

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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In the Matter of a Motion

To Quash a Non-Judicial Subpoena :

VIRGINIA PARKHOUSE, :

Petitioner, :

-against-

Index No. 109510/07

SCOTT M. STRINGER, Borough President of Manhattan; :

ROBERT TIERNEY, Chairman of The New York City :

Landmarks Preservation Commission; ROSE GILL :

HEARN, Commissioner Of Investigation; KIM A. :

BERGER, Deputy Commissioner for Investigations; and :

DEPARTMENT OF INVESTIGATION OF THE CITY :

OF NEW YORK, :

Respondents. :

**NOTICE OF
CROSS-MOTION**

-----X
PLEASE TAKE NOTICE THAT upon the annexed Affidavit of Walter M. Arsenault, sworn to July 30, 2007, and upon the exhibits annexed thereto and upon the accompanying Memorandum of Law, dated July 31, 2007 and upon all the papers and proceedings had herein, respondents ROSE GILL HEARN, Commissioner Of Investigation; KIM A. BERGER, Deputy Commissioner for Investigations; and DEPARTMENT OF INVESTIGATION OF THE CITY OF NEW YORK, will cross-move this Court, at IAS Part 49, at the Courthouse located at 60 Centre Street, New York, New York, on August 14, 2007 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order pursuant to CPLR § 2308(b) compelling the compliance of Petitioner, Virginia Parkhouse, with a subpoena *ad testificandum* duly issued by the New York City Department of Investigation on or about May 24, 2007 and testify under oath as to certain alleged misconduct under investigation by the Department of

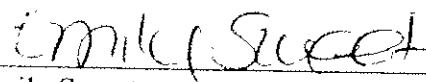
Investigation of the City of New York, and for such other, further, and different relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT upon the above-referenced papers, respondents SCOTT M. STRINGER, Borough President of Manhattan, and ROBERT TIERNEY, Chairman of the New York City Landmarks Preservation Commission, will cross-move this Court at the above-referenced place and time for an order dismissing them from this proceeding on the basis that they were not involved with the issuance of the subpoena that petitioner seeks to quash.

Respectfully submitted,

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Respondents
100 Church Street, Room 2-110
New York, New York 10007
(212) 788-1171

By:



Emily Sweet
Assistant Corporation Counsel

To: Whitney North Seymour, Jr.
425 Lexington Avenue, Room 1721
New York, NY 10017
Phone (212) 455-7640
Fax (212) 455-2502
wseymour@stblaw.com

Gabriel North Seymour
200 Route 126
Falls Village, CT 06031
Phone (860) 824-1411
certiorari@earthlink.net

Attorneys for Petitioner

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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HEARN, Commissioner of Investigation; KIM A. :
BERGER, Deputy Commissioner for Investigations; and :
DEPARTMENT OF INVESTIGATION OF THE CITY :
OF NEW YORK, :
 Respondents. :

AFFIDAVIT OF
WALTER M. ARSENAULT

-----X
STATE OF NEW YORK)
 .ss:
COUNTY OF NEW YORK)

WALTER M. ARSENAULT, being duly sworn, deposes and says that:

1. I am the First Deputy Commissioner for the New York City Department of Investigation (“DOI”). I make this affidavit on personal knowledge and on information contained in the books and records of DOI, in opposition to Petitioner Virginia Parkhouse’s motion to quash a subpoena issued to her by DOI on or about May 24, 2007 and in support of DOI’s cross-motion to compel compliance with that subpoena.

2. In February 2007, DOI received a complaint from the New York City Landmarks Preservation Commission (“LPC”) that at a public meeting of the LPC held on October 17, 2006, two individuals, Petitioner Parkhouse and non-party Lindsay Miller had made

misrepresentations at that meeting. According to the complaint, Ms. Miller misrepresented herself as a representative of State Assemblywoman Linda Rosenthal and Petitioner misrepresented the contents of a letter authorized by Manhattan Borough President Scott M. Stringer.

3. Information obtained by DOI indicates that the agenda of the October 17, 2006 LPC meeting included consideration of whether two buildings located on the Upper West Side of Manhattan, the Dakota Stables, located at 348-254 Amsterdam Avenue and the New York Cab Company Stables, located at 201 West 75th Street, should be designated as landmarks.

