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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE THE COUNCIL COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 8, 1998
10:05 a.m.

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13 BILL 970713 - Amending Title 9 of The Philadelphia
14 Code, entitled "Regulation of Businesses, Trades,
and Professions," by adding a new chapter entitled
"Agents". . .

15

16 BILL 979714 - Amending Section 12-2900 of The
Philadelphia Code, entitled "Contractor Parking"
17 by amending provisions relating to contractor
parking. . .

18

19

PRESENT: COUNCILMAN JAMES F. KENNEY
COUNCILMAN DAVID COHEN
20 COUNCILWOMAN ANNA CIBOTTA VERNA

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

3 COUNCILMAN KENNEY: Good morning,
4 ladies and gentlemen. This is a continued
5 recessed hearing of the Council Committee on
6 Rules, recessed from June 4, 1998, to today, this
7 date, this time, and this room, continue
8 discussion of Bill No. -- first No. 970713, which
9 is an ordinance amending Title 9 of The
10 Philadelphia Code, entitled "Regulation of
11 Businesses, Trades, and Professions," by adding a
12 new chapter entitled "Agents," requiring any
13 person who represents or acts on behalf of another
14 person in any matter before the Department of
15 Licenses and Inspections, the Board of Building
16 Standards, the Board of License and Inspection
17 Review, the Zoning Board of Adjustment, the Board
18 of Safety and Fire Prevention, or the
19 Accessibility Advisory Board, to obtain a license,
20 and setting forth standards for the issuance of
21 such licenses; requiring such person to see
22 complete entry of appearance forms prior to any
23 act of representation; prohibiting certain conduct
24 by such agents; and providing penalties for
25 violations; all under certain terms and

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2 conditions.

3 (L&I panel comes forward.)

4 COUNCILMAN KENNEY: Good morning,
5 Commissioner and Mr. Campbell. Could you please
6 identify yourselves for the record. And what I'd
7 like to ask you to do is to go through the
8 amendments and describe the need and the purpose
9 of the amendments.

10 Good morning.

11 COMMISSIONER EGAN: Yes, good morning,
12 Councilmembers. My name is Fran Egan. I am the
13 Commissioner of the Department of Licenses &
14 Inspections. With me today is John Campbell,
15 who's the Legislative Director for the
16 Department.

17 The reason we asked for a continuance
18 from this past Friday was because the Expeditors
19 Association had expressed an interest in working
20 with us to come up with some compromised
21 amendments whereby they would then be able to
22 support the bill.

23 We have those amendments to present to
24 you today, and I'll have Mr. Campbell go over them
25 with you.

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2 COUNCILMAN KENNEY: Okay, thank you
3 very much.

4 MR. CAMPBELL: Okay. As the
5 Commissioner stated, we met with both the
6 expediter organization and the AIA, and I
7 presented two documents to the committee. The
8 first document is a copy of Bill 970713 and how it
9 would read if the amendments are adopted.

10 The second document are the proposed
11 amendments to the bill. And I'm going to go
12 through the amendments.

13 What we have done, number one, is
14 because, at the expeditors' request, they have a
15 unique title that refers to the function that they
16 do. They're "expeditors." And if a duck is a
17 duck, you call it "a duck," so throughout the
18 bill, we changed the name from "licensed agent" to
19 "expediter."

20 The second amendment was an amendment
21 from the Law Department. There was a drafting
22 error and we just changed the wording "for taking
23 an action on behalf of" and just replaced it with
24 the word "to represent."

25 The next section, we just completely

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2 rewrote it, and that was to deal with the
3 exceptions and --

4 COUNCILMAN KENNEY: Would you do me a
5 favor. Just for the ability to follow your
6 testimony --

7 MR. CAMPBELL: Oh, I'm sorry.

8 COUNCILMAN KENNEY: -- could you just
9 give us the quick section of the portion of the
10 bill that's being amended so we can go right to it
11 and just check the difference.

12 MR. CAMPBELL: Okay. Well, throughout
13 the bill, the word "expeditors" was replaced with
14 the word --

15 COUNCILMAN KENNEY: Okay, and you've
16 had a change in definition for "expediter"?

17 MR. CAMPBELL: Right.

18 COUNCILMAN KENNEY: The expediter
19 definition is on page 1 of the amended bill?

20 MR. CAMPBELL: That is correct.

21 COUNCILMAN KENNEY: And the correct
22 definition is --

23 MR. CAMPBELL: And the new definition
24 is 1901(1). And, again, we changed the word from
25 "licensed agent" to "expediter."

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2 The next amendment is in section
3 19-1901(1). And, again, we changed the words for
4 "taking action on behalf of" to the word
5 "represent."

6 The next section is 19-1902, and that's
7 license required, and we --

8 (Brief interruption.)

9 COUNCILMAN KENNEY: The issue has been
10 raised relative to the change or the alleged
11 change to the title of the bill.

12 MR. CAMPBELL: Okay. We did not change
13 the title. We left the word "licensed agent" in
14 the title. This was at the -- Mr. Auerbach,
15 senior attorney from the Law Division, was with
16 us, and he saw no problem with the word "licensed
17 agent" and the title and substituting the word
18 "expediter" in the bill.

19 COUNCILMAN KENNEY: But now it seems to
20 be a difficult a difficult thing to do because
21 you're adding a definition that's not mentioned in
22 the title.

23 MR. CAMPBELL: Yeah. What I had
24 proposed at the meeting was to -- and he said it
25 wasn't needed. I said that, you know, I would

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2 have like "licensed agent" with the word

3 "expediter" in parentheses.

4 COUNCILMAN KENNEY: But you're still
5 changing the title.

6 Is there something we can -- can we get
7 someone from the Law Department to give us some
8 guidance? We're going to need guidance on this
9 issue from the Law Department.

10 COMMISSIONER EGAN: Yeah.
11 Unfortunately, Rick Auerbach is one of the people
12 stuck at home because of the inability to get in
13 by train lines. Now, he did assure us that there
14 was no need -- legally, there would be no problem
15 with not changing the title.

16 COUNCILMAN KENNEY: Is there something
17 we can get from the Law Department, either by fax
18 or if you could get us at least something that we
19 could put into the record that would indicate that
20 they have reviewed this and are --

21 COMMISSIONER EGAN: We'll get that to
22 you as quickly as possible because we have been
23 assured verbally that there's no problem, but
24 we'll get it to you in writing.

25 COUNCILMAN KENNEY: It's not that I

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2 don't trust your word or your analysis of the
3 conversation with Mr. Auerbach, but I think
4 members of the committee would be more comfortable
5 if --

6 COMMISSIONER EGAN: Yeah, I understand.

7 COUNCILWOMAN VERNA: If he has a fax at
8 home, he can fax it to us.

9 COUNCILMAN KENNEY: Yeah.

10 COMMISSIONER EGAN: Okay.

11 COUNCILMAN KENNEY: Do you want to --
12 do you have anybody here who can try to get that
13 accomplished?

14 COMMISSIONER EGAN: Why don't I do that
15 while John continues.

16 COUNCILMAN KENNEY: Okay, thank you.
17 Please proceed.

18 MR. CAMPBELL: Okay. We completely
19 rewrote the section 19 -- or, I'm sorry, 9-1902,
20 "Licensed Required," because of -- we changed and
21 wrote the exceptions to the bill to make it clear
22 as to who we were exempting and some omissions
23 that we had made when we did the bill that we had
24 left people out who are, in fact, not licensed
25 expeditors.

