Date: 31 January 1992
To: Jerome Riess, Esq.
From: Lynnette Kelly
Re: Biography For Official Statement

Attached are several pages from the last Official Statement of the Corporation containing the biographies of the Directors and Representatives. Please prepare your biography for inclusion in our next Official Statement in a similar format.

Please do not hesitate to contact me if I can be of any assistance.

Thank you.
Date: 31 January 1992
To: Board of Directors and Representatives
From: Lynnette Kelly
Re: Biography Updates

Attached are the last available biographies for the Directors and Representatives, dating from approximately twelve months ago.

Please review your biography at your earliest convenience and let me know if there are any changes to be made.

Thank you.
FELIX G. ROHATYN, Chairman. Mr. Rohatyn is a General Partner of Lazard Freres & Co., investment bankers. He is a former Governor of the New York Stock Exchange, Inc., and is a director of Pfizer Inc., MCA Corporation, Pechinney, Howmet Inc. and Carnegie Hall. Mr. Rohatyn is a resident of New York City.

KENNETH J. BIALKIN. Mr. Bialkin is a member of the law firm of Skadden, Arps, Slate, Meagher & Flom, New York, New York, and from 1967 to 1987 was an Adjunct Professor of Law at New York University School of Law. He is a past Chairman of the Section of Corporation, Banking and Business Law of the American Bar Association, and is a former Chairman of the Committee on Federal Regulation of Securities of that Section. He is a past President of the New York County Lawyers’ Association and a former Chairman of the Committee on Securities and Exchanges of that Association. He is President of the Jewish Community Relations Council of New York. He is a director of Oshap Technologies Ltd. and Primerica Corporation. Mr. Bialkin is a resident of New York City.

GEORGE M. BROOKER. Mr. Brooker is a principal stockholder and President of Webb & Brooker, Inc., a real estate management and brokerage firm. He is past President of the New York Chapter of the Institute of Real Estate Management. He is a governor of the Real Estate Board of New York and the Realty Advisory Board of New York. He is a trustee of the Educational Broadcasting Corp. (WNET/Channel 13). He is a director of the National Center Housing Management of Washington, D.C. and director of the Realty Foundation of New York. Mr. Brooker is a resident of New Rochelle, New York.

JOHN P. CAMPBELL. Mr. Campbell is a member of the law firm of Curtis, Mallet-Prevost, Colt & Mosle, New York, New York. He is a director of White Securities Corporation, Clinton Holdings, Inc. and A.C. Israel Enterprises, Inc. Mr. Campbell is a resident of Cold Spring Harbor, New York.

GEDALE B. HOROWITZ. Mr. Horowitz is Senior Executive Director of Salomon Brothers Inc and Executive Vice President and a director of Salomon Inc. He is Chairman of the New York Local Government Assistance Corporation and of the Securities Industry Association and a past Chairman of the Public Securities Association. He previously served as Chairman of the Municipal Securities Rulemaking Board and the Municipal Bond Club of New York. He is Treasurer of the Board of Trustees of Barnard College, Trustee of Long Island Jewish-Hillside Medical Center and a member of Columbia University Advisory Committee on Athletics. Mr. Horowitz is a resident of Great Neck, New York.

EUGENE J. KEILIN. Mr. Keilin, Chairman of the Corporation’s Finance Committee, is a General Partner of Keilin and Bloom, investment bankers. Previously, he was a General Partner of Lazard Freres & Co., and was Executive Director of the Corporation from October 1976 to January 1979. From 1973 to 1975, he served as General Counsel of the City’s Office of Management and Budget and, from 1975 to October 1976, he was counsel to the City’s first Deputy Mayor for Finance. Prior to his employment by the City, Mr. Keilin was associated with the New York law firm of Sage, Gray, Todd & Sims. He is a Trustee of the Citizens Budget Commission and a member of the New York State Industrial Cooperation Council. Mr. Keilin is a resident of New York City.

DICK NETZER. Dr. Netzer, Chairman of the Corporation’s City Budget Committee, is Senior Fellow at New York University’s Urban Research Center; he was Director of the Center from 1981 to 1986 and was Dean of the University’s Graduate School of Public Administration from 1969 through 1982. He is a former member of the Municipal Securities Rulemaking Board. He is a nationally recognized expert in the areas of state and local government finance and urban economics and he has published extensively in each of those areas. He is a member of numerous editorial and research advisory boards. Dr. Netzer is a resident of New York City.

ANDREW P. STEFFAN. Mr. Steffan, Chairman of the Corporation’s Audit Committee, is a Managing Director of Smith Barney, Harris Upham & Co. Incorporated. From 1972 until 1976, he was on the staff of the Securities and Exchange Commission and became the Commission’s first Director of Economic and Policy Research. Mr. Steffan is a resident of New York City.
ROBERT C. WEAVER. Dr. Weaver, Chairman of the Corporation's Administration Committee, was Distinguished Professor of Urban Affairs at Hunter College from 1971 to 1978. He is now Distinguished Professor Emeritus. From 1966 through 1968, he was Secretary of the United States Department of Housing and Urban Development and, from 1968 through 1970, was President of Bernard M. Baruch College. He is a former member of the Board of Trustees of the Metropolitan Life Insurance Co. and the Bowery Savings Bank, and is a former Chairman of the National Association for the Advancement of Colored People. Dr. Weaver is a resident of New York City.

JEROME BELSON, Representative. Mr. Belson is Chairman of the Board and Chief Executive Officer of Jerome Belson Associates, Inc., a real estate management firm. He is Chairman Emeritus of the Board of Waterhouse Securities, Inc. He is President of Associated Builders and Owners of Greater New York, Inc. He serves as a Trustee of St. John's University. Mr. Belson is a resident of New York City.

JOEL B. MOUNTY, Representative. Mr. Mounty is President of Mountco Construction and Development Corp., a full service company which is actively engaged in the development, construction and management of residential, commercial and hotel properties. He is a Board Member of New York Medical College, Secretary of the Jewish National Fund, Vice Chairman of Food Patch (a hunger relief organization), and former Vice Chairman of the Westchester Lighthouse. Mr. Mounty is a resident of New Rochelle, New York.

LEONARD NADEL, Representative. Mr. Nadel, who was Senior Vice President of Abraham & Straus, a division of Federated Department Stores, Inc. until March 1978, established his own management consulting firm, Leonard Nadel Associates Inc., in New York City in April 1978 where he is currently employed. Previously, Mr. Nadel served as an Executive Vice President of Beldoch Industries Corporation, an apparel manufacturer. He is former Chairman of the Board of Trustee of Adelphi University, a current Trustee of Long Island Jewish Medical Center and an advisory board member of the North Side Savings Bank. He is a past president of the Brooklyn Chamber of Commerce. Mr. Nadel is a resident of East Hills, New York where he is currently serving his first four-year term as mayor.

CARL H. PORZHEIMER III, Representative. Mr. Pforzheimer is Managing Partner of Carl H. Pforzheimer & Co., an investment banking firm. He is a director and President of the Visiting Nurse Service of New York, former Chairman and honorary member of the Board of Trustees of Horace Mann-Barnard School, past President of the Scarsdale Union Free School District, Chairman of the Board of Trustees of Pace University and a member of the Board of the Hoff-Barthelson Music School. He is also a member of the New York Zoological Society. Mr. Pforzheimer is a resident of Scarsdale, New York.

ROBERT W. SEAVER, Representative. Mr. Seavey is counsel to the law firm of Blutruch, Falcone & Miller, New York, New York. Chairman of the Citizens Housing & Planning Council of New York and a Trustee of Brooklyn Law School. He is a former Chairman of the Battery Park City Authority and a past Member of the Committee of Housing and Urban Development of the Association of the Bar of the City of New York. Mr. Seavey is a resident of New York City.

PART 12 — LITIGATION

The Corporation is not party to any litigation. Various actions between 1975 and 1979 challenging the constitutionality of the imposition and appropriation of the Sales Tax and Stock Transfer Tax to the Corporation have all been dismissed with the State's highest court affirming the constitutionality of the Sales Tax and Stock Transfer Tax as security and sources of payment for the Corporation's obligations. The United States Supreme Court dismissed an appeal from the State court ruling for lack of a substantial Federal question.
Date: 31 January 1992

To: Audit Committee

From: Quentin B. Spector, Executive Director

Re: Meeting Agenda

The Audit Committee is scheduled to meet on Monday, February 3, 1992 at 10:00 a.m. at the offices of Price Waterhouse, 153 East 53rd Street, Room 4230, to address the following agenda:

1. Approval of the minutes of the meeting of November 1, 1991;

2. Approval of Financial Statements for the quarter ended December 31, 1991; and

3. Other Business

Enclosures
A meeting of the Audit Committee of the Board of Directors of The Municipal Assistance Corporation For The City of New York was held on November 1, 1991 at 10:00 a.m. at the offices of Price Waterhouse, 153 East 53rd Street, New York City.

The following members of the Audit Committee were present:

Andrew P. Steffan, Chairman
Kenneth J. Bialkin

The following members of the staff were present:

Quentin B. Spector
Frances H. Jacobs
Lynnette Kelly
Beatrice Gilling Raynor

The following representatives of Price Waterhouse were present:

Joel Whitman
Colm A. Keogh

The minutes of the Audit Committee Meeting held on August 13, 1991 were approved.

Ms. Gilling Raynor presented the Financial Statements for the quarter ended September 30, 1991. She reported that there had been a decline in sales tax revenues. This was the third consecutive quarter in which a decline in sales tax revenues was experienced. Mr. Spector noted that diminished sales tax revenues decrease the amount of the
Corporation’s excess coverage, but that our coverage ratios are still ample.

Mr. Spector reported to the Committee that it was his goal to have the Corporation’s accounting procedures more fully documented and a new accounting software package in place before the next quarterly meeting of the Audit Committee.

After discussion, Mr. Steffan and Mr. Bialkin approved the Financial Statements as presented at the meeting of the Audit Committee today.
Municipal Assistance Corporation
For The City of New York
One World Trade Center, Suite 8901
New York, New York 10048

February 3, 1992

The Municipal Assistance Corporation for The City of New York presents its unaudited financial statements for the quarter ended December 31, 1991, the second quarter of the Corporation's 1992 fiscal year.

At December 31, 1991, the First General Bond Resolution Capital Reserve Fund balance was $331.4 million, the Second General Bond Resolution Capital Reserve Fund balance was $671.9 million and the 1991 General Bond Resolution Bond Reserve Fund balance was $7.6 million. Such amounts equalled or exceeded the required funding levels.

Revenues from the New York State Sales Tax which were available to the Corporation during the three-month and twelve-month periods ended December 31, 1991 amounted to $547.0 million and $2,200.8 million, respectively, decreases of 5.3% and 6.6% from the comparable periods of the prior year.

To date, the Corporation has not found it necessary to use the revenue derived from the New York State Stock
Transfer Tax to pay its debt service. Based on present projections, the Corporation does not anticipate that it will be necessary to utilize these revenues in the future, although no assurances can be given that they will not be so required. Revenues from the Stock Transfer Tax available to the Corporation during the three-month and twelve-month periods ended December 31, 1991 amounted to $547.4 million and $1,990.5 million, respectively, increases of 32.1% and 20.5% over the comparable periods of the prior year.

On a combined basis, net revenues from the New York State Sales and Stock Transfer Taxes which were deposited in the Municipal Assistance Tax Fund and available to the Corporation during the three-month and twelve-month periods ended December 31, 1991 amounted to approximately $1,094.4 million and $4,191.3 million, respectively, increases of 10.3% and 4.6% over the comparable periods ended December 31, 1990.

During the twelve months ended December 31, 1991, approximately $535 million of New York State Per Capita Aid was deposited into the Municipal Assistance State Aid Fund and available to the Corporation.
Coverage of the Corporation's debt service by these revenues is more than five times on its outstanding First, Second and 1991 Resolution obligations combined, and approximately seven times on its outstanding Second and 1991 Resolution Bonds.

Felix G. Rohatyn
Chairman

Quentin B. Spector
Executive Director
MUNICIPAL ASSISTANCE CORPORATION FOR THE CITY OF NEW YORK

STATEMENT OF FINANCIAL POSITION
(Unaudited)

<table>
<thead>
<tr>
<th>LIABILITIES:</th>
<th>December 31, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>First General Resolution Bonds</td>
<td>$  994,738,000</td>
</tr>
<tr>
<td>Second General Resolution Bonds</td>
<td>5,338,115,000</td>
</tr>
<tr>
<td>1991 General Resolution Bonds</td>
<td>138,440,000</td>
</tr>
<tr>
<td><strong>Total Bonds Payable</strong></td>
<td>6,471,293,000</td>
</tr>
<tr>
<td>Accrued interest on bonds payable</td>
<td>31,085,563</td>
</tr>
<tr>
<td>Payable for investment securities purchased</td>
<td>49,727,557</td>
</tr>
<tr>
<td>Federal rebate requirement</td>
<td>11,973,562</td>
</tr>
<tr>
<td>Operating Fund</td>
<td>1,314,859</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>6,565,394,541</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ASSETS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service Fund:</td>
<td></td>
</tr>
<tr>
<td>Receivable for investment securities sold</td>
<td>49,579,133</td>
</tr>
<tr>
<td>Investments in securities</td>
<td>512,686,563</td>
</tr>
<tr>
<td>Accrued interest on securities</td>
<td>10,814,248</td>
</tr>
<tr>
<td>City of New York obligations</td>
<td>1,393,524,000</td>
</tr>
<tr>
<td>Accrued interest on City of New York obligations</td>
<td></td>
</tr>
<tr>
<td><strong>Total Debt Service Fund</strong></td>
<td>2,007,848,043</td>
</tr>
<tr>
<td>First Capital Reserve Fund:</td>
<td></td>
</tr>
<tr>
<td>Investments in securities</td>
<td>323,235,646</td>
</tr>
<tr>
<td>Accrued interest on securities</td>
<td>8,137,155</td>
</tr>
<tr>
<td><strong>Total First Capital Reserve Fund</strong></td>
<td>331,372,801</td>
</tr>
<tr>
<td>Second Capital Reserve Fund:</td>
<td></td>
</tr>
<tr>
<td>Investments in securities</td>
<td>662,909,133</td>
</tr>
<tr>
<td>Accrued interest on securities</td>
<td>8,956,807</td>
</tr>
<tr>
<td><strong>Total Second Capital Reserve Fund</strong></td>
<td>671,865,940</td>
</tr>
<tr>
<td>1991 Bond Reserve Fund:</td>
<td></td>
</tr>
<tr>
<td>Investments in securities</td>
<td>7,390,850</td>
</tr>
<tr>
<td>Accrued interest on securities</td>
<td>249,611</td>
</tr>
<tr>
<td><strong>Total Bond Reserve Fund</strong></td>
<td>7,640,461</td>
</tr>
<tr>
<td>Operating Fund</td>
<td></td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>3,021,212,654</td>
</tr>
<tr>
<td><strong>Funding requirement</strong></td>
<td>$ 3,544,181,887</td>
</tr>
</tbody>
</table>

See accompanying notes to the financial statements.
MUNICIPAL ASSISTANCE CORPORATION FOR THE CITY OF NEW YORK  
Debt Service and Reserve Funds  
Statement of Transactions  
(Unaudited)

<table>
<thead>
<tr>
<th></th>
<th>For the three months ended December 31, 1991</th>
<th>For the six months ended December 31, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income from investments</td>
<td>$ 10,680,080</td>
<td>$ 24,211,038</td>
</tr>
<tr>
<td>Income from City of New York obligations</td>
<td>35,117,001</td>
<td>72,674,780</td>
</tr>
<tr>
<td>Transfers from First Capital Reserve Fund</td>
<td>0</td>
<td>8,576,130</td>
</tr>
<tr>
<td>Transfers from Second Capital Reserve Fund</td>
<td>1,067,501</td>
<td>935,049</td>
</tr>
<tr>
<td>Transfers from Bond Reserve Fund</td>
<td>0</td>
<td>179,279</td>
</tr>
<tr>
<td>Transfers to Operating Fund</td>
<td>(4,659,237)</td>
<td>(4,659,237)</td>
</tr>
<tr>
<td>Total</td>
<td>42,205,345</td>
<td>101,917,039</td>
</tr>
<tr>
<td>First Capital Reserve Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income from investments</td>
<td>5,576,976</td>
<td>11,194,985</td>
</tr>
<tr>
<td>Transfers to Debt Service Fund</td>
<td>0</td>
<td>(8,576,130)</td>
</tr>
<tr>
<td>Total</td>
<td>5,576,976</td>
<td>2,618,855</td>
</tr>
<tr>
<td>Second Capital Reserve Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income from investments</td>
<td>13,362,615</td>
<td>26,393,170</td>
</tr>
<tr>
<td>Transfers to Debt Service Fund</td>
<td>(1,067,501)</td>
<td>(935,049)</td>
</tr>
<tr>
<td>Total</td>
<td>12,295,114</td>
<td>25,458,121</td>
</tr>
<tr>
<td>1991 Bond Reserve Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income from investments</td>
<td>124,806</td>
<td>249,611</td>
</tr>
<tr>
<td>Transfers to Debt Service Fund</td>
<td>0</td>
<td>(179,279)</td>
</tr>
<tr>
<td>Total</td>
<td>124,806</td>
<td>70,332</td>
</tr>
<tr>
<td>Total receipts</td>
<td>60,202,241</td>
<td>130,064,347</td>
</tr>
</tbody>
</table>

Expenditures:
Debt Service Fund:  
Interest on First General Resolution Bonds | 18,651,338 | 37,302,676  
Interest on Second General Resolution Bonds | 93,234,731 | 186,469,463  
Interest on 1991 General Resolution Bonds | 2,141,137 | 4,282,235  
Total expenditures | 114,027,206 | 228,054,374  

Excess (deficiency) of receipts over expenditures for the period | $(53,824,965) | $(97,990,027)  

See accompanying notes to the financial statements.
MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK

OPERATING FUND
STATEMENT OF TRANSACTIONS
(Unaudited)

For the three months ended December 31, 1991
Receipts:
Income from investments $ 26,823
Transfer from Debt Service Fund 4,659,237
Total 4,686,060

Expenditures:
Debt administration 250,789
General administration 391,482
State cost recovery assessment 467,916
Oversight function:
Financial Control Board 498,991
Total expenditures 1,609,178

Excess (deficiency) of receipts over expenditures for the period $ 3,076,882

For the six months ended December 31, 1991
Receipts:
Income from investments $ 44,730
Transfer from Debt Service Fund 4,659,237
Total 4,703,967

Expenditures:
Debt administration 562,490
General administration 563,129
State cost recovery assessment 1,216,178
Oversight function:
Financial Control Board 988,426
Total expenditures 3,330,223

Excess (deficiency) of receipts over expenditures for the period $ 1,373,744

SUMMARY OF CHANGES IN FUNDING REQUIREMENT
(Unaudited)

For the three months ended December 31, 1991
Funding requirement at beginning of period $ 3,493,433,804
Changes during the period:
Debt Service and Capital Reserve Funds 53,824,965
Operating Fund (3,076,882)
Funding requirement at end of period $ 3,544,181,887

For the six months ended December 31, 1991
Funding requirement at beginning of period $ 3,447,565,604
Changes during the period:
Debt Service and Capital Reserve Funds 97,990,027
Operating Fund (1,373,744)
Funding requirement at end of period $ 3,544,181,887

See accompanying notes to the financial statements.
MUNICIPAL ASSISTANCE CORPORATION  
FOR THE CITY OF NEW YORK  
Debt Service and Reserve Funds  
STATEMENT OF CASH FLOWS  
(Unaudited)

<table>
<thead>
<tr>
<th>For the three months ended December 31, 1991</th>
<th>For the six months ended December 31, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash flows from Operating Activities:</td>
<td></td>
</tr>
<tr>
<td>Interest paid on bonds</td>
<td>$(190,751,699)</td>
</tr>
<tr>
<td>New York City obligations:</td>
<td></td>
</tr>
<tr>
<td>Principal repayment</td>
<td>-0-</td>
</tr>
<tr>
<td>Interest received</td>
<td>-0-</td>
</tr>
<tr>
<td>Interest received on securities</td>
<td>35,863,764</td>
</tr>
<tr>
<td>Purchased interest on securities</td>
<td>(1,531,786)</td>
</tr>
<tr>
<td>Transfers to Operating Fund</td>
<td>(4,659,237)</td>
</tr>
<tr>
<td>Net cash (used for) provided by operating activities</td>
<td>$(161,078,958)</td>
</tr>
<tr>
<td></td>
<td>22,463,374</td>
</tr>
<tr>
<td>Cash flows from Investing Activities:</td>
<td></td>
</tr>
<tr>
<td>Sales and redemptions of securities</td>
<td>322,717,415</td>
</tr>
<tr>
<td>Purchases of securities</td>
<td>(161,638,839)</td>
</tr>
<tr>
<td>Net cash provided by (used for) investing activities</td>
<td>161,078,576</td>
</tr>
<tr>
<td></td>
<td>(22,480,503)</td>
</tr>
<tr>
<td>Net decrease in cash</td>
<td>(382)</td>
</tr>
<tr>
<td></td>
<td>(17,129)</td>
</tr>
<tr>
<td>Cash at beginning of period</td>
<td>382</td>
</tr>
<tr>
<td>Cash at end of period</td>
<td>0</td>
</tr>
<tr>
<td>Excess (deficiency) of receipts over</td>
<td></td>
</tr>
<tr>
<td>expenditures for the period</td>
<td>$(53,824,965)</td>
</tr>
<tr>
<td>Adjustments to reconcile excess (deficiency) of receipts over expenditures to net cash provided by (used for) operating activities:</td>
<td>$ (97,990,027)</td>
</tr>
<tr>
<td>Amortization of premiums/discounts on</td>
<td></td>
</tr>
<tr>
<td>securities</td>
<td>(2,305,188)</td>
</tr>
<tr>
<td>Decrease in accrued interest on</td>
<td></td>
</tr>
<tr>
<td>securities</td>
<td>5,014,893</td>
</tr>
<tr>
<td>Gains on sales of securities</td>
<td>(123,694)</td>
</tr>
<tr>
<td>Decrease in accrued interest on bonds payable</td>
<td>(76,724,492)</td>
</tr>
<tr>
<td>Increase in Federal rebate requirement</td>
<td>0</td>
</tr>
<tr>
<td>(Increase) decrease in interest receivable on New York City obligations</td>
<td>227,922</td>
</tr>
<tr>
<td>Principal repayment of New York City obligations</td>
<td>3,420,576</td>
</tr>
<tr>
<td>Accrued interest on unsettled trades</td>
<td>22,378</td>
</tr>
<tr>
<td>Increase (decrease) in provision for</td>
<td></td>
</tr>
<tr>
<td>unrealized loss</td>
<td>1,979,119</td>
</tr>
<tr>
<td>Total Adjustments</td>
<td>(107,253,993)</td>
</tr>
<tr>
<td>Net cash (used for) provided by operating activities</td>
<td>$(161,078,958)</td>
</tr>
<tr>
<td></td>
<td>22,463,374</td>
</tr>
</tbody>
</table>

See accompanying notes to the financial statements.
MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK
Operating Fund
STATEMENT OF CASH FLOWS
(Unaudited)

For the three Months Ended December 31, 1991
Cash flows from Operating Activities:
Payments to vendors $ (3,897,612) $ (4,868,983)
Transfers from Debt Service Fund 4,659,237 4,659,237
Interest received on securities 26,751 45,399
Net cash provided by (used for) operating activities 788,376 (164,347)

Cash flows from Investing Activities:
Sales and redemptions of securities 143,674,000 234,024,000
Purchases of securities (144,509,000) (233,856,000)
Net cash (used for) provided by investing activities (835,000) 168,000

Net (decrease) increase in cash (46,624) 3,653
Cash at beginning of period 54,610 4,333
Cash at end of period 7,986 7,986

Excess (deficiency) of receipts over expenditures for the period $ 3,076,882 $ 1,373,744

Adjustments to reconcile excess (deficiency) of receipts over expenditures to net cash provided by (used for) operating activities:
Increase (decrease) in accrued interest on securities (72) 666
Decrease in accrued expenses (1,636,216) (886,539)
Increase in prepaid expense (652,218) (652,218)
Total Adjustments (2,288,506) (1,538,091)

Net cash provided by (used for) operating activities $ 788,376 $ (164,347)

See accompanying notes to the financial statements
NOTE 1 - Organization and Functions of the Corporation:

Municipal Assistance Corporation For The City of New York (the "Corporation") is a corporate governmental agency and instrumentality of the State of New York (the "State") constituting a public benefit corporation. The Corporation was created by State legislation adopted in June 1975 (as amended to date, the "Act") for purposes of providing financing assistance and fiscal oversight for The City of New York (the "City"). To carry out such purposes, the Corporation was authorized to sell bonds and notes for the purpose of paying or loaning the proceeds of such sales to the City and to exchange the Corporation's obligations for those of the City.