4. On August 14, 2006, Borough President Stringer had written to Robert B. Tierney, Chair of the LPC, asking that he “move to calendar these two buildings and protect an important part of the history of the Upper West Side.” A copy of this letter was sent to Landmarks West!, an organization that describes itself as a not-for profit group working to preserve the architectural heritage of the Upper West Side, and is annexed to the moving affidavit of Whitney North Seymour, Jr. (“Seymour Aff.”) as Exhibit E. Assemblywoman Rosenthal had sent Mr. Tierney a letter on July 5, 2006, in which she similarly asked Mr. Tierney to “calendar public hearings for these two important buildings as soon as possible.” A copy of Assemblywoman Rosenthal’s July 5, 2006 letter is annexed hereto as Exhibit A.

5. At the October 17, 2006 LPC meeting, Petitioner signed in as a representative of Landmark West! and Ms. Miller signed in as a representative of Assemblywoman Rosenthal. Copies of these sign in sheets are annexed hereto as Exhibit B. On information and belief, Ms. Miller is also associated with Landmark West!

6. According to Assemblywoman Rosenthal, Ms. Miller was not her authorized representative. See letter of Assemblywoman Rosenthal to Mr. Tierney, dated

December 1, 2006, a copy of which is annexed hereto as Exhibit C. In fact, Assemblywoman Rosenthal had sent a duly authorized representative to represent her at the October 17, 2006 meeting, however that person was not permitted to speak because Ms. Miller had already purported to speak on Assemblywoman Rosenthal's behalf. See Exhibit C at p. 1.

7. DOI was provided with a recording of that October 17, 2006 LPC meeting, which I have listened to and which is included herewith as Exhibit D¹. Based on the contents of the recording, it appears that at the October 17, 2006 LPC meeting, Petitioner purported to read a version of Borough President Stringer's August 14, 2006 letter into the record, stating on the record that "I'm volunteering today to read the statement of Borough President Stringer." A version of this letter, with hand-written edits, was given to the LPC at the hearing by Petitioner. A copy of the letter, with hand-written edits, is annexed hereto as Exhibit E.

8. Petitioner was not authorized by Borough President Stringer to appear or testify on his behalf. See letter dated November 27, 2006 from Jimmy Yan, counsel to Mr. Stringer, to Mr. Tierney, a copy of which is annexed hereto as Exhibit F. Mr. Yan's letter noted that

We are concerned that any person and/or organization may have falsely induced reliance from a public agency based on representations appearing to derive from the authority of an elected official or public servant. Such conduct is highly inappropriate and, if pursued with the intent to mislead, a potential violation of New York Penal Law Section 190.25 proscribing criminal impersonation, an offense that includes acting with intent to cause another to rely upon pretended official authority.

¹ Exhibit D consists of four audio files, labeled "Dakota Tape 1, Side 1," "Dakota Tape 1, Side 2," "Dakota Tape 2, Side 1," and "Dakota Tape 2, Side 2." The testimony of Ms. Miller appears towards the end of Dakota Tape 1, Side 1 and the testimony of Petitioner appears towards the beginning of Dakota Tape 1, Side 2.

9. The “version” of the August 14, 2006 letter with the hand written edits that Petitioner read on October 17, 2006 differed from the original in one material respect: whereas Borough President Stringer in his letter asked Mr. Tierney to “move to calendar these two buildings and protect an important part of the history of the Upper West Side,” according to the recording of the October 17, 2006 LPC hearing, Petitioner ascribed to Mr. Stringer the following statement: “I ask that you immediately protect the important part of history of the Upper West Side and landmark these buildings.” Moreover, as discussed below in paragraph 12, as of October 17, 2006, Mr. Stringer’s position had in fact changed from the time he wrote his August 14, 2006 letter and so he did not authorize even the correct version of that letter to be read into the record because it no longer represented his position.

10. According to the recording of the October 17, 2006 LPC hearing, Ms. Miller – who was introduced at the hearing as a representative of and stated that she was “speaking for” Assemblywoman Rosenthal – engaged in similar deception. In the “version” of Assemblywoman Rosenthal’s July 5, 2006 letter that Ms. Miller read into the record, she changed the penultimate sentence, in which she asked Mr. Tierney to “please calendar public hearings for these two important buildings as soon as possible,” to “please designate these two important buildings as soon as possible.” See Exhibit A hereto.

