Crowell, Esq. to the New York City Planning Commission

My name is Elena Sassower. I am director and co-founder of the nonpartisan, nonprofit citizens' organization Center for Judicial Accountability, Inc. (CJA) Our website is www.judgewatch.org – and from its top panel "Latest News" you can find a link from which full evidentiary substantiation of this testimony is accessible.¹

Our specialty is documenting how judges "throw" cases by fraudulent judicial decisions, upending all cognizable adjudicative standards, in collusion with "officers of the court", *to wit*, attorneys. The highest of these, in New York, is the state attorney general, who, in the absence of ANY legitimate defense to lawsuits suing state officers and entities, corrupts the judicial process with litigation fraud and is rewarded by fraudulent judicial decisions. I presented this *modus operandi*, readily verifiable from lawsuit records, to Milton Williams, Jr., as co-chair of the Commission to Investigate Public Corruption, by an <u>August 5, 2013 letter</u>, thereafter expanded upon by my <u>September 17, 2013</u> written testimony.

The starting point for assessing Mr. Williams unfitness for any office of public trust – let alone as chair of the New York City Conflicts of Interest Board – is the August 5, 2013 letter. It not only furnishes an eye-opening glimpse into how, from the outset, the district attorney-stacked Commission to Investigate Public Corruption operated, but particularizes conflicts of interest pertaining to its members, advisors, and staff, and inquired about the Commission's rules, procedures, and protocol relating thereto. The conflicts specific to Co-Chair Williams were supplied by evidentiary links – the first of which was to a webpage posting the record of a lawsuit against the

^{*} Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization working to ensure that mechanisms are in place to prevent judges from "throwing" cases by decisions that are judicial perjuries, obliterating and falsifying fact and law – and that processes of judicial selection and discipline are effective and meaningful.

As the link will eventually be moved from "Latest News", here's the website address for it: https://www.judgewatch.org/web-pages/searching-nys/nyc/9-7-22-testimony.htm

<u>Commission on Judicial Conduct</u>, defended by litigation fraud of the attorney general and rewarded, at the Appellate Division, First Department, by a fraudulent decision of a five-judge appellate panel whose presiding judge was his father.

What was Co-Chair Williams' response to this August 15, 2013 letter – and what about his two district attorney co-chairs to whom it was also sent, as well as the Commission's executive director, to whom the letter was addressed? There was no response whatever – and I so-stated this in my oral testimony at the Commission's rigged September 17, 2013 hearing, at which – without response – I publicly and repeatedly asked as to the Commission's rules, procedures, and protocol for conflicts of interest. Again, no-response – and none to my subsequent correspondence, protesting how the Commission was operating.

Co-Chair Williams' flagrant violation of, and disregard for, conflict of interest rules, aiding and abetting the same from his fellow co-chairs and commissioners, was the necessary predicate for their rigged December 2, 2013 report. The report not only covered up, *in toto*, the readily-verifiable corruption evidentiarily before the Commission – such as of New York's judiciary involving the Commission on Judicial Conduct, the court-controlled attorney disciplinary system, and the state attorney general, but it heralded New York's district attorneys and U.S. attorneys as "on the job", investigating and prosecuting governmental corruption, where found, which was utter fraud, soestablished by the testimonial and evidentiary presentations made by ordinary citizens, I among them.

The chapter-and-verse particulars of how the conflict-ridden Commission operated throughout its nine-month life-span, shutting out what ordinary citizens were saying about their experiences in filing corruption complaints with relevant governmental offices and authorities, and its own shutdown by Governor Cuomo to which the (by-then) two-co-chairs and commissioners all meekly acquiesced, are set forth, with evidence, by my April 23, 2014 order to show cause to intervene in the Legislature's declaratory judgment action against the Commission. Supported by my 41-page sworn affidavit and a 46-page verified complaint, these are dispositive of Mr. Williams' unfitness – and of the fact that were the district attorneys and U.S attorneys actually "on the job" fighting corruption – which thanks to the Commission they are not – he would long ago have been indicted for the public corruption there demonstrated – and convicted.

