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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE OF THE WHOLE

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 2, 1999
10:26 a.m.
- - -

BILL 990291 - An ordinance creating the Ashton Tax
Increment Financing District. . .
(Full text of ordinance contained herein.)

PRESENT: COUNCIL PRESIDENT ANNA C. VERNA, Chair
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN MARIAN B. TASCO
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK DICICCO
COUNCILMAN RICHARD T. MARIANO
COUNCILMAN FRANK RIZZO

CHARLES MCPHERSON, Chief Financial
Officer

- - -
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Page

Robert Fina, Senior Vice President 3
Philadelphia Industrial Development Corporation

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 P R O C E E D I N G S

3 COUNCIL PRESIDENT VERNA: Good
4 morning. This is the public hearing of the
5 Committee of the Whole.

6 I would ask Mr. McPherson to please
7 read the title of Bill No. 990291.

8 MR. MCPHERSON: An ordinance creating
9 the Ashton Tax Increment Financing District and
10 approving the project plan of the Philadelphia
11 Authority for Industrial Development for the
12 redevelopment of the Ashton Tax Increment
13 Financing District being the area generally
14 bounded by Grant Avenue on the north, Ashton Road
15 on the east, Willits Road on the south, Blue Grass
16 Road on the west, and making certain findings and
17 declarations all in accordance with the Tax
18 Increment Financing District Act.

19 COUNCIL PRESIDENT VERNA: Good morning,
20 Mr. Fina. Please identify yourself for the record
21 and proceed with your testimony.

22 MR. FINA: Good morning, President
23 Verna and members of City Council. My name is
24 Robert Fina. I'm a senior vice president
25 Philadelphia Industrial Development Corporation

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 and am appearing on behalf of the Philadelphia
3 Authority for Industrial Development ("PAID"). I
4 am here today to testify in support of Bill No.
5 990241, creating the Ashton Tax Increment
6 Financing District.

7 Today's hearing is required by the
8 Pennsylvania Tax Increment Financing District Act
9 to create a TIF district. Should the committee
10 approve this bill, the Act requires that Council
11 wait at least three weeks for final approval,
12 which means that Council cannot approve the bill
13 until its meeting of June24, 1999. Since
14 introduction of the bill, PIDC has met with City
15 Council, Council staff, and representatives of the
16 School District to review the project plan. On
17 Monday, May 10, 1999, the School District agreed
18 by resolution to participate in the district
19 should it be created by Council.

20 Creation of the Ashton TIF will allow
21 Cardone Industries, a remanufacturer of auto
22 parts, to expand its business within the City's
23 borders by retrofitting the existing 640,000
24 square foot building for distribution uses and
25 adding over 500,000 square feet in new

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 construction over the next five years.

3 Completion of the retrofit in Phase I
4 of new contradiction construction alone is
5 expected to add approximately 350 jobs and
6 \$450,000 in annual tax revenues. Over the term of
7 the district, PAID projects that creation of the
8 TIF will result in an additional \$26.7 million in
9 tax revenues to the City and \$1.4 million in net
10 revenues to the School District.

11 Since introduction of the bill, 990241,
12 several changes have been made to the project plan
13 based on PAID's conversations with City Council,
14 the Administration, and the School District. In
15 specific, the value of the tax increments were
16 prorated such that 100 percent of the authorized
17 tax increments will inure to the TIF fund in the
18 first four years; and thereafter, tax increments
19 will be introduced to the extent that Cardone
20 fails to create at least 500 jobs over and above
21 the existing citywide employment calculated on a
22 full-time equivalent basis.

23 Proviso language contained in the
24 project plan was clarified to indicate that the
25 amendment to the project plan will not be required

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 prior to settlement of financing so long as
3 changes to the scope for the project costs are
4 less than 15 percent and such changes in costs are
5 not funded from the City or City-related funds.
6 No amendment shall be required for changes after
7 settlement of financing.

8 The District's boundaries were revised,
9 adding approximately 15 acres in order to
10 accommodate all phases of the expected
11 construction as described in the project plan.
12 City sales taxes and City sales tax increments,
13 which were projected to be minimum in the initial
14 project plan, were eliminated altogether in this
15 revised plan.

16 The project has been amended and
17 restated to reflect these changes and is on file
18 with the clerk of City Council for review and
19 public action. In addition, Section 1 of the bill
20 has been amended to revise the metes and bounds
21 description of the district boundaries. I have a
22 copy of that amended bill, a legal description for
23 submission, and it is on file with the chief
24 clerk. I will present this.

25 In closing, I wish to assure City

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 Council that PIDC will assist the Mayor in
3 complying with the employment reporting
4 requirements as stipulated in Bill No. 990181
5 should it be approved. I ask again for your
6 approval of Bill No. 990241 and remind Council
7 that the TIF Act requires a three-week wait before
8 Council's final passage.

9 I would like to also add, on behalf of
10 PIDC, PIDC's appreciation for this Council for the
11 past five years in approving the four TIF
12 districts already, numerous amendments to those
13 TIF districts, and for consideration late in the
14 session for creation of these two TIF districts --
15 this one today of Ashton and the creation of the
16 Whitaker.

17 So again, PIDC's appreciation and
18 thanks to Council for all this support.

19 COUNCIL PRESIDENT VERNA: Thank you.

20 Mr. Fina, for the record, can you tell
21 us if this requested TIF legislation is the
22 companion bill to the Whitaker TIF, which was
23 approved and reported out of committee last week?

24 MR. FINA: Yes, it is a companion such
25 that Cardone would move certain operations from

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 Whitaker to Ashton and then expand their
3 operations at Whitaker within the TIF District.
4 Because of State law, the TIF Districts must be
5 contiguous, so we could not propose one TIF
6 district. Therefore, we had to technically
7 propose two TIF districts.