NOTE 2 - Summary of Significant Accounting Policies:

The Debt Service Fund follows the modified accrual basis of accounting. Receipts from tax allocations are recorded as received. Interest income from investments and interest expense on the Corporation's debt are recorded on the accrual basis. Income from investments includes realized gains and losses from sales of investments. With respect to the Debt Service and Reserve Funds, income from investments is net of an accrued rebate to the United States of America of certain excess earnings (see Note 8). With respect to the Debt Service Fund, income from investments also includes provision for unrealized losses or reversals of prior provisions for unrealized losses on such investments. The Corporation's debt is recorded at the principal amount of the obligations outstanding. Original issue discounts are charged to the Debt Service Fund as incurred and become part of the funding requirement. Amounts required for the payment of debt service due on July 1 and January 1 are accounted for as if paid on the immediately preceding June 30 and December 31, respectively, by which date such amounts are segregated for that purpose by the Trustee under the bond resolutions. The funding requirement of the Corporation reported in the Statement of Financial Position does not include future interest requirements.

Debt service funds paid to the Corporation in advance of disbursement to bondholders are temporarily invested pursuant to the terms of the bond resolutions and the income therefrom is credited to the Debt Service Fund.

Investments in securities held in the Reserve Funds (see Note 4) are carried at amortized cost and investments in securities in the Debt Service Fund are carried at the lower of cost or market value, inclusive of accrued interest, in accordance with the bond resolutions pursuant to which they were established. Investments in securities held in the Operating Fund are carried at the lower of cost or market value, inclusive of accrued interest. Investments may consist of direct obligations of, or obligations guaranteed by, the State or the United States of America, repurchase agreements pursuant to master agreements with certain authorized financial institutions and certain obligations of U.S. government agencies.
Investments are held by the Trustee in the name of the Corporation. City of New York obligations are carried at cost.

NOTE 3 - Bonds of the Corporation:
Authorization, Funding, Payment and Refunded Bonds:

Debt Authorization:

The Corporation was authorized by the Act to issue, until January 1, 1985, obligations in an aggregate principal amount of $10 billion, of which the Corporation issued approximately $9.445 billion, exclusive of obligations issued to refund outstanding obligations of the Corporation and of notes issued to enable the City to fulfill its seasonal borrowing requirements. In July 1990, State legislation was enacted which, among other things, authorized the Corporation to issue up to an additional $1.5 billion of bonds and notes to fund a portion of the capital programs of the New York City Transit Authority and the New York City School Construction Authority, under the terms contained in a memorandum of agreement dated July 19, 1990, among the Corporation, the State and City. This legislation also provides for a reduction in the July 1990 issuance authority to the extent that the transit and schools capital programs are funded by the City. As of December 31, 1991, the Corporation has been advised that the City has funded $440 million of these programs.

The Corporation continues to be authorized to issue obligations to renew or refund outstanding obligations, without limitation as to amount. No obligations of the Corporation may mature later than July 1, 2008. The Corporation may issue new obligations provided their issuance would not cause certain debt service limitations and debt service coverage ratios to be exceeded. See Exhibits I, II and III, which are an integral part of the Corporation's financial statements.

Funding Methods:

The Corporation funds its debt service requirements and operating expenses from the State's collection of sales tax imposed by the State within the City at the rates formerly imposed by the City, the stock transfer tax and certain per capita aid, subject in each case to appropriation by the State Legislature. Net collections of such taxes and per capita aid not required by the Corporation are available to the City.

All outstanding bonds are general obligations of the Corporation. The Corporation has no taxing power. The bonds are entitled to liens, created by pledges under the respective resolutions, on moneys paid into the Debt Service and Reserve Funds.

Debt service for obligations issued under the First General Bond Resolution is payable from funds paid into the Debt Service Fund from the State's Municipal Assistance Tax Fund, which is funded from revenues collected, less the State's charges for collection and administration, from the sales tax and, if necessary, the stock transfer tax. In 1977, the State enacted a program of gradually increasing rebates for all stock transfer taxpayers. Rebates equal to 100% of the tax began on October 1,
1981. The legislation provides that taxpayers are to continue to pay the stock transfer tax at the present rate but will be entitled to a 100% rebate should the Corporation not require the funds. To date, the Corporation has not found it necessary to use the revenues derived from the stock transfer tax to pay its debt service. Based on present projections, the Corporation does not anticipate that it will be necessary to utilize these revenues.

The Corporation was advised that net revenues from such sales and stock transfer taxes collected by the State during the three-month and twelve-month periods ended December 31, 1991 amounted to $1,094.4 million and $4,191.3 million, respectively, as shown below:

<table>
<thead>
<tr>
<th></th>
<th>12/31/91</th>
<th>12/31/90</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax</td>
<td>$ 547.0</td>
<td>$ 577.3</td>
<td>(5.3%)</td>
</tr>
<tr>
<td>Stock Transfer Tax</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$ 547.4</td>
<td>$ 414.5</td>
<td>32.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>12/31/91</th>
<th>12/31/90</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax</td>
<td>$ 2,200.8</td>
<td>$ 2,356.3</td>
<td>(6.6%)</td>
</tr>
<tr>
<td>Stock Transfer Tax</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$ 1,990.5</td>
<td>$ 1,652.3</td>
<td>20.5</td>
</tr>
</tbody>
</table>

Payments made to the Corporation from the Municipal Assistance Tax Fund are to be made quarterly and at such other times as the Corporation requests.

Debt service for obligations issued under the Second General Bond Resolution is payable from two sources: funds paid annually into the Debt Service Fund from the Municipal Assistance State Aid Fund, which is funded from per capita aid otherwise payable by the State to the City and funds paid quarterly from the Municipal Assistance Tax Fund, after satisfying the debt service requirements for obligations issued under the First General Bond Resolution and operating expenses as described above. Per capita aid is subject to prior claims asserted by certain other State or City entities; however, the Corporation has been advised that no such claims have been asserted since the inception of the Corporation. Also, the Corporation was advised that total per capita aid paid into the Municipal Assistance State Aid Fund during the twelve months ended December 31, 1991 amounted to $535 million.

The Corporation certified to and was paid on January 10, 1992, from the Municipal Assistance Tax Fund Sales tax revenues of $63.1 million for First General Bond Resolution purposes, $84.7 million for Second General Bond Resolution purposes and $2.2 million for 1991 General Bond Resolution purposes.
Debt service for obligations issued under the 1991 General Bond Resolution is payable from two sources: funds paid annually into the Debt Service Fund from the Municipal Assistance State Aid Fund after satisfying the debt service requirements for obligations issued under the Second General Bond Resolution and funds paid quarterly from the Municipal Assistance Tax Fund after satisfying the debt service requirements for obligations issued under the First and Second General Bond Resolutions.

To the extent that funds are available from investment income, receipt of principal and interest payments on obligations of the City and other sources, they may be used to reduce the Corporation's funding requirement.

Payment Dates:

Principal payments at maturity or mandatory sinking fund calls are made February 1 and interest is paid semiannually on February 1 and August 1 for bonds outstanding under the First General Bond Resolution. Principal payments at maturity or mandatory sinking fund calls are made July 1 and interest is paid semiannually on July 1 and January 1 for bonds outstanding under the Second and 1991 General Bond Resolutions. The Corporation may from time to time purchase certain of its securities to satisfy its sinking fund requirements.

Refunded Bonds:

The Corporation's bonds may be refunded in advance of their maturity in accordance with provisions of the First, Second or 1991 General Bond Resolutions by placing in trust with the Trustee sufficient moneys or certain securities which together with investment income therefrom will be sufficient to pay principal and interest when due on the bonds which have been refunded. Although they remain valid debt instruments with regard to principal and interest payable thereon from the moneys or securities placed in trust, advance refunded bonds are defeased and deemed to have been paid within the meaning of the First, Second or 1991 General Bond Resolutions and are therefore no longer presented as liabilities of the Corporation. At December 31, 1991, $2,181.4 million of the Corporation's bonds which have been advance refunded remain valid debt instruments.

NOTE 4 - Reserve Funds:

Reserve Funds have been established under each of the Corporation's general bond resolutions, in conformance with the requirements of the Act, to provide security for payment of interest on and principal of the bonds issued under each of the respective resolutions. The amount required to be on deposit in each of the First and Second General Bond Resolutions Capital Reserve Funds is 100% of the principal (including sinking fund installments) and interest maturing or otherwise due or becoming due during the succeeding calendar year on outstanding bonds issued under the respective resolutions. The amount required to be on deposit in the 1991 General Bond Resolution Bond Reserve Fund is an amount not less than one-half of the maximum debt service due in any calendar year on all outstanding 1991 General Resolution Bonds.
At December 31, 1991, the First General Bond Resolution Capital Reserve Fund balance was $331.4 million and the Second General Bond Resolution Capital Reserve Fund balance was $671.9 million and the 1991 General Bond Resolution Bond Reserve Fund balance was $7.6 million. Such amounts exceeded the required funding levels.

NOTE 5 - Operating Fund:

The Operating Fund provides for the expenses of carrying out the Corporation's duties and functions and is funded from the Municipal Assistance Tax Fund. The Operating Fund accounts have been prepared on the accrual basis of accounting. The Corporation's administrative expenses are charged to the Operating Fund as incurred. The assets of the Operating Fund at December 31, 1991 included approximately $1,825,000 of securities purchased under an agreement to resell which approximates market value.

NOTE 6 - City of New York Obligations Held by the Corporation:

Between October 1980 and June 1987, the Corporation acquired bonds of the City, as part of a program to provide for a significant portion of the City's capital financing requirements, by using the net proceeds of certain of the Corporation's debt issuance to purchase City bonds with similar maturities. Prior to October 1980, the Corporation had acquired bonds of the City in connection with certain other transactions. City bonds owned by the Corporation may not be sold without the consent of the City and accordingly are carried at cost.

At December 31, 1991, the Corporation held $1,393.5 million principal amount of City bonds. The City obligations held at December 31, 1991 bear interest at rates ranging from 7.00% to 13.6% and will mature on September 15 in each year as shown below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount Maturing (In Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>$114,609</td>
</tr>
<tr>
<td>1993</td>
<td>112,876</td>
</tr>
<tr>
<td>1994</td>
<td>122,983</td>
</tr>
<tr>
<td>1995</td>
<td>121,381</td>
</tr>
<tr>
<td>1996</td>
<td>104,500</td>
</tr>
<tr>
<td>1997</td>
<td>106,684</td>
</tr>
<tr>
<td>1998-2002</td>
<td>426,301</td>
</tr>
<tr>
<td>2003-2007</td>
<td>284,190</td>
</tr>
<tr>
<td></td>
<td>$1,393,524</td>
</tr>
</tbody>
</table>

The Corporation, in making its certification for funds to the State, is required to exclude from consideration any amounts it expects to receive on City obligations until such amounts are received.
NOTE 7 - INVESTMENTS IN MARKETABLE AND OTHER SECURITIES:

<table>
<thead>
<tr>
<th>(In Thousands)</th>
<th>December 31, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Principal</td>
</tr>
<tr>
<td><strong>Marketable Securities:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Debt Service Fund</strong></td>
<td></td>
</tr>
<tr>
<td>Obligations Maturing in Less than One Year</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 507,620</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 507,620</td>
</tr>
<tr>
<td><strong>Less: Unrealized Loss</strong></td>
<td></td>
</tr>
<tr>
<td><strong>First Capital Reserve Fund</strong></td>
<td></td>
</tr>
<tr>
<td>Obligations Maturing in Less than One Year</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 176,855</td>
</tr>
<tr>
<td>One to Five Years</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 147,782</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 324,637</td>
</tr>
<tr>
<td><strong>Second Capital Reserve Fund</strong></td>
<td></td>
</tr>
<tr>
<td>Obligations Maturing in Less than One Year</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 219,386</td>
</tr>
<tr>
<td>One to Five Years</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 364,333</td>
</tr>
<tr>
<td>Over Five Years</td>
<td></td>
</tr>
<tr>
<td>U.S. Treasury</td>
<td>$ 188,778</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 772,497</td>
</tr>
<tr>
<td><strong>Other Securities:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>1991 Bond Reserve Fund</strong></td>
<td></td>
</tr>
<tr>
<td>Obligations Maturing in One to Five Years</td>
<td></td>
</tr>
<tr>
<td>State and Local Government Series*</td>
<td>$ 7,391</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 7,391</td>
</tr>
</tbody>
</table>

*Such securities cannot be sold on the open market and can only be redeemed prior to maturity at a price imposed by the U.S. Treasury.
NOTE 8 - Commitments and Contingent Liabilities:

On April 2, 1986, the Corporation entered into an agreement with the State and the City to make available $1.6 billion of additional revenues to the City of New York during the 1987 through 1995 fiscal years. Revenues made available pursuant to this agreement are determinable at the close of the Corporation's fiscal year. As of June 30, 1991, the Corporation made available $978 million of these revenues, including $70 million made available during fiscal 1991 for City operations which had previously been earmarked for the New York City Transit Authority capital program.

On May 16, 1989, the Corporation entered into an agreement with the State and the City to make available $750 million of additional revenues to the City of New York during the 1990 through 1997 fiscal years. These revenues are in addition to those to be provided by the April 1986 agreement. Revenues made available pursuant to this agreement are determinable at the close of the Corporation's fiscal year. As of June 30, 1991, the Corporation made available $267 million of these revenues, including $75 million made available during fiscal 1991 for City operations which had previously been earmarked for the New York City School Construction Authority capital program.

On July 19, 1990, the Corporation, the State and the City entered into a new memorandum of agreement amending the agreements executed on April 2, 1986 and May 16, 1989. Under the new agreement, the Corporation will make available for City operations over the 1990 through 1997 fiscal years $1.465 billion of its excess revenues which previously had been committed to the capital programs of the New York City Transit Authority and the New York City School Construction Authority. The new agreement further provides that these capital programs will be funded in accordance with the schedules set forth in the 1986 and 1989 agreements with proceeds of the City's or the Corporation's debt. As of December 31, 1991 the Corporation has been advised that the City had funded $440 million of these programs.

The Corporation is required to reimburse the State of New York for an allocable share of costs attributable to the provision of central governmental services pursuant to legislation enacted in 1989. Costs allocable to the Corporation are based on the lesser of the total amount of expenses incurred during the State's fiscal year in the provision of these services or a pro-rata share of $17.5 million. The Corporation's pro-rata share is determined based upon the proportion of its outstanding bonds to the total outstanding debt, consisting of bonds, notes and other obligations, of all public benefit corporations covered by the legislation. The Corporation's estimated allocable share of cost for the State's 1992 fiscal year is $3.0 million.

Under the Internal Revenue Code of 1986 (the "Code"), the Corporation, generally, is required to pay to the United States any excess earnings from the investment of the proceeds of the bonds issued after August 31, 1986 over the yield on each such issue. Under the Code and temporary and proposed regulations issued by the Department of the Treasury on May 12, 1989 and April 19, 1991 (the "Regulations") the Corporation will be required to pay any such excess earnings within 60 days of the end of the fifth year following issuance and each succeeding fifth year for each
affected issue, with a final payment required to be made within 60 days of retirement of each such issue. The Corporation’s federal rebate requirement as of December 31, 1991 is approximately $12.0 million.

The Corporation agreed in 1976 to reimburse the Financial Control Board for a portion of the cost of providing certain oversight services of the City’s financial affairs. The Corporation expects to reimburse the Financial Control Board an estimated $2.0 million in fiscal year 1992.
# Exhibit I

## Municipal Assistance Corporation for the City of New York

### Summary of Annual Principal Payments by Fiscal Year

**December 31, 1991**

(In Thousands)

(Unaudited)

<table>
<thead>
<tr>
<th>FY Ending 6/30</th>
<th>First General Bond Resolution Total Principal*</th>
<th>Second General Bond Resolution Total Principal*</th>
<th>1991 General Bond Resolution Total Principal*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>$ 190,000</td>
<td>$ -0-</td>
<td>$ 190,000</td>
</tr>
<tr>
<td>1993</td>
<td>195,000</td>
<td>257,140</td>
<td>1,230</td>
</tr>
<tr>
<td>1994</td>
<td>290,000</td>
<td>158,335</td>
<td>1,295</td>
</tr>
<tr>
<td>1995</td>
<td>319,738</td>
<td>170,400</td>
<td>5,390</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>184,185</td>
<td>5,750</td>
<td>189,935</td>
</tr>
<tr>
<td>1997</td>
<td>185,490</td>
<td>6,155</td>
<td>191,645</td>
</tr>
<tr>
<td>1998</td>
<td>262,150</td>
<td>6,590</td>
<td>268,740</td>
</tr>
<tr>
<td>1999</td>
<td>291,865</td>
<td>7,060</td>
<td>298,925</td>
</tr>
<tr>
<td>2000</td>
<td>331,025</td>
<td>7,560</td>
<td>338,585</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>288,735</td>
<td>8,100</td>
<td>296,835</td>
</tr>
<tr>
<td>2002</td>
<td>309,490</td>
<td>8,680</td>
<td>318,170</td>
</tr>
<tr>
<td>2003</td>
<td>331,890</td>
<td>9,305</td>
<td>341,195</td>
</tr>
<tr>
<td>2004</td>
<td>356,100</td>
<td>9,985</td>
<td>366,085</td>
</tr>
<tr>
<td>2005</td>
<td>382,170</td>
<td>10,735</td>
<td>392,905</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>410,170</td>
<td>11,435</td>
<td>421,605</td>
</tr>
<tr>
<td>2007</td>
<td>440,205</td>
<td>12,185</td>
<td>452,390</td>
</tr>
<tr>
<td>2008</td>
<td>472,485</td>
<td>13,040</td>
<td>485,525</td>
</tr>
<tr>
<td>2009</td>
<td>506,280</td>
<td>13,945</td>
<td>520,225</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 994,738</strong></td>
<td><strong>$ 5,338,115</strong></td>
<td><strong>$ 138,440</strong></td>
</tr>
</tbody>
</table>

* Excludes refunded bonds.
MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK

SUMMARY OF ANNUAL DEBT SERVICE
FUNDING REQUIREMENTS

December 31, 1991
(In Thousands)
(Unaudited)