11. While it appears that both Borough President Stringer and Assemblywoman Rosenthal expressed to Mr. Tierney their preliminary view that, on the merits, both buildings in question should receive landmark status, they literally were asking Mr. Tierney in their respective letters merely to calendar the matter for consideration. It is my understanding that a decision whether or not to calendar a matter for public consideration regarding the designation – or not – of landmark status is a matter purely within the discretion of the LPC.

What Petitioner and Ms. Miller did, however, was represent that Borough President Stringer and Assemblywoman Rosenthal, respectively, had a stronger view of the merits of whether or not the two buildings in question should in fact receive landmark status.

12. In fact, between August 14, 2006 and October 17, 2006, Borough President Stringer's view of the matter changed. I interviewed Mr. Stringer on January 27, 2007. He advised me at that time that prior to October 17, he learned that one of the two buildings in question had partially been demolished, destroying the distinctive façade of the building. Mr. Stringer advised me that as a result, he determined that he would no longer support the landmarking of that building and sent no further communications to the LPC regarding the matter. He further advised me that he sent an aide to the October 17, 2006 meeting in order to monitor the proceedings, however, at the meeting this aide was informed that someone was speaking on Borough President Stringer's behalf.

13. After DOI received the complaint from the LPC, DOI commenced an investigation. Our investigation included interviews, or attempted interviews, of the key players to this incident. I attempted to interview Ms. Miller on May 21, 2007. She came to DOI voluntarily, without the need for a subpoena. However, when I advised Ms. Miller and her attorney, Mr. Whitney North Seymour, Sr., that, pursuant to DOI standard procedures, she would be placed under oath and the interview would be recorded, Mr. Seymour stated that he would not allow Ms. Miller to be interviewed in that manner and invoked her right to remain silent.

14. DOI also attempted to interview Petitioner on consent. She refused to come in consensually and, as a result, she was served with the subpoena at issue on May 24, 2007. The subpoena was originally made returnable on June 5, 2007. In response to petitioner's

counsel's letter dated May 25, 2006 (Seymour Aff., Ex. B), DOI agreed to adjourn the return date to July 17, 2007. Petitioner did not appear at DOI on July 17, 2007.

15. Respondents Robert Tierney and Scott Stringer had no involvement in the issuance of the subpoena at issue.

16. Although Petitioner apparently is taking the position that there is no reason for DOI to interview her, several unanswered questions remain. For example, a first-hand understanding of the role of Petitioner (and Ms. Miller) in this process will help DOI better understand whether Petitioner, Ms. Miller and/or Landmarks West! engaged in a deliberate effort to improperly influence official government proceedings. Further, a full consideration of the circumstances, including hearing from Petitioner, might inform DOI as to what policy and procedure recommendations DOI might make to LPC in order to ensure that persons who appear before LPC are in fact representing who they claim to represent these issues. Finally, as Mr. Yan pointed out in his November 26, 2006 letter to Mr. Tierney, the conduct that Petitioner engaged in arguably could be considered criminal in nature. At a minimum, and in fairness to Petitioner, DOI would wish to obtain Petitioner's side of the story before determining whether or not to make a criminal referral of this matter.

17. Further, there is no merit to Petitioner's argument that the May 24, 2007 subpoena interfered with her First Amendment rights. Both Petitioner and Ms. Miller were free to attend the October 17, 2006 meeting and express whatever views they wished on their own behalf. This investigation strictly concerns the issue of one whose behalf Petitioner and Ms. Miller purported to speak, not the content of their speech.


18. Petitioner also argues that this investigation was motivated by "rancor and malice on the part of public officials intended to frighten and harm this volunteer and other

preservation advocates” and was part of an effort to “retaliate” against her. (Petitioner’s Memorandum of Law at p. 6). DOI in its investigation uncovered no indication of “rancor” or “malice” towards the Petitioner or others and no evidence of an attempt to “retaliate” against Petitioner or to otherwise interfere with the legitimate interests of preservations advocates.

19. Because of continuing concerns with preserving the integrity of the present investigation, DOI is constrained not to reveal the specific detailed nature of the evidence that it has received in connection with this case. However, should the Court deem it necessary to consider additional evidence obtained in connection with the investigation in order to determine this motion, DOI is prepared to present to the Court, for *in camera* review, the evidence upon which DOI has based its investigation.