8 COUNCIL PRESIDENT VERNA: Thank you.

9 In your testimony, you indicated that
10 if Cardone fails to create 500 new jobs above the
11 existing citywide employment levels, the TIF will
12 be reduced. Is this the same 500 jobs identified
13 in the Whitaker TIF?

14 MR. FINA: That's a very good question,
15 Council President. It is the same 500 because
16 their maximum build-out of all phases is 1,000
17 jobs of the two. The first phase from both sites
18 will be 750, and they're not proposing an increase
19 of three years that most manufacturers limit
20 themselves to because of downsizing and other
21 technologies. What we are proposing is that there
22 will be 500 net jobs for the term of the TIF,
23 which is 20 years in both districts. The
24 aggregate would be 500. And anytime after the
25 fourth year that there is not 500, the TIF will be

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 reduced in both districts proportionately by that
3 number.

4 COUNCIL PRESIDENT Verna: And that
5 letter is contained in your letter addressed to
6 me, copies of which have been distributed to all
7 members of Council?

8 MR. FINA: Yes.

9 COUNCIL PRESIDENT Verna: With the date
10 of May 27th?

11 MR. FINA: Yes, that's correct. It's
12 dated May 27th, and there's a formula at the
13 bottom of the first page of how that's simply
14 calculated, and we will begin doing that again in
15 the fourth year.

16 COUNCIL PRESIDENT Verna: Thank you.

17 MR. FINA: You're quite welcome.

18 COUNCIL PRESIDENT Verna: I have not
19 had an opportunity to look at the amendments that
20 you have presented this morning. Are the
21 amendments that you are requesting for the Ashton
22 project plan consistent with the amendments
23 adopted in the Whitaker TIF?

24 MR. FINA: They are very consistent.
25 And not only that, which is not in my testimony,

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 last week, there was requested that we limit the
3 amount of City economic stimulus per project to
4 \$1 million. And although I have not testified to
5 that to this moment, we are agreeing to do that
6 again in the Whitaker. There will not be more
7 than \$1 million of City Stimulus Program funding
8 in the Whitaker as well as in the Ashton TIF
9 districts, 1 million each.

10 COUNCIL PRESIDENT VERNA: The project
11 plan reflects \$6 million in other public funding.
12 Could you give us the breakdown of this funding
13 source, please.

14 MR. FINA: ONE million would be, as I
15 mentioned City economic stimulus funding; the
16 remaining 5 million will come from the
17 Commonwealth of Pennsylvania. We're looking at
18 2 million in grants -- 2 to 3 million in grants
19 and 2 to 3 million from the State's Pennsylvania
20 Industrial Development Authority Loan Fund. And
21 we would do that in conjunction with the
22 Commonwealth of Pennsylvania over the summer.

23 COUNCIL PRESIDENT VERNA: Thank you.

24 The Chair recognizes Councilman Cohen.

25 COUNCILMAN COHEN: Thank you, Madam

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 Chair.

3 First, what -- can you explain in
4 simple language, on Page 2 of your statement, you
5 have in the middle, "The value of the tax
6 incremented were prorated such that 100 percent of
7 authorized tax increments will inure to the TIF
8 fund in the first four years."

9 I don't understand the language of
10 "prorating." Do you mean -- if you disagree with
11 me, explain it. The question I have in mind is,
12 does that mean that during the first four years,
13 all of what would have normally been tax payments
14 to the City will instead go toward the payment of
15 any financial obligations that Cardone may have
16 undertaken in connection with the expansion
17 project?

18 MR. FINA: That's not a correct
19 interpretation, Councilman Cohen, if I may.

20 One thing, as the letter that Council
21 President Verna noted that I sent her on May 27th,
22 and I have a copy, is a simple formula on the
23 first page of that letter, which is the gross
24 annual TIF revenue times the current year
25 employment minus the base year employment, which

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 the base year is 4262 jobs divided be 500 jobs.
3 That gives you what the TIF would be. And it's
4 only the TIF revenue that you've authorized by
5 ordinance in the project plan. So it's only the
6 property taxes and 50 percent of the
7 use-and-occupancy taxes here.

8 We did not TIF all the U-and-0s, as I
9 mentioned last week, because we're trying to
10 provide as much revenue to the School District as
11 possible while, at the same time, creating enough
12 revenue to pay the TIF note. There will be a
13 specific TIF note of \$6 million for this project.

14 COUNCILMAN COHEN: A use-and-occupancy
15 tax is a tax that goes totally to the School
16 District; is that right?

17 MR. FINA: Yes, that's correct. All
18 use-and-occupancy taxes are collected by the City
19 Revenue Department and are remitted to the School
20 District.

21 COUNCILMAN COHEN: So that 50 percent
22 of the use-and-occupancy tax is involved, not 100
23 percent.

24 MR. FINA: That is correct, sir.

25 COUNCILMAN COHEN: As has been the case

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 in some of the other TIFs that were 100.

3 MR. FINA: That is correct.

4 COUNCILMAN COHEN: Now, with respect to
5 that 50 percent, and it's 100 percent of the
6 real-estate tax portion that would go to the City;
7 is that correct?

8 MR. FINA: One hundred percent of the
9 incremental property taxes will inure to the TIF
10 fund for the 20 years providing that Cardone
11 creates a net 500 jobs citywide.

12 COUNCILMAN COHEN: Now, I've got to
13 separate what you're saying 'cause I'm trying to
14 find out what this language means. I don't
15 understand it.

16 Why do you use the word "prorate?"
17 What's going to happen the first four years? Say
18 the normal tax portion of real estate is \$200,000
19 -- I'm just speculating. Say that one half of
20 the School District's comes to 100,000 on
21 use-and-occupancy.