<table>
<thead>
<tr>
<th>FY ending 6/30</th>
<th>First General Bond Resolution Principal and Interest*</th>
<th>Second General Bond Resolution Total Principal and Interest*</th>
<th>1991 General Bond Resolution Total Principal and Interest*</th>
<th>Total Principal and Interest*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>$ 259,980</td>
<td>$ 625,443</td>
<td>$ 9,778</td>
<td>$ 895,201</td>
</tr>
<tr>
<td>1993</td>
<td>295,543</td>
<td>510,172</td>
<td>9,776</td>
<td>815,491</td>
</tr>
<tr>
<td>1994</td>
<td>339,724</td>
<td>511,695</td>
<td>13,740</td>
<td>865,159</td>
</tr>
<tr>
<td>1995</td>
<td>171,859</td>
<td>513,796</td>
<td>13,779</td>
<td>699,434</td>
</tr>
<tr>
<td>1996</td>
<td>502,503</td>
<td>13,832</td>
<td></td>
<td>516,335</td>
</tr>
<tr>
<td>1997</td>
<td>565,273</td>
<td>13,883</td>
<td></td>
<td>579,156</td>
</tr>
<tr>
<td>1998</td>
<td>576,915</td>
<td>13,935</td>
<td></td>
<td>590,850</td>
</tr>
<tr>
<td>1999</td>
<td>595,385</td>
<td>13,981</td>
<td></td>
<td>609,366</td>
</tr>
<tr>
<td>2000</td>
<td>530,758</td>
<td>14,026</td>
<td></td>
<td>544,784</td>
</tr>
<tr>
<td>2001</td>
<td>530,809</td>
<td>14,068</td>
<td></td>
<td>544,877</td>
</tr>
<tr>
<td>2002</td>
<td>530,820</td>
<td>14,109</td>
<td></td>
<td>544,929</td>
</tr>
<tr>
<td>2003</td>
<td>530,855</td>
<td>14,162</td>
<td></td>
<td>545,017</td>
</tr>
<tr>
<td>2004</td>
<td>530,871</td>
<td>14,254</td>
<td></td>
<td>545,125</td>
</tr>
<tr>
<td>2005</td>
<td>530,859</td>
<td>14,300</td>
<td></td>
<td>545,159</td>
</tr>
<tr>
<td>2006</td>
<td>530,815</td>
<td>14,352</td>
<td></td>
<td>545,167</td>
</tr>
<tr>
<td>2007</td>
<td>531,004</td>
<td>14,464</td>
<td></td>
<td>545,468</td>
</tr>
<tr>
<td>2008</td>
<td>531,484</td>
<td>14,573</td>
<td></td>
<td>546,057</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 1,067,106</strong></td>
<td><strong>$ 9,179,457</strong></td>
<td><strong>$ 231,012</strong></td>
<td><strong>$ 10,477,575</strong></td>
</tr>
</tbody>
</table>

*Excludes refunded bonds.
MUNICIPAL ASSISTANCE CORPORATION FOR THE CITY OF NEW YORK

SUMMARY OF ANNUAL DEBT SERVICE
PAYMENT REQUIREMENTS

December 31, 1991
(In Thousands)
(Unaudited)

<table>
<thead>
<tr>
<th>FY ending 6/30</th>
<th>First General Bond Resolution*</th>
<th>Second General Bond Resolution*</th>
<th>1991 General Bond Resolution*</th>
<th>Total Debt Service on Bonds Outstanding*</th>
<th>Estimated Coverage Ratios+</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$227,303</td>
<td>$620,809</td>
<td>9,762</td>
<td>$227,303</td>
<td>18.38**</td>
</tr>
<tr>
<td>1993</td>
<td>255,355</td>
<td></td>
<td>885,926</td>
<td></td>
<td>16.36</td>
</tr>
<tr>
<td>1994</td>
<td>335,730</td>
<td>507,607</td>
<td>9,759</td>
<td>853,096</td>
<td>12.44</td>
</tr>
<tr>
<td>1995</td>
<td>343,718</td>
<td>508,847</td>
<td>13,662</td>
<td>866,227</td>
<td>12.16</td>
</tr>
<tr>
<td>1996</td>
<td>510,655</td>
<td>13,693</td>
<td>524,348</td>
<td></td>
<td>9.11</td>
</tr>
<tr>
<td>1997</td>
<td>499,328</td>
<td>13,738</td>
<td>513,066</td>
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<td>$1,162,106</td>
<td>$9,086,225</td>
<td>$228,871</td>
<td>$10,477,202</td>
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</table>
Footnotes to Exhibit III

+ Estimated coverage ratios on First Resolution Bonds are based upon New York State Sales and Stock Transfer Tax Revenues for the twelve months ended December 31, 1991, reduced by Operating Expenses of $13.4 million, divided by debt service on First Resolution Bonds. Estimated coverage ratios on Second Resolution Bonds are based upon all revenues, reduced by debt service on First Resolution Bonds and Operating Expenses, divided by debt service on Second Resolution Bonds. Estimated coverage ratios on the 1991 Resolution Bonds are based upon all revenues reduced by debt service on First Resolution Bonds, Second Resolution Bonds and Operating Expenses, divided by debt service on the 1991 Resolution Bonds. Available revenues would cover debt service on all 1991 Resolution Bonds by at least 278 times in any year. All revenues for the twelve months ended December 31, 1991, include $4,191.3 million combined New York State Sales and Stock Transfer Tax and $474.5 million (exclusive of $60.5 million of potential prior claims) in Per Capita Aid.

* Excludes refunded bonds.

** This ratio is computed after giving effect to the debt service payment $37.3 million on the First General Resolution Bonds on August 1, 1991. Were computation of the coverage ratio to include this payment, the result would be 15.79.
Date: 31 January 1992
To: Jerome Riess, Esq.
From: Lynnette Kelly
Re: Biography For Official Statement

Attached are several pages from the last Official Statement of the Corporation containing the biographies of the Directors and Representatives. Please prepare your biography for inclusion in our next Official Statement in a similar format.

Please do not hesitate to contact me if I can be of any assistance.

Thank you.
Date: 29 January 1992  
To: Felix G. Rohatyn  
From: Quentin B. Spector  
Re: MAC Assistance for City Capital Program

The City Financial Plan to be released tomorrow proposes a $3.6 billion (or 30%) reduction to its capital program. As a result of these cuts, the City expects debt service savings to grow to $250 million by FY 96, the final year of the Plan, and to continue to grow for the remainder of the decade.

Can MAC help mitigate these cuts?

MAC’s issuance advantages over the City are structuring flexibility and lower cost of capital. With respect to structuring, MAC, unlike the City, is not automatically encumbered by the constitutionally mandated 50% rule which prevents a level of debt service structure, probably the most sensible means of allocating annual costs of a project. Under the 50% rule the largest principal payment cannot exceed the smallest by more than 50%. Consequently, City debt service for any given facility tends to be high in the early years and tapers off in the latter years.

If MAC had 30-year issuance authority, financed $2.5 billion of the 30-year projects remaining in the City’s budget and saved an average of 1% over the City’s borrowing costs, the City would could save nearly $250 million in the 4 years of the Plan. Put another way, if these savings were capitalized at MAC’s cost of funds, some $700 million, or 20%, of the eliminated projects could be restored.

Admittedly, this is a simplistic analysis. However, while the estimates may be crude, the potential for significant project restorations is valid. Of course, the price of level debt service is a longer average life of debt, and ultimately more expense. This cost must be evaluated against the stimulative effects of public works spending, the construction bargains available during a downturn, and, most important, the loss of momentum in rebuilding critical City infrastructure.

Attachments A and B
Analysis of MAC vs City Bonding (MACvNYC) ($million) 

<table>
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<tr>
<th>Year</th>
<th>NYC Svc., Principal Debt Svc, MAC Debt Svc</th>
<th>Savings</th>
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<td>71.26, 271.64, 30.02</td>
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2,500.00 6,220.00 2,500.00 6,662.06 -442.06

Avg. Life: 16.5 20.8

City conforms with 50% rule, i.e. no principal tgt greater than 150% of smallest.
MAC pays level debt service.
Analysis of MAC vs City Bonding (MACvNYC) ($million)

Assumptions:
- Principal: 3,500
- Maturity: 30
- NYC rate: 9.0%
- MAC Rate: 8.0%

<table>
<thead>
<tr>
<th>Year</th>
<th>NYC Debt Svc</th>
<th>Principal Debt Svc</th>
<th>Savings</th>
</tr>
</thead>
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3,500.00 8,708.00 3,500.00 9,326.88 -618.88

Avg. Life 16.5 20.8

City conforms with 50% rule, ie no principal pmnt greater than 150% of smallest.
MAC pays level debt service.
Date: January, 28, 1992
To: Quentin Spector
From: Pat Bethon
Re: Xerox 860's

No one has expressed any interest in purchasing the Xerox 860 wordprocessors from us. A school has notified us that they would be able to make use of the machines. The school is Little Sun People, 1360 Fulton Street, Brooklyn, N.Y., 11216.

OK RMS 1/28/92
27 January 1992

Ms. Kara J. Unterberg
29 Garden Street, Apt. 213
Cambridge, MA  02138

Dear Ms. Unterberg:

Thank you very much for your letter expressing interest in a job here at the Municipal Assistance Corporation. I'm sorry but there are no vacancies requiring your qualifications at present.

We would like to keep your resume on file in case such a position should become available in the future.

Best wishes in your job search, and thanks again for your interest.

Sincerely,

[Signature]

Quentin B. Spector
Executive Director

QBS:ca
27 January 1992

Mr. Ross Freeman
11 Grassfield Road
Great Neck, New York 11024

Dear Mr Freeman:

Thank you very much for your letter expressing interest in a job here at the Municipal Assistance Corporation. I'm sorry but there are no vacancies requiring your qualifications at present.

We would like to keep your resume on file in case such a position should become available in the future.

Best wishes in your job search, and thanks again for your interest.

Sincerely,

[Signature]

Quentin B. Spector
Executive Director

QBS:ca
27 January 1992

Ms. Sandra A. Rose  
345 Main Street, Apt. 4L  
White Plains, New York 10601

Dear Ms. Rose:

Thank you very much for your letter expressing interest in a job here at the Municipal Assistance Corporation. I'm sorry but there are no vacancies requiring your qualifications at present.

We would like to keep your resume on file in case such a position should become available in the future.

Best wishes in your job search, and thanks again for your interest.

Sincerely,

[Signature]

Quentin B. Spector  
Executive Director

QBS:ca
Date: 27 January 1992
To: Board of Directors
From: Felix Rohatyn; Eugene Keilin; Quentin Spector
Re: Mirror Bond Refunding Proposal

The City has informed us that it expects to withdraw its request that the Corporation refund the First Resolution bonds. Instead, it plans an alternate means of transitional financing with greater flexibility as to timing and greater freedom from outside constraints through a program of refunding New York City obligations held by the Corporation, commonly called "mirror" bonds. Additionally, the City has indicated it may also seek in the future the $200 million the Corporation has set aside for the First Resolution refunding, as these funds would no longer be needed for that purpose. These funds are not part of the Financial Plan the City will release January 30.

In the nearly twelve months that the City’s request to refund the First Resolution bonds has been under consideration, the Board has maintained that transitional financing is a means to an end, the end being structural balance. The viability of transitional financing, however accomplished, will rise or fall on the quality of the Financial Plan it is to finance. To a large degree, then, a discussion now of the form of financing puts the cart before the horse. Nevertheless, the new proposal raises important issues that must be brought to the attention of the Board.

The proposed new means of transitional financing has significant benefits for MAC bondholders. It allows MAC to retire the First Resolution bonds by FY 95 in accordance with the current schedule. Thus, MAC’s overall outstanding debt will be reduced from $6.4 billion currently to slightly less than $4.9 billion in FY 95, significantly improving coverage and credit quality of the Second and 1991 Resolution bonds. It eliminates the fiduciary concerns to the Corporation posed by stretching out the repayment of the First Resolution bonds as requested by the City. Also, the mirror bond program, unlike the First Resolution bond refunding, can be implemented incrementally, providing frequent opportunities for the Corporation, the other monitors and the rating agencies to review the City’s progress in reforming its finances. There are some negative aspects to this program, more from the City’s point of view than from MAC’s. First, the program carries a higher cost than the MAC refunding. Second, the program consists essentially of paying off MAC’s stronger credit by using the City’s weaker and possibly scarcer credit. These will be discussed in more detail later in this memorandum.
The program under consideration involves refunding as much as $847 million of the mirror bonds maturing between FY 97 and FY 2008 with public sales of $856 million of City bonds with the same maturities (see Attachment A). The City would call the mirror bonds, which are callable at par on any interest payment date (each March & September 15) with 30 days notice, with the proceeds of these issues. The City expects, although it cannot compel, the Corporation to rebate the refunding proceeds as rapidly as possible through reduced Sales Tax certifications. In other words, the City expects MAC to apply the refunding proceeds to pay debt service due within the fiscal year, thereby freeing up a like amount of Sales Tax revenues for the City’s operations. The City would be denied the intended operations benefit if the Corporation used the proceeds to redeem its bonds with maturities outside the four-year period covered by the Financial Plan. The City has the clear legal right to call the mirror bonds unilaterally. The City requires MAC’s concurrence with respect to the application and timing of the proceeds.

As currently proposed, the refundings would be accomplished through a series of four semi-annual issuances between September 1992 and March 1994 followed by a final issuance in March 1995. As indicated in Attachment A, the City estimates the refunding program could generate slightly under $700 million of net operating benefit in the four years of the Financial Plan, FY 93-FY 96, and would have a total net cost of $489 million by the time the last refunding bond is retired in FY 2008. On a fiscal year basis, the City hopes to realize $351 million in FY 93, $300 million in FY 94 and $47 million in FY 95. The City plans that some of the proceeds of FY 95 refundings would be retained by MAC and applied the following year to offset accumulated debt service costs, resulting in a zero net cost in FY 96 by which time the City expects to have achieved structural balance. These figures do not reflect the application of the $200 million MAC has set aside for the First Resolution refunding. The City has not specified a use for these funds, nor is it relying on these funds in its upcoming Financial Plan. After FY 96 the program is a net cost to the City’s operating budget.

The Corporation currently holds approximately $1.4 billion mirror bonds which were acquired between October 1980 and June 1987 with the net proceeds of MAC issuances which funded a significant portion of the City’s capital financing needs during that period. They are called mirror bonds because their interest rates and maturities were similar to
their MAC counterparts so that debt service received by the City was roughly equal to that paid to the MAC bondholders.

The mirror bond system was established, among other purposes, to free up Sales Tax revenues from debt service on MAC bonds for the City’s operations. At the time, the City’s capacity to levy property taxes for operating purposes was virtually at the State Constitutional limit. As the MAC role in capital financing grew, the City was concerned that its ability to finance operations would be constrained if MAC diverted an ever larger share of Sales Tax revenues for its debt service. Meanwhile, the City’s ability to levy property taxes for debt service, which, unlike operations, is unlimited under the State Constitution, could not be used because the City was unable to issue new debt in the public markets. The mirror bonds, then, provided the City the means to levy additional property taxes since the levy was for debt service. The mirror bond payments, in turn, reduced MAC’s need for Sales Tax revenues.

Although virtually all the MAC bonds issued for City capital purposes have been refunded, the City, until now, has taken no action to refund the outstanding mirror bonds despite the fact that their coupons range as high as 13.6%. Consequently, the debt service payments on the mirror bonds now substantially exceed the debt service on the successors to their MAC counterparts. However, as MAC applies the entire City mirror bond payments to MAC debt service, thereby releasing an equal amount of Sales Tax revenues, the City has been indifferent to rates on the mirror bonds. Put another way, the City is indifferent to the rates on the mirror bonds because their true cost to the City is zero as long as the mirror bond debt service offsets MAC debt service, in accordance with original purposes.

It is important to note that the Corporation does not rely on mirror bond payments as a source of revenue to pay its bondholders. Accordingly, if the City failed to make mirror bond payments in a timely fashion, the Corporation would have ample time to increase its Sales Tax certifications to make up any shortfalls. As such, the Corporation’s ability to honor its debt service commitments would not be impaired in the slightest by refunding of any mirror bonds and the loss of revenue thereon. Indeed, to simplify the City’s program, our legal staff has researched the feasibility of returning the mirror bonds to the City. However, this does not appear possible.
The proposed mirror bond program refunds securities in a manner never intended. The First Resolution bond refunding and the mirror bond program both provide operating budget benefit through long-term borrowing. The First Resolution refunding provides operating budget relief by postponing the retirement of $1 billion of debt, scheduled to mature in the next four years, until after FY 96. The mirror bond refundings would replace a set of bonds having a zero net cost, as discussed above, with publicly issued bonds having a real cost. Therefore, as a result of the mirror bond refunding program, the two sets of bonds issued to overlap the same capital projects would no longer overlap. Consequently, it will have to be determined whether the transactions conform with the requirements of the Financial Emergency Act.

The mirror bond refunding program is more costly both in terms of actual dollars as well as in the use of City market access when compared to MAC refunding. As the First Resolution and mirror bond refundings differ with respect to timing, structure and tax consequences, cost differences are not simply a function of MAC's lower cost of capital (See Attachment B). For example, the rapid retirement structure of the bonds refunding the mirror bonds reflected in Attachment A has the important advantage of keeping overall interest expense down, but the disadvantage of a very high debt service peak in the first years following the four-year Financial Plan. That MAC could replicate this structure at a lower cost is beside the point; that MAC has the flexibility to provide a smoother, less onerous hurdle in FY 97, even though a longer debt retirement schedule is more expensive, might be more relevant to the goal of structural balance. Additionally, it is not possible now to quantify the tax costs of the mirror bond program. Tax law may treat the mirror bond refundings as refundings of MAC debt. The tax costs, which could be significant, are largely dependent on the yields of the MAC bonds paid off with the refunding proceeds versus the yields on the refunding bonds issued by the City. In any case, cooperation between MAC and the City will be necessary to minimize any tax consequences.

Comparison is also complicated by the intangible costs of additional use of market access by the City. From the perspective of pure finance policy, the effect of the City's mirror bond program is to pay off approximately $850 million owed by the strongest credit available to it (MAC) with the weaker credit of City G.O. bonds. This aspect of the proposal may prove especially important in view of the recent rating downgrades of the State and the threat of additional downgrades. In particular, the City's S&P
rating, which, at "A-", is now on a parity with the State, could be threatened from a new quarter as a result of S&P's minimum rating approach. Under this approach, S&P generally rates subdivisions of a state below the state itself, particularly if they are highly dependent on state appropriations.

Finally, the mirror bond refundings would largely eliminate the Sales Tax offset they were originally created to provide. Although the City has considerably more capacity now to levy property taxes for operating purpose than it did in the early eighties, the utility of conserving this capacity must be carefully assessed, particularly after forecasts by the FCB staff and OSDC that the tax base is shrinking after a decade of growth.

If this plan is to go forward, the responsibility for approval and monitoring of the plan will lie heavily with the FCB. MAC in turn will look to the FCB for findings that the City’s plan is structurally balanced both initially and when the later refundings take place.

The critical element to the mirror bond proposal or the MAC refunding, or any similar form of transitional financing is the credibility of the City’s Financial Plan and its ability to manage downsizing while maintaining services. It must be noted that, despite the scarcity of resources available, the City has, over the past two years, raised revenues by over $4 billion ($2 billion in taxes; $1.5 billion from MAC surpluses; $1.1 billion from union pension funds). The proposed refundings will bring this amount to over $5 billion. The MAC surpluses were diverted from pay-as-you-go capital financing in order to finance the City’s operations. In addition, significant additional capital cutbacks, especially in school construction, have been used to maintain a large workforce without significant labor contributions in the area of productivity. The City plan should take these facts into account in order to get the support it requires from the FCB, from the rating agencies, from MAC and, more importantly, from New York City residents.

In proposing the mirror bond program, the City maintains it is committed to structural balance as before. The City has had problems in producing such a plan as part of the previously proposed MAC refunding. The need for a strong, credible City plan cannot be overemphasized. However, the form of transitional financing should not affect the City’s plan as to how it will restore structural balance. The plan adopted to secure mirror bond refunding therefore should be
held to the same standards as required for the First Resolution refunding. The higher costs of the mirror bond program have to be justified by its greater flexibility and lack of legislative constraints.

From the point of view of MAC's credit and MAC's bondholders the program is clearly positive. The Corporation, in its capacity as a monitor, should seek similar assurances as to the soundness of the City's Financial Plan that it sought for the First Resolution refunding. Specifically:

1. That the mirror bond refundings will not result in a downgrade from any of the rating agencies;
2. That the City Comptroller, who jointly with the Mayor must authorize the transactions, approves the overall program of mirror bond refundings;
3. That the Financial Control Board a) provides an opinion that mirror bond refundings do not constitute an event triggering a Control Period; b) determines at the outset of the mirror bond refunding program that the City's Financial Plan provides a credible program to restore the City's finances to structural balance by FY 96; and c) determines prior to each mirror bond refunding that the City remains on schedule in restoring structural balance; and
4. That the City holds harmless the Corporation for any costs incurred as a result of tax consequences of the mirror bond program.
## CITY'S PROPOSED MIRROR BOND REFUNDING PROGRAM

($Millions)^1

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Bonds Issued</th>
<th>Mirror Bonds Refunded</th>
<th>Inter-Year Carry Forward^2</th>
<th>Debt Service on Bonds Issued</th>
<th>Net Benefit/(Cost)^3</th>
<th>Cumulative Four-Year Benefit^3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$361.14</td>
<td>$357.53</td>
<td>$</td>
<td>$(6.83)</td>
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<tr>
<td>1994</td>
<td>336.85</td>
<td>333.48</td>
<td>(33.38)</td>
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<td>156.37</td>
<td>(58.23)</td>
<td>(51.23)</td>
<td>46.92</td>
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<tr>
<td>1996</td>
<td></td>
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<td></td>
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<td>697.71^4</td>
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<tr>
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<td></td>
<td>(150.70)</td>
<td>(150.70)</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>(145.41)</td>
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<td></td>
</tr>
<tr>
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<td>(137.41)</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td></td>
<td>(129.25)</td>
<td>(129.25)</td>
<td></td>
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<td></td>
</tr>
<tr>
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<td>(108.86)</td>
<td>(108.86)</td>
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<td></td>
</tr>
<tr>
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<td></td>
<td>(89.11)</td>
<td>(89.11)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td></td>
<td>(85.08)</td>
<td>(85.08)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td></td>
<td>(78.50)</td>
<td>(78.50)</td>
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</tr>
<tr>
<td>2005</td>
<td></td>
<td>(72.58)</td>
<td>(72.58)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td>(66.87)</td>
<td>(66.87)</td>
<td></td>
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<tr>
<td>2007</td>
<td></td>
<td>(63.00)</td>
<td>(63.00)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td></td>
<td>(56.41)</td>
<td>(56.41)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$855.94 $847.37 $(1,336.67) $(489.30)

---

1 Totals may not add due to rounding.

2 Of the total proceeds of $156.37 million available in FY95, $58.23 million would be retained by MAC to be applied the following year together with interest earnings estimated at 7%.