Walter M. Arsenault

Sworn to Before Me
July 30, 2007


Notary Public

ROCHELLE CHESTER
Notary Public, State of New York
No. 4885611
Qualified In New York County
Commission Expires February 17, 2011

EXHIBIT A



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

LINDA B. ROSENTHAL
Assemblywoman 67th District

DISTRICT OFFICE
230 West 72nd Street, Suite 2F
New York, New York 10023
212-873-6368

ALBANY OFFICE
Room 821
Legislative Office Building
Albany, New York 12248
518-455-5802

rosenthal@assembly.state.ny.us

COMMITTEES
Agriculture
Alcoholism & Drug Abuse
Corporations, Authorities &
Commissions
Energy
Housing

July 5, 2006

Robert Tierney, Chair
New York City Landmarks Preservation Commission
1 Centre Street
New York, NY 10007

Dear Commissioner Tierney:

I write to urge the Landmarks Preservation Commission to preserve the historic Dakota Stable and Berkeley Garage, located along Amsterdam Avenue and 77th and 75th Street, respectively. These buildings have significant cultural and architectural value and are more than worthy of designation as New York City landmarks.

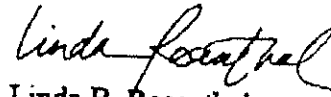
As someone who has lived and worked on the Upper West Side for years, I know that preservationists, historians, and residents—my constituents—have been advocating for the preservation of these buildings for many years. Now that the Dakota stable is in danger of being demolished, it is urgent that action be taken to preserve this remarkable structure.

The Dakota Stable was built in 1894 by Bradford Lee Gilbert, a prominent architect who was responsible for New York City's first skyscraper. The Dakota Stable was designed in Italian Romanesque Revival. Its subtle ornamentation, arched windows, corbelled cornices, and step-gabled entrances make this warm brick building significant in its own right. But this distinguished architecture also acts as a physical representation of a bygone era.

Wrapped in the history of this building are the lives of the people who inhabited the Upper West Side in the late 19th and early 20th century. The Dakota Stable and Berkeley Garage served as commercial stables for the middle-class people who inhabited the neighborhoods of the Upper West Side. Without enough money to own their own horses or carriages, New Yorkers depended on establishments like these to rent livery when needed. In the early 1900s these stables made the transition from storing carriages and horses into storing automobiles. This change reinforces these Stables' role in the growth of New York City and marks a historic transition in modes of transportation.

de la grande
These two buildings are important companions giving physical form to the
multilayered history of the Upper West Side. Please calendar public hearings for these
two important buildings as soon as possible. Time is of the essence for the preservation
of the Dakota Stable and the Berkeley Garage.

Sincerely,



Linda B. Rosenthal
Member of Assembly

EXHIBIT B



The New York City Landmarks Preservation Commission

MUNICIPAL BUILDING, 1 CENTRE STREET, 9TH FL. NORTH, NEW YORK, NY 10007
212-669-7700 TEL. 212-669-7960 FAX

<http://nyc.gov/html/lpc/>



PUBLIC HEARING SPEAKERS' SIGN-IN SHEET

IF YOU WISH TO SPEAK, PLEASE COMPLETE AND RETURN TO THE PERSON AT THE RECEPTION DESK.

DATE: 10/17/06 ITEM NAME: Dr. Martin Luther King Jr. Memorial
LP# _____

IN ORDER TO GIVE OTHERS AN OPPORTUNITY TO SPEAK, ALL SPEAKERS ARE ASKED TO LIMIT THEIR REMARKS TO THREE MINUTES.

<u>Linda M. ...</u>	
NAME	<input type="checkbox"/> PLEASE CHECK IF OWNER
<u>230 W 37th St, 25 NY NY 10018</u>	
ADDRESS	
<u>Assemblywoman Linda La Spina</u>	
REPRESENTING	
<input checked="" type="checkbox"/> IN FAVOR OF DESIGNATION	<input type="checkbox"/> AGAINST DESIGNATION <input type="checkbox"/> UNSURE OF POSITION

IF YOU WOULD PREFER TO LEAVE A STATEMENT, PLEASE COMPLETE AND RETURN TO THE RECEPTION DESK, OR MAIL THE FORM TO THE COMMISSION AT THE ADDRESS ABOVE . ATTENTION: LORRAINE ROACH STEELE.