22 Now, say that's the total that he can
23 get in any one year if he maximizes the
24 employment, meets all of the requirements. Now,
25 does it mean that for the first four years that

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 300,000 of this additional tax revenue that is
3 being TIFed, he will get the benefit of that
4 toward the payment of TIF notes. Is that --

5 MR. FINA: The Cardone Corporation will
6 get the benefit to pay the TIF notes the first
7 four years.

8 COUNCILMAN COHEN: Right. The full
9 amount, the 300,000 --

10 MR. FINA: The 300,000, that's correct.

11 COUNCILMAN COHEN: From my hypothetical
12 example, right.

13 MR. FINA: Mm-hmm.

14 COUNCILMAN COHEN: Now, why do you say
15 it's been prorated?

16 MR. FINA: Then if they do not create
17 500 jobs, let's say they only create half those
18 jobs --

19 COUNCILMAN COHEN: You mean during the
20 first four years, if they don't meet the 500 goal,
21 it doesn't count?

22 MR. FINA: Right, right. They have 4
23 years to get the 500 net new jobs above the 4262
24 full-time equivalent jobs currently in the City.

25 COUNCILMAN COHEN: Right.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 MR. FINA: Then they only create 250
3 jobs, they would, by the formula, not receive
4 \$300,000 in TIF revenue; they would only receive
5 \$150,000. They would receive half 'cause they
6 only created half of the jobs. That's the
7 proration.

8 If they created 75 percent of the jobs,
9 they would receive 75 percent of the TIF revenue.
10 If they created 0-number jobs above the 4262, they
11 would receive 0 TIF revenue within both districts.
12 So they would be penalized.

13 COUNCILMAN COHEN: And this has changed
14 from some of the original TIFs.

15 MR. FINA: This is totally unusual.
16 This is totally unusual for this length of time
17 requiring any developer in any economic
18 development program, any business to maintain jobs
19 for 20 years for the economic benefit. This is
20 totally new, Councilman.

21 COUNCILMAN COHEN: Now, has the
22 language of that agreement been prepared?

23 MR. FINA: Yes. That's what in the
24 letter of May 27th. It's a simple formula that
25 will be installed and written into the TIF

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 agreement.

3 COUNCILMAN COHEN: Well, I know I read
4 that letter of May 27th, but it doesn't --

5 MR. FINA: There's a formula, sir.

6 COUNCILMAN COHEN: For example, those
7 of us who are lawyers know that it's kind of
8 simple to get involved in a great discussion as to
9 what constitutes a new employee. It may seem
10 simple, you know, to ordinary people untrained in
11 the law. But to lawyers, that gets to be quite a
12 problem. And so if somebody's going to have to
13 decide whether or not such an argument develops,
14 is this the total language that appears, what
15 there is here? Is this the total language of the
16 agreement with respect to the number of new
17 employees?

18 MR. FINA: Councilman, we try to keep
19 lawyers away from the document before we prepare
20 it.

21 COUNCILMAN COHEN: Well, I understand
22 that but --

23 (Laughter.)

24 MR. FINA: I'm being somewhat
25 facetious.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 COUNCILMAN COHEN: Please don't try to
3 divert, don't try to divert; it won't work.

4 MR. FINA: I know. Let me just --

5 COUNCILMAN COHEN: Otherwise, we'll
6 just keep going back and back and back. I would
7 just like to know simply, what is the total
8 language of the agreement? I want to be able to
9 read it to see, is this an agreement that's really
10 going to hold, or is it an agreement full of
11 loopholes? Or does it have some loopholes?

12 That's all I'm trying to read out of
13 it. I'd like to understand how we are we going to
14 enforce that and what is the mechanism. Is there
15 a given date when somebody from some department is
16 scheduled to visit Cardone and check his records?
17 Are we merely going to take a letter from him
18 saying, This is to inform you that as of this
19 date, we now have 510 new employees? and we say
20 thank you, sir, and that's the end of it?

21 What is going to be the enforcement
22 technique of such a provision? 'Cause I don't
23 believe in having a feel-good provision, you know,
24 that makes it look good and then find out that it
25 doesn't mean very much.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 And I expect to be here five years from
3 now, the lord and the voters willing. But I'd
4 rather not have to ask that question.

5 MR. FINA: Councilman, I'm sure you'll
6 be here five years from now.

7 And what the language will be is, in
8 the letter that was sent to President Verna, there
9 is a paragraph that's indented, it's the third
10 paragraph in that letter. That language will be
11 in the TIF agreement as well as the formula at the
12 very bottom will be in the TIF agreement. The TIF
13 agreement is --

14 COUNCILMAN COHEN: Where is that
15 language? It's not in the May 27th letter.

16 COUNCIL PRESIDENT VERNA: It's the
17 third paragraph. It's indented.

18 (Mr. Fina approaches Councilman Cohen.)

19 MR. FINA: It's this paragraph sir.

20 COUNCILMAN COHEN: Yeah, but what I'm
21 asking is, how are we going to enforce that
22 provision? Where is the language that says what
23 it is the company has to do? And how do we check
24 that? Or are we merely going to accept his
25 letter?

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 MR. FINA: Councilman, I will get there
3 if you bear with me a moment. It may take me a
4 bit to explain all of this.

5 This language will appear in the TIF
6 agreement.

7 COUNCILMAN COHEN: I understand that.

8 MR. FINA: The TIF agreement is
9 executed by the City Finance Director, by PAID, by
10 the funder of the TIF note and by the developer.
11 The City Law Department reviews that TIF
12 agreement. That, at that point, will then require
13 the City Finance Department that will provide PAID
14 with the revenue, the incremental taxes, to have
15 certification that the jobs have been created.

16 COUNCILMAN COHEN: Now, what are they
17 going to require to give that certification?

18 MR. FINA: We haven't worked out that
19 detail. If you'll remember, Councilman, I said
20 this is totally new; it's not done in any other
21 city, it's never been done in Philadelphia.
22 Council has not required this before; we are
23 volunteering this.

24 COUNCILMAN COHEN: Excuse me, Mr.
25 Fina. I'm just saying I don't think you've got

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 anything here. I think this is just language
3 that's totally meaningless.

4 What I would like to know is, how do we
5 make the language meaningful? It's important for
6 me to vote on a bill where I can honestly say to
7 people, Well, you may have questions about this,
8 but this does, in fact, guarantee 500 jobs. You
9 know what happens? On a given date, the company's
10 going to have to prove it to whom, to such and
11 such a department of the City, and we're not going
12 to just take their word. We're going to have an
13 examination, some kind of an audit that will
14 determine that it does, in fact, exist, these 500
15 new jobs.

16 MR. FINA: Councilman, I said the City
17 Finance Department, the operating department of
18 the City --

19 COUNCILMAN COHEN: They did -- you
20 know, they do nothing in so many cases. The City
21 Finance Department can't be everywhere. There
22 ought to be --

23 COUNCIL PRESIDENT VERNA: Mr. Fina, are
24 you attempting to say that the Finance Department
25 will audit and make the determination that Cardone

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 is doing what they're supposed to?

3 MR. FINA: In effect, yes. They will
4 require certain certifications from the business,
5 from auditors, from PAID. We haven't worked out
6 those details but they will require that. As in
7 any of our economic-development projects, we
8 require job creation. We don't require it for 20
9 years, but we require job creation, and we make
10 certain there is certifications to that, and we
11 test those certifications periodically.

12 Every economic-development program PIDC
13 administers -- and we administers over 20 economic
14 programs in the City of Philadelphia -- has job
15 creation components, sir. And we certify to
16 whatever body -- many times this body, and you may
17 recall that Councilman Nutter had introduced
18 legislation for monitoring of the TIFs, and he
19 wants to see this information provided on an
20 annual basis by the Mayor to City Council.

21 All that is a way of verifying that
22 information that you are requesting, by
23 legislation that this Council is considering.

24 COUNCILMAN COHEN: I want to have
25 confidence, Mr. Fina, and I know you have

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 confidence, but I want to have confidence that
3 this is meaningful language. If it's meaningful
4 language, it's a strong plus in favor of Tax
5 Increment Financing, if there is, in fact, a
6 guarantee of jobs.

7 You know, over the years, we have said
8 so many times, many Councilmembers, when we go to
9 find out where the jobs are, we can't touch them
10 'cause often, there is no way of approving that
11 they ever existed. We're told they save jobs.

12 Is a saved job going to be a new job
13 when the employer says such-and-such company
14 cancelled the job order, therefore we're going to
15 lay off 300 people, but as a result of the
16 expansion, we've been able to find new work for
17 them to do, now this is 300 new employees?

18 Now, I don't know whether that applies
19 or doesn't apply. I'm saying there ought to be a
20 specific procedure.

21 I have no further questions, Madam
22 President, at this time. And I don't disrespect
23 Mr. Fina or his good intentions; I know they're
24 there. But I don't think we have anything
25 enforceable. And if anything exists in the past

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 history where PIDC has had a process that, you
3 know, audited, I would like to know of it.

4 I know of no such process. I never
5 have seen any verification of the existence of job
6 creation. And if this is a new plan for it, fine,
7 but I don't see anything except verbiage, just a
8 statement that he will have to do.

9 Thank you, Madam President. There's no
10 point in further inquiry on this point.

11 COUNCIL PRESIDENT Verna: Thank you.

12 The Chair recognizes Councilman
13 O'Neill.

14 COUNCILMAN O'NEILL: Thank you, Madam
15 President.

16 Mr. Fina, I just want to verify
17 something for the record. I know we've had
18 private conversations.

19 The TIF boundaries in the bill are
20 extensive, using the streets Ashton, Willits, Blue
21 Grass, and Grant, which cover an enormous acreage.
22 We're specifically only dealing, though, with the
23 Crown Cork & Seal building, that property, and an
24 additional 15 acres in your amendment today that
25 may be purchased from an adjoining business to

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 expand the Crown Cork & Seal building.

3 Could you explain that on the record,
4 because if I were living in the area, there's some
5 parcels I'd be very worried were being TIFed, as I
6 was when I first saw the boundaries. Can you
7 explain how the TIF works in terms of limiting the
8 area to be TIFed.

9 MR. FINA: Yes. Thank you, Councilman.

10 As a part of the project plan that's
11 distributed to all members of City Council and to
12 the President and is also on record in the chief
13 clerk's office, there is a proposed uses and an
14 existing uses that shows a graphic representation
15 of the TIF District. And that shows that Ashton
16 Road is the primary street that creates the TIF.

17 The TIF District, in the legal
18 description that I supplied Council with this
19 morning, and the chief clerk stipulates exactly
20 the boundaries of the TIF District. And they
21 cannot be increased or changed in any form in any
22 way, unless this Council approves by amendment a
23 change in that district. So the area is
24 graphically represented.

25 And it is, as you said, the Crown Cork

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 & Seal property, an additional 15 acres that is
3 currently owned by Clement Muler, that is under
4 consideration for purchase but that will be a
5 future phase of development within the TIF
6 District. If that is not purchased and there's no
7 new development, there obviously will be no new
8 tax revenue and there will be no new TIF revenue
9 from that portion of the project.

10 COUNCILMAN O'NEILL: Thank you,
11 Mr. Fina.

12 MR. FINA: You're quite welcome, sir.

13 COUNCILMAN O'NEILL: It's my
14 understanding that 85 percent, approximately 85
15 percent of Cardone's employees are City
16 residents. Is that your understanding also?

17 I don't see it in your testimony. I
18 had some private conversations with Cardone and
19 I'd like it on the record 'cause I think it's of
20 some importance to this Council. And I would
21 emphasize it if I had a company that had that high
22 of a residency record among employees.

23 MR. FINA: Councilman, you're correct,
24 and I should have included in my testimony that
25 85 percent of the 4,262 current employees of

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 Cardone are residents of the City of
3 Philadelphia. And last week, I gave current
4 employment breakdown as to female, male, and
5 ethnicity of those -- of that group.

6 COUNCILMAN O'NEILL: There was a
7 proposed move by Cardone to the Northeast
8 Industrial Park that fell through back in the
9 mid-'80s. I went out and visited their plant at
10 that time on Rising Sun Avenue, before they had
11 expanded to the other location. I have never seen
12 operation as impressive as what they do, both with
13 inner-city residents, families, counseling, really
14 bringing the whole family in and trying to help
15 whatever's weak within that family. And also
16 building up wages -- starting out fairly low but
17 with a promise of an increase, with a very
18 unskilled beginning workforce. I would also
19 emphasize that.

20 But going back to that mid-'80s period,
21 I had checked and found out that Cardone at that
22 time, with about 1500 employees, was the largest
23 purely private employer in the City at that time.
24 Now, there may be with the CIGNA building going
25 in, some insurance companies that have overtaken

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 them, but they have increased their employment.

3 Just for some comfort and, Councilman
4 Cohen, I hope we begin auditing all promises that
5 are just left there as promises in most cases.
6 It's not just with TIFs, but with other lending
7 and things like that.

8 But so Cardone's record of job
9 increases is enormous, whether you go to the 2700
10 that were all around during '98 in the one figure,
11 or the 4200 today.

12 Could you explain for me, because I
13 have trouble with the 2700-plus that's listed in
14 the one section of the letter and the 4200-plus in
15 the other section. It says 2700 all during the
16 year 1998, and 4200 today. And I don't know what
17 -- does that mean 2700 were there every day in
18 '98 and 4200 were there -- it's such a large
19 number difference that I would just like an
20 explanation for the record as far as how we
21 determine the number of jobs when there could be
22 that great a disparity just within a few months.

23 MR. FINA: What we require Cardone to
24 do so we know exactly the employment based upon
25 requests for salary ranges, we ask Cardone to give

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 us-- to provide us with job information for
3 full-time equivalent jobs for one full year of
4 employment. That meant their records showed from
5 December 31, 1998, going back to January 1, 1998,
6 the employment that was full-time equivalent
7 citywide, and that was 2765.

8 That's why that number -- since that
9 time, there's been -- because even then, people
10 were coming on during that past year but they
11 weren't there for a full year. We thought any
12 representation of salary ranges, which should show
13 one full year of salary ranges. And that's what
14 the letter of May 27th indicates on the second
15 page.

16 So since that time, during '98 through
17 now, through currently now, they have reached
18 their 4262 number. And that's the number that
19 we're using as the threshold. That's the minimum,
20 and then they have to go 500 above that.

21 So if anything, we've put Cardone in a
22 disadvantage to create even more jobs, saying,
23 That's what you have now, and they may have
24 dropped and gone up, and this 4200 has not been
25 there for a year, like the 2700 was, but we want

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 that to be the threshold. So if you're going to
3 get the TIF, you need to create in the full value
4 of the TIF 4,762 jobs every year, starting with
5 approval of this TIF hopefully on the 24th of
6 June.

7 COUNCILMAN O'NEILL: So at their
8 current rate of expansion of about 1500 jobs in
9 the last year -- less than half a year, I should
10 say -- they should reach that threshold within a
11 few weeks.

12 MR. FINA: Well, if all businesses
13 expanded at that level, that would be wonderful
14 for the City of Philadelphia.

15 Again, this is highly unusual in a
16 manufacturer's committing for such a long term of
17 employment at a certain level to receive the
18 economic benefit of the City. I can't emphasize
19 that enough that this is most unique.

20 And that's the very nature of this
21 corporate citizen that we have in Cardone
22 Industries. They are an excellent corporate
23 citizen in the City of Philadelphia. Many of the
24 points that you've raised, Councilman, are
25 displayed by the good faith and commitment that if

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 we're taking public dollars, we're going to do
3 good service to the City of Philadelphia for 20
4 years.

5 COUNCILMAN O'NEILL: Where are they in
6 the ranking of private employees in the City?

7 MR. FINA: I don't know exactly that,
8 Councilman. I could find out, but they are now
9 the largest blue-collar manufacturer employer in
10 the City of Philadelphia, they have the most
11 employment.

12 COUNCILMAN O'NEILL: By quite a bit.

13 MR. FINA: By quite a bit.

14 COUNCILMAN O'NEILL: Okay. I would
15 just commend the company. I'm first of all glad
16 to see the Crown Cork & Seal building being
17 occupied and possibly expanded 'cause it could
18 have become a white elephant in the entire
19 community.

20 But for any Councilmembers, I'd like to
21 go back and sort of get an updated visit. I was
22 never more impressed with a company's operation
23 and caring level for their employees and their
24 families as Cardone.

25 MR. FINA: Councilman, we'd be more

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 than happy to arrange a tour for you and any
3 Councilmember through the President's office or on
4 an individual basis of the Cardone Industries
5 sites. I'm sure they'll be more than happy to do
6 that.

7 COUNCILMAN O'NEILL: Thank you.

8 Thank you, Madam President.

9 COUNCIL PRESIDENT VERNA: Thank you.

10 The Chair recognizes Councilwoman
11 Clark.

12 COUNCILWOMAN CLARK: Thank you, Madam
13 Chair.

14 Clarification, Mr. Fina -- how are you
15 today?

16 MR. FINA: I'm very well. Thank you
17 for asking.

18 COUNCILWOMAN CLARK: You spoke of
19 limiting to \$1 million the City's stimulus per
20 project, 1 million per project. What about a
21 maximum percentage rather than a dollar basis?
22 'Cause sometimes a million dollars would be a
23 different proportion depending on the size of the
24 project.

25 You said no matter how big the project

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 is, the City will not put more than 1 million, but
3 is it fair, or would it be a fairer proportion to
4 do a percentage of total?

5 MR. FINA: Councilwoman, that's a fair
6 question. In fact, it's probably fairer for the
7 company. Cardone would benefit on a percentage
8 basis. And since there are representatives of
9 Cardone here, I would rather not negotiate that
10 point with you for their benefit at this point.

11 They have agreed to limit -- that
12 discussion did come up. They agreed to limit the
13 City amount of funding in each project to
14 \$1 million. That will be certainly to their
15 disadvantage if they more than expand from the
16 minimum Phase I development of each project that's
17 projected here. And if they do that, the TIF note
18 is limited and the City dollars are limited.

19 And this is one where, again, they
20 stood firmly as a good corporate citizen of the
21 City of Philadelphia and said, I'm not going to
22 ask for more for each thing that I do. I just
23 want the City to be fair and give me the
24 incentives to develop here in the City. And if I
25 could do more, then I will do more.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 And that was in negotiation. It was a
3 very fair, honest, and a comfortable negotiation
4 with Cardone and unusual in many ways.

5 COUNCILWOMAN CLARK: Okay. Let me see
6 if I can get some clarification on two questions
7 that Mr. Cohen was asking. His last question was
8 whether -- David, I forgot the question.

9 MR. FINA: Mr. Cohen was asking whether
10 there is documentation that is, in effect, binding
11 enough on all parties that the jobs could be
12 monitored and were -- and the promise of new jobs
13 will be documented and monitored.

14 (Discussion off record between
15 Councilmembers Cohen and Clark).

16 COUNCILWOMAN CLARK: Right, okay.

17 I have another question. I don't want
18 to rehash that whole statement that you and Mr.
19 Cohen were going through. He asked the question
20 whether 300 retained jobs is the same as 300 new
21 jobs. I'd like an answer to that.

22 MR. FINA: Well, I don't recall that
23 specific question, but 300 retained jobs is the
24 same as 300 -- in any business, you're asking, or
25 are you -- specifically here?

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 COUNCILWOMAN CLARK: With respect to
3 the language that you put in the agreement to
4 satisfy Mr. Cohen's question.

5 MR. FINA: Oh, okay. Concerning that,
6 they must retain 4,262 jobs minimumly (sic).
7 That's the number they have today full-time
8 equivalent. They must retain that number -- that
9 will be in documents also -- of 4,262 jobs. To
10 then benefit from the TIF, to benefit 100 percent
11 the value of the TIF at each location, they must
12 create a net 500 jobs above the 4,262.

13 COUNCILWOMAN CLARK: Okay.

14 MR. FINA: So if they only retain the
15 4,262 jobs, they will receive zero TIF benefit.

16 COUNCILWOMAN CLARK: 'Cause they would
17 have not met the 500 new jobs requirement --

18 MR. FINA: Correct.

19 COUNCILWOMAN CLARK: -- that Mr. Cohen
20 was insisting be spelled out in great specificity.

21 MR. FINA: And, yes, we intend to do
22 that.

23 COUNCILWOMAN CLARK: Okay. Now, he was
24 asking how you follow up and assure him as a
25 legislator that he has language that he can sue

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 out and enforce. What is the enforcement
3 mechanism for David Cohen as a legislator or John
4 Q. Citizen who wishes to sue out the agreement
5 that says we will provide 500 new jobs or else?

6 MR. FINA: Well, if we cannot represent
7 to the City Finance Department that we are in
8 compliance with the agreement and, therefore, not
9 creating the 500 jobs, they will not give us the
10 incremental taxes to give to Cardone to pay the
11 TIF note. The TIF note will be their obligation
12 to pay, and the only way they'll get money is if
13 they create the net new jobs.

14 COUNCILWOMAN CLARK: Okay. So in a
15 nutshell, they do not get the benefit if they
16 don't perform.

17 MR. FINA: Correct, correct.

18 COUNCILWOMAN CLARK: Is that
19 satisfactory to Mr. Cohen?

20 COUNCILMAN COHEN: No.

21 COUNCILWOMAN CLARK: But is it clear?
22 Mr. Cohen, Mr. Cohen is it clear? I can't make it
23 satisfactory. Now we're just talking about, is
24 the language clear?

25 COUNCILMAN COHEN: The language is

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 clear.

3 COUNCILWOMAN CLARK: Okay.

4 MR. FINA: Thank you.

5 COUNCIL PRESIDENT VERNA: Any other
6 questions, Councilwoman?

7 COUNCILWOMAN CLARK: I'm all out of
8 good ideas.

9 COUNCIL PRESIDENT VERNA: Thank you.
10 The Chair recognizes Councilman Kenney.

11 COUNCILMAN KENNEY: Thank you, Madam
12 Chair.

13 Based on today's testimony and the
14 information that was provided by Cardone on their
15 employment breakdown -- salary ranges, numbers of
16 employees -- and the fact that they are the
17 largest blue-collar manufacturing employee in the
18 City, all of this discussion about job creation, I
19 think is very important, and I hope and wish that
20 they do meet their goals and exceed their goals.

21 But even if one new job were not
22 created as a result of this TIF, the expansion of
23 this operation and the continued retention of
24 these employees at these salary ranges, with their
25 ethnic racial background and educational, is well

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 worth doing this TIF regardless of one new job not
3 being created.

4 It is amazing to me that in this city,
5 and echoing some of the things that Councilman
6 O'Neill said, in this city, based on the type of
7 employee that they're employing, at the levels
8 that they're employing and at these salary levels
9 -- I mean, we have 350 making between \$30,000 and
10 \$40,000 with high school educations, with the
11 potential of 248 people making \$50,000 or more.

12 I mean, I can't see where we could go
13 wrong doing this TIF under any circumstances.

14 Now, I recognize that -- I guess,
15 Mr. Fina, your language on job creation and
16 prorating goes under the category of "No good deed
17 goes unpunished" because in other TIFs in the
18 past, we haven't required these things. We're
19 trying to make an effort and I guess you're trying
20 to make an effort to even justify more of why we
21 should do these TIF operations and these TIF
22 arrangements.

23 But, again, Cardone is a Godsend to
24 this and its blue-collar high-school graduate
25 employment pool. And I hope that they do exceed

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 their goals, but even if one new job wasn't
3 created, we should be doing this TIF.

4 Thank you.

5 MR. FINA: Thank you.

6 COUNCIL PRESIDENT VERNA: Thank you.

7 The Chair recognizes Councilman Cohen.

8 COUNCILMAN COHEN: Mr. Fina, what does
9 "full-time equivalent employees" mean? Why
10 doesn't it just say "full-time employees?"

11 MR. FINA: The answer to that is very
12 simple. Many times a business will hire part-time
13 people and they may have -- like a McDonald's may
14 have three part-time people totalling a 40-hour
15 shift. What we would do is count that as one
16 full-time equivalent 'cause we look to a 40-work
17 week as the -- or whatever the standard is of that
18 business. It may be 37.5 hours, it may be 35
19 hours.

20 So we do that so that we are not
21 misrepresenting the facts of total employment.

22 COUNCILMAN COHEN: Now, applying it to
23 Cardone, can you tell me how many employees, in
24 fact, were needed to make up this equivalent of
25 4,200 -- well, no, first equivalent of 2,765

1 6/10/99 COMM. OF WHOLE - Bill 990201
2 full-time equivalent employees on your chart on
3 Page 2.

4 (Mr. Fina confers with Cardone
5 representative.)

6 MR. FINA: Yes, Councilman, I can
7 answer that. Interestingly enough, Cardone does
8 not show any equivalency in here but full-time
9 people. So all 4,262 and all 2,765 are full-time
10 people -- not part-time equaling that number. Any
11 part-time workers they did not include in these
12 counts; they decided to eliminate that for simple
13 simplification.

14 COUNCILMAN COHEN: Well, why do you
15 have it here?

16 MR. FINA: It's a standard term that we
17 use in all our economic-development programs so we
18 will not unintentionally mislead City Council when
19 we're talking about employment.

20 COUNCILMAN COHEN: No, but the
21 statement, as it is, is misleading when -- if the
22 statement is true, but all we have here is the
23 word whispered to you by a representative of the
24 company. I'm assuming it's true, but I think
25 there ought to be ways of testing that and we

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 ought not to just rely on somebody who obviously
3 has a self-interest. That's the reason you have
4 enforcement procedures.

5 I'm sure the gentleman is trying to
6 tell the truth, but it seems strange to have a
7 report that arose out of the fact that questions
8 were asked and then you try to satisfy those
9 questions and you introduce others.

10 MR. FINA: Councilman, let's take for
11 an example, let's say these numbers are erroneous
12 for inadvertent reasons. We are saying for the
13 record, whether they're erroneous or not, we are
14 going to certify that there are 4,262 jobs to the
15 satisfaction of the City Finance Department and
16 the Law Department who enter into the agreements,
17 and that they create 500 new full-time equivalent
18 jobs above this number by the fourth year.

19 So whether their erroneous on the part
20 of the company because they made a mistake, we are
21 going to lock them in to high employment numbers
22 in the manufacturing industry in the City of
23 Philadelphia in neighborhood locations that they
24 must achieve and maintain or they will not receive
25 the benefit of the economic-development program

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 that you're approving.

3 COUNCILMAN COHEN: I'll believe it when
4 I see a process aimed at verifying that. To
5 merely have your words is like the fact that
6 people believe that the City guards money that it
7 spends; yet very recently, there have been stories
8 about how money gets spent without any kind of of
9 a verification. So I can't accept your word. The
10 City does not have automatic procedures that it
11 uses to check out things.

12 Now, let me raise this question. What
13 was your explanation -- why does the total that
14 you have in the chart say 2765 and then three
15 lines below, it says Cardone employs 4265 persons
16 citywide on a full-time equivalent basis? Again,
17 you use that equivalent. What's the distinction
18 between those two?

19 MR. FINA: I'll repeat my answer, and
20 hopefully, I'll make it understandable.

21 COUNCILMAN COHEN: Go ahead.

22 MR. FINA: The 2765 represent full-time
23 employees at Cardone for one year prior to
24 December 31, 1998.

25 COUNCILMAN COHEN: 1998.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 MR. FINA: And that they had to be
3 there from January 1, 1998 for the full year.
4 That's the number 2765.

5 The 4260 are total employees today, as
6 of last week, at Cardone Industries citywide.
7 That meant they could be there a day, a week, a
8 month, a year, and some of them a year and a half
9 because some of them go all the way back to the
10 number that I gave them, the 2765, as of January
11 1, 1998.

12 So that's how those two numbers are
13 calculated, sir. I hope that's clear.

14 COUNCILMAN COHEN: Mm-hmm. I think it
15 would have been good to have stated that, you
16 know, in the letter.

17 But could we -- are we going to get a
18 statement from the company as of the December 31,
19 1999 so that we'll have a basis of comparison at
20 the end of the year?

21 MR. FINA: We will track employment for
22 the term of the TIF. If this TIF is approved by
23 City Council, we will track it on an annual basis.

24 COUNCIL PRESIDENT VERNA: And that will
25 be at the present employees of 4268?

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 MR. FINA: Yes, that's starting with --
3 that's with a base of 4262.

4 COUNCIL PRESIDENT Verna: Good.

5 MR. FINA: And proceeding beyond that.

6 COUNCILMAN COHEN: All right. Thank
7 you, Madam Chair.

8 COUNCIL PRESIDENT Verna: You're
9 welcome.

10 The Chair recognizes Councilwoman
11 Clark. I think you wanted to ask a question?

12 COUNCILWOMAN CLARK: On the breakout of
13 your employees by race, from your last
14 presentation, we have 28 percent Asian, 33 percent
15 Hispanic, 13 percent African-American, and 26
16 percent white and others?

17 MR. FINA: Yes, that's correct.

18 COUNCILWOMAN CLARK: Do you have a
19 spreadsheet as to where these jobs are from
20 laborer through manager? You know what I mean by
21 "spreadsheet?"

22 MR. FINA: That would be an extensive
23 spreadsheet. I do not have that with me. I could
24 ask the company to produce that in a reasonable
25 period of time.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 COUNCILWOMAN CLARK: That would be
3 fine. I would be interested -- I don't mean to
4 hold this up, but I am interested to know where
5 these jobs are and how they are distributed
6 throughout the company, whether they're clustered
7 either at the bottom or at the top. And I can't
8 tell it with numbers this gross.

9 So if you give me a spreadsheet on it,
10 I can see -- what we used to say in the old days
11 "an EEO 1 spreadsheet" that shows managers,
12 professionals, technical, clerical, laborers, you
13 know, that kind of breakout by employment. And
14 then go by male and female and by the various
15 minority classes.

16 There's a form that's already developed
17 for this -- and I would be happy to show you what
18 I mean off the record -- that therefore permits a
19 reasonable interpretation of what your workforce
20 looks like by labor class rather than by these
21 gross numbers, which do not give me a clear
22 picture of who works for you in what capacity.

23 Thank you, Madam Chair.

24 COUNCIL PRESIDENT VERNA: You're
25 welcome.

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 Councilman Cohen, did you want to be
3 recognized?

4 COUNCILMAN COHEN: Yes.

5 COUNCIL PRESIDENT VERNA: The Chair
6 recognizes Councilman Cohen.

7 COUNCILMAN COHEN: Were the figures
8 that Councilwoman Clark cited to you as percentage
9 of ethnic groups employed, was that basically
10 accurate?

11 MR. FINA: That's the information the
12 company provided in good faith to me, and I
13 believe it is absolutely accurate.

14 COUNCILMAN COHEN: All right. Do you
15 know of any other companies that have 61 percent
16 of employees who are Asian and Latino? Is that an
17 unusual workforce?

18 MR. FINA: That is a highly unusual
19 workforce, from my experiences, Councilman.

20 COUNCILMAN COHEN: You say it's a
21 highly --

22 MR. FINA: It's highly unusual to have
23 that percentage.

24 COUNCILMAN COHEN: Unusual. Could you
25 tell us how it comes about? Have you raised that

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 question with the company?

3 MR. FINA: No, I have not raised that
4 question of why so many of their employees are
5 Asian, African-American or Hispanic.

6 COUNCILMAN COHEN: Well, it does not
7 seem to be typical or representative of what we
8 expect. We know in the African-American
9 community, for example, there's vast unemployment
10 and that the numbers of African-Americans are far
11 greater in the city than of other ethnic groups.
12 I'm just wondering about the unusual character.

13 I do it because I am concerned. I do
14 not join in the plaudits given to this company.
15 I'm not saying the plaudits are not earned; I
16 don't know whether they're earned. The one
17 experience I had was an unfortunate experience
18 with the company, and I would just like to know
19 whether there's any understanding of why there's
20 this unusual workforce spread.

21 MR. FINA: Councilman, I'll inquire
22 providing that there is nothing that's deemed
23 discrimination by my inquiry into that. I would
24 be more than happy to talk to the company.

25 COUNCILMAN COHEN: All right. Thank

1 6/10/99 COMM. OF WHOLE - Bill 990201

2 you, Madam Chair.

3 COUNCIL PRESIDENT Verna: Are there any
4 other questions from members of the committee?

5 (No further questions at this time.)

6 COUNCIL PRESIDENT Verna: Do we have
7 anyone else to testify on this bill?

8 (No response.)

9 COUNCIL PRESIDENT Verna: Seeing none,
10 this will conclude the public hearing

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1 6/10/99 COMM. OF WHOLE - Pub. Meeting

2 COUNCIL PRESIDENT Verna: We will now
3 go into our public meeting.

4 The Chair recognizes Councilman
5 O'Neill.

6 COUNCILMAN O'NEILL: Madam Chair, I
7 move that Bill No. 990291 be amended as per --

8 COUNCIL PRESIDENT Verna: Excuse me,
9 are we going to move for the adoption of the
10 amendment?

11 COUNCILMAN O'NEILL: That's what I'm --

12 COUNCIL PRESIDENT Verna: Oh, I'm
13 sorry.

14 COUNCILMAN O'NEILL: I move that Bill
15 No. 990291 be amended as per the amendment
16 introduced and circulated by Mr. Fina.

17 (Duly seconded.)

18 COUNCIL PRESIDENT Verna: It has been
19 moved and second that the amendment, as provided
20 by Mr. Fina, be adopted.

21 All in favor signify by saying aye.

22 Those opposed?

23 The ayes have it and the amendment is
24 adopted.

25 The Chair recognizes Councilman

1 6/10/99 COMM. OF WHOLE - Pub. Meeting

2 O'Neill.

3 COUNCILMAN O'NEILL: Madam Chair, I
4 move that Bill 990291, as amended, be reported out
5 of this committee with a favorable recommendation
6 at the next session of Council.

7 (Duly seconded.)

8 COUNCIL PRESIDENT Verna: It has been
9 moved and seconded that Bill No. 990291 be
10 reported out of committee with a favorable
11 recommendation, as amended.

12 All in favor will signify by saying
13 aye.

14 Those opposed?

15 COUNCILMAN COHEN: Madam President, I
16 would like on the record my abstention.

17 COUNCIL PRESIDENT Verna: Please have
18 the record note that Councilman Cohen is
19 abstaining.

20 All others are voting aye? If so, may
21 I hear the ayes so that there is no question about
22 this? Thank you.

23 All other Councilmembers in attendance
24 are voting aye.

25 Thank you all very much.

1 6/10/99 COMM. OF WHOLE - Pub. Meeting

2 (Adjourned at 11:09 a.m.)

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RE: COUNCIL COMMITTEE OF THE WHOLE

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BILL NO. 990291

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JOSEPHINE CARDILLO,

Registered Professional Reporter