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2 And the four provisions are the
3 licensed professionals which include attorneys,
4 architects, and engineers currently licensed to
5 practice, licensed contractors who we will be
6 licensing later in the year when we -- with the
7 ordinance that you have introduced, Councilman.
8 And exempting public officials, Councilpeople
9 representatives and their staffer who it's part of
10 their administrative duties to take permits and
11 licenses out with the Department.

12 And also, number four, real estate
13 brokers who are coming in for certification
14 statements, and they're only coming in for that.
15 And, technically, they would have had to take out
16 an expediter's license to do certification. And
17 we recognized the whole issue with certifications.

18 We reduced the license fee from \$200 to
19 100. And, again, that's not a major issue. I
20 mean, we're not talking about mega bucks or
21 anything that would seriously affect the
22 Department's revenue. And we thought that, you
23 know, on our part, it's a concession to show that
24 we were willing to negotiate, that we would just
25 cut that.

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2 COUNCILMAN KENNEY: This is an annual
3 fee?

4 MR. CAMPBELL: It's an annual fee.

5 Okay, the other thing, although -- and
6 in 19-1904, we added an amendment to establish the
7 requirement to do regulations for license
8 suspension and revocation procedures.

9 The one thing that we're concerned
10 about is that this is a livelihood, this is
11 somebody's property, and we don't want to -- and
12 then it being to take some kind of haphazard
13 action that would not protect somebody's rights.
14 You know, we sort of feel strong about closing a
15 place without due process. And this is really a
16 process thing that we put in.

17 And then we redid -- the final
18 amendment is 19 --

19 COUNCILMAN KENNEY: John, I'm sorry to
20 interrupt, but I think you keep saying "19." It's
21 9.

22 MR. CAMPBELL: I'm sorry I keep saying
23 "19."

24 COUNCILMAN KENNEY: Right. And I want
25 to make sure the record reflects that it's Chapter

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2 9, not 19.

3 MR. CAMPBELL: It's Chapter 9, right.

4 The final change is the construction --
5 engaging in the practice of licensed professions.

6 And what we did was, we rewrote this section to --

7 COUNCILMAN KENNEY: And that's 9-1907,
8 right?

9 MR. CAMPBELL: 1907. To include
10 architects and engineers licensed by the
11 Commonwealth of Pennsylvania.

12 And what we are saying in this section
13 is that there are certain things that we cannot do
14 in the City of Philadelphia, and the practice of
15 law being one we cannot regulate. That's handled
16 by the State Supreme Court. And what we are
17 saying in this section is that we are not giving
18 people rights that we couldn't give anyway.

19 But we expanded that because the
20 architects and engineer law and the landscape
21 architects also have that same provision. They're
22 regulated, I believe, by either the Department of
23 State in Pennsylvania or the Attorney General, one
24 or the other.

25 And they are the amendments. And the

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2 Commissioner is on the phone right now.

3 COUNCILMAN KENNEY: Okay. What I want
4 to do is to open up the floor to the committee
5 questions of you.

6 Councilmember Cohen.

7 COUNCILMAN COHEN: Just one question on
8 Section 1902 was amended, paragraph (2)(c), second
9 line. I would suggest eliminating the words after
10 "actions as an expediter." Public officials who
11 are employees will never be acting as an
12 expediter.

13 So the sentence would read: "The
14 provisions of this chapter shall not apply to City
15 or other public officials or employees whose
16 actions are in the course of or incident to their
17 official duties." That's okay, but we'd be
18 eliminating "as an expediter."

19 MR. CAMPBELL: Okay.

20 COUNCILMAN COHEN: When a Councilmember
21 goes before City Council, he's representing his
22 constituents. He's not employed or compensated to
23 represent them; he's doing it as part of his
24 official duties. And the same thing holds true
25 for our staff members who appear on our behalf.

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2 COUNCILMAN KENNEY: That's good. I
3 think that's a very good suggestion. It does
4 clean that language up and take the --

5 MR. CAMPBELL: Yes, Councilman, thank
6 you.

7 COUNCILMAN COHEN: Just take out "as an
8 expeditor."

9 I have no further questions at this
10 time.

11 COUNCILMAN KENNEY: Councilwoman Verna?

12 COUNCILWOMAN VERNA: No.

13 COUNCILMAN KENNEY: There are no other
14 questions for this witness. We're attempting to
15 facilitate some indication from the Law Department
16 in writing that -- as it relates to the issue of
17 the title of the bill.

18 MR. CAMPBELL: Mr. Chairman, I also
19 have -- with us today are representatives of the
20 Expeditors Association.

21 COUNCILMAN KENNEY: Would someone like
22 to come and testify on at least the amendments
23 that were read today?

24 MR. CAMPBELL: And I also have Sandy
25 Gars (ph.), Executive Director of the AIA, also.

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2 COUNCILMAN KENNEY: Okay.

3 MS. PERLSTEIN: Good morning, my name
4 is Patty Perlstein. Do you want my address?

5 COUNCILMAN KENNEY: No, you just have
6 to say your name again so she could --

7 MS. PERLSTEIN: My name is Patricia
8 Perlstein, P-E-R-L-S-T-E-I-N.

9 COUNCILMAN KENNEY: Please proceed, and
10 please pull the microphone closer to you.

11 MS. PERLSTEIN: Sure, okay. Excuse
12 me. I was in a hurry to get here, and we had the
13 problem of trying to get through town.

14 COUNCILMAN COHEN: You have to really
15 talk right into the microphone.

16 MS. PERLSTEIN: It took me 45 minutes
17 to get through town in order to -- and I forgot
18 this, it was sitting on the floor of my bedroom.

19 I can only speak for myself, I guess,
20 even though there's a little organization of
21 expeditors. I had a couple things that John and a
22 few of us had discussed; am I correct?

23 MR. CAMPBELL: (Nods.)

24 MS. PERLSTEIN: One of the things on
25 the license suspension, what kind of length of

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2 time are we looking at if we do all the bad
3 things?

4 COUNCILMAN KENNEY: Mr. Campbell?

5 MR. CAMPBELL: Well, that's what we
6 would do by developing the regulations that would
7 for the hearing, for the hearing process, and for
8 the length of time.

9 MS. PERLSTEIN: Okay.

10 MR. CAMPBELL: Generally,
11 traditionally, the first-time action is usual a
12 warning. And the second-time action would be like
13 a 30-day suspension. The third time would be like
14 a 90-day. And then the third strike, then we
15 would go to a more serious -- after, you know, the
16 proverbial "three-strike rule," we would go for a
17 year.

18 But that will be done by regulation.
19 And as we develop these regulations, we will be
20 doing this like we did with the amendments to the
21 ordinance. It will be a collegial process where
22 we bring you in at the beginning of the process as
23 we develop these regulations.