The New York City Landmarks Preservation Commission

MUNICIPAL BUILDING, 1 CENTRE STREET, 9TH FL. NORTH, NEW YORK, NY 10007
212-669-7700 TEL. 212-669-7960 FAX

<http://nyc.gov/html/lpc/>



PUBLIC HEARING SPEAKERS' SIGN-IN SHEET

IF YOU WISH TO SPEAK, PLEASE COMPLETE AND RETURN TO THE PERSON AT THE RECEPTION DESK.

DATE: 10/17/06

ITEM NAME: DAKOTA STABLE

LP# _____

IN ORDER TO GIVE OTHERS AN OPPORTUNITY TO SPEAK, ALL SPEAKERS ARE ASKED TO LIMIT THEIR REMARKS TO THREE MINUTES.

<u>VIRGINIA PARK HOUSE</u>	
NAME	<input type="checkbox"/> PLEASE CHECK IF OWNER
<u>114 E. 39th # 5B</u>	
ADDRESS	
<u>LANDMARK WEST</u>	
REPRESENTING	
<input checked="" type="checkbox"/> IN FAVOR OF DESIGNATION	<input type="checkbox"/> AGAINST DESIGNATION
	<input type="checkbox"/> UNSURE OF POSITION

IF YOU WOULD PREFER TO LEAVE A STATEMENT, PLEASE COMPLETE AND RETURN TO THE RECEPTION DESK, OR MAIL THE FORM TO THE COMMISSION AT THE ADDRESS ABOVE, ATTENTION: LORRAINE ROACH STEELE.

EXHIBIT C



Assemblymember Linda B. Rosenthal

67th ASSEMBLY DISTRICT ♦ NEW YORK STATE ASSEMBLY

December 1, 2006

Robert B. Tierney, Chair
New York City Landmarks Preservation Commission
1 Centre Street
New York, NY 10007

Dear Chair Tierney:

As you are aware, an unfortunate situation occurred at a hearing held on October 17, 2006 by the Landmarks Preservation Commission (LPC) regarding the New York Cab Company and the Dakota Stables. A community group, Landmark West!, submitted testimony "on behalf" of elected officials and private citizens. In my particular case, one of the group's interns signed in as my representative and read a letter I had written to the LPC about those sites in July of this year. I did not give permission nor did I authorize this group to use my name and submit testimony on my behalf. Furthermore, because this group testified in my place, the staff person who I did authorize and send to speak for me was not allowed to testify. She was told by the LPC that my one opportunity to speak had been seized by the community group.

It is absolutely unacceptable that the staff person I sent to speak for me at this hearing was not allowed to present testimony. Because of this group's action, my voice on a matter that is important to me and to the community I represent was silenced. While it is understandable that LPC's stated policy allows each witness to give only one statement, it was clear in this instance that the statement read by Landmark West! on my behalf was not authorized—a point made very unequivocally by my staff member at the hearing.

I do not think that it was the intention of LPC to stifle my ability to speak on this issue at the October hearing, and believe that Landmark West! planned to hoodwink the Commission into thinking that what was being presented as my testimony was in fact authorized by me. Landmark West!'s impersonation of an elected official's staff member sends a chilling warning to agencies and commissions that rely on witnesses' probity as part of the public process. It is unfortunate that the destructive behavior of one group may necessitate a change in policy altogether. But, given the events of the hearing, it seems to me that LPC's hearing format is susceptible to potential fraud. Any citizen can claim to speak on behalf of an elected official or a group without having to show any proof that they have been approved to do so. If situations like the one in October continue to occur, the Commission may lose credibility and legitimacy.

I have been informed that LPC is taking steps to address this matter. While I am certainly glad to hear it, I hope that in addition to investigating one group's actions, LPC will also take the opportunity to assess whether its current policy on submission of testimony is in the public interest.

Sincerely,

A handwritten signature in cursive script that reads "Linda B. Rosenthal".