Instead, in 2015, as a member of the Commission on Statewide Attorney Discipline – before which I testified at its August 11, 2015 hearing, though not in his presence – Mr. Williams perpetuated the corruption of the court-controlled attorney disciplinary system, *via* a sham September 24, 2015 report, covering up, *in toto*, what I and ordinary citizens testified to and substantiated by evidence.

Since 2019, he has been one of two vice-chairs of the First Department Attorney Grievance Committee – and it is in that capacity that he has colluded in its corruption with respect to a fully-documented February 11, 2021 attorney misconduct complaint against Attorney General Letitia James and Solicitor General Barbara Underwood, on which the integrity of New York State governance rests –involving the very issues of attorney general litigation fraud and judicial corruption that were before him, in 2013 as co-chair of the Commission to Investigate Public

Corruption, embracing the same issues: fraudulent, statutory-violative, and unconstitutional judicial pay raises, to which district attorney pay raises are linked, embedded in a larcenous, slush-fund state budget – expanded by subsequent fraudulent, statutorily-violative, and unconstitutional pay raises for executive and legislative officers and further evidence as to unconstitutionality and unlawfulness of the state budget. This has culminated in an August 15, 2022 attorney misconduct complaint that I filed with the First Department Attorney Grievance Committee against Mr. Williams and those "in charge", without response from it, him or anyone else, because conflicts of interest rules and rules of professional responsibility mean nothing to them, as applied to them or those with whom they have relationships.

In short, <u>based on the foregoing evidence</u>, Mr. Williams cannot be confirmed to the New York City Conflicts of Interest Board as he does NOT meet the <u>express</u> standard required by <u>Chapter 68</u>, <u>§2602(b) of the New York City Charter</u> of "independence, integrity, civic commitment and high ethical standards." When put to the test, he possesses none of these – and has, demonstrably, used the positions of public trust to which he has been appointed by public officers with whom he has relationships to irreparably injure the People of New York because of conflicts of interest that he has allowed as to himself and others.

* * *

As for Anthony Crowell, Esq., dean of New York Law School, who was a member of the New York City Conflicts of Interest Board from April 2013 to November 2021, he cannot be confirmed to the New York City Planning Board, to which he has been appointed because, <u>based on evidence</u>, he, too, does not meet the <u>express</u> standard of "independence, integrity, and civic commitment" which <u>Chapter 8, §192(a) of the New York City Charter</u> requires for Planning Board members. He, too, when put to the test, possesses none of these qualities – and has, demonstrably, used positions of public trust, which he has derived from relationships, to irreparably injure the People of New York because of conflicts of interest that he has allowed as to himself and others.

The starting point of this evidence is my June 18, 2015 letter to Dean Crowell and to the other seven members of the review commission appointed to evaluate the Joint Commission on Public Ethics (JCOPE) and Legislative Ethics Commission (LEC). The letter, which also provides an eye-opening glimpse of how, from the outset, the JCOPE/LEC Review Commission operated, specified conflicts of interest faced by its members – one of whom had been a member of the Commission to Investigate Public Corruption – and inquired as to its protocol with respect thereto. There was no response whatever from the Commission – and Dean Crowell to whom the letter was directly sent, and who I believe was its *de facto* chair, may be presumed to have recognized that his conflicts included one arising from his membership on the Conflicts of Interest Board, as its then chair, Columbia University Law School Professor Richard Briffault, had also been a member of the Commission to Investigate Public Corruption.².

As with Milton Williams, Jr., whose conflicts of interest were identified by my August 5, 2013 letter (at p. 4) *via* evidentiary links, so, too, Professor Briffault's – and with further particulars then furnished (at pp. 7-8).

I testified about the June 18, 2015 letter, in Dean Crowell's presence, at the JCOPE/LEC Review Commission's rigged October 14, 2015 hearing, held at New York Law School – handing up hard copies of the evidence I had previously supplied by e-mail and website links, thereafter, sending the Commission a series of FOIL requests to further assist it in conducting an evidence-based, methodologically-sound review. Two weeks later, the JCOPE/LEC Review Commission rendered a sham report, making no findings as to any of the evidence I had furnished – and concealing all violations by JCOPE and LEC of their enabling statutes. Most important were their violations of safeguarding/accountability provisions that my correspondence and testimony had highlighted, to wit, that their annual reports list, by their assigned numbers, all complaints received and the status of each complaint and, as to JCOPE, the requirement that upon receipt of a sworn complaint of violations within its jurisdiction by an individual or entity within its jurisdiction, it was mandated to send out a 15-day letter to the complained-against so as to obtain a response, and, upon dismissal/closure of a complaint, to so-notify the complainant.

The consequence of the JCOPE/LEC Review Commission's cover-up report was that JCOPE and LEC could then freely continue their statutory violations that enabled their corruption. Further, because the report concealed the very existence of such safeguarding/accountability provisions in the JCOPE and LEC statutes – and that they gave the public and complainants rights enforceable by mandamus – the governor and legislature were cynically able to delete them from the so-called "ethics commission reform act of 2022", by which they replaced JCOPE with a "commission on ethics and lobbying in government" (CELG).

Concealing the actual regressiveness of the "ethics commission reform act of 2022" were features of illusory value. Among these, an "independent review committee" consisting of the 15 deans of New York's 15 ABA-accredited law school, who were given the safeguarding power to vet and reject the nominations of CELG member made by appointing authorities, all subject to CELG's jurisdiction. Dean Crowell being one of those deans, I alerted him and his 14 fellow deans, by a June 12, 2022 letter, of the safeguarding/accountability provisions that the "ethics commission reform act of 2022" had wiped out, that the statute was enacted unconstitutionally and by fraud, *via* the state budget – and that the unconstitutionality and unlawfulness of its enactment was being challenged by a lawsuit that CJA had commenced by a June 6, 2022 verified petition/complaint, as to which I requested their expert opinion, intervention, *amicus curiae* and other assistance, consistent with their ethical, professional, and civic responsibilities.

To this, I received no response from Dean Crowell or the other 14 law school deans. Three days later, however, on <u>June 15, 2022</u>, the "independent review committee" announced its procedural rules for reviewing nominations to CELG, simultaneously disclosing that its chair was Dean Crowell who was quoted as saying:

"As stewards of a profession built on the highest ethical and professional standards, we take seriously our role in determining whether a candidate nominated by an elected official should be appointed to serve as an ethics commissioner. We will

conduct our work with the independence, transparency, and objectivity New Yorkers demand and deserve".

This was utter posturing and deceit – and proving this, resoundingly, <u>my succession of subsequent correspondence to Dean Crowell and the other 14 law school deans</u>, to which there was no response. Most important of these:

- my July 27, 2022 e-mail entitled: "IMMEDIATE CLARIFICATION REQUIRED: Which, if any, proposed nominees to CELG have been formally nominated by selection members as no selection members have announced formal nominations, following public comment";
- my August 4, 2022 letter #1 entitled: "Your Undisclosed Conflicts of Interest and the <u>Direct</u> Interests of Your Chair, New York Law School Dean Crowell, and of Hofstra Law School Dean Prudenti, Mandating their IMMEDIATE Withdrawal from the Independent Review Committee by Reason Thereof or that You Disqualify Them IMMEDIATELY";
- my August 4, 2022 letter #2 entitled: "Violation of Vetting Rules & Investigative Protocols by Selection Members & by the Independent Review Committee Born of Conflicts of Interests";
- my August 22, 2022 e-mail entitled: "UPDATE: CJA v. JCOPE, et al AG James has NO defense to the 6th cause of action that the 'ethics commission reform act of 2022' was unconstitutionally & unlawfully enacted & also none to the other 9 causes of action."

It was in face of these unresponded-to communications that, on September 1st or 2nd, the "independent review committee", apparently without a press release, <u>posted on its website</u> determinations as to the ten nominees it purported as having been before it – including the approval of three of the four nominees whose corruption I had proven, with evidence, and, among them, <u>former New York City Corporation Counsel Michael Cardozo under Mayor Bloomberg</u>, with whom Dean Crowell had closely worked over the 12 years in which he had served as Mayor Bloomberg's special counsel and then counselor.³

Suffice to add that the August 4, 2022 letter (#1) which particularized, with evidence, the direct interests of Dean Crowell, requiring his immediate withdrawal from the "independent review panel", identified (at fn. 2) the corruption of the New York City Conflicts of Interest Board in connection with May 17, 2021 and June 28, 2021 complaints I filed with it, while he was a member thereof – the latter complaint specifying his disqualification for interest from the complaints, arising from his participation on the JCOPE/LEC Review Commission.

So reflected by my August 4, 2022 letter (#2), at p. 4.

Dean Crowell must be interrogated as to whether and to what extent he was involved in the disposition of my FULLY-DOCUMENTED May 17, 2021 complaint and June 28, 2021 complaint, whose status is completely unaccounted for. Certainly, based on the complaints, investigation into the operations of the New York City Conflicts of Interest Board, the New York City Department of Investigation, the Office of the Public Advocate, and New York City's five district attorneys is mandated – and especially as it appears that the City Council and its relevant committees have not been reviewing these entities "on a regular and continuous basis", with yearly hearings on their "activities", as Chapter 2, §29 of the New York City Charter ("Power of investigation and oversight") requires.⁴

See my <u>September 6, 2022 e-mail</u> entitled "Tomorrow's Hearing of the Rules Committee – Opposition to Confirmation of Milton Williams, Jr., Esq. & Anthony Crowell, Esq. to Offices of Public Trust", posted on the webpage for this testimony – to which I received no response.

SEPTEMBER 7, 2022 ORAL TESTIMONY In Opposition to Confirmation of Anthony Crowell, Esq. to the New York City Planning Commission

Please deem my testimony as under oath and subject to the penalties of perjury.

My name is Elena Ruth Sassower. I am director and co-founder of the nonpartisan, nonprofit citizens' organization Center for Judicial Accountability, Inc. Our website is www.judgewatch.org – and from its top panel "Latest News" you can find the link to my written testimony and the evidence substantiating it.

I appear here today before you in opposition to confirmation of Anthony Crowell as a member of the New York City Planning Commission.

Mr. Crowell, who served for 12 years as special counsel and then counselor to Mayor Bloomberg and then went on to become dean of New York Law School, has successively used positions of public trust to aid and abet the corruption of ethics entities and, with them, the evisceration of constitutional lawful governance by all three of New York's governmental branches involving the state budget and pay raises. He has done this in furtherance of conflicts of interest arising from his personal, professional, and political relationships:

- In 2015, as a member, if not *de facto* chair, of the review commission of the Joint Commission on Public Ethics JCOPE and the Legislative Ethics Commission;
- Last year, as a member of the New York City Conflicts of Interest Board on which he served from April 2013 to November 2021;
- Presently, as chair of the so-called "independent review committee" established by the so-called "ethics commission reform act of 2022" that is supposed to vet and has the power to disapprove unfit nominations to the new state ethics commission that has replaced JCOPE.

Based on the evidence furnished by my written testimony, Mr. Crowell cannot be confirmed by you as he flagrantly does not meet the standard fixed by the Charter for appointment to the New York City Planning Commission (Chapter 8, §192(a)) – "independence, integrity and civic commitment". He is a corrupter, unfit for any office of public trust.

I am available to answer questions to assist you in discharging your Charter-mandated duties.

<u>I have furnished Mr. Crowell with my written testimony expressly</u> so that he might have the due process opportunity to respond. You must require him to do so.

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