24 MS. PERLSTEIN: Okay. Number two, on
25 the insurance, the City had indicated there was a

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2 possible umbrella policy that we may fall under,
3 under the City's insurance. And the cost of that
4 is of concern.

5 MR. CAMPBELL: Yeah. Thank you for
6 bringing that up, if I may respond.

7 COUNCILMAN KENNEY: Please.

8 MR. CAMPBELL: When we first talked
9 about, you know, the errors and omission insurance
10 as a result of the last hearing, because of the
11 concern about the cost, I met with the City's risk
12 manager to get a handle as to what we could do.
13 The City contacted their insurance agents, their
14 people.

15 And we will -- "we" being the City of
16 Philadelphia -- like we do with bonds, we will
17 provide a blanket coverage. The benefits of the
18 blanket coverage are -- it's a group coverage
19 instead of individuals actually going out into the
20 market. You also come in under the City's shield.

21 We do not have a cost right now and
22 we. . .

23 COUNCILMAN KENNEY: Go ahead, I'm
24 sorry.

25 MR. CAMPBELL: Okay. We do not have a

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2 cost right now because we're looking for
3 experience -- I'm going to say "Patty," but it's
4 Ms. --

5 MS. PERLSTEIN: You can call me
6 "Patty." Patty's good.

7 MR. CAMPBELL: Okay. Patty and I are
8 going to meet with Debbie Lawton from Risk
9 Management and then provide them with the
10 information. We feel that this will be
11 significantly cheaper than having to go out
12 yourself and into the market.

13 COUNCILMAN KENNEY: Is that a common
14 practice for Risk Management to provide
15 opportunities for outside professionals or other
16 individuals who come under the City's policy?

17 MR. CAMPBELL: Not on a usual basis.
18 They do provide bonding. I believe there's some
19 MBEC and, yeah, minority business and women's
20 business, I know they do provide assistance in
21 that. I'm not that familiar with that. This was
22 a proposal that had been put forward by Joe
23 Perrello, who's the City's risk manager.

24 COUNCILMAN KENNEY: So the City, in
25 some way, would be -- the Risk Management Division

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2 would be acting in some way as an insurance

3 broker?

4 MR. CAMPBELL: Yes, sir.

5 COUNCILMAN KENNEY: And they have done

6 that type of work in the past?

7 MR. CAMPBELL: They have done that.

8 They originally started by doing the performance

9 bonds, the small bonds, because there is just a

10 dearth of people, or a shortage of people who did

11 the small bonding. I think at one point they were

12 down to one.

13 So rather than going on into a

14 noncompetitive market, the City actually went out

15 and underwrote that itself.

16 COUNCILMAN KENNEY: Okay, okay.

17 MS. PERLSTEIN: Okay. So the cost of

18 that is of extreme importance because while we --

19 I don't make a tremendous amount of money as an

20 expediter.

21 COUNCILMAN KENNEY: Well, but I would

22 suspect that the cost, whatever it's going to be,

23 is going to be significantly less than you going

24 into the private market by yourself.

25 MS. PERLSTEIN: Okay.

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2 COUNCILMAN KENNEY: And since we're --
3 and since this legislation would be requiring you
4 to have errors and omissions insurance, the
5 ability to buy it at a group rate with the City's
6 ability to broker it for you should be a
7 substantial cost savings if you had to go on your
8 own to obtain similar insurance.

9 MS. PERLSTEIN: Okay. Number two, what
10 are we ensuring? The term "expediter," to the
11 best of my understanding, is a messenger since
12 we're just like ferrying documents. Say, if
13 Councilman Cohen said, Here's this application,
14 and we go and we drop off, it's not a high-risk
15 job.

16 MR. CAMPBELL: And if I may say that --
17 in that situation, that would be taken into
18 consideration, the whole process that we were
19 going to be doing with the City's risk manager and
20 then through to the insurance. There is certain
21 because there are a number of expeditors who, of
22 course, do complete the documents for people so
23 that --

24 COUNCILMAN KENNEY: Well, the
25 definition, as it is suggested it be here, is:

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2 "Any person employed or compensated to represent
3 any other person in any matter before the
4 Department or the Review Boards or before any of
5 their offices or employees."

6 I mean, I would suspect that the
7 function of an expediter, as we have come to know
8 it, is more than simply carrying documents. You
9 can get a guy on a bike to go do that. We may
10 have to wind up licensing them eventually. But
11 that there are other things involved that are more
12 technical in nature than simply delivering
13 documents from one office to another.

14 MS. PERLSTEIN: Okay. Also, when this
15 insurance comes, I think I have a pretty clean
16 record as an expediter. I've been doing it for
17 ten years. I have very, very satisfied clients
18 who have used me over and over and referred me
19 over and over.

20 Can this possibly lead to frivolous
21 lawsuits, things which have no basis? 'Cause once
22 you have insurance, you know, if "Susie Q. Public"
23 wasn't happy, not that I would represent Susie Q.
24 Public. But, say, "Tommy Boy" wasn't happy and he
25 decided that, hm, I couldn't get her on the phone

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2 for two days because she was sick in bed or took
3 off, so I'll sue her.

4 COUNCILMAN KENNEY: There are probably
5 an indefinite number of scenarios where someone
6 could find a way to sue somebody about something.
7 I mean, in fairness, and not to offend -- and I
8 know Councilman Cohen is -- there are probably too
9 many lawyers in this world, and that's why we wind
10 up in the litigious things that we wind up in,
11 because everybody scrambling to make a living.

12 I mean, I couldn't tell you for sure
13 that someone wouldn't sue you down the road based
14 on some frivolous claim. However, if it's
15 frivolous, it won't amount to anything.

16 I mean, I'm -- just anecdotally, I was
17 successful in raising private dollars to install
18 two alley gates at the ends of a street in South
19 Philadelphia over the weekend. And I got my first
20 call on my machine this morning, and it was the
21 lady who lives on the corner house claiming that I
22 put these gates in and cracked her foundation.

23 I mean, it's just -- you're going to
24 find people who are looking to make money out of
25 someone else's hide, but I don't know how you can

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2 avoid that.

3 And, again, so the record's clear, we
4 are going through this process because of a small,
5 as in every circumstance --

6 MS. PERLSTEIN: Right.

7 COUNCILMAN KENNEY: -- there's always a
8 small group people who find it necessary not to do
9 the right thing when it comes to a particular
10 profession or service that people are performing.
11 The vast majority of trades people, the vast
12 majority of lawyers, the vast majority of everyone
13 else follows the rules and does what they're
14 supposed to do.

15 So because of a small group of people,
16 a small number of people, who do things either
17 illegally or questionably, we need to make these
18 efforts to make sure everybody's protected. And I
19 think that the people who have been sitting in
20 this room, going through this are probably the
21 people who do the right thing all the time.

22 MS. PERLSTEIN: I think we are.

23 COUNCILMAN KENNEY: Yeah. I mean, and
24 that's -- it's sad to say, but that's the way it
25 is. I mean, our insurance rates are high in the

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2 city because we have 50 or 60,000 people driving
3 around without insurance. Your highest insurance
4 cost is the uninsured motorist provision. I mean,
5 I wish they would all not drive either, but what
6 are you going to do.

7 Councilmember Cohen.

8 COUNCILMAN COHEN: I leave to the Bar
9 Association the appropriate response to Councilman
10 Kenney's remarks about the numbers of lawyers.

11 I think -- I think the idea that the
12 City's risk manager is being involved is a good
13 thing. I think Miss Perlstein raises a good
14 question. In the law practice, we refer to people
15 with deep pockets, and that always includes
16 anybody that has insurance, and they all can
17 become the target simply because there is an
18 insurance policy.

19 But I'm sure the risk manager is aware
20 of those circumstances and will be able to take
21 the appropriate action to limit the scope of your
22 concern. If not, you can always raise the
23 question with one of the committee members. We
24 will be sensitive to that.

25 This bill is not aimed at eliminating

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2 expediters; it's aimed at regulating them and
3 letting the Department know what's going on and
4 ensuring the public that employs expediters, to
5 whatever extent they employ them, that there's
6 some standards of performance that are going to be
7 expected of them. And that's the insurance to the
8 public.

9 But if things don't work out the way
10 we're indicating -- we think they will -- you can
11 always come back, and the Expediters Association
12 ought to raise that problem with us. This seems
13 to make sense, and I'm comforted by the concept
14 that someone with experience will be setting the
15 insurance standards.

16 MS. PERLSTEIN: Okay. I know a few
17 others of us want to talk, but I had one
18 additional thing.

19 COUNCILMAN KENNEY: Please.

20 MS. PERLSTEIN: Under the criminal
21 activities Mr. Campbell had indicated to me that
22 we would write into it relating specifically to
23 our duties in relation to City permits, etc. Am I
24 correct about that?

25 MR. CAMPBELL: We're just going to be

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2 doing clarifying regulation. We're not --

3 COUNCILMAN KENNEY: Well, I think, you
4 know, from my personal perspective, if you are
5 corrupt, you're corrupt.

6 And, I mean, it's not just a matter --
7 for me, I would -- I don't necessarily want people
8 that are dealing with the citizens of this city in
9 a professional capacity that have criminal
10 convictions for anything. And not just when it
11 comes to fraud as it relates to permits and other
12 types of things. I mean, if you have been
13 involved in, engaged in criminal activity in other
14 areas, I don't want you doing business in the City
15 either.

16 I mean, I don't know how Mr. Campbell
17 or the Department feels, but from my perspective,
18 a felon's a felon. And if you, you know, make
19 that choice, I don't see how we can eliminate
20 history.

21 Now, I understand there's a time limit
22 involved so that people have a right to and an
23 ability to rehabilitate themselves. But I don't
24 think it should be limited, in my view, just to --
25 I mean, if you're an armed -- if you robbed a bank

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2 by pointing a gun, I don't want you doing
3 expediting work either. But that has nothing to
4 do with city permits. I mean, that has nothing to
5 do with defrauding people as it relates to your
6 duties.

7 MS. PERLSTEIN: Okay, 'cause I did want
8 clarification on that, not that I'm a felon or in
9 the post office this week.

10 COUNCILMAN KENNEY: This week, right.
11 Thank you.

12 COUNCILMAN COHEN: Are you referring to
13 the section that deals with license issuance and
14 which includes a general request of a report of a
15 criminal history?

16 MS. PERLSTEIN: Correct.

17 COUNCILMAN COHEN: Well, there's
18 nothing that I read in this which says that the
19 applicant will be denied a license because of a
20 past criminal record.

21 I assume that it means that the
22 Department will examine it. And if it's an
23 instance like the kind referred to or cited by
24 Councilman Kenney, I assume they'll deny the
25 license.

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2 But if it's something else that doesn't
3 impinge, even though it's a felony, say, but
4 doesn't seem to impinge on the person's integrity
5 with respect to the kind of dealings they would
6 have as an expeditor, then I assume that the
7 Department, at the exercise of its discretion,
8 would grant approval.

9 COUNCILMAN KENNEY: And there's also, I
10 understand, appeal rights. There's an appellate
11 process that you would enter into if you were
12 denied. I guess that's the L&I Review Board?

13 MR. CAMPBELL: The L&I Review Board.
14 And action, of course, taken by the Department is
15 appealable to the L&I Review Board, which is the
16 oversight board for the Department.

17 MS. PERLSTEIN: Okay.

18 COUNCILMAN COHEN: It's a basic minimal
19 requirement. Almost everything, even including
20 the permit for a gun weapon today, there are
21 probably no limitations except checking for a
22 criminal record and then making a decision based
23 on what that record is. It's nothing automatic.

24 It doesn't mean that if you have a
25 criminal record that you're going to be denied,

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2 but it means it's something that the Board has to
3 consider, including whether there been
4 rehabilitation and whether the person's the kind
5 of person that we can tell people --

6 MS. PERLSTEIN: Okay, Councilman.

7 COUNCILMAN COHEN: -- you can deal with
8 them, in our judgment.

9 MS. PERLSTEIN: I remember when I was a
10 young girl and I applied for a job, you got, you
11 know, letters of recommendation from your
12 neighbors and your minister or rabbi. . . But I
13 guess those days are over, right?

14 COUNCILMAN COHEN: Well, they'll still
15 want those, but they'll also want to check on your
16 criminal record. I think we'd be derelict if we
17 didn't find it out and granted a license without
18 making that kind of a check.

19 MS. PERLSTEIN: Okay. I know that
20 other members of my association wanted to speak,
21 if that's okay.

22 COUNCILMAN KENNEY: Well, I want to get
23 the Law Department on record relative to the issue
24 on title.

25 And, Mr. Campbell, we -- this is a

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2 deal? We have an arrangement here that people
3 from the association are happy with? Because I'm
4 sensing that there's maybe another whole slew of
5 questions that have not been resolved as a result
6 of -- I mean, I understood when we came in here
7 today, that's why we continued this because we
8 were in agreement.

9 MS. PERLSTEIN: We basically do but,
10 you know, there's a few people who have additional
11 questions that would appreciate it.

12 And, again, the cost of this insurance
13 is, you know, I've talked to attorneys, and if
14 it's 20 to 35,000, even as an umbrella, I'm out of
15 business.

16 COUNCILMAN KENNEY: I wouldn't suspect
17 that --

18 MS. PERLSTEIN: A little bit I could
19 understand. If it goes into excess of what I make
20 a year, I might as well pencils on Walnut Street,
21 if I can get that license.

22 COUNCILMAN COHEN: You might not
23 without a criminal check and insurance.

24 (Laughter.)

25 COUNCILMAN KENNEY: Well, one of the

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2 cornerstones of this bill, from the Department's
3 standpoint, is one of insurance, so I think what
4 we're going to do is the best we can to keep the
5 costs as low as possible and to allow you to buy
6 under a group, allow you to buy under the City's
7 umbrella.

8 But I think you're exposed right now
9 individually by not having any insurance. If you
10 find that John Q. Public that's litigious in
11 nature and sits home during the day and watches
12 all those legal ads on the Jerry Springer Show,
13 you may find a guy who's going to want to sue you,
14 and you're going to be exposed with property, your
15 home, car, and bank accounts, without any
16 protection at all.

17 So, in some ways, even though there
18 will be a cost incurred, it's certainly more
19 protection for you that you have in your current
20 situation.

21 MS. PERLSTEIN: Correct. But, again,
22 it's -- my question -- I know we had gone over
23 this. As an expediter, and I know you -- there's
24 more things to some expediting. It's what are we
25 ensuring? I mean, I understand there's a few bad

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2 apples.

3 From the last head count I have,
4 there's 25 expeditors in the city. I'm sure that
5 more will surface, but there are 25 people who are
6 concerned.

7 COUNCILMAN KENNEY: And I could tell
8 you, I would expect that with bad publicity will
9 come people looking to perhaps challenge what you
10 may have done for them in the past.

11 MS. PERLSTEIN: Okay.

12 COUNCILMAN KENNEY: And that
13 protection, I think, is really important for you
14 to have.

15 MS. PERLSTEIN: Okay. Also, we are in
16 the process of forming the Philadelphia Expeditors
17 Association, and we'd like to be a self-policing
18 type of organization, with some nice bylaws to
19 help prevent things like the bad apples.

20 And if the insurance is exorbitant and
21 we could work with the City within that realm as
22 our association, I mean, I know personally -- I
23 don't think that there's any poison pen letters to
24 the City regarding me and most of us. Perhaps, as
25 the association and the people that belong to it,

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2 we can do our own little self-policing if the
3 insurance is too exorbitant.

4 I'm sorry to say I don't make a lot of
5 money. I don't think any of us makes a lot of
6 money, and if it's if 6,000 a year, I'm out.

7 COUNCILMAN KENNEY: Insurance is a very
8 difficult situation. I mean, at my wife's
9 insistence, I just went out and got some personal
10 insurance, which is basically the insanity of
11 betting that I'm going to drop dead before I'm
12 60. And I'm paying monthly -- paying quarterly
13 for the privilege of betting that I'm going to
14 drop dead before I'm 60. Although, again, it was
15 my wife's insistence that I went and got it.

16 So, insurance is a very difficult --
17 and I recognize -- and as Councilman Cohen said,
18 you know, if we get to the point where we come
19 back and this insurance is exorbitant and so out
20 of whack, we'll come back and we'll work on this
21 again legislatively.

22 MS. PERLSTEIN: Okay.

23 COUNCILMAN KENNEY: But I think, in the
24 interim, you're much better protected by being
25 insured than not being insured.

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2 MS. PERLSTEIN: 'Cause our clients have
3 the ability to take us to Small Claims Court. I
4 feel sometimes, if the person complains to a
5 Councilmember, that it would be nice if the
6 Councilmember would call both parties in, you
7 know, 'cause -- and have a little -- 'cause most
8 of us, I think, are reasonable people. I know I
9 am. I'm willing, if a refund is due, to work that
10 out.

11 COUNCILMAN KENNEY: Okay, but that's a
12 difficult role for us to play to.

13 MS. PERLSTEIN: I know.

14 COUNCILMAN KENNEY: To mediate civil
15 disputes.

16 MS. PERLSTEIN: Exactly.

17 COUNCILMAN COHEN: It means we'll lose
18 one vote, at lease.

19 COUNCILMAN KENNEY: That's right. It's
20 like being the judge of the baby parade.

21 (Laughter.)

22 COUNCILMAN COHEN: You're going to make
23 somebody unhappy.

24 COUNCILMAN KENNEY: Like being the
25 judge of the baby contest.

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2 MS. PERLSTEIN: And there's no
3 guarantee that the complainant had even voted for
4 you.

5 COUNCILMAN KENNEY: Yeah, well. . .

6 MS. PERLSTEIN: So I'm going to give
7 the floor to some other of my associates after you
8 finish with. . .

9 (Rick Auerbach comes forward.)

10 COUNCILMAN KENNEY: Mr. Auerbach, would
11 you please identify yourself for the record.

12 MR. AUERBACH: Yes. I'm Rick Auerbach,
13 Senior Attorney for the Law Department.

14 COUNCILMAN KENNEY: And could you --
15 well, you can start wherever you'd like, but the
16 issue at hand is the title.

17 MR. AUERBACH: The issue's been raised
18 as to changing term the "agent" to "expediter,"
19 given the title of the bill?

20 COUNCILMAN KENNEY: Yeah, the issue is
21 that the word "agent" appears in the title, and
22 the word "expediter" doesn't, and we're defining
23 the word "expediter."

24 MR. AUERBACH: Yeah, okay. I see no
25 legal problem at all in changing that term. The

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2 Charter requires that the subject of a bill be
3 adequately expressed in the title. And I think
4 the title of this bill more than adequately
5 expresses its purpose.

6 If you look at the title, it says it's
7 an ordinance basically requiring any person who
8 represents or acts on behalf of another person in
9 any matter before the Department and various
10 boards to obtain a license. That's the purpose of
11 the bill.

12 The word "agent" -- neither the word
13 "agent" or "expediter" appears in that phrase.
14 That's the subject of the bill. What you call
15 person who represents another, whether you call
16 him "an expediter" or "an agent," I really don't
17 see that that's material to the subject of the
18 bill.

19 Also, the standard for amending the
20 bill in the Charter is that you may not amend a
21 bill so as to change its purpose. And certainly
22 changing the nomenclature, the terminology, does
23 not in any way change the purpose of the bill.

24 COUNCILMAN KENNEY: I know Councilman
25 Cohen has a question.

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2 COUNCILMAN COHEN: Well, no. What I'm
3 going to suggest is that I appreciate that
4 whenever the Administration supports a change,
5 it's always legal; whenever they don't like a
6 change, it's always not legal.

7 I would just like to suggest -- I think
8 there's an interest in the Department in having
9 the bill passed, that we pass this bill, but I
10 would say that it might be wise to introduce
11 another ordinance later, with the correct title
12 and the correct name, and just go through the
13 routine process of passing a bill with the
14 appropriate title.

15 MR. AUERBACH: For the record,
16 Councilman Cohen, I would assure you, if this were
17 your bill and the Administration opposed it and
18 you wanted to amend it in your way, I guarantee
19 you, you will get the same --

20 COUNCILMAN COHEN: That's -- I don't
21 want to get involved in that.

22 MR. AUERBACH: But I can personally
23 assure of that just for what it's worth.

24 Thank you.

25 COUNCILMAN COHEN: Say, over a long

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2 history, the conclusion I've arrived at is what I
3 stated earlier, but we don't have to dispute it.
4 We can pass the bill, get it in action in the fall
5 session. If there seems any need to do so, we can
6 just introduce another bill with the title
7 "Expeditors" and reestablish it and eliminate any
8 possible questions.

9 COUNCILWOMAN VERNA: So we're not going
10 to change the word "agents"?

11 COUNCILMAN COHEN: No, I would change
12 it now. I would accept Mr. Auerbach's statement
13 temporarily. And then in the fall, we could
14 introduce a bill with the correct title. It's
15 unlikely that any challenge would be asserted in
16 the next three or four months.

17 I think basically he's right. I was
18 just hoping that he would assume the same
19 common-sense application that he's doing in this
20 case in other cases.

21 MR. AUERBACH: I will.

22 COUNCILMAN COHEN: But the subject
23 matter is the same, and we are merely changing a
24 title here.

25 COUNCILMAN KENNEY: Okay, thank you.

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2 Thank you for your testimony and it's on the
3 record.

4 The AIA, please.

5 (AIA representative comes forward.)

6 COUNCILMAN KENNEY: Good morning.

7 Please identify yourself for the record.

8 MS. GARS: I'll just take a moment of
9 your time. I'm Sandy Gars (ph.), the Executive
10 Director of the Philadelphia Chapter of the
11 American Institute of Architects. Good morning.

12 COUNCILMAN KENNEY: Good morning.

13 MS. GARS: And thank you for giving me
14 the opportunity to make a statement.

15 Basically, let me just say that the
16 American Institute of Architects, in Philadelphia,
17 represents about 1300 members, of which 1,000 are
18 licensed architects in the four-county area,
19 including Philadelphia, Delaware County,
20 Montgomery County, and Chester County. We also
21 represent 300 member firms, both large, medium,
22 and small. We represent minority business
23 enterprises as well as WBE firms.

24 Basically, we are here to support
25 legislation with the amendments. We would not be

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2 here supporting it if the amendments were not
3 included.

4 Very often, when legislation is
5 drafted, attorneys are given special recognition
6 for the role that they play because they are
7 obviously licensed by the State. And they were --
8 originally in the original bill, attorneys were
9 excluded from the provisions of the legislation.

10 I'm here to make sure that architects
11 are also excluded from the provisions of the
12 legislation, and the amendments reflect that.
13 Architects are licensed by the state of
14 Pennsylvania, by the Commonwealth. There's an
15 architectural licensure board that regulates
16 them. They have extensive education, they have an
17 extensive licensing procedure that they need to
18 pass within the Commonwealth.

19 So we just want you to keep in mind
20 that architects, as well as landscape architects,
21 as well as engineers, as well as, hopefully in the
22 future, there will be licensed contractors as well
23 engaged in obtaining permits as part of their
24 normal course of doing business. And, again, I
25 would just like to bring that to your attention.

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2 We're supporting the legislation. I'd
3 like to thank Commissioner Egan and John Campbell
4 for working with our association so that, in fact,
5 we believe that we have a better bill here that we
6 can support and that it reflects good government
7 in process. And we stand ready to work in
8 conjunction with City Council and with our City
9 officials so that the legislation that is produced
10 now and in the future is the best legislation
11 possible.

12 Again, our architect members obtain
13 errors and omission insurance. That's part of
14 their -- that's part of what they need in order to
15 practice. And we'd like to see that our members
16 are given the respect and acknowledgment of how
17 they, in fact, protect the health, safety, and
18 welfare of the public.

19 So, again, I thank you. And if we can
20 be of further service, please let us know.

21 COUNCILMAN KENNEY: Thank you. Thank
22 you for your involvement in this process.

23 Councilmember Cohen.

24 COUNCILMAN COHEN: Mr. Chairman, I'd
25 like to just mention that architects can read

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2 plans and designs much better than lawyers can.
3 And I say that as a lawyer.

4 (Laughter.)

5 COUNCILMAN KENNEY: Thank you. Is
6 there anyone else to testify on this bill?

7 Sir, come forward, please.

8 (Ivor Moore comes forward.)

9 COUNCILMAN KENNEY: Please identify
10 yourself for the record.

11 MR. MOORE: My name is Ivor Moore,
12 I-V-O-R, M-O-O-R-E. And I do expediting in the
13 city. I've done it for about 15 years.

14 I just have a couple of questions. One
15 is the cost for the insurance. As expeditors, we
16 are in, essence, errand boys. The documents that
17 are produced by the architects, they carry their
18 own errors and omission insurance. So if there
19 are any errors on those documents, that is the
20 responsibility of the maker of those documents,
21 whether it be an architect engineer or a
22 contractor.

23 So what I would like to know is what
24 the insurance coverage is for the expeditor? It
25 is not errors and omission insurance because we

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2 are not the makers of the document. That is my
3 question.

4 COUNCILMAN KENNEY: Well, my statement
5 to you, before I ask Mr. Campbell to respond, is
6 that I don't think I've been, in this experience
7 with you, but there's some people in this room
8 that I have been on the other side of the table
9 with at the Zoning Board of Adjustment and the
10 Board of Building Standards and some other places.
11 And they have done substantially more than simply
12 errand documents from one place to another.

13 I mean, we've been in pitched battles
14 over projects in the community that expeditors,
15 some of people in this room, have supported and
16 have done a very good job in representing their
17 clients' interests, as almost a lawyer would.

18 So I mean, to minimize it -- I think
19 that the delivery and processing of documents is a
20 major part of what an expeditor does. But to
21 minimize -- if that's all you did, you wouldn't
22 need to be hired.

23 MR. MOORE: Well, this is very true,
24 but the makers of the documents -- the expeditors
25 do not do the drawings or make these documents.

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2 The expediter is really the errand boy.

3 The coverage for the errors and
4 omissions on these documents is in the province of
5 the architect or the engineer or the contractor,
6 whoever produces them.

7 So, as I said, my question is: Under
8 what title does the insurance for the expediters
9 come? In my mind, it does not cover -- it does
10 not come under errors and omissions. I can see
11 insurance but I don't see how it goes to errors
12 and omissions.

13 Now, it's very true that some
14 expediters do other work besides expediting. They
15 do plot plans, they do surveys, but that is not
16 under this bill. This bill is strictly the
17 expediters.

18 Many of these members wear more than
19 one hat wear. They wear a hat as an expediter.
20 Some of them are architects, some of them are
21 engineers, some of them do kitchen designs, but
22 this is the second or third or fourth hat that
23 they wear.

24 So we're just talking at this point
25 about expediters, so I still would like to know

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2 what form this insurance is going to take. I
3 mean, what is its title?

4 COUNCILMAN KENNEY: As it relates to
5 this bill?

6 MR. MOORE: Yes.

7 COUNCILMAN KENNEY: The expediter is
8 any person employed or compensated to represent
9 any other person in any matter before the
10 Department or the review boards or before any
11 other officers or employees.

12 So that means an expediter is more, in
13 this particular definition, is more than expansive
14 than your description of what an expediter does.

15 Now, if Mr. Campbell wants to talk to
16 specific -- and, again, so the record -- the
17 record has been -- on the record already is
18 discussions with the Department, that this is a
19 fluid -- this insurance issue is a fluid situation
20 right now.

21 Until we get the numbers, until we get
22 the actual parameters of what the insurance is
23 going to cover through the Risk Management
24 Division of the City of Philadelphia we really
25 don't have those answers yet.

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2 So, Mr. Campbell, if you want to. . .

3 MR. CAMPBELL: Again, Councilman
4 Kenney, and members of the Rules Committee, this
5 is part of this discussion that we will be having
6 with the risk manager, and it will be his
7 determination.

8 And, again, we are working with the
9 expeditors. We are bringing in Miss Perlstein,
10 who will sit down with Debra Lawton and myself,
11 and outline the parameter for the insurance so
12 that we're quite specific.

13 Errors and omissions insurance by an
14 architect or an engineer cover their misdeeds or
15 their potential misdeeds. It would not impinge on
16 the expeditor, we recognize that, but there are
17 transactions that the expeditors complete that
18 would make them subject to possibly other than
19 somebody who made a mistake, an egregious or
20 serious mistake on an application, but they
21 prepare it as part of their expediting function.

22 But, again, this is what we would be
23 doing with the risk manager.

24 COUNCILMAN KENNEY: Is that it?

25 MR. CAMPBELL: That's my answer, sir.

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2 COUNCILMAN KENNEY: Okay, thank you.

3 Please identify yourself for the record
4 and proceed.

5 (Dave Terrell comes forward.)

6 MR. TERRELL: Yeah, I'm Dave Terrell.

7 I'm an expediter for about eight years and missed
8 about seventeen days of coming to the Department
9 every day of week.

10 I'm concerned with the word
11 "department" being in unison and in the same
12 sentence with the boards. I understand this bill
13 was originally instigated, shall we say, to do
14 away with expediters going to the boards. They
15 thought that the boards should be represented by
16 lawyers.

17 I'm still -- it's still vague to me how
18 that reads, where it says "practicing law." Does
19 this bill keep expediters from going to the
20 boards? And if it does, since "department" is in
21 the exact same sentence, it might also eliminate
22 us from going to the department or the counter
23 where we deal every day.

24 COUNCILWOMAN VERNA: Have you seen a
25 copy of the amendment, sir?

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2 MR. TERRELL: Pardon me?

3 COUNCILWOMAN VERNA: Have you seen a
4 copy of the amendment?

5 MR. TERRELL: Yes, ma'am.

6 MR. CAMPBELL: Could I answer that,
7 Councilman?

8 COUNCILMAN KENNEY: Sure.

9 MR. CAMPBELL: First of all, this is a
10 bill that is regulated under Title 9. And when
11 you read Title 9-100, the administrative
12 provisions, it specifically says under definition,
13 unless the department is the Department of
14 Licenses and Inspections, unless otherwise
15 specified.

16 So that because Title 9 is rules of
17 business that -- instead of saying "the Department
18 of L&I" each and every time, the framers of the --
19 when they consolidated the code, I guess, back in
20 the fifties, they just made an intelligent
21 decision to say, Well, Title 9 is L&I. So then
22 they did that in the definition, as they did with
23 Title 11, when you look at the department under
24 the streets code. It says, unless otherwise
25 specified, it is the Department of Streets. And

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2 that's where the department. . .

3 The other thing, this does not prevent
4 people from going to review boards as witnesses,
5 as expert witnesses. It does not say that they
6 cannot go.

7 What we say and, I guess, this whole
8 issue of the practice of law comes up. All we're
9 saying in this bill is that we cannot confer
10 rights that we have no legal power to confer.
11 We're not saying that they can or cannot go,
12 whether they have to be lawyers.

13 That again, we have no control or say
14 over that. That's the Supreme Court of
15 Pennsylvania, the chief justice make that
16 decision. Whether this bill passed or not, that
17 whole issue of the practice of law, I mean, it has
18 nothing to do with this.

19 MR. TERRELL: It still hasn't really
20 answered my question. Can expeditors go to the
21 Review Board?

22 COUNCILMAN KENNEY: Yes.

23 MR. TERRELL: All right.

24 COUNCILMAN KENNEY: I mean, as far as
25 the definition of an expeditor, it clearly says

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2 that you can.

3 Again, if the Bar Association is
4 interested in pursuing this issue, they can
5 litigate it to keep you from going there if that's
6 their desire. We couldn't stop that. We're not
7 encouraging that, but we couldn't stop it anyway.

8 And, again, what Mr. Campbell is saying
9 is that because of our inability -- we can't
10 confer on you a power that we have no power to
11 confer. So we can't ordain you with the ability
12 to practice law before but we will recognize your
13 ability to go before these boards because we're
14 licensing you to do so. We wouldn't be licensing
15 you for something that's illegal for you to do.

16 MR. TERRELL: Right, I understand that.

17 COUNCILMAN KENNEY: So I think this
18 issue has come from the total elimination, total
19 nuclear destruction to a reasonable, hopefully
20 workable circumstance, which, again, can be
21 changed if the need be.

22 MR. TERRELL: Well, this bill has been
23 talked about for almost a year.

24 COUNCILMAN KENNEY: More than a year.

25 MR. TERRELL: There's been many

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2 versions, and I just--

3 COUNCILMAN KENNEY: I remember at least
4 three years' or four years' worth of discussion on
5 this bill.

6 MR. CAMPBELL: Five maybe, Councilman.

7 COUNCILMAN KENNEY: Well, it only seems
8 shorter, I guess.

9 MR. TERRELL: And you are correct in
10 that expeditors often do more than carry the -- if
11 an expeditor took, as is, an application from most
12 of his clients, it would not be accepted.

13 COUNCILMAN KENNEY: Okay. But we've
14 been up against each other once or twice, I think
15 on some stuff.

16 MR. TERRELL: I think so.

17 COUNCILMAN KENNEY: And you're a very
18 worthy opponent. Thank you very much.

19 MR. TERRELL: Yes.

20 COUNCILMAN KENNEY: Thank you for your
21 testimony.

22 Is there anyone else here to testify on
23 this bill?

24 MR. CAMPBELL: One thing.

25 COUNCILMAN KENNEY: Yes, go ahead, Mr.

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2 Campbell.

3 MR. CAMPBELL: We request a favorable
4 recommendation and suspension of rules.

5 COUNCILMAN KENNEY: That you will get.

6 MR. CAMPBELL: Thank you.

7 COUNCILMAN KENNEY: Thank you very
8 much. I don't believe I need anyone else from
9 Licenses and Inspections at this point. Thank you
10 very much for your work and your patience, and the
11 Law Department also thanks you.

12 MR. CAMPBELL: Thank you, sir.

13 COUNCILMAN KENNEY: Thank you,
14 appreciate you being here.

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1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 COUNCILMAN KENNEY: We are now going to
3 deal with some proposed amendments to Bill No.
4 970714.

5 The Chair recognizes John O'Connor,
6 from Councilman Kenney's office, to walk through
7 and explain the amendments to this particular
8 bill.

9 So that the public knows, at this
10 point, we are not going to report Bill No. 970714
11 out of committee today. It will be held to the
12 call of the Chair, but we're going to ask the
13 committee to approve the amendments offered today.

14 Please identify yourself for the record
15 and proceed.

16 MR. O'CONNOR: Good morning. John
17 O'Connor, Legislative Aid to Councilman James
18 Kenney.

19 Our first amendment appears on page 2
20 of the legislation, under Section 3, entitled
21 "Real Estate Agent." The proposed amendments
22 will read as follows:

23 Real Estate Vehicle. A vehicle
24 registered to a real estate licensee or real
25 estate brokerage company to whom a business

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714
2 privilege license has been issued by the City of
3 Philadelphia.

4 COUNCILMAN KENNEY: So the words
5 "licensed" and "agent" are being removed.

6 MR. O'CONNOR: That is correct.

7 COUNCILMAN KENNEY: Okay.

8 MR. O'CONNOR: Additional language:
9 Said real estate licensee must be a bona fide
10 resident of the City of Philadelphia.

11 COUNCILMAN KENNEY: Where is that at?

12 MR. O'CONNOR: That follows the
13 proceeding language in. . .

14 It's actually 12-2901, Section 3, Real
15 Estate Agent Vehicle.

16 COUNCILMAN KENNEY: Fine, okay. Please
17 proceed.

18 MR. O'CONNOR: All right. Continuing
19 in the section which will now be 4, the new 4. We
20 are taking out -- on line number 4, we are
21 deleting the word "selling."

22 COUNCILMAN KENNEY: What's the purpose
23 of that? What is the purpose of that amendment?

24 MR. O'CONNOR: The purpose of that is
25 to make the term "real estate service" more

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 inclusive. Rather than just including selling, it
3 also includes brokerage or appraisal services.

4 COUNCILMAN KENNEY: Fine. And in the
5 next, 12-209, we're just removing the word
6 "selling" again?

7 MR. O'CONNOR: We're removing the word
8 "selling" in the third line.

9 Also, in paragraph 1 of 12-2902, we're
10 deleting the following language, beginning on line
11 6 -- pardon me, beginning with the word
12 "contractor."

13 "Contractor vehicle may be parked
14 without limitation as to time. Real estate agent
15 vehicle may be parked for no more than two hours
16 unless is parking otherwise permitted in such
17 parking space for a longer period. The Authority
18 may the location where temporary business parking
19 permits will be honored."

20 That' entire -- that language is being
21 deleted.

22 COUNCILMAN KENNEY: For what reason?
23 Is that the loading zone issue?

24 MR. O'CONNOR: I'm sorry?

25 COUNCILMAN KENNEY: Is that the loading

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 zone issue?

3 MR. O'CONNOR: That's one of the
4 issues.

5 COUNCILMAN KENNEY: Okay, but it does
6 deal with loading zones primarily?.

7 MR. O'CONNOR: Yes, it does.

8 We're also including language to
9 determine what areas will be covered by the real
10 estate license.

11 COUNCILMAN KENNEY: Fine second.

12 MR. O'CONNOR: And the following
13 language is being inserted: "When a vehicle
14 displaying a current and valid temporary business
15 parking permit is being asked for real estate" --

16 COUNCILMAN KENNEY: Being used -- I'm
17 sorry.

18 MR. O'CONNOR: ". . . service, the
19 driver may park up to two hours, and without
20 payment of any parking meter fees on streets where
21 parking is limited as to time but not prohibited
22 unless parking is otherwise permitted in such
23 parking space for a longer period. Temporary
24 parking permits used for real estate service are
25 valid only in the area bounded by Spring Garden

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 Street on the north, Bainbridge Street on the
3 south, the Delaware River on the east, and the
4 Schuylkill River on the west. The Authority may
5 limit the locations where temporary business
6 parking permits will be honored."

7 COUNCILMAN KENNEY: Okay.

8 MR. O'CONNOR: That's the new language.

9 COUNCILMAN KENNEY: Please proceed.

10 MR. O'CONNOR: Moving on to page 3,
11 line 5, we're deleting the word "selling."

12 COUNCILMAN KENNEY: Okay.

13 MR. O'CONNOR: Which is between "real
14 estate" and "service."

15 COUNCILMAN KENNEY: Mm-hmm.

16 MR. O'CONNOR: The end of this -- this
17 in fact is under 12-2902, Section 3. In the
18 second to last line, we are deleting the words
19 "\$50" and replacing that language, excuse me,
20 with "\$300."

21 COUNCILMAN KENNEY: Okay.

22 MR. O'CONNOR: Continuing to the bottom
23 of the page, under 12-2904, Prohibited Conduct,
24 Section 1, the last line would be line 6, and we
25 are deleting again the word "selling."

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 On page 4, under Section 12-2904,
3 Section 2, fourth line, we're also deleting the
4 word "selling."

5 That would complete the amendments
6 offered for Bill No. 970714.

7 COUNCILMAN KENNEY: Thank you very
8 much.

9 That will conclude, I think the
10 business on this bill. We are going to hold this
11 bill to the call of the Chair and deal with it in
12 September when we come back. We're going to
13 attempt, when I get members of the committee back
14 in, to approve the amendments so that the bill
15 that will be discussed back in September will be
16 this amended bill.

17 And we'll have an opportunity over the
18 -- the parties interested in this bill will have
19 an opportunity over the summer to do whatever,
20 contact with Councilmembers that are necessary to
21 garner significant support for it to pass.

22 And what we will do is, we will have
23 the new bill printed as amended and then provide
24 that to you so that you can do what you need to do
25 to contact your appropriate Councilmembers at

1 COUNCIL COMMITTEE ON RULES - BILL NO. 970714

2 district and at large.

3 That will conclude the business of the
4 public hearing on the Rules Committee. Bill No.
5 970714 held to the call of the chair, and I would
6 request that the members of the Rules Committee
7 return to vote on Bill No. 970713 and the
8 amendments to 970714, Councilmember Verna, I
9 think, and Councilmember Cohen.

10 Thank you.

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1 COUNCIL COMMITTEE ON RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: We have now
3 concluded the business of the Rules Committee
4 public hearing; we will now convene a public
5 meeting.

6 The Chair recognizes Councilmember
7 Verna to approve the amendments to Bill No.
8 970713.

9 COUNCILWOMAN VERNA: Mr. Chairman, I
10 move that the amendments, as submitted by the
11 Department of Licenses and Inspections, be
12 approved.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and
15 seconded.

16 All in favor, aye?

17 There are none opposed. Bill No.
18 970713 will be amended accordingly.

19 The Chair recognizes Councilmember
20 Verna for a motion on the amended bill.

21 COUNCILWOMAN VERNA: Mr. Chairman, I
22 move that Bill No. 970713 be reported out of
23 committee with a favorable recommendation, as
24 amended, and that the rules of Council be
25 suspended so as to permit first reading at our

1 COUNCIL COMMITTEE ON RULES - PUBLIC MEETING

2 next session of Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: It's been moved and
5 seconded.

6 All in favor, aye?

7 There are none opposed. Bill No.
8 970713, as amended, will be reported out of this
9 committee favorably, and a request will be made
10 for rules suspension to allow for first reading at
11 next Council session.

12 The Chair recognizes Councilmember
13 Cohen for a motion to approve the amendments
14 offered to Bill No. 970714.

15 COUNCILMAN COHEN: Mr. Chairman, I move
16 that the amendments offered to Bill No. 970714 be
17 approved.

18 COUNCILWOMAN VERNA: Second.

19 COUNCILMAN KENNEY: Moved and seconded.

20 All in favor, aye?

21 There are none opposed. Bill No.
22 970714 will be amended accordingly, and that bill
23 will be held to the call of the Chair.

24 And that will conclude the business of
25 the Rules Committee. Thank you for your

1 COUNCIL COMMITTEE ON RULES - PUBLIC MEETING

2 attendance.

3 (Adjourned at 11:27 a.m.)

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RE: COUNCIL COMMITTEE ON RULES

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BILL NO.'S 970713, 970714

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JOSEPHINE CARDILLO,

Registered Professional Reporter