Linda B. Rosenthal
Member of Assembly

TO BE PROVIDED
UNDER
SEPARATE
COVER

EXHIBIT D

EXHIBIT E



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

*I'm volunteering
to read a letter
from BP Stringer.*

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 14, 2006

Robert B. Tierney, Chair
Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor
New York, NY 10007

Re: 348-354 Amsterdam Avenue
201 W. 75th Street

Dear Chair Tierney:

I am writing regarding two historic stable buildings, the Mason/Dakota Stables at 348-354 Amsterdam Avenue, and the New York Cab Company Stables at 201 W. 75th Street. Both are historic fixtures of Manhattan's Upper West Side and should be preserved. ~~I strongly urge you to calendar these two important buildings for public hearing by the Landmarks Preservation Commission.~~

The Dakota Stables, an automobile garage since 1915, was dubbed a "stylistic gem" by Christopher Gray in the New York Times. Built by Bradford Gilbert, this building has a magnificent façade, made lively by two colors of brick. Built in the style of Romanesque Revival, it recalls several elements of Gilbert's Tower Building. The Tower Building was demolished in 1914, but is considered to be one of the more important buildings in the history of New York City architecture. While also possessing architectural significance, commercial stables are important to the understanding of urban life at the turn of the century. Preserving these stables will ensure that no demolition or development interferes with the vibrant history alive within them.

~~I ask that you~~ *ask that you immediately* ~~ask that you need to calendar these two buildings and~~ *protect* an important part of the history of the development of the Upper West Side.

Sincerely,

Scott M. Stringer
Manhattan Borough President

*...and landmark
these buildings.*

cc: Landmarks West
Community Board 7



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 14, 2006

Robert B. Tierney, Chair
Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor
New York, NY 10007

Re: 348-354 Amsterdam Avenue
201 W. 75th Street

Dear Chair Tierney:

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~~I ask that you~~ *I ask that you immediately* ~~ask that you need to calendar these two buildings and~~ *protect* an important part of the history of the development of the Upper West Side.

Sincerely,

Scott M. Stringer
Manhattan Borough President

cc: Landmarks West
Community Board 7

EXHIBIT F



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

November 27, 2006

Robert B. Tierney
Chair
Landmarks Preservation Commission
One Centre St., 9th Floor
New York, NY 10007

Dear Chair Tierney:

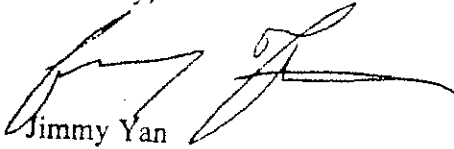
I am writing on behalf of Manhattan Borough President Scott Stringer to clarify the Borough President's position on the Mason/Dakota Stables at 348-354 Amsterdam Avenue and the New York Cab Company Stables at 201 W. 75th Street as addressed at the Landmark Preservation Commission's public hearing on October 16, 2006. The Borough President's views on these matters were provided in a letter dated August 14, 2006 to you as Commission Chair. However, we understand that, according to the Commission's records and communications, an individual provided testimony at this hearing while giving the appearance that she was speaking and acting on behalf of the Borough President and/or with the approval and authority of the Borough President or Borough President's Office ("MBPO"). We also understand that such individual submitted as written testimony a letter from the Borough President containing handwritten edits with the appearance that such submission was authorized by the MBPO.

Please be advised that this individual was not authorized or approved by the Borough President or any member of the MBPO to appear, testify or represent the Borough President or to submit written testimony on behalf of the Borough President. Indeed, this individual and any organization which she may have been representing have no affiliation or relationship with the Borough President or MBPO. Hence, the statements, testimony and actions of this individual at the hearing and any other time do not represent the views or authority of the Borough President.

We are concerned that any person and/or organization may have falsely induced reliance from a public agency based on representations appearing to derive from the authority of an elected official or public servant. Such conduct is highly inappropriate and, if pursued with the intent to mislead, a potential violation of New York Penal Law Section 190.25 proscribing criminal impersonation, an offense that includes acting with intent to cause another to rely upon pretended official authority.

I request that the Commission ensure that its records of the October 16 hearing and related matters accurately reflect the clarifications provided in this letter. Should you have any question, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jimmy Yan', with a long horizontal flourish extending to the right.

Jimmy Yan
General Counsel

cc: Manhattan Borough President Scott M. Stringer