3 The table does not reflect the application of the $200 million MAC has retained for refunding the First Resolution bonds.

4 Although the costs of MAC’s First Resolution refunding is not easily comparable to the mirror bond refunding proposal, MAC working assumptions have been: approximately $880 million in bonds, 6.3% interest costs and level debt service from FY 96-08. Ignoring the overstatement of the costs of capital reserves, these assumptions result in annual debt service costs of approximately $100 million FY96-08, and net costs after $1 billion benefit delivered FY 93-95 of approximately $300 million. If the $200 million MAC funds on hand is applied to the City’s figures to aid comparability, the net costs of the mirror bond and First Resolution refundings are roughly equal at approximately $300 million, but the First Resolution refunding produces approximately $50 million more in benefit. If the maturity structure of MAC bonds refunding the First Resolution bonds, at the yields reflected in Attachment B, were patterned on the structure embodied in the City’s estimated debt service in this table, the net cost could be reduced by approximately $70 million.
## CITY & MAC YIELD COMPARISON

<table>
<thead>
<tr>
<th>MATURITY IN YEARS</th>
<th>CITY GO ¹</th>
<th>MAC ²</th>
<th>SPREAD</th>
</tr>
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<tr>
<td>1</td>
<td>4.80%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>5.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>5.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>6.25</td>
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<td>5</td>
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<tr>
<td>15</td>
<td>7.50</td>
<td>6.55</td>
<td>0.95</td>
</tr>
</tbody>
</table>

¹ Source: OMB 1/10/92, prepared by Public Resources Advisory Group, one of the City's financial advisors.

24 January 1992

Mr. James M. Parkison
Clerk
U.S. District Court
Southern District of New York
Foley Square, Centre and Pearl St.
New York, New York 10277

Re: Jury Service - SDNY 2081
   Juror No.: 431126-IP-2/10/92

Dear Mr. Parkison:

This letter is in response to my summons to appear for jury duty in the Federal District Court for the Southern District of New York on February 10, 1992 (copy attached).

I understand that I am disqualified from jury service under the provisions of Title 28 United States Code, Section 1863(6)(C) and Article V(3) of the Amended Plan for the Random Selection of Grand and Petit Jurors in the United States District Court for the Southern District of New York. I am currently serving as a member and Chairman of the Board of Directors of the Municipal Assistance Corporation for The City of New York, in accordance with an appointment pursuant to the Public Authorities Law of the State of New York. I was nominated by the Governor and confirmed by the State Senate for my most recent reappointment on June 28, 1984. The Corporation is charged with fiscal oversight responsibilities for the City of New York and has a role in financing the City's operations and capital program. The Chairman, in addition to serving as Chief Executive Officer of the Corporation, is actively engaged in financial, budgetary and legislative issues.

Inasmuch as I am barred by statute from serving on a jury, I would appreciate it if you would take appropriate action to cancel my summons so that a personal appearance will not be necessary, and to so advise me. In addition, please delete my name from the Manhattan Qualified Jury Wheel.
While you process the permanent exemption outlined above, I would like to request a temporary excuse from jury service beginning on February 10, 1992. Jury service would create extreme inconvenience with respect to pressing business concerns which must be addressed.

Thank you for your consideration in this matter.

Sincerely,

Felix G. Rohatyn
Chairman
24 January 1992

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Sincerely,

Felix G. Rohatyn
Chairman
DESTRUCTION FROM AUTHORIZED PLACE
THE ATTENTIONS ARE ACCOUNTS RECEIVED, NOT APRIL FAY... WITHOUT
TO COURT AND REASONABLE PAYMENTS DUE. INSTEAD OF
RETURN, LEAVE THE DATE OR PHONE TRANSCRIPTION FROM RECEIVED
WITNESS OR THE COURT OF RECORD. TRANSCRIPTION FROM RECORD
WITNESS WILL RECEIVE A DAILY ATTENTIONS RECORD OF 150. PLUS ATTEND
INSTRUCTION #6 ON SERVICE SIDE.
MESSAGE OR OTHERA NOTICE TELLING YOU OTHERWISE
MUST BE REPORTED ON THAT DAY, UNLESS A PHONE
NOTICE IS GIVEN. IF AN EXACT DATE IS SHOWN, YOU WILL BE
EXACT DAY TO REPORT IS NOT GIVEN, YOU WILL BE
SERVICED IS DETERMINED BY THE COURT IF THE
ORDER AT THE TIME AND PLACE SHOWN. YOUR TEAM
THIS COURT SUMMONS YOU TO APPEAR FOR JURY
SERVICE FOR JURY SERVICE
## IMPORTANT INSTRUCTIONS

If the jury service for which you are summoned will result in **undue hardship** or extreme inconvenience because of a grave illness in your family or a similar serious problem, and you want to ask for a temporary excuse, you must notify the Clerk of Court immediately in writing upon receipt of this summons or immediately upon learning of any such serious problem which arises later.

A request for temporary excuse **must be made in writing to the address on the enclosed envelope.** Include a statement of the facts relating to the hardship and the earliest date in the near future when you can serve. If you fail to notify the Court immediately of a hardship and ask for a temporary hardship excuse when you report for jury duty, you will not be paid an attendance fee or travel allowance if you are excused.

### 1. HARDSHIP EXCUSE

(If no telephone number is shown on the face of this summons, please ignore this item of the instructions). If a phone number is shown, and you have been given a report in date, please call for a recorded message.

Unless other call-in hours are given on the summons, please dial the recording after 5:00 P.M. on the afternoon of the last work day before the day you are to appear. For example, if you're to appear on Monday call Friday evening. The recorded message may give further instructions or last minute changes regarding the time of your attendance. You must call because you will not be paid for an appearance if you were notified on the recording not to appear. If the number is busy please keep trying. The recorded service works on weekends and holidays. It does not take messages. If the number is outside your dialing area you may call collect. (If you must pay for a call you will be reimbursed).

### 2. RECORDED MESSAGE

### 3. PENALTY

UNLESS YOU RECEIVE A NOTICE FROM THIS COURT GRANTING A REQUESTED TEMPORARY EXCUSE, OR UNLESS THE COURT NOTIFIES YOU IN WRITING OR BY PHONE TO REPORT AT A DIFFERENT TIME, YOU MUST ATTEND AS DIRECTED IN THIS SUMMONS. FAILURE TO OBEY THIS SUMMONS MAY BE PUNISHABLE BY FINE AND/OR IMPRONIMENT.

PLEASE COMPLETE THE JUROR INFORMATION FORM ENCLOSED AND RETURN IT AT ONCE IN THE POSTAGE-FREE ENVELOPE EVEN IF YOU ARE REQUESTING AN EXCUSE.
Lynnette Kelly, Esq.
Municipal Assistance Corporation
For The City of New York
One World Trade Center
Suite 8901
New York, NY 10048

Dear Lynnette:

As we discussed yesterday, enclosed are copies of the Jury Selection and Service Act of 1968, 28 U.S.C. §§ 1861-69, and the Amended Jury Selection Plan for the United States District Court for the Southern District for New York, adopted pursuant to 28 U.S.C. § 1863. The exemptions to jury service are enumerated in Articles V and VI. The fifth entry in Article VI is a catch-all excuse, available upon request for "[p]ersons as to whom a judge finds . . . that jury service would constitute undue hardship or extreme inconvenience." Based upon the information you gave me yesterday, it appears that Mr. Rokatyn can argue that his presence is sufficiently crucial to the operations of the Municipal Assistance Corporation to utilize this excuse.

Please let me know if I can be of further assistance to you.

Sincerely,

Jonathan J. Freedman

Enclosures

VIA TELECOPIER
§ 1825. Special interpretation services

(a) The Director of the Administrative Office of the United States Courts shall establish a program for the provision of special interpretation services in criminal actions and in civil actions initiated by the United States (including petitions for writs of habeas corpus initiated in the name of the United States by relators) in a United States district court. The program shall provide a capacity for simultaneous interpretation services in multifile defendant criminal actions and multifile defendant civil actions.

(b) Upon the request of any person in any action for which special interpretation services established pursuant to subsection (a) are not otherwise provided, the Director, with the approval of the presiding judicial officer, may make such services available to the person requesting the services on a reimbursable basis at rates established in conformity with section 9701 of title 31, but the Director may require the prepayment of the estimated expenses of providing the services by the person requesting them.

(c) Except as otherwise provided in this subsection, the expenses incident to providing services under subsection (a) of this section shall be paid by the Director from sums appropriated to the Federal judiciary. A presiding judicial officer, in such officer’s discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in a civil action, and any moneys collected as a result of such order may be used to reimburse the appropriations obligated and disbursed in payment for such services.

(d) Appropriations available to the Director shall be available to provide services in accordance with subsection (b) of this section, and moneys collected by the Director under that subsection may be used to reimburse the appropriations charged for such services. A presiding judicial officer, in such officer’s discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in the action.


CHAPTER 121—JURIES; TRIAL BY JURY

Sec. 1861. Declaration of policy.
1862. Discrimination prohibited.
1863. Plan for random jury selection.
1864. Drawing of names from the master jury wheel; completion of juror qualification form.
1865. Qualifications for jury service.
1866. Selection and summoning of jury panels.
1868. Maintenance and inspection of records.
1869. Definitions.
1870. Challenges.
1871. Fees.
1872. Issues of fact in Supreme Court.
1873. Admiralty and maritime cases.
1874. Actions on bonds and specialties.
1875. Protection of jurors’ employment.
1876. Trial by jury in the Court of International Trade.
1877. Protection of jurors.
1878. Experimental use of a one-step summoning and qualification procedure.

§ 1861. Declaration of policy

It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.


Revision Notes


The revised section prescribes uniform standards of qualification for jurors in Federal Courts instead of making qualifications depend upon State laws. This is in accord with proposed legislation recommended by the Judicial Conference of the United States.

The last paragraph is added to exclude jurors incompetent to serve as jurors in State courts.

§ 1862. Discrimination prohibited

No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States or in the Court of International Trade on account of race, color, religion, sex, national origin, or economic status.

§ 1863. Plan for random jury selection

(a) Each United States district court shall devise and place into operation a written plan for random selection of grand and petit jurors that shall be designed to achieve the objectives of sections 1861 and 1862 of this title, and that shall otherwise comply with the provisions of this title. The plan shall be placed into operation after approval by a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district whose plan is being reviewed or such other active district judge of that district as the chief judge of the district may designate. The panel shall examine the plan to ascertain that it complies with the provisions of this title. If the reviewing panel finds that the plan does not comply, the panel shall state the particulars in which the plan fails to comply and direct the district court to present within a reasonable time an alternative plan remedying the defect or defects. Separate plans may be adopted for each division or combination of divisions within a judicial district. The district court may modify a plan at any time and it shall notify the panel when so directed by the reviewing panel. The district court shall promptly notify the panel, the Administrative Office of the United States Courts, and the Attorney General of the United States, of the initial adoption and future modifications of the plan by filing copies therewith. Modifications of the plan made at the instance of the district court shall become effective after approval by the panel. Each district court shall submit a report on the jury selection process within its jurisdiction to the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, adopt rules and regulations governing the provisions and the operation of the plans formulated under this title.

(b) Among other things, such plan shall—

(1) either establish a jury commission, or authorize the clerk of the court, to manage the jury selection process. If the plan establishes a jury commission, the district court shall appoint a citizen to serve with the clerk of the court as the jury commission: Provided, however, That the plan for the District of Columbia may establish a jury commission consisting of three citizens. The citizen jury commissioner shall not belong to the same political party as the clerk serving with him. The clerk or the jury commission, as the case may be, shall act under the supervision and control of the chief judge of the district court or such other judge of the district court as the plan may provide. Each jury commissioner shall, during his tenure in office, reside in the judicial district or division for which he is appointed. Each citizen jury commissioner shall receive compensation to be fixed by the district court plan at a rate not to exceed $50 per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Judicial Conference of the United States may establish standards for allowance of travel, subsistence, and other necessary expenses incurred by jury commissioners.

(2) specify whether the names of prospective jurors shall be selected from the voter registration lists or the lists of actual voters of the political subdivisions within the district or division. The plan shall prescribe some other source or sources of names in addition to voter lists where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title. The plan for the District of Columbia may require the names of prospective jurors to be selected from the city directory rather than from voter lists. The plans for the districts of Puerto Rico and the Canal Zone may prescribe some other source or sources of names of prospective jurors in lieu of voter lists, the use of which shall be consistent with the policies declared and rights secured by sections 1861 and 1862 of this title.

(3) specify detailed procedures to be followed by the jury commission or clerk in selecting names from the sources specified in paragraph (2) of this subsection. These procedures shall be designed to ensure the random selection from a fair cross section of the persons residing in the community in the district or division wherein the court convenes. They shall ensure that names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division are placed in a master jury wheel; and shall ensure that each county, parish, or similar political subdivision within the district or division is substantially proportionally represented in the master jury wheel for that judicial district, division, or combination of divisions. For the purposes of determining proportional representation in the master jury wheel, either the number of actual voters at the last general election in each county, parish, or similar
political subdivision, or the number of registered voters if registration of voters is uniformly required throughout the district or division, may be used.

(4) provide for a master jury wheel (or a device similar in purpose and function) into which the names of those randomly selected shall be placed. The plan shall fix a minimum number of names to be placed initially in the master jury wheel, which shall be at least one-half of 1 percent of the total number of persons on the lists used as a source of names for the district or division; but if this number of names is believed to be cumbersome and unnecessary, the plan may fix a smaller number of names to be placed in the master wheel, but in no event less than one thousand. The chief judge of the district court, or such other district court judge as the plan may provide, may order additional names to be placed in the master jury wheel from time to time as necessary. The plan shall provide for periodic emptying and refilling of the master jury wheel at specified times, the interval for which shall not exceed four years.

(5)(A) except as provided in subparagraph (B), specify those groups of persons or occupational classes whose members shall, on individual request therefor, be excluded from jury service. Such groups or classes shall be excluded only if the district court finds, and the plan states, that jury service by such class or group would entail undue hardship or extreme inconvenience to the members thereof, and excuse of members thereof would not be inconsistent with sections 1861 and 1862 of this title.

(B) specify that volunteer safety personnel, upon individual request, shall be excluded from jury service. For purposes of this subparagraph, the term "volunteer safety personnel" means individuals serving a public agency (as defined in section 1203(6) of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968) in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.

(6) specify that the following persons are barred from jury service on the ground that they are exempt: (A) members in active service in the Armed Forces of the United States; (B) members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession; (C) public officers in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.

(7) fix the time when the names drawn from the qualified jury wheel shall be disclosed to parties and to the public. If the plan permits these names to be made public, it may nevertheless permit the chief judge of the district court, or such other district court judge as the plan may provide, to keep these names confidential in any case where the interests of justice so require.

(8) specify the procedures to be followed by the clerk or jury commission in assigning persons whose names have been drawn from the qualified jury wheel to grand and petit jury panels.

(c) The initial plan shall be devised by each district court and transmitted to the reviewing panel specified in subsection (a) of this section within one hundred and twenty days of the date of enactment of the Jury Selection and Service Act of 1968. The panel shall approve or direct the modification of each plan so submitted within sixty days thereafter. Each plan or modification made at the direction of the panel shall become effective after approval at such time thereafter as the panel directs, in no event to exceed ninety days from the date of approval. Modifications made at the instance of the district court under subsection (a) of this section shall be effective at such time thereafter as the panel directs, in no event to exceed ninety days from the date of modification.

(d) State, local, and Federal officials having custody, possession, or control of voter registration lists, lists of actual voters, or other appropriate records shall make such lists and records available to the jury commission or clerks for inspection, reproduction, and copying at all reasonable times as the commission or clerk may deem necessary and proper for the performance of duties under this title. The district courts shall have jurisdiction upon application by the Attorney General of the United States to compel compliance with this subsection by appropriate process.


Revision Notes
Based on title 28, U.S.C., 1940 ed., § 415 (Mar. 3, 1911, ch. 231, § 278, 36 Stat. 1165). Subsections (a) and (b) are new and merely declaratory of existing practice.
The phrase "or previous condition of servitude" was omitted as obsolete.

Changes were made in phraseology.

**Editorial Notes**


The date of enactment of the Jury Selection and Service Act of 1968, referred to in subsec. (c), is the date of enactment of Pub.L. 90–774, which was approved Mar. 27, 1968.

§ 1864. Drawing of names from the master jury wheel; completion of juror qualification form

(a) From time to time as directed by the district court, the clerk or a district judge shall publicly draw at random from the master jury wheel the names of as many persons as may be required for jury service. The clerk or jury commission may, upon order of the court, prepare an alphabetical list of the names drawn from the master jury wheel. Any list so prepared shall not be disclosed to any person except pursuant to the district court plan or pursuant to section 1867 or 1888 of this title. The clerk or jury commission shall mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk or jury commission by mail within ten days. If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk or jury commission shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the clerk or jury commission within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk or jury commission forthwith to appear before the clerk or jury commission to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed who personally appears and executes a juror qualification form before the clerk or jury commission may, at the discretion of the district court, except where his prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowances paid to jurors under section 1871 of this title. At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the jury commission or the clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to his response to questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the district court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than $100 or imprisoned not more than three days, or both. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be fined not more than $100 or imprisoned not more than three days, or both.


**Revision Notes**


The words "The district court" were substituted for the phrase "the judge thereof, or by the judge senior in commission in districts having more than one judge," to conform to other sections authorizing appointment of court officers. See section 751 of this title relating to appointment of district court clerk.

The limitation in section 412a of title 28, U.S.C., 1940 ed., that jury commissioners shall serve no more than three days in any one term of court was omitted as unnecessary. This is a matter that may safely be left to the discretion of the court.

The last paragraph was added in conformance with section 11–1401 of the District of Columbia Code, 1940 ed., providing for three jury commissioners.

Changes were made in phraseology.

§ 1865. Qualifications for jury service

(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is disqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on...
the juror qualification form and in any alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

(1) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;

(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

(3) is unable to speak the English language;

(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;

or

(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.


Revision Notes

Section consolidates a part of section 181 with section 413 of title 28, U.S.C. 1940 ed. Other provisions of said section 181 are incorporated in section 115 of this title.

Word "jurors" was changed to "grand and petit jurors" upon authority of Agnew v. United States, 1897, 17 S.Ct. 285, 165 U.S. 46, 4 L.Ed. 624, construing such term to include both types of jurors.

The last sentence of subsection (a) was added to conform with existing practice in many districts. Subsection (b) extends to all districts a provision of section 181 of title 28, U.S.C. 1940 ed., which was designed for the convenience of the districts in Ohio and permitted jurors drawn for service at Cleveland, Toledo, and Columbus to serve at Youngstown, Lima, and Steubenville, respectively.

Changes were made in phraseology.

§ 1866. Selection and summoning of jury panels

(a) The jury commission, or in the absence thereof of the clerk, shall maintain a qualified jury wheel and shall place in such wheel names of all persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to the district court plan. From time to time, the jury commission or the clerk shall publicly draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

(b) When the court orders a grand or petit jury to be drawn, the clerk or the jury commission or their duly designated deputies shall issue summonses for the required number of jurors.

Each person drawn for jury service may be served personally, or by registered, certified, or first-class mail addressed to such person at his usual residence or business address.

If such service is made personally, the summons shall be delivered by the clerk or the jury commission or their duly designated deputies to the marshal who shall make such service.

If such service is made by mail, the summons may be served by the marshal or by the clerk, the jury commission or their duly designated deputies, who shall make affidavit of service and shall attach thereto any receipt from the addressee for a registered or certified summons.

(c) Except as provided in section 1865 of this title or in any jury selection plan provision adopted pursuant to paragraph (5) or (6) of section 1869(b) of this title, no person or class of persons shall be disqualified, excluded, excused, or exempt from service as jurors: Provided, That any person summoned for jury service may be (1) excused by the court, or by the clerk under supervision of the court if the court's jury selection plan so authorizes, upon a showing of undue hardship or extreme inconvenience, for such period as the court deems necessary, at the conclusion of which such person either shall be summoned again for jury service under subsections (b) and (c) of this section or, if the court's jury selection plan so provides, the name of such person shall be reinserted into the qualified jury wheel for selection pursuant to subsection (a) of this section, or (2) excluded by the court on the ground that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt the proceedings, or (3) excluded upon peremptory challenge as provided by law, or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (5) excluded upon determination by the court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (5) of this subsection unless...
the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with sections 1861 and 1862 of this title. The number of persons excluded under clause (6) of this subsection shall not exceed one per centum of the number of persons who return executed jury qualification forms during the period, specified in the plan, between two consecutive fillings of the master jury wheel. The names of persons excluded under clause (5) of this subsection, together with detailed explanations for the exclusions, shall be forwarded immediately to the judicial council of the circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of clause (3) of this subsection, but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of this title. Any person excluded from a particular jury under clause (2), (3), or (4) of this subsection shall be eligible to sit on another jury if the basis for his initial exclusion would not be relevant to his ability to serve on such other jury.

(d) Whenever a person is disqualified, excused, exempt, or excluded from jury service, the jury commission or clerk shall note in the space provided on his juror qualification form or on the juror's card drawn from the qualified jury wheel the specific reason therefor.

(e) In any two-year period, no person shall be required to serve on an issue by the authority or secretary of the court in which any jury is to sit at his request or demand except in such instance or cases as the court may order or direct.

(f) When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, lists of actual jurors, or other lists specified in the plan, in a manner ordered by the court consistent with sections 1861 and 1862 of this title.

(g) Any person summoned for jury service who fails to appear as directed shall be ordered by the district court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than $100 or imprisoned not more than three days, or both.

mines that there has been a substantial failure to comply with the provisions of this title in selecting a grand jury, the court shall stay the proceedings pending the selection of a grand jury in conformity with this title or dismiss the indictment, whichever is appropriate. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the petit jury, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title.

(e) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime, the Attorney General of the United States or a party in a civil case may challenge any jury on the ground that such jury was not selected in conformity with the provisions of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin or economic status in the selection of persons for service on grand or petit juries.

(f) The contents of records or papers used by the jury commission or clerk in connection with the jury selection process shall not be disclosed, except pursuant to the district court plan or as may be necessary in the preparation or presentation of a motion under subsection (a), (b), or (c) of this section, until after the master jury wheel has been emptied and refilled pursuant to section 1865(b)(4) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such a motion. Any person who discloses the contents of any record or paper in violation of this subsection may be fined not more than $1,000 or imprisoned not more than one year, or both.


REVISION NOTES


Provisions for service by a disinterested person when marshal or his deputy is disqualified is incorporated in section 1868 of this title.

Provision for payment and reimbursement of postage and registry fee were omitted as covered by section 580 of this title.

Word "summons" was substituted for "writ of venire facias" in harmony with the Federal Rules of Civil Proce-


dure which abolished unnecessary forms. See Rule 1(b) thereof, and Rule 12 of the Federal Rules of Criminal Procedure.

Provision of section 416 of title 28, U.S.C., 1940 ed., that the receipt of the person so addressed by registered mail should be regarded as personal service, was omitted. Such omission is consistent with Rule 5(b) of the Federal Rules of Civil Procedure providing that service by mail is complete upon mailing.

Provision for attachment to the return of the addresser's receipt for the summons, was inserted to cover its disposition.

Provision that no mileage shall be allowed for service by mail was omitted as unnecessary.

Changes were made in phraseology.

§ 1868. Maintenance and inspection of records

After the master jury wheel is emptied and refilled pursuant to section 1865(b)(4) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury commission or clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four years or for such longer period as may be ordered by a court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.


REVISION NOTES


Words, "in the opinion of the court, disqualified" were substituted for "not an indifferent person, or is interested in the event of the cause".

§ 1869. Definitions

For purposes of this chapter—

(a) "clerk" and "clerk of the court" shall mean the clerk of the district court of the United States, any authorized deputy clerk, and any other person authorized by the court to act as the clerk in the performance of functions under this chapter;

(b) "chief judge" shall mean the chief judge of any district court of the United States;

(c) "voter registration lists" shall mean the official records maintained by State or local elec-
tion officials of persons registered to vote in either the most recent State or the most recent Federal general election, or, in the case of a State or political subdivision thereof that does not require registration as a prerequisite to voting, other official lists of persons qualified to vote in such election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the official registration lists or other official lists maintained by the appropriate State or local officials. With respect to the districts of Guam and the Virgin Islands, "voter registration lists" shall mean the official records maintained by territorial election officials of persons registered to vote in the most recent territorial general election;

(d) "list of actual voters" shall mean the official lists of persons actually voting in either the most recent State or the most recent Federal general election;

(e) "division" shall mean: (1) one or more statutory divisions of a judicial district; or (2) in statutory divisions that contain more than one place of holding court, or in judicial districts where there are no statutory divisions, such counties, parishes, or similar political subdivisions surrounding the places where court is held as the district court plan shall determine: Provided. That each county, parish, or similar political subdivision shall be included in some such division;

(f) "district court of the United States", "district court", and "court" shall mean any district court established by chapter 5 of this title, and any court which is created by Act of Congress in a territory and is invested with any jurisdiction of a district court established by chapter 5 of this title;

(g) "jury wheel" shall include any device or system similar in purpose or function, such as a properly programmed electronic data processing system or device;

(h) "juror qualification form" shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, race, occupation, education, length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as juror, is able to read, write, speak, and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored. The form shall request, but not require, any other information not inconsistent with the provisions of this title and required by the district court plan in the interest of the sound administration of justice. The form shall also elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his religion, national origin, or economic status is not a prerequisite to his qualification for jury service, that such information need not be furnished if the person finds it objectionable to do so, and that information concerning race is required solely to enforce nondiscrimination in jury selection and has no bearing on an individual's qualification for jury service.

(i) "public officer" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office;

(j) "undue hardship or extreme inconvenience", as a basis for excuse from immediate jury service under section 1866(c)(1) of this chapter, shall mean great distance, either in miles or travel-time, from the place of holding court, grave illness in the family or any other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned, or any other factor which the court determines to constitute an undue hardship or to create an extreme inconvenience to the juror; and in addition, in situations where it is anticipated that a trial or grand jury proceeding may require more than thirty days of service, the court may consider, as a further basis for temporary excuse, severe economic hardship to an employer which would result from the absence of a key employee during the period of such service;

(k) "publicly draw", as referred to in sections 1864 and 1866 of this chapter, shall mean a drawing which is conducted within the district after reasonable public notice and which is open to the public at large under the supervision of the clerk or jury commission, except that when a drawing is made by means of electronic data processing, "publicly draw" shall mean a drawing which is conducted at a data processing center located in or out of the district, after reasonable public notice given in the district for which
juror names are being drawn, and which is open to the public at large under such supervision of the clerk or jury commission as the Judicial Conference of the United States shall by regulation require; and

(1) "jury summons" shall mean a summons issued by a clerk of court, jury commission, or their duly designated deputies, containing either a preprinted or stamped seal of court, and containing the name of the issuing clerk imprinted in preprinted, type, or facsimile manner on the summons or the envelopes transmitting the summons.


REVISION NOTES


Changes were made in phraseology.

EDITORIAL NOTES


Codification. Section 243 of Pub.L. 89-558, Nov. 6, 1975, 92 Stat. 2671, amended subsec. (f) of this section to read as follows:

"(f) 'district court of the United States', 'district court', and 'court' shall mean courts constituted under chapter 5 of title 28, United States Code, chapter 6 of title 28, United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 899; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code, except that for purposes of sections 1861, 1862, 1866(c), 1869(d) and 1867 of this chapter such terms shall include the Superior Court of the District of Columbia;"

Section 113 of Pub.L. 98-358, July 10, 1984, 98 Stat. 343, (effective June 27, 1984 pursuant to section 122(c) of Pub.L. 98-358) provided that this amendment "shall not be effective". Section 121 of Pub.L. 98-358 (effective on July 10, 1984 pursuant to section 129(a) of Pub.L. 98-358) provided that this amendment shall take effect on July 10, 1984.


§ 1870. Challenges

In civil cases, each party shall be entitled to three peremptory challenges. Several defendants or several plaintiffs may be considered as a single party for the purposes of making challenges, or the court may allow additional peremptory challenges and permit them to be exercised separately or jointly.

All challenges for cause or favor, whether to the array or panel or to individual jurors, shall be determined by the court.


REVISION NOTES


Provisions of section 424 of title 28, U.S.C., 1940 ed., relating to the number of peremptory challenges in criminal cases were deleted as superseded by Rule 24 of the Federal Rules of Criminal Procedure.

The last sentence of the first paragraph was added to permit the same flexibility in the matter of challenges in civil cases as is permitted in criminal cases by said Rule 24.

Words "without aid of triers" at end of section 424 of title 28, U.S.C., 1940 ed., were omitted as surplusage. Changes were made in phraseology.

§ 1871. Fees

(a) Grand and petit jurors in district courts appearing pursuant to this chapter shall be paid the fees and allowances provided by this section. The requisite fees and allowances shall be disbursered on the certificate of the clerk of court in accordance with the procedure established by the Director of the Administrative Office of the United States Courts. Attendance fees for extended service under subsection (b) of this section shall be certified by the clerk only upon the order of a district judge.

(b)(1) A juror shall be paid an attendance fee of $40 per day for actual attendance at the place of trial or hearing. A juror shall also be paid the attendance fee for the time necessarily occupied in going to and returning from such place at the beginning and end of such service or at any time during such service.

(2) A petit juror required to attend more than thirty days in hearing one case may be paid, in the discretion of the trial judge, an additional fee, not exceeding $10 more than the attendance fee, for each day in excess of thirty days on which he is required to hear such case.

(3) A grand juror required to attend more than forty-five days of actual service may be paid, in the discretion of the district judge in charge of the particular grand jury, an additional fee, not exceed-
AUTOMATIC EXEMPTIONS

(1) members in active service in the Armed Forces of the United States;

(2) members of the fire or police departments of any State, district, territory, possession or subdivision thereof;

(3) public officers in the executive, legislative or judicial branch of the government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.

OPTIONAL EXEMPTIONS

(1) Persons over 70 years of age;

(2) Persons having legal custody and active daily care of a child or children under the age of 12 years; or who are essential to the daily care of aged or infirm persons;

(3) Persons who have served for 30 days as Grand Jurors or for 2 weeks as Petit Jurors in a state or federal court within the past 2 years;

(4) Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency;

(5) Persons as to whom a judge finds, for reasons other than the foregoing, that jury service would constitute undue hardship or extreme inconvenience.

DISQUALIFICATIONS

(1) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;

(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill-out satisfactorily the juror qualification form;

(3) is unable to speak the English language;

(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment, or more than one year and his civil rights have not been restored. [28 U.S.C. § 1865]
AMENDED PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS
IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Pursuant to the Jury Selection and Service Act of 1968
[28 U.S.C. §§ 1861 through 1869 (hereafter the Act)], and
in order to implement its stated policy and purposes, the
following plan is adopted by the Judges of the United
States District Court (hereafter the Court) for the
Southern District of New York (hereafter the District),
which embraces the counties of New York, Bronx,
Westchester, Putnam, Dutchess, Sullivan, Orange and
Rockland.

Article I.

Definitions:
(1) "Chief Judge" means the Chief Judge of the Court
or any active Judge of the Court to whom the Chief Judge
may delegate authority under this plan.
(2) "Reviewing Panel" means the members of the
Judicial Council of the Second Judicial Circuit of the
United States and the Chief Judge.
(3) "Clerk" means the Clerk of the Court, the Deputy
Clerk for juries or any other person authorized by the
court to assist the Clerk in the performance of functions
under this plan.
(4) "Voter registration lists" means the official
records maintained by the election officials of the State
of New York or of the several counties comprising the
District, of persons registered to vote in the most recent
State or Federal General Election.
(5) "Master Jury Wheel" and "Qualified Jury Wheel" include any device or system similar in purpose or
function, such as a properly programmed electronic data
processing system or device.
(6) "Juror qualification form" means a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, education, length of residence within the District, prior jury service, citizenship and occupation of a potential juror, and whether such person should be excused, deferred, or exempted from jury service, has any physical or mental infirmity impairing his or her capacity to serve as a juror, is able to read, write, speak and understand the English language, has pending against him or her any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his or her civil rights restored by pardon or amnesty. The form shall also elicit the sworn statement that the responses are true to the best of the affiant's knowledge. Notarization shall not be required.

(7) "Public Officer" means a person who is either elected to public office or who is directly appointed by a person elected to public office.

Article II.

The Clerk shall manage the jury selection process, under the supervision of the Chief Judge.

Article III.

A. Initial Selection of Names for the Master Jury Wheels

The Judges of the Court find that the persons whose names appear on the voter registration lists of the aforesaid eight counties used for the last Federal or State general election represent a fair cross-section of the community in the District. Accordingly, the initial selection of persons to be considered for service as grand
and petit jurors from such lists shall be made at random in such total number as may be deemed sufficient for a four-year period, but in any event not less that one-half of one percent of the total number of names on such lists.

For purpose of calculating the total number of registered voters in the District, the Clerk will add together the totals obtained for each county. The number taken as the total for each county may be based, at the Clerk's option, upon either a manual or a mechanized count of names on the county's list or upon such total number as is furnished by the Board of Elections for the county.

After first determining the total number of names needed for the master jury wheels, and then the proportionate share of names to be drawn from the voter registration list for each particular county, the Clerk shall proceed either manually or through the use of a properly programmed data computer -- or through a combination of manual and computer methods -- to make the initial selection of names from the voter registration list of each of the eight counties.

A record shall be made and kept of the steps, numbers, and calculations pursuant to the foregoing requirements.

1) Determining a "quotient". The number of names to be drawn from each county shall be substantially in the same proportion to the total number drawn from all eight counties as the number of names on that county's registration list bears to the total number of names on the lists of all eight counties. After ascertaining the total number of registered voters for all counties, the Clerk will divide that number by the number of names needed for a master jury wheel. The result, rounded to the next highest percent figure, is referred to herein as the "quotient". For example, if the Clerk should determine that to supply court jury requirements for four years he will need 120,000 names in a master wheel, and if there are a total of
2,400,000 names on all county voter lists, the "quotient" to be used would be 120,000/2,400,000 or 20, and the Clerk would therefore take every 20th registered voter's name for a master wheel.

2) Determining a "Starting Number." After determining the "quotient" the Clerk shall establish a starting number. This number will locate on the voter registration list the first name to be selected. The starting number will be manually drawn by lot from numbered cards placed in a jury drum or box. Cards used for this drawing should begin with a card containing number one and end with a card containing the same number as the "quotient". In other words, the range of numbers from which a starting number is drawn is exactly the same as the range between number one and whatever the "quotient" number happens to be. As an example of how both starting number and quotient are used, if the quotient were 20 and the starting number drawn were 8, the first name chosen for each county would be the 8th name on its voter list, the second name would be the 28th, the third name the 48th, etc., up to the end of the list.

3) Selecting the Names by Manual Methods. If selection from any county's voter registration list is made manually, the choosing of names shall be by counting names down the list, either in a numerical sequence if the names are numbered or, if they are not numbered, in any other logical consistent sequence. For this counting and selecting process the entire list must be covered and the specific names picked will be according to the established "quotient" and "starting number" formula described above. In lieu of making an actual, physical count of names, a measuring device that expresses name intervals in terms of inches of space on a page may be used providing it substantially approximates the desired "quotient" intervals between selected names that an actual name count would produce.
4) Selecting the Names by Machine Methods. The judges of the court find that electronic data processing methods can be advantageously used for selecting and copying names from the voter registration lists of those larger counties that maintain these lists in machine readable forms such as punched cards, magnetic tapes, or magnetic discs. It is further found that in smaller counties currently maintaining their voter lists in handwritten or printed form it may be advantageous to employ a combination of methods whereby names are initially selected from the voter list manually and then recorded in punched cards and tape for subsequent handling and copying of these names by electronic machine methods.

Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods may be used to select names from voter registration lists of any or all counties in the District provided that the required proportions of names for each county are maintained and that the above-described "quotient" and "starting number" formula is followed.

If the court elects to use electronic machine methods or combination manual-machine methods, the selection system shall be planned and programmed to achieve the same results as were described for a manual selection procedure above. Where a machine does the selecting of names, it must be programmed first to accept a specific instruction as to what "starting number" and "quotient" formula is to be used, and secondly to perform a proportionately balanced selection and retrieval of names precisely according to that formula.

B. Maintaining the Master Jury Wheels

The Clerk shall maintain master jury wheels in which all names and addresses of those selected from voter registration lists (as provided in "A" above) shall be
placed. The physical form of record on which these names are kept may include such electronic data storage devices as punched cards, magnetic tapes, or magnetic disc files.

Initially the Clerk will place a supply of names in the master wheels sufficient to supply estimated court juror needs for up to four years. From time to time thereafter, as the Chief Judge directs, names shall be added which shall also be randomly and proportionately selected from the voter registration lists of the eight counties in the manner prescribed for the original selection of names.

The master jury wheels shall be emptied and refilled by not later than September 1 following the date of each Presidential Election. Names shall be selected in the manner above prescribed and placed in the master jury wheels.

C. Qualifying Jurors

Once or twice each year, or more frequently, if necessary, at times to be determined by the Chief Judge, the Clerk shall publicly draw from the master wheels the names and addresses of persons to whom questionnaires will be sent for the purpose of examining their qualifications and availability for jury service. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands for the ensuing six months plus a margin of extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.

For any of these drawings, names will be taken by using the same randomized selection formula described in subdivision "A" of this article as follows: the total number of names to whom questionnaires will be sent shall
be divided into the total number of names in a master wheel to determine a "quotient" which shall be used in determining the "starting number".

Jury qualification questionnaires will be mailed to the names selected at such times as may be administratively convenient.

After completed questionnaires are returned by prospective jurors these will be reviewed by the Clerk and finally evaluated by a district judge as necessary. Final determinations respecting the eligibility of individual persons will be noted on the questionnaire form. The record of names and addresses of all eligible jurors shall constitute the "qualified jury wheels". Qualified jury wheels may be maintained either in manual records or in any electronic data storage device, such as punched cards, tapes or discs.

D. Instructions to and Responsibilities of Persons Receiving Questionnaires

The Clerk shall send with the juror qualification form a covering letter of instructions to the prospective juror. This letter shall request that the form be filled out and, within ten days, returned to the Clerk by mail, duly signed and sworn to; and that the recipient, if unable to fill it out, shall have this done by another who shall state that he or she has done so and the reason therefor. The covering letter shall include a statement of the fees and expense allowances required by law to be paid for jury service.

In any case in which it appears that there is an omission, ambiguity, or error in a returned jury qualification form, the Clerk shall send it back with instructions to make such additions or corrections as may be necessary and to return to the Clerk by mail within ten
days the amended form, duly signed and sworn to. Any person who fails to return a properly completed juror qualification form may be summoned by the Clerk to appear before him forthwith to properly complete a juror qualification form. At the time of appearance for actual service as a juror, any person may be required to fill out an additional juror qualification form in the presence of the Clerk who may question the person if that appears warranted, but only with regard to such person's responses to the questions contained on the form. Any new information respecting such person thus acquired by the Clerk shall be noted on the person's juror qualification forms and transmitted to a district judge. Any person summoned who fails to appear as directed shall be ordered by a district judge to appear forthwith and show cause for his failure to do so. Any person who fails to appear or who fails to show good cause for his or her failure may be fined not more than $100 or imprisoned not more than three days, or both. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may fined not more than $100 or imprisoned not more than three days, or both.

E. Summoning Jurors

Once each month, or more or less frequently, if necessary, at a time to be determined by the Chief Judge, the Clerk shall randomly draw, according to formulas set forth in subdivision "A" of this article, a sufficient number of names and addresses of prospective jurors from each of the Qualified Jury Wheels established by Article VII, section 3 of this plan to satisfy all anticipated grand and petit juror requirements for the ensuing month or for such longer period as the Clerk and the Chief Judge shall decide as follows: the total number of names from each wheel to whom summonses will be sent shall be divided
into the total number of names in the corresponding qualified wheel to determine a "quotient" and that quotient shall be used in determining the "starting number" for each wheel. Persons so chosen will be summoned to appear on a date to be specified for assignment to grand or petit jury panels.

Article IV.
A. **Qualified Jury Wheels**

The Clerk shall maintain two Qualified Jury Wheels to be constituted as stated hereafter, and shall place therein the cards of all persons who have been found qualified to serve as jurors and are not exempt, excused, or deferred, pursuant to this plan. Those Wheels shall, at all times, contain at least 500 names.

B. **Separation of Qualified Jury Wheels**

The Manhattan courthouse shall draw residents from five counties, consisting of New York, Bronx, Westchester, Putnam, and Rockland; and the White Plains courthouse shall draw residents from six counties, consisting of Westchester, Putnam, Rockland, Orange, Sullivan, and Dutchess.

Each of the said eight counties shall be obligated to furnish its "quotient" of names needed for the Master Jury Wheels. The jurors drawn for service for the counties of Westchester, Putnam, and Rockland shall be then divided between the Manhattan and White Plains Qualified Wheels. Such division of jurors from each of the counties of Westchester, Putnam, and Rockland will be in the ratio of nine for the Manhattan Qualified Wheel, and one for the White Plains Qualified Wheel of jurors drawn from the counties of Westchester, Putnam, and Rockland; however, such ratio may be modified from time to time by the Board of Judges as the needs of said courthouses require.
C. Selection of Grand or Petit Jury Panels

The Clerk shall publicly draw at random from the Qualified Jury Wheels the cards of as many persons as appear to be needed for grand or petit juries. The names of those drawn shall not be made public until the jurors have been summoned and have appeared at the courthouses. Even then the Chief Judge or the trial judge for whom a panel is drawn may order the names kept confidential if the interests of justice so require.

The names of jurors assigned to a trial part shall be placed in that part's jury wheel, in the presence of the Court, the parties in the case to be tried and their counsel, and shall be drawn at random for service in that case by the Deputy Clerk in that part. The empanelling proceedings in criminal cases shall be recorded by the court reporter. Recording of the empanelling proceedings in civil cases is not required unless requested by the trial judge or a party. Those not chosen to serve shall be requested to return to a central jury room and their cards shall be returned to the Clerk to be available for subsequent drawings in other trials during the jurors' terms of service.

D. Issuance of Summons for Prospective Veniremen

The Clerk shall issue summonses for each person selected by first class, certified or registered mail addressed to the person at his or her usual residence or business address.

E. Failure to Appear

Any person summoned for jury service who fails to appear as directed shall be ordered by a district judge to appear and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than $100 or imprisoned not more than three days or both.
Article V.
As required by § 1863(6) of the Act, persons belonging to any of the following groups are hereby declared exempt from service as jurors:

(1) members in active service in the Armed Forces of the United States;
(2) members of the fire or police departments of any State, district, territory, possession or subdivision thereof;
(3) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.

Article VI.
The Judges of this Court find that jury service by persons in any of the following groups would entail undue hardship or extreme inconvenience to them and that the excuse of such persons will not be inconsistent with the Act. Accordingly they shall be excused or deferred upon individual request, as follows:

(1) Persons over 70 years of age;
(2) Persons having legal custody and active daily care of a child or children under the age of 12 years; or who are essential to the daily care of aged or infirm persons;
(3) Persons who have served for 30 days as Grand Jurors or for 2 weeks as Petit Jurors in a state or federal court within the past 2 years;

-11-
(4) Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency.

(5) Persons as to whom a judge finds, for reasons other than the foregoing, that jury service would constitute undue hardship or extreme inconvenience.

Article VII.

Pursuant to 28 U.S.C. §1865(b), the judges of the court shall deem any person qualified to serve on grand and petit juries in the court unless he:

(1) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;

(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

(3) is unable to speak the English language;

(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.

The determinations respecting exemptions under Article IV and excuse or deferral under Article V or disqualification under this article and the reasons
therefor shall be noted by the Clerk on the relevant juror qualification form. If a person did not appear in response to a summons respecting his juror qualification form, such fact shall be noted on the list.

Article VIII.
Except as provided in this plan no person or class of persons shall be disqualified, excluded, excused, or exempt from service as jurors, provided, however, that any person summoned for jury service may be (1) excused by the district judge or the Clerk of Court upon a showing of undue hardship or extreme inconvenience, for such period as the judge or the Clerk of Court deems necessary, at the conclusion of which such person, without his card having been reinserted into a Qualified Jury Wheel, shall be summoned again for jury service as provided in Article VI-C; or (2) excluded by a district judge presiding at a trial or the empanelling of a grand jury, on the ground that such person may be unable to render impartial jury service or that his or her service as a juror would be likely to disrupt the proceedings; or (3) excluded upon peremptory challenge as provided by law; or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or (5) excluded upon determination by a district judge that the person's service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (5) unless the judge ordering the exclusion determines in open Court that it is warranted and will not be inconsistent with the stated policy and purposes of the Act. Whenever a person is excluded from jury service pursuant to clause (5), the specified reason therefor shall be noted by the Clerk on the person's card drawn from a Qualified Jury Wheel. The number of persons excluded under
clause (5) shall not exceed one percent of the number of persons who return executed jury qualification forms during the period between two consecutive fillings of the Master Jury Wheels as prescribed in Article III-B of this plan. The names of persons excluded under clause (5), together with detailed explanations for the exclusions, shall be forwarded immediately to the Judicial Council of the Circuit, which, pursuant to the Act, has the power to make any appropriate order, prospective or retroactive, to redress any misapplication of clause (5). Otherwise, however, exclusions effectuated under clause (5) shall not be subject to challenges under the provisions of the Act. The card of any juror excluded from a particular jury under clause (2), (3), or (4) shall be returned to the Clerk and the juror shall remain a member of the pool to which he or she was assigned. Such jurors shall be eligible to serve on other juries if the basis for the initial exclusion would not be relevant to the juror's ability to serve on such other juries.

Article IX.

In any two-year period, no person shall be required to (1) serve or attend the Court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case, (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

Article X.

The contents of records or papers used in connection with the jury selection process shall not be disclosed, except as may be necessary in the preparation or presentation of a motion pursuant to § 1867 of the Act to challenge the validity of the selection of a jury, until

-14-
after the Master Jury Wheels have been emptied and refilled pursuant to Article III-B of this plan and all persons selected to serve as jurors before the Master Wheels were emptied have completed such service. The parties in a case shall upon application supported by affidavit be allowed to inspect, reproduce, and copy such records or papers at all reasonable times in order to prepare and prosecute such a motion. The application shall be made to the trial judge if the case has been assigned for trial, or, if not, to the judge presiding in Part I of the Court.

Article XI.

After the Master Jury Wheels are emptied and refilled pursuant to Article III-B of this plan and after all persons selected to serve as jurors before the Master Wheels were emptied have completed such service, all records and papers compiled and maintained by the Clerk before the Master Wheels were emptied shall be preserved in the custody of the Clerk for four years or for such longer period as may be ordered by a judge of the Court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury empanelled during the relevant period.

Article XII.

The Judges of the Court amended the original plan, effective July 26, 1983, and again on January 20, 1984 with the approval of the Reviewing Panel. The plan was further amended under Title VIII, Judicial Improvements and Access Act, of 1980, Pub. L. 100-702.
Article XIII.

This plan, as so amended, became effective on December 15, 1988.

NOTE: This Amended Jury Plan, which includes the original Jury Plan of the US District Court for the Southern District of New York, effective July 26, 1983, incorporates all the changes approved pursuant to a resolution of the Board of Judges on November 30, 1983, effective January 20, 1984. The Amended Plan creates two jury wheels: one for the Manhattan Courthouse and one for the White Plains Courthouse.

Dated: December 15, 1988
22 January 1992

BY HAND DELIVERY (w/Attachments)
BY REGULAR MAIL (w/Attachments)
BY FAXSIMILE (w/o Attachments)

New York State Department of Labor
Unemployment Insurance Division
Local Office 511
50 Park Place - 1st Floor
New York, New York 10007

Re: Chung Yuan A. Chen
Social Security #148-70-9265
Employer Registration #04-64401 0

Dear Sir/Madam:

I am writing to request a hearing regarding the determination of eligibility of the above-referenced claimant, made by Local Office 511 on December 23, 1991. The Notice of Determination That Claimant Is Eligible is attached hereto as Appendix A.

Ms. Chen commenced employment as a receptionist to the Corporation on a part-time basis beginning November 7, 1989. On May 31, 1990, Ms. Chen began working full-time (37.5 hours per week). Ms. Chen was discharged for cause on December 18, 1990. (Appendix B)

On July 11, 1991, the Corporation completed a Request for Employment and Wage Data, attached hereto as Appendix C. The Corporation became responsible for Ms. Chen’s unemployment insurance benefits sometime during the third quarter of 1991.

Having learned of Ms. Chen’s continued unemployment, the Corporation offered Ms. Chen a position as receptionist on September 20, 1991 (Appendix D). This job offer was communicated through the local office pursuant to instructions from Ms. Lorraine Schulte of your Albany office. It was two months before we received a response from the local office.

In the interim, the Corporation continued to receive Notices of Reimbursable Billing Statements and Notices of Benefit Reimbursement Charges Statements. The Corporation paid
$574.75 for the third quarter of 1991, but have not paid other statements for periods after the third quarter, as the continued eligibility of the claimant during that period is being challenged. Correspondence relating to these Statements is attached hereto as Appendix E.

On Tuesday, November 19, 1991, we received a notice from your office which required the Corporation to report on whether or not the claimant reported for work. The claimant did not report for work. The facts are as follows.

On the same day we received the notice as to whether the claimant reported for work (November 19, 1991), Ms. Chen phoned the Corporation and spoke with Ms. Beatrice Gilling-Raynor, the Corporation's accountant. Ms. Chen questioned Ms. Gilling-Raynor about job openings at the Corporation. Ms. Gilling-Raynor informed Ms. Chen that the position of receptionist remained open. Ms. Gilling-Raynor suggested Ms. Chen continue her discussions with me.

On Wednesday, November 20, 1991, Ms. Chen telephoned the Corporation and spoke with Mr. Quentin B. Spector, Executive Director of the Corporation. Mr. Spector again offered Ms. Chen the position of receptionist, the job she had previously held, and said that the hours would be the same but the responsibilities would be diminished somewhat. **Salary was not discussed.** Ms. Chen replied that she wanted to consult with the Unemployment Insurance Division as to her options.

On Thursday, November 21, 1991, Ms. Chen phoned and spoke with Ms. Frances H. Jacobs, Deputy Executive Director and Treasurer of the Corporation, during which conversation she declined to accept the position offered (Appendix F). Ms. Chen informed Ms. Jacobs that she had accepted a part-time position teaching English as a second language the preceding day. (This fact had not come up in Ms. Chen’s conversation with Mr. Spector that day.)

Ms. Chen’s "part-time position" teaching English as a second language turned out to be a one or two day job, after which she continued to collect partial or full unemployment insurance benefits.

On Friday, November 22, 1991, I completed and mailed Form LO 210.1(1-89) (Appendix G) to the local office. On this form I reported that Ms. Chen had declined the employment offer and indicated that the salary offered was $17,000 per year. **This was the first time the salary level was discussed with either the local office or with Ms. Chen directly.**
On December 27, 1991, the Corporation received the Notice of Determination That Claimant Is Eligible. The basis for this determination is that the wage offered is less than the going rate as verified by the prevailing wage unit (even though we have retained receptionists in the past at this salary level). Importantly, this Determination comes three months after our initial employment offer and one month after the claimant refused employment (without knowledge of the wage being offered). Furthermore, if the Corporation were informed that the offered wage was too low, we could have considered adjustments to the salary. However, we were not given the opportunity to respond in a timely fashion.

The remedy we seek is a relief of charges because work was available at the Corporation for the claimant. The delay of the local office in communicating the job offer for this eight-week period should not force the Corporation to be financially responsible for benefits during this time. Failure of the local office to timely inform the Corporation that the salary level was too low did not afford the Corporation with an opportunity to respond. (It should be remembered that the claimant declined the employment offer without having any knowledge of the salary).

Additionally, a "part-time" job which lasted only one or two days, especially in light of the events that transpired with respect to the Corporation's employment offer prior to the claimant's acceptance of this part-time position, certainly suggests that further investigation into charges of fraud is warranted.

We look forward to an opportunity to fully address these issues at a hearing.

Very truly yours,

Lynnette Kelly
Counsel

LK/ct
NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division

NOTICE OF DETERMINATION THAT CLAIMANT IS ELIGIBLE

Ms. Lynnette Kelly
Mac
World Trade Center 5TH 91
NY NY 10048

We have considered the information you furnished on
below applies:

1. [ ] The person identified above is eligible for unemployment benefits. The reasons are:
   a. [ ] Certifications by the claimant have established the claimant's availability for work. The
      information you provided is insufficient to overcome such certifications. If you have any
      specific information which may affect the eligibility of the claimant, please advise this office.
   b. [X] The claimant's refusal of work is without good cause since job offer of $17,000
      per annum or a 37 1/2 hour week is less than the hourly going rate of $9.53 as verified
      by our prevailing wage unit.

2. [ ] The claimant's benefit rate will not be reduced because of the claimant's receipt of an annuity, a
   retirement pension, or lump sum payment from
   The payment received by the claimant is not a retirement payment which requires a benefit rate
   reduction under Section 600 of the Unemployment Insurance Law because
   a. [ ] The claimant contributed at least 50% to the plan.
   b. [ ] The payment received by the claimant represents the cash equivalent of accrued pension
      contributions.
   c. [ ] The base period employment neither made the claimant eligible for the pension nor increased
      the claimant's pension benefits.
   d. [ ]

3. [ ] We are not able to act on the information you furnished because:
   a. [ ] The claimant had other employment after working for you and before filing this claim. Therefore,
      the information you furnished does not affect the claimant's rights. Only the reason for loss of the
      last employment before filing can be considered.
   b. [ ] Suspension for industrial controversy is for seven consecutive weeks beginning with the day after
      claimant lost his employment for strike, lockout or other industrial controversy or until the
      controversy is terminated, whichever is earlier. The suspension period was over before the claim
      was filed.
   c. [ ] We had already acted on the information you furnished. The claimant was disqualified but has
      subsequently been employed for at least 3 days in each of 5 weeks and has earned at least five
      times the benefit rate and is now eligible to claim benefits.

4. [ ] This notice supersedes the one sent you dated ___________ which has been cancelled.

We appreciate the cooperation you have given us. If you wish further information about this unemployment
insurance claim, please let us know.

TO PROTECT YOUR RIGHTS READ THE BACK OF THIS FORM
FOR THE COMMISSIONER OF LABOR

By ______________________

LO 21 (2-84)
EMPLOYER RIGHTS AND RESPONSIBILITIES

IF YOU ARE NOT SATISFIED WITH THIS DETERMINATION, YOU MAY ASK FOR A HEARING BEFORE AN IMPARTIAL ADMINISTRATIVE LAW JUDGE AT NO COST OR OBLIGATION TO YOU.

HOWEVER, YOUR REQUEST MUST BE MADE IN PERSON OR BY MAIL AT THIS LOCAL OFFICE NOT LATER THAN 30 DAYS FROM THE DATE OF THIS NOTICE.

IF YOU REQUEST A HEARING YOU MUST PROVIDE COMPLETE DETAILS ON WHY YOU OBJECT TO THE DETERMINATION. FAILURE TO STATE YOUR OBJECTIONS WITH PARTICULARITY MAY RESULT IN A LIMITATION ON THE GROUNDS YOU MAY RAISE AT THE HEARING. A COPY OF YOUR OBJECTIONS WILL BE SENT TO THE CLAIMANT.
19 December 1990

Ms. Chung-Yuan A. Chen
76 Charles Street/#2G
New York, New York 10014

Dear Angie:

This will confirm our telephone conversation yesterday, during which I terminated your employment as the Corporation's receptionist, for cause, effective December 18, 1990. I had held this job open for you since you last reported to work on November 30, 1990, and have tried to gain an understanding of the cause of your absence and your intentions as to returning to work, without success.

I am, naturally, sympathetic to the fact that you say you have been ill, even though you are unwilling to disclose the nature of your illness. However, the performance of receptionist duties is pivotal to the smooth functioning of the Corporation's day-to-day operations. Since you have not reported to work during these last weeks, many times with no notice, we have had to ask Vickie or Vera to assume your duties, causing secretarial work to back up. This was not a tolerable situation.

Our records indicate that you have no accumulated vacation or sick leave remaining, and you have already received the last paycheck that you are entitled to. Please call to arrange a time to pick up your personal belongings, return your office keys, and speak to Bea about the possibility of a short extension of your health benefits.

Sincerely,

Quentin B. Spector
Executive Director

qb:wp
20 September 1991

New York State Department of Labor
Unemployment Insurance Division
50 Park Place - 1st Floor
New York, N.Y. 10007

Re: Chung Yuan A. Chen
   Social Security # 148-70-9265
   Employer Registration # 04-64401 0

Dear Sir or Madam:

We are informed by your office that Ms. Chen is unemployed. We wish to offer Ms. Chen employment as a receptionist at the Corporation. Ms. Lorraine Schulte of your Albany office advised that we contact the local office directly regarding this employment offer. Please notify me of the appropriate steps necessary to initiate this action.

Very truly yours,

Quentin B. Spector
Executive Director

QBS:vsj
17 January 1992

New York State Department of Labor
Unemployment Insurance Division
Post Office Box 1939
Albany, New York 12201-1939

Dear Sir/Madam:

I am in receipt of the attached Notice of Reimbursable Billing which we received today. We are currently appealing the determination of eligibility made by the local office with respect to the former employee of the Corporation who had been receiving unemployment insurance benefits.

I spoke with Mr. Roger West of the Employer Account Adjustment Section of the Unemployment Insurance Division regarding this appeal. He advised that I write to inform you of the appeal and our decision not to make payment until a final resolution of the issue.

Please do not hesitate to call me at (212) 775-0010 should you have any questions.

Sincerely,

Lynnette Kelly
Counsel

LK:ca
NEW YORK STATE DEPARTMENT OF LABOR
UNEMPLOYMENT INSURANCE DIVISION
POST OFFICE BOX 1939
ALBANY, N. Y. 12201-1939

NOTICE OF REIMBURSABLE BILLING

MUNICIPAL ASSISTANCE CORP
FOR THE CITY OF NEW YORK
1 WORLD TRADE CENTER RM 8901
NEW YORK NY 10048

04-644010
EMPLOYER REG. NO.

THIS NOTICE SHOWS THE
STATUS OF YOUR ACCOUNT
AS OF 01/03/92

REFERENCE:
EMPLOYER ACCOUNT ADJUSTMENT SECTION

ANY AMOUNT NOW DUE FOR UNEMPLOYMENT INSURANCE BENEFIT REIMBURSEMENT COSTS, INTEREST OR PENALTY IS SHOWN BELOW AS "CURRENT BALANCE" PRECEDED BY THE WORD "UNDERPAID." A CHECK FOR THIS AMOUNT PLUS ANY ADDITIONAL INTEREST SHOULD BE MAILED PROMPTLY.

IF THE AMOUNT SHOWN AS "CURRENT BALANCE" IS PRECEDED BY THE WORD "OVERPAID," YOU MAY DEDUCT THE OVERPAID AMOUNT FROM FUTURE AMOUNTS DUE THE DIVISION.

PAYMENT ON CURRENT QUARTER CHARGES SHOWN AS "BR" IS DUE BY THE END OF THE MONTH FOLLOWING THE END OF THE QUARTER, OR 15 DAYS FROM THE BILLING DATE, WHICHEVER IS LATER.

INTEREST IS ASSESSED ON LATE PAYMENT OF BENEFIT REIMBURSEMENT COSTS AT THE RATE OF 12 PERCENT PER YEAR.

*CHARGE NOTICES, IA96R, INCLUDED IN BILLING ARE DATED

1Q91 1/11/91 THROUGH 4/5/91
2Q91 4/12/91 THROUGH 7/5/91
3Q91 7/12/91 THROUGH 10/4/91
4Q91 10/11/91 THROUGH 1/3/92

ENTER YOUR EMPLOYER REG. NO. AS SHOWN ABOVE ON YOUR REMITTANCE PAYABLE TO N.Y.S. UNEMPLOYMENT INSURANCE. RETURN A COPY OF THIS NOTICE WITH YOUR PAYMENT. KEEP A COPY FOR YOUR RECORDS.

YOUR PREVIOUS BALANCE WAS
UNDERPAID $574.75

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INTEREST TO DATE OF THIS NOTICE IS $12.07.

THIS AMOUNT IS INCLUDED IN CURRENT BALANCE.

ADDITIONAL INTEREST OF $0.19 PER DAY SHOULD BE ADDED TO CURRENT BALANCE WHEN SENDING REMITTANCE.

CURRENT BALANCE IS COLUMN 2 LESS 3 PLUS PREVIOUS BALANCE, IF ANY, AND INTEREST TO DATE OF THIS NOTICE.

IA 126R (1-91)

CURRENT BALANCE
UNDERPAID $2,990.32

DOMHIC M. ROTONDI, DIRECTOR
UNEMPLOYMENT INSURANCE DIVISION
October 12, 1991

New York State Department
of Labor
Unemployment Insurance Division
Liability and Determination # 5
State Office Building Campus
Albany, NY 12240

Re: Chung Yuan A. Chen
   Social Security # 148-70-9265
   Employer Registration # 04-64401 0

To Whom It May Concern:

Pursuant to my phone conversation this morning with Ms.
Kathy Sheridan of your Employer Account Adjustment Section,
I am enclosing a copy of a Notice of Reimbursable Billing
which shows the status of our account as of October 2, 1991
and a copy of a letter dated September 20, 1991 wherein the
Corporation offered employment to the above-named individ-
ual, for your review.

My understanding from Ms. Lorraine Schulte of your office
was that an offer of employment to Ms. Chen disqualified her
from receiving unemployment insurance benefits. As such,
the Corporation would not be responsible for unemployment
insurance benefit reimbursement costs. As Ms. Sheridan
indicated, our account would be credited to a zero balance
in the event that unemployment insurance benefits were paid
to Ms. Chen in error.

Please advise as to the status of our inquiry.

Very truly yours,

Lynnette Kelly
Counsel

LK:kc
Enclosures
NEW YORK STATE DEPARTMENT OF LABOR
UNEMPLOYMENT INSURANCE DIVISION
POST OFFICE BOX 1939
ALBANY, N.Y. 12201-1939

NOTICE OF REIMBURSABLE BILLING

MUNICIPAL ASSISTANCE CORP
FOR THE CITY OF NEW YORK
1 WORLD TRADE CENTER RM 8901
NEW YORK NY 10048

EMPLOYER REG. NO. 04-64401 0

THIS NOTICE SHOWS THE STATUS OF YOUR ACCOUNT
AS OF 10/02/91

REFERENCE:
EMPLOYER ACCOUNT ADJUSTMENT SECTION
(518) 457-4367

ANY AMOUNT NOW DUE FOR UNEMPLOYMENT INSURANCE BENEFIT REIMBURSEMENT COSTS, INTEREST OR PENALTY IS SHOWN BELOW AS "CURRENT BALANCE" PRECEEDED BY THE WORD "UNDERPAID." A CHECK FOR THIS AMOUNT PLUS ANY ADDITIONAL INTEREST SHOULD BE MAILED PROMPTLY.

IF THE AMOUNT SHOWN AS "CURRENT BALANCE" IS PRECEEDED BY THE WORD "OVERPAID," YOU MAY DEDUCT THE OVERPAID AMOUNT FROM FUTURE AMOUNTS DUE THE DIVISION.

PAYMENT ON CURRENT QUARTER CHARGES SHOWN AS "BR" IS DUE BY THE END OF THE MONTH FOLLOWING THE END OF THE QUARTER, OR 15 DAYS FROM THE BILLING DATE, WHICHEVER IS LATER.

INTEREST IS ASSESSED ON LATE PAYMENT OF BENEFIT REIMBURSEMENT COSTS AT THE RATE OF 12 PERCENT PER YEAR.

*CHARGE NOTICES, IA96R, INCLUDED IN BILLING ARE DATED
1Q91 1/11/91 THROUGH 4/5/91
3Q91 7/12/91 THROUGH 10/4/91
2Q91 4/12/91 THROUGH 7/5/91
4Q91 10/11/91 THROUGH 1/3/92

ENTER YOUR EMPLOYER REG. NO. AS SHOWN ABOVE ON YOUR REMITTANCE PAYABLE TO N.Y.S. UNEMPLOYMENT INSURANCE. RETURN A COPY OF THIS NOTICE WITH YOUR PAYMENT. KEEP A COPY FOR YOUR RECORDS.

YOUR PREVIOUS BALANCE WAS
NONE

THE SYMBOLS IN COLUMN 1 SHOW THE TYPE OF LIABILITY.
BR-
BENEFIT REIMBURSEMENT
IN-
INTEREST
PE-
REQUEST REPORTING PENALTY

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<th>COL. 1 AMOUNT DUE</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>MO. 1</td>
<td>DAY 1</td>
<td>QTR. 1</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>1</td>
<td>91</td>
</tr>
</tbody>
</table>

CURRENT BALANCE
UNDERPAID
$574.75

DOMINIC M. ROTONDI, DIRECTOR
UNEMPLOYMENT INSURANCE DIVISION
20 November 1991

New York State Department of Labor
Unemployment Insurance Division
E.A.A.S.
State Office Building Campus
Albany, New York 12240

Attention: Mr. Alan Cassarino

Re: Chung Yuan A. Chen
Social Security #: 148-70-9265
Employer Registration #: 04-64401 0

Dear Mr. Cassarino:

Ms. Kathy Sheridan of your office suggested that I send you copies of correspondence which I have had with the Department of Labor regarding the above-referenced claimant. Although another unit of the Unemployment Insurance Division is investigating this claim, I was informed that it was necessary to advise you directly of our position so that our account is not put in collection status.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

Lynnette Kelly
Counsel

Enclosure
LK/ct
1 November 1991

New York State Department
of Labor
Unemployment Insurance Division
Liability and Determination # 5
State Office Building Campus
Albany, N.Y. 12240-0328

Re: Chung Yuan A. Chen
Social Security # 148-70-9265
Employer Registration # 04-64401 0

Dear Sir or Madam:

I am in receipt of a Notice of Benefit Reimbursement Charges mailed on October 25, 1991, a copy of which is enclosed, which pertains to unemployment insurance benefits received by Ms. Chung Yuan A. Chen. Also enclosed are copies of correspondence we have had with the Unemployment Insurance Division wherein we offered employment to Ms. Chen (September 20, 1991), wherein we challenged a charge to our account for payment of unemployment insurance benefits to Ms. Chen because of our employment offer (October 12, 1991) and wherein we reiterated our position regarding this claim (October 21, 1991). To date, we have not received a response from the Unemployment Insurance Division.

I spoke with Mr. John Hauser of your office on October 21, 1991 who informed me that the Liability and Determination office in Albany would follow up with the local office as to the status of Ms. Chen's eligibility. Until such time as a determination is made and an appropriate adjustment is made to our account, Mr. Hauser advised that we not make payment on our account for charges relating to this claimant.
Please contact me at your earliest convenience so that these issues may be resolved promptly.

Sincerely,

Lynnette Kelly
Lynnette Kelly
Counsel

LK:vsj

Enclosure

cc: New York State Department of Labor
    Unemployment Insurance Division
    50 Park Place - 1st Floor
    New York, N.Y. 10007
NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division
The Gov. W. Averell Harriman State Office Bldg, Campus
Albany, N.Y. 12240-0328

NOTICE OF BENEFIT REIMBURSEMENT CHARGES

MUNICIPAL ASSISTANCE CORP
FOR THE CITY OF NEW YORK
1 WORLD TRADE CENTER RM 8901
NEW YORK NY 10048

DATE MAILED
10/25/91

EMPLOYER REG. NO.
04-64401 0

THIS IS NOT A BILL

PLEASE REVIEW PROMPTLY

BENEFIT PAYMENTS MADE TO THE CLAIMANTS LISTED HAVE BEEN CHARGED TO YOUR ACCOUNT, EACH PAYMENT IS FOR FOUR EFFECTIVE DAYS (ONE WEEK) UNLESS OTHERWISE INDICATED. TO HELP PROTECT YOUR ACCOUNT AND THE UNEMPLOYMENT INSURANCE FUND:

1. Verify that each claimant was employed by you,
2. Immediately report to the local office any information that might affect the benefit rights of the claimant. (See address in Employer's Guide.)
3. Immediately notify the local office if employment is available.
4. A (P) printed next to the amount of benefits paid shows that a pension reduction is already being made. If you are aware that a claimant is receiving a pension to which you contributed more than 50% and no reduction is shown, please notify the local office immediately.
5. If you object to any of these charges, write to our Liability & Determination Section at the above address. Refer to Social Security Account Numbers and Week Ended Dates.

IF YOU DISAGREE WITH THIS DETERMINATION, YOU MAY APPLY FOR A HEARING WITHIN 30 DAYS FROM THE MAILING DATE OF THIS NOTICE.

<table>
<thead>
<tr>
<th>SOCIAL SEC. ACCOUNT #</th>
<th>NAME</th>
<th>WK ENDED</th>
<th>AMOUNT</th>
<th>EFF LOC OFF</th>
<th>SOCIAL SEC. ACCOUNT #</th>
<th>NAME</th>
<th>WK ENDED</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>48-70-9265</td>
<td>CA CHEN</td>
<td>10-06-1</td>
<td>209.00</td>
<td>511</td>
<td>148-70-9265</td>
<td>CA CHEN</td>
<td>10-13-1</td>
<td>209.00</td>
</tr>
</tbody>
</table>

E WILL SEND A BILL AT THE END OF EACH QUARTER FOR THE TOTAL AMOUNT DUE.

A CR. SYMBOL CANCELS A PREVIOUS CHARGE.
AN ASTERISK (*) IS AN ADJUSTMENT.

IA 96R (7-91)

DOMINIC M. ROTONDI, DIRECTOR
UNEMPLOYMENT INSURANCE DIVISION
FOR THE COMMISSIONER OF LABOR
21 October 1991

New York State Department of Labor
Unemployment Insurance Division
Liability and Determination # 5
State Office Building Campus
Albany, N.Y. 12240-0328

Re: Chung Yuan A. Chen
Social Security # 148-70-9265
Employer Registration # 04-64401 0

Dear Sir or Madam:

I am in receipt of a Notice of Benefit Reimbursement Charges mailed on October 11, 1991, a copy of which is enclosed, which pertains to unemployment insurance benefits received by Ms. Chung Yuan A. Chen. Also enclosed are copies of correspondence we have had with the Unemployment Insurance Division wherein we offered employment to Ms. Chen (September 20, 1991) and wherein we challenged a charge to our account for payment of unemployment insurance benefits to Ms. Chen because of our employment offer (October 12, 1991). As of the date hereof we have not received a response to either letter from the Unemployment Insurance Division.

I spoke with Mr. John Hausler of your office today who informed me that the Liability and Determination office in Albany would follow up with the local office as to the status of Ms. Chen's eligibility. Until such time as a determination is made and an appropriate adjustment is made to our account, Mr. Hausler advised that we not make payment on our account for charges relating to this claimant.
Please contact me at your earliest convenience so that these issues may be resolved promptly.

Sincerely,

Lynnette Kelly
Counsel

LK: vsj

Enclosure

cc: New York State Department of Labor
    Unemployment Insurance Division
    50 Park Place - 1st Floor
    New York, N.Y. 10007
NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division
The Gov. W. Averell Harriman State Office Bldg. Campus
Albany, N.Y. 12240-0328

NOTICE OF BENEFIT REIMBURSEMENT CHARGES

MUNICIPAL ASSISTANCE CORP
FOR THE CITY OF NEW YORK
1 WORLD TRADE CENTER RM 8901
NEW YORK NY 10048

DATE MAILED 10/11/91
EMPLOYER REG. NO. 04-64401 0

THIS IS NOT A BILL
PLEASE REVIEW PROMPTLY

BENEFIT PAYMENTS MADE TO THE CLAIMANTS LISTED HAVE BEEN CHARGED TO YOUR ACCOUNT, EACH PAYMENT IS FOR FOUR EFFECTIVE DAYS (ONE WEEK) UNLESS OTHERWISE INDICATED. TO HELP PROTECT YOUR ACCOUNT AND THE UNEMPLOYMENT INSURANCE FUND:

1. Verify that each claimant was employed by you.
2. Immediately report to the local office any information that might affect the benefit rights of the claimant. (See address in Employer's Guide.)
3. Immediately notify the local office if employment is available.
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<table>
<thead>
<tr>
<th>SOCIAL SEC. ACCOUNT #</th>
<th>NAME</th>
<th>WK ENDED NO</th>
<th>DY YR</th>
<th>AMOUNT</th>
<th>EFF DAY</th>
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<tr>
<td>148-70-9265</td>
<td>CA CHEN</td>
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<td>209.00</td>
<td>511</td>
<td></td>
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</tbody>
</table>

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<tr>
<th>SOCIAL SEC. ACCOUNT #</th>
<th>NAME</th>
<th>WK ENDED NO</th>
<th>DY YR</th>
<th>AMOUNT</th>
<th>EFF DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>148-70-9265</td>
<td>CA CHEN</td>
<td>9/29/91</td>
<td></td>
<td>209.00</td>
<td></td>
</tr>
</tbody>
</table>

$418.00 TOTAL

I'LL SEND A BILL AT THE END OF QTR FOR THE TOTAL AMOUNT DUE.
A CR SYMBOL CANCELS A PREVIOUS CHARGE.
AN ASTERISK (*) IS AN ADJUSTMENT.

IA 96R (7-91)

DOMINIC M. ROTONDI, DIRECTOR
UNEMPLOYMENT INSURANCE DIVISION
FOR THE COMMISSIONER OF LABOR
22 November 1991

Ms. Chung Yuan A. Chen
76 Charles Street, Apt. 2G
New York, New York 10014

Dear Angie:

This letter confirms my understanding that you have chosen to decline the job of receptionist offered to you by the Corporation.

Good luck in your future endeavors.

Sincerely,

Frances H. Jacobs
Deputy Executive Director and Treasurer
22 November 1991

New York State Department of Labor
Unemployment Insurance Division
Local Office 511
50 Park Place
New York, New York 10007

Re: Chung Yuan A. Chen
Social Security #: 148-70-9265
Employer Registration #: 04-64401 0

Dear Sir/Madam:

I am writing to inform you that the above-referenced claimant declined the offer of employment which we made through your local office. The events that transpired with respect to the declining of this employment offer are as follows.

On Tuesday, November 19, 1991, the Corporation received the attached notice from your office which requires the Corporation to report on whether or not the claimant reported for work.

On the same day, the claimant, Ms. Chen, phoned the Corporation and spoke with Ms. Beatrice Gilling-Raynor, the Corporation's accountant. Ms. Chen questioned Ms. Gilling-Raynor about job openings at the Corporation. Ms. Gilling-Raynor informed Ms. Chen that the position of receptionist remained open. Ms. Gilling-Raynor suggested Ms. Chen continue her discussions with me.

On Wednesday, November 20, 1991, Ms. Chen telephoned the Corporation and spoke with Mr. Quentin B. Spector, Executive Director of the Corporation. Mr. Spector again offered Ms. Chen the position of receptionist, the job she had previously held, and said that the hours would be the same but the responsibilities would be diminished somewhat. Salary was not discussed. Ms. Chen replied that she wanted to consult with the Unemployment Insurance Division as to her options.
On Thursday, November 21, 1991, Ms. Chen phoned and spoke with Ms. Frances H. Jacobs, Deputy Executive Director and Treasurer of the Corporation, during which conversation she declined to accept the position offered. Ms. Chen informed Ms. Jacobs that she had accepted a part-time position teaching English as a second language the preceding day. (This fact had not come up in Ms. Chen’s conversation with Mr. Spector that day.)

I am also enclosing copies of correspondence I have had with the Unemployment Insurance Division with respect to the claimant.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

Lynnette Kelly
Counsel
22 November 1991

Ms. Chung Yuan A. Chen
76 Charles Street, Apt. 2G
New York, New York 10014

Dear Angie:

This letter confirms my understanding that you have chosen to decline the job of receptionist offered to you by the Corporation.

Good luck in your future endeavors.

Sincerely,

Frances H. Jacobs
Deputy Executive Director and Treasurer
NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division

EMPLOYER'S COPY

LOCAL OFFICE ADDRESS

Date 11/13/91
S.S. Acct. No. 145-70-9265

Claimant's Name and Address
Chung Yuen H. Chen
76 Charles St. 2G
NY NY 10014

You recently informed this office that you have work available for the above-named claimant. The claimant has been notified to report to you on (date) concerning this.

Please answer the questions on the reverse side of this form and return it to this office immediately after claimant reports to you. In the event claimant does not report within five days of the receipt of this form, please complete the questions on the reverse side of this form and return it to this office. If the date to return to work is changed or cancelled please notify this office.

If the claimant fails to report for work and subsequently reports to this office, you will be notified of the action taken.

MAC of NY
IWTC Ste 89-01
NY NY 10041

Manager

LO 210.1 (1-89)
1. Did claimant report? ☑ YES ☐ NO

If yes:
a. Date claimant is to start work ________________
b. If claimant delayed the start date, what was the reason given for the delay? __________

____________________
c. If not hired, why? She declined the employment offer.

2. If claimant did not accept the employment, or did not report:
a. On what date(s) was there work available? immediately
b. How many hours a day? 7.5 Days per week? 5

c. Rate of pay? $17,000 per year

d. Kind of work available/offered Receptionist

By whom: Quentin B. Spector, Title: Executive Director

(part time: 11-7-89 to 5-30-90)

Was this the same work claimant did for you before? ☑ Yes ☐ No

If yes, dates 5-31-90 to 12-18-90 If no, why did you feel claimant could do this work?

f. If the job offered was refused, what reason did claimant give? She claims that she had accepted a part time job the preceding day.

g. What was the date of the refusal? November 21, 1991

Please indicate the date you received this form November 19, 1991

Municipal Assistance

Employer Corporation Prepared By Lynnette Kelly

Phone # 212-775-0010 Date 11-22-91
21 January 1992

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
1285 Sixth Avenue
New York, New York 10019

Ladies and Gentlemen:

In various letters, the most recent dated October 22, 1991, you, as our counsel, provided our independent accountants, Price Waterhouse, with certain information. We would appreciate your advising them as of February 3, 1992, of any information which you have obtained subsequent to your last letter to Price Waterhouse dated October 22, 1991, in your capacity as counsel to the Municipal Assistance Corporation For The City of New York (the "Corporation") and which is not included in prior letters regarding (a) any material threatened or pending litigation involving the Corporation, (b) any material tax or other claims threatened or pending against the Corporation, (c) any pending government investigation that could give rise to contingent liabilities against the Corporation, and (d) any other material contingent liabilities of the Corporation.

Please advise Price Waterhouse that whenever, in the course of performing legal services for the Corporation with respect to a matter recognized by you to involve an unasserted possible claim or assessment that may call for financial statement disclosure, you as a matter of professional responsibility to the Corporation will so advise the Corporation and will consult with the Corporation concerning the question of such disclosure.

We have advised Price Waterhouse that there are no possible claims or assessments that you have advised are probable of assertion and which must be disclosed in accordance with Statement of Financial Accounting Standards Number 5.

Please specifically identify the nature and reasons for any limitation on your response to any of the inquiries in this letter.
To facilitate the evaluation of your response by our independent accountants, please respond as of February 3, 1992 to the address shown below, and please furnish a copy of your response to the Corporation. Also, specify the effective date of your response if it is other than the date of your reply.

Sincerely,

Lynnette Kelly

Counsel

cc: Mr. Colm Keogh
Price Waterhouse
153 East 53rd Street
Room 4158
New York, New York 10022
21 January 1992

Orrick, Herrington & Sutcliffe
599 Lexington Avenue
New York, New York 10022

Ladies and Gentlemen:

In various letters, the most recent dated October 22, 1991, you, as our counsel, provided our independent accountants, Price Waterhouse, with certain information. We would appreciate your advising them as of February 3, 1992, of any information which you have obtained subsequent to your last letter to Price Waterhouse dated October 22, 1991, in your capacity as counsel to the Municipal Assistance Corporation For The City of New York (the "Corporation") and which is not included in prior letters regarding (a) any material threatened or pending litigation involving the Corporation, (b) any material tax or other claims threatened or pending against the Corporation, (c) any pending government investigation that could give rise to contingent liabilities against the Corporation, and (d) any other material contingent liabilities of the Corporation.

Please advise Price Waterhouse that whenever, in the course of performing legal services for the Corporation with respect to a matter recognized by you to involve an unasserted possible claim or assessment that may call for financial statement disclosure, you as a matter of professional responsibility to the Corporation will so advise the Corporation and will consult with the Corporation concerning the question of such disclosure.

We have advised Price Waterhouse that there are no possible claims or assessments that you have advised are probable of assertion and which must be disclosed in accordance with Statement of Financial Accounting Standards Number 5.

Please specifically identify the nature and reasons for any limitation on your response to any of the inquiries in this letter.
To facilitate the evaluation of your response by our independent accountants, please respond as of February 3, 1992 to the address shown below, and please furnish a copy of your response to the Corporation. Also, specify the effective date of your response if it is other than the date of your reply.

Sincerely,

[Signature]
Lynnette Kelly
Counsel

cc: Mr. Colm Keogh
Price Waterhouse
153 East 53rd Street
Room 4158
New York, New York 10022
21 January 1992

Mr. Pat T. Santivasci
Senior Vice President
U.S. Trust Company
114 W. 47th Street
New York, NY 10036

Dear Pat:

Attached is a letter from Michael Grannum from Citibank stating that the following six Series 9 coupons for the July 1, 1989 interest date remain outstanding:

9-34112
9-69507
9-69509
9-69510
9-72238
9-105741

On the basis of Mr. Grannum’s letter I am authorizing you to place a stop payment on these coupons and issue replacement coupons to Mr. Phil Santoli of Merrill Lynch.

Sincerely,

Frances H. Jacobs
Deputy Executive Director
and Treasurer

FHJ:ca
cc: Mr. Phil Santoli
November 4, 1991

Phil Santoli
Merrill Lynch
One Liberty Plaza
185 Broadway
New York, NY 10005

Re: Coupon Destruction Period

Dear Mr. Santoli,

Please be advised that the coupon replacement period for U. S. Trust is 13 months. This is based on a destruction period of 13 months approved by Mr. Stephen J. Weinstein of the Municipal Assistance Corporation for the City of New York (MAC). Mr. Weinstein was the Deputy Director of MAC during December, 1979, when U. S. Trust received approval. The time period was set at 13 months to provide the bond holder 2 payment periods to realize they have not received their coupon funds.

We trust this information has been helpful. If you have any further questions, please contact our customer service department toll-free at (800) 225-2388.

Sincerely,

[Signature]
Dean Glasser
Assistant Secretary
Municipal Services

FAX: 775-0042
FRAN JACOBS
[775-0010]

Ms. Fran Jacobs
One World Trade Center
Suite 8901
New York, NY 10048

Re: MAC W.Y. : Paydate 7/1/89 7.50% - 7/1/92 Cusip # 626190DF6

Dear Ms. Jacobs,

MAC Series 9 Cusip 626190DF6 as follows:

<table>
<thead>
<tr>
<th>9</th>
<th>23791</th>
<th>Paid</th>
<th>10/30/89</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>92821</td>
<td></td>
<td>10/30/89</td>
</tr>
<tr>
<td>9</td>
<td>92825</td>
<td></td>
<td>10/30/89</td>
</tr>
</tbody>
</table>

The other coupons are still outstanding:

<table>
<thead>
<tr>
<th>9</th>
<th>34112</th>
<th>9</th>
<th>69507</th>
<th>9</th>
<th>69509</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>69510</td>
<td>9</td>
<td>72238</td>
<td>9</td>
<td>105741</td>
</tr>
</tbody>
</table>

We trust this information has been helpful.

Very truly yours,

Michael Arnamum,
Vice President.
17 January 1992

New York State Department of Labor
Unemployment Insurance Division
Post Office Box 1939
Albany, New York 12201-1939

Dear Sir/Madam:

I am in receipt of the attached Notice of Reimbursable Billing which we received today. We are currently appealing the determination of eligibility made by the local office with respect to the former employee of the Corporation who had been receiving unemployment insurance benefits.

I spoke with Mr. Roger West of the Employer Account Adjustment Section of the Unemployment Insurance Division regarding this appeal. He advised that I write to inform you of the appeal and our decision not to make payment until a final resolution of the issue.

Please do not hesitate to call me at (212) 775-0010 should you have any questions.

Sincerely,

LYNETTE KELLY
Lynnette Kelly
Counsel

LK:ca
NEW YORK STATE DEPARTMENT OF LABOR
UNEMPLOYMENT INSURANCE DIVISION
POST OFFICE BOX 1939
ALBANY, N. Y. 12201-1939

NOTICE OF REIMBURSABLE BILLING

MUNICIPAL ASSISTANCE CORP
FOR THE CITY OF NEW YORK
1 WORLD TRADE CENTER RM 8901
NEW YORK NY 10048

04-64401 0
EMLOYER REG. NO.
THIS NOTICE SHOWS THE
STATUS OF YOUR ACCOUNT
AS OF 01/03/92

REFERENCE:
EMPLOYER ACCOUNT ADJUSTMENT SECTION

ANY AMOUNT NOW DUE FOR UNEMPLOYMENT INSURANCE BENEFIT REIMBURSEMENT COSTS, INTEREST OR PENALTY IS SHOWN BELOW AS "CURRENT BALANCE" PRECEDED BY THE WORD "UNDERPAID." A CHECK FOR THIS AMOUNT PLUS ANY ADDITIONAL INTEREST SHOULD BE MAILED PROMPTLY.

IF THE AMOUNT SHOWN AS "CURRENT BALANCE" IS PRECEDED BY THE WORD "OVERPAID," YOU MAY DEDUCT THE OVERPAID AMOUNT FROM FUTURE AMOUNTS DUE THE DIVISION.

PAYMENT ON CURRENT QUARTER CHARGES SHOWN AS "BR" IS DUE BY THE END OF THE MONTH FOLLOWING THE END OF THE QUARTER, OR 15 DAYS FROM THE BILLING DATE, WHICHEVER IS LATER.

INTEREST IS ASSESSED ON LATE PAYMENT OF BENEFIT REIMBURSEMENT COSTS AT THE RATE OF 12 PERCENT PER YEAR.

*CHARGE NOTICES, IA96R, INCLUDED IN BILLING ARE DATED

| 1091 | 1/11/91 THROUGH 4/5/91 |
| 3091 | 7/12/91 THROUGH 10/4/91 |
| 2091 | 4/12/91 THROUGH 7/5/91 |
| 4091 | 10/11/91 THROUGH 1/3/92 |

ENTER YOUR EMPLOYER REG. NO. AS SHOWN ABOVE ON YOUR REMITTANCE PAYABLE TO N.Y.S. UNEMPLOYMENT INSURANCE. RETURN A COPY OF THIS NOTICE WITH YOUR PAYMENT. KEEP A COPY FOR YOUR RECORDS.

YOUR PREVIOUS BALANCE WAS
UNDERPAID $574.75

<p>| THE SYMBOLS IN COLUMN 1 SHOW THE TYPE OF LIABILITY. |</p>
<table>
<thead>
<tr>
<th>CLAIMANT S.S. ACCT #</th>
<th>TRANSACTION DATE</th>
<th>PERIOD</th>
<th>COL. 1 TYPE OF LIAB.</th>
<th>COLUMN 2 AMOUNT DUE</th>
<th>COLUMN 3 AMOUNT PAID</th>
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<tbody>
<tr>
<td>BR-</td>
<td>S. S. ACCT #</td>
<td>MO. DAY YR. QTR. YEAR</td>
<td>BR</td>
<td>2,403.50</td>
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<td>PE-</td>
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<tr>
<td>REQUEST REPORTING PENALTY</td>
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</tr>
</tbody>
</table>

INTEREST TO DATE OF THIS NOTICE IS $12.07.
THIS AMOUNT IS INCLUDED IN CURRENT BALANCE.

ADDITIONAL INTEREST OF $0.19 PER DAY SHOULD BE ADDED TO CURRENT BALANCE WHEN SENDING REMITTANCE.

CURRENT BALANCE IS COLUMN 2 LESS 3 PLUS PREVIOUS BALANCE, IF ANY, AND INTEREST TO DATE OF THIS NOTICE.

IA 126R (1-91)

CURRENT BALANCE
UNDERPAID $2,990.32

HOLD 1000

DOMINIC M. ROTONDI, DIRECTOR
UNEMPLOYMENT INSURANCE DIVISION
16 January 1992

Mr. Lawrence Shapiro
20 Park Avenue
New York, New York 10016

Dear Mr. Shapiro:

Thank you very much for your letter expressing interest in a job here at the Municipal Assistance Corporation. I'm sorry but there are no vacancies requiring your qualifications at present.

We would like to keep your resume on file in case such a position should become available in the future.

Best wishes in your job search, and thanks again for your interest.

Sincerely,

Quentin E. Spector
Executive Director

QBS:ca
15 January 1992

Mr. John Daniels  
Doremus & Company  
200 Varick Street  
New York, New York 10014

Dear John:

This letter will confirm my understanding of the steps we have agreed upon in order to remedy the problems associated with the February 1, 1991 Notice of Redemption publication error, and to insure that this type of error does not happen again.

You have agreed that for future notices, in addition to contacting all newspapers in which notice will appear prior to the first publication date, you will also contact the appropriate newspapers by telephone prior to the second publication date. This procedure will serve to confirm the space reservation and will also provide the relevant copy to the newspaper.

We have agreed that the Corporation will not incur any expense relating to the additional publications of the general notice necessitated by the error. We appreciate your professionalism in shielding the Corporation from any financial responsibility.

Finally, we have also agreed that from now on Doremus will provide tear sheets and affidavits of publication with their invoice prior to payment by the Corporation.

If you have any questions or comments on this matter, please do not hesitate to contact me.

Sincerely,

Lynnette Kelly  
Lynnette Kelly  
Counsel

LK: ct
MEMORANDUM

Date: 14 January 1992
To: Quentin B. Spector
From: Cynthia Taggart
Re: MARK Supplies

I need your approval on the following items for the office:

12 legal-sized storage boxes at $2.85 a box...........$34.20
3 reams three-hole punched xerox paper at $5.25....... 15.75

$49.95

Thanks.

Approval: [Signature]
Quentin B. Spector
Executive Director
14 January 1992

Ms. Lynn Canton  
Acting Director  
STATE OF NEW YORK  
Governor’s Office of Minority & Women’s Business Development  
State Capitol  
Albany, New York 12224

Re: Minority and Women-Owned Business Quarterly Utilization Report  
Three-Month Period Ending December 31, 1991

Dear Ms. Canton:

Enclosed please find a revised Consultant/Service exhibit for the Quarterly Utilization Report for the period October 1, 1991 to December 31, 1991, filed by the Corporation on January 6, 1992. There was a typographical error in the initial submission.

I apologize for any inconvenience this may cause.

Very truly yours,

[Signature]

Lynnette Kelly  
Counsel

Enclosure /ct
QUARTERLY UTILIZATION REPORT FOR
CONSULTANT/SERVICE

MUNICIPAL ASSISTANCE CORPORATION
Agency FOR THE CITY OF NEW YORK Agency Code N/A Period: 10/1/91 - 12/31/91
Contact Person Lynnette Kelly Phone (212) 775-0010 Approval by N/A Date 1/6/92

** SEE INSTRUCTIONS ON REVERSE FOR EXPLANATION OF COLUMNS:

<table>
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Amendmts.

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** IN ADDITION TO THE ABOVE, THE FOLLOWING INFORMATION IS REQUIRED:

# Contracts $ Value of Contr. #/$ Contracts
w/Goals w/Goals Awd. w/Waivers

*While the information requested in these categories is not mandated by Article 15-A, these statistics will assist the Governor's Office of Minority and Women's Business Development in providing accurate data concerning MWBE participation in all State procurement.*
January 9, 1992
(by February 28, 1992)

TO: State Ethics Commission

FROM: Lynnette Kelly  
Agency Head/Appointing Authority or Agency Ethics Officer

RE: 1991 Financial Disclosure Statement -- Required Filers for

The Municipal Assistance Corporation For The City of New York  
(Agency Name)

The attached list(s) comprise a complete and accurate record of current agency policymakers (indicated by filer type "PM") as designated by the appointing authority and current non-policymaking employees earning annual compensation at a rate of $53,171 or more and holding non-exempt titles (filer type "TO") for The Municipal Assistance Corporation For The City of New York (agency name). All are required to file the 1991 Annual Statement of Financial Disclosure with the State Ethics Commission by May 15, 1992. All policy-making individuals appearing on the attached lists and update forms have been advised of such policy-making designation, and of the requirement to file the 1991 Annual Statement of Financial Disclosure.

The Ethics Commission will be notified by the agency throughout the year as personnel changes occur which affect the attached required filers list.

Lynnette Kelly
(signature)

Counsel and Secretary
(title)

(212) 775-0010  
(telephone #)

January 9, 1992
(date)
9 January 1992

Howard A. Fromer, Esq.
General Counsel
New York State Energy Office
Two Rockefeller Plaza
Albany, New York 12223

Re: Sales Tax Exemption

Dear Mr. Fromer:

You have asked us to review your proposal to exempt from the special State Sales Tax imposed within New York City (the "Special Sales Tax") the cost of the incremental equipment included on new motor vehicles and installed in existing motor vehicles to enable them to use a non-petroleum based fuel. You have furnished us with draft legislation and a memorandum regarding this proposal.

The memorandum points out that the proposal should not result in any decrease of existing sales tax revenues or projections of future tax revenues based on existing purchase patterns, but could result in lost opportunities to collect sales tax on the incremental cost of the equipment. The memorandum concludes that these lost opportunities would be minor since the alternative fuel vehicle purchase and conversion market is virtually non-existent at this time. However, you indicate that the State may actually benefit by collecting sales tax on the purchase of new vehicles that otherwise might not have occurred. Finally, your draft legislation provides for a three-year sunset to limit overall financial exposure from this proposal.

We have been assured by Jonathan Pessan, an attorney with the New York State Department of Taxation and Finance, that the projected impact of this bill on collections of the Special Sales Tax is de minimis, and Mr. Pessan has orally estimated that less than $1 million annually would be lost.

As you know, the Special Sales Tax constitutes the principal revenue source behind Municipal Assistance Corporation obligations, of which approximately $6.47 billion are currently outstanding. Each of the Corporation's three General Bond Resolutions provide as an event of default a failure or refusal to continue to impose the Special Sales Tax or a reduction in the rate of such tax from the rate existing at the time of their adoption in 1975. Bond Counsel to the Corporation have advised us that specific exemptions must be viewed with regard to the continued imposition of a general tax under that provision. However, neither the Corporation nor its Bond Counsel is the final arbiter as to when an
event of default under our Resolutions has occurred. Short of a court of law, it is the Trustee for the bondholders, and in some cases the bondholders themselves, who make the determination.

Because the Special Sales Tax is the essence of the security behind the Corporation’s bonds and is recognized as such by the market and rating agencies alike, we have zealously protected its integrity from the outset by respectfully requesting that our views be taken into consideration at such time as any proposal or legislation affecting either the base or the rate of such tax is under consideration. Over the years since 1975, we have had many opportunities to examine legislation proposing exemptions from such tax. In doing so, we have taken into account the effects of the specific proposals on a cumulative basis, as we must do under our Resolutions.

Based on the information you provided, Bond Counsel, General Counsel, and Counsel to the Trustee have advised us that, in their opinion, enactment of your proposal, in and of itself, would not result in an event of default under the Corporation’s General Bond Resolutions.

The conclusions reached herein cannot be construed as acquiescence to other legislation providing additional exemptions from the Special Sales Tax or increasing existing exemptions. Careful consideration must be accorded any proposed change in exemptions to the Special Sales Tax, inasmuch as such amendments either separately or cumulatively could constitute an event of default. You should be aware that we will be obliged to continue to object to almost all such proposals, as we have in the past.

This letter addresses only the issue of the impact of the proposed legislation discussed herein on the Corporation. We express no opinion as to the merits of this proposal.

Thank you for soliciting our views.

Sincerely,

Lynnette Kelly
Counsel

LK:ca
wp/LK/salestax.let
7 January 1992

Honorable David N. Dinkins, Mayor
ATT: Philip R. Michael, Director
OFFICE OF MANAGEMENT AND BUDGET
75 Park Place/6th Floor
New York, New York 10007

Honorable Edward V. Regan, Comptroller
ATT: William McCormick, Supervisor of State Revenues
Revenues Section/Bureau of Accounting
NEW YORK STATE DEPARTMENT OF AUDIT AND CONTROL
A. E. Smith Office Building
Albany, New York 12236

Gentlemen:

Pursuant to Section 3036 of the Public Authorities Law of the State of New York, enclosed herewith is Certificate Number 91 of the Chairman of the Board of Directors of the Municipal Assistance Corporation For The City of New York (the "Corporation") to the Comptroller of the State of New York and to the Mayor of The City of New York, dated January 7, 1992.

Certificate Number 91 relates to the cash needs of the Corporation for the 1992 fiscal year with respect to the Series EE and Series HH Bonds issued pursuant to its First General Bond Resolution and to its Operating Fund requirements.

Sincerely,

Frances H. Jacobs
Treasurer

Enclosures
cc: Attached
7 January 1992
Honorable David N. Dinkins, Mayor
Honorable Edward V. Regan, Comptroller
Page Two

cc: Alexandra Altman, Esq.
Mr. Alan L. Anders
Ms. Darcy Bradbury
Mr. Michael Gibbons
Robert R. Grew, Esq.
Lynnette Kelly, Esq.
Mr. Richard Kelly
Donald J. Robinson, Esq.
Mr. Rudy Runko
Mr. Pat Santivasci
Mr. Quentin B. Spector
Allen L. Thomas, Esq.
Mr. Michael J. Zino
# MUNICIPAL ASSISTANCE CORPORATION

## SCHEDULE A

<table>
<thead>
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<th>Amount</th>
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<td><strong>TOTAL (Fiscal Year 1992)</strong></td>
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7 January 1992

Certificate Number 91
CERTIFICATE NUMBER 91 OF THE CHAIRMAN
OF THE BOARD OF DIRECTORS OF
THE MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK TO THE COMPTROLLER
OF THE STATE OF NEW YORK AND TO
THE MAYOR OF THE CITY OF NEW YORK

Pursuant to Section 3036 of the Public Authorities Law of the State
of New York, the undersigned, Chairman of the Board of Directors of
the Municipal Assistance Corporation For The City of New York (the
"Corporation"), hereby certifies to the Comptroller of the State of
New York and to the Mayor of the City of New York the revised
schedule of cash requirements of the Corporation.

The Certificate and Schedule A hereto which is incorporated herein
expressly revise any and all certifications heretofore made
pursuant to said Section 3036 in respect of bonds issued pursuant
to the First General Bond Resolution to the aforesaid Comptroller
and Mayor.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed the
seal of the Corporation this 7th day of January 1992.

Felix G. Rohatyn
Chairman

[Signature]
7 January 1992

Honorable David N. Dinkins, Mayor
ATT: Philip R. Michael, Director
OFFICE OF MANAGEMENT AND BUDGET
75 Park Place/6th Floor
New York, New York 10007

Honorable Edward V. Regan, Comptroller
ATT: William McCormick, Supervisor of State Revenues
Revenues Section/Bureau of Accounting
NEW YORK STATE DEPARTMENT OF AUDIT AND CONTROL
A. E. Smith Office Building
Albany, New York 12236

Gentlemen:

Pursuant to Section 3036-a of the Public Authorities Law of the State of New York, enclosed herewith is Certificate Number 95 of the Chairman of the Board of Directors of the Municipal Assistance Corporation For The City of New York (the "Corporation") to the Comptroller of the State of New York and to the Mayor of The City of New York, dated January 7, 1992.

Certificate Number 95 relates to the cash needs of the Corporation for the 1992 fiscal year with respect to the Series 8 through Series 68 Bonds issued pursuant to its Second General Bond Resolution.

Sincerely,

Frances H. Jacobs
Treasurer

LK: ca
Enc.
cc: Attached
7 January 1992
Honorable David N. Dinkins, Mayor
Honorable Edward V. Regan, Comptroller
Page Two

cc: Alexandra Altman, Esq.
Mr. Alan L. Anders
Ms. Darcy Bradbury
Mr. Michael Gibbons
Robert R. Grew, Esq.
Lynnette Kelly, Esq.
Mr. Richard Kelly
Donald J. Robinson, Esq.
Mr. Rudy Runko
Mr. Pat Santivasci
Mr. Quentin B. Spector
Allen L. Thomas, Esq.
Mr. Michael J. Zino
MUNICIPAL ASSISTANCE CORPORATION
SCHEDULE A

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<td>Established Pursuant to</td>
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<td></td>
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<tr>
<td>the Second General Bond</td>
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<td>Resolution Adopted</td>
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* Any payment or payments on January 12, April 12, or June 25, 1992 from revenues derived from the sales and compensating use taxes imposed pursuant to Section 1107 and 1108 of the Tax Law and stock transfer tax imposed pursuant to Article 12 of the Tax Law are subject and subordinate to and after payments required on or about such dates under certificates of the Chairman of the Corporation delivered pursuant to Section 3036 of the Act.

** To the extent payments made to the Corporation for the 1992 fiscal year on or before June 25, 1992 are less than the amount certified as set forth above, the deficiency shall be required to be made up from the June 30, 1992 payment to the Corporation subject and subordinate to the payments referred to in the prior footnote.

7 January 1992
Certificate Number 95
CERTIFICATE NUMBER 95 OF THE CHAIRMAN
OF THE BOARD OF DIRECTORS OF
THE MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK TO THE COMPTROLLER
OF THE STATE OF NEW YORK AND TO
THE MAYOR OF THE CITY OF NEW YORK

Pursuant to Section 3036-a of the Public Authorities Law of the State of New York, the undersigned, Chairman of the Board of Directors of the Municipal Assistance Corporation For The City of New York (the "Corporation"), hereby certifies to the Comptroller of the State of New York and to the Mayor of the City of New York the revised schedule of cash requirements of the Corporation.

This Certificate and Schedule A hereto which is incorporated herein expressly revise any and all certifications heretofore made pursuant to said Section 3036-a in respect of bonds issued pursuant to the Second General Bond Resolution to the aforesaid Comptroller and Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation this 7th day of January 1992.

Felix G. Rohatyn
Chairman
7 January 1992

Honorable David N. Dinkins, Mayor
ATT: Philip R. Michael, Director
OFFICE OF MANAGEMENT AND BUDGET
75 Park Place/6th Floor
New York, New York 10007

Honorable Edward V. Regan, Comptroller
ATT: William McCormick, Supervisor of State Revenues
Revenues Section/Bureau of Accounting
NEW YORK STATE DEPARTMENT OF AUDIT AND CONTROL
A. E. Smith Office Building
Albany, New York 12236

Gentlemen:

Pursuant to Section 3036-b of the Public Authorities Law of the State of New York, enclosed herewith is Certificate Number 7 of the Chairman of the Board of Directors of the Municipal Assistance Corporation For The City of New York (the "Corporation") to the Comptroller of the State of New York and to the Mayor of The City of New York, dated January 7, 1992.

Certificate Number 7 relates to the cash needs of the Corporation for the 1992 fiscal year with respect to the Series A Bonds issued pursuant to its 1991 General Bond Resolution.

Sincerely,

Frances H. Jacobs
Treasurer

LK:ca
Enc.
cc: Attached
7 January 1992
Honorable David N. Dinkins, Mayor
Honorable Edward V. Regan, Comptroller
Page Two

cc:    Alexandra Altman, Esq.
       Mr. Alan L. Anders
       Ms. Darcy Bradbury
       Mr. Michael Gibbons
       Robert R. Grew, Esq.
       Lynnette Kelly, Esq.
       Mr. Richard Kelly
       Donald J. Robinson, Esq.
       Mr. Rudy Runko
       Mr. Pat Santivasci
       Mr. Quentin B. Spector
       Allen L. Thomas, Esq.
       Mr. Michael J. Zino
MUNICIPAL ASSISTANCE CORPORATION
SCHEDULE A

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* Any payment or payments on January 12, April 12, or June 25, 1992 from revenues derived from the sales and compensating use taxes imposed pursuant to Section 1107 and 1108 of the Tax Law and stock transfer tax imposed pursuant to Article 12 of the Tax Law are subject and subordinate to and after payments required on or about such dates under certificates of the Chairman of the Corporation delivered pursuant to Sections 3036 and 3036-a of the Act.

Any payment or payments on June 25, 1992 from revenues derived from the per capita aid payable to New York City pursuant to Section 54 of the State Finance Law are subject and subordinate to and after payments required on or about such dates under certificates of the Chairman of the Corporation delivered pursuant to Section 3036-a of the Act.

** To the extent payments made to the Corporation for the 1992 fiscal year on or before June 25, 1992 are less than the amount certified as set forth above, the deficiency shall be required to be made up from the June 30, 1992 payment to the Corporation subject and subordinate to the payments referred to in the prior footnote.

7 January 1992
Certificate Number 7
CERTIFICATE NUMBER 7 OF THE CHAIRMAN
OF THE BOARD OF DIRECTORS OF
THE MUNICIPAL ASSISTANCE CORPORATION
FOR THE CITY OF NEW YORK TO THE COMPTROLLER
OF THE STATE OF NEW YORK AND TO
THE MAYOR OF THE CITY OF NEW YORK

Pursuant to Section 3036-b of the Public Authorities Law of the State of New York, the undersigned, Chairman of the Board of Directors of the Municipal Assistance Corporation For The City of New York (the "Corporation"), hereby certifies to the Comptroller of the State of New York and to the Mayor of the City of New York the revised schedule of cash requirements of the Corporation.

This Certificate and Schedule A hereto which is incorporated herein expressly revise any and all certifications heretofore made pursuant to said Section 3036-b in respect of bonds issued pursuant to the 1991 General Bond Resolution to the aforesaid Comptroller and Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation this 7th day of January 1992.

Felix G. Rohatyn
Chairman
6 January 1992

Mr. John Daniels
Doremus & Company
200 Varick Street
New York, New York 10014

Mr. Pat Santivasci and
Mr. William Weber
United States Trust Company
114 West 47th Street
New York, New York 10036

Re: Municipal Assistance Corporation For the City of New York February 1, 1992 Sinking Fund Notice

Dear Pat, Bill and John:

This letter will confirm the revised publication arrangements with respect to the February 1, 1992 Notice of Redemption, made necessary by the publishing error which resulted in the Notice not appearing on January 6, 1992 in the Wall Street Journal (Eastern Edition). After discussions with you, bond counsel and counsel to the Trustee, we have made the following decisions.


2. A revised general notice will be published in Investor's Daily to run on January 8, 1992. Copy will be provided by the Corporation to Doremus. The Corporation and the Trustee will clear such copy today.

3. A revised general notice will appear in the New York Daily News on January 8, 1992. Copy will be provided by the Corporation to Doremