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THE CITY OF NEW YORK  
DEPARTMENT OF SMALL BUSINESS SERVICES  
CAPA  
PUBLIC HEARING

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April 28, 2023  
11:02 a.m.  
Held Remotely  
via Teleconference

Julia M. Speros  
Court Reporter

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A P P E A R A N C E S:

Department of Small Business Services  
Leemor Rozen, Deputy General Counsel

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PROCEEDINGS

MS. ROZEN: So, good morning everybody. Today is April 28, 2023 and the time is 11:02 a.m.

Welcome to the New York City Department of Small Business Services virtual hearing. This is a public hearing being held pursuant to the New York City Administrative Procedure Act, also known as CAPA.

My name is Leemor Rozen. I am Deputy General Counsel at SBS, and present here today, it seems, are a number of SBS staff members, as well as a member of the public.

Today's hearing concerns a proposed amendment to the rules governing the MWBE program. The full text of the rule proposal and a statement of the basis and purpose were published in The City Record on March 28, 2023, and on the New York City Rules' website.

The proposed rules were certified by the New York City Law Department and the New York City Mayor's Office of

1 Operations.

2 By way of background, the City's  
3 MWBE Goals Program, codified in Chapter  
4 56 of the Charter and Section 6-129 of  
5 the Administrative Code, establishes  
6 goals for participation by  
7 minority-owned business enterprises,  
8 women-owned business enterprises, and  
9 emerging business entities as  
10 contractors and subcontractors in  
11 procurements for construction, standard  
12 services, goods valued under one million  
13 dollars, and professional services.

14 Charter Section 1304 also requires  
15 the Commissioner of SBS to establish and  
16 operate, on behalf of the City, a  
17 centralized program for the  
18 certification of MBEs, WBEs, and EBEs  
19 for the purpose of establishing their  
20 eligibility for participation in the  
21 program.

22 This proposed rule would add a new  
23 subdivision (g) to Section 11-22 of  
24 Chapter 66 of the Rules, allowing  
25 business enterprises to remain eligible

1 for certification as MWBEs in cases  
2 where the minority or woman owner or  
3 owners transfer their shares to a trust  
4 for estate planning purposes. The rule  
5 outlines factors for the Commissioner to  
6 consider in determining whether  
7 certification is in the interest of the  
8 program.

9 At this time, we will open the floor  
10 to give an opportunity to members of the  
11 public to testify. We were not  
12 contacted ahead of time with any  
13 requests to testify, so anybody present  
14 here, who would like to testify, can do  
15 so by using the "raise hand" feature of  
16 Webex and I will un-mute you and give  
17 you an opportunity to speak.

18 (No response.)

19 MS. ROZEN: I don't see any hands  
20 raised right now, so what we will do is  
21 take a short break.

22 The time is 11:05. I will rejoin at  
23 11:20 to allow those who are running a  
24 little bit late the opportunity to join  
25 and testify if they wish to do so.

1 Thank you.

2 (Recess taken.)

3 MS. ROZEN: Okay. Welcome back  
4 everybody. The time is now 11:20.

5 I'm going to, again, open the floor  
6 to anybody who would like to testify.  
7 Please use the "raise hand" feature.

8 (No response.)

9 MS. ROZEN: Okay. Seeing no hands  
10 raised, I will now close the hearing,  
11 but if you would like to submit a  
12 comment in writing, you can do so by  
13 5 p.m. today.

14 Thank you for joining.

15 (Time noted: 11:20 a.m.)

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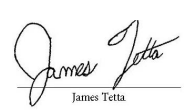
CERTIFICATION

I, JULIA M. SPEROS, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

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.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 28th day of April,  
2023.



James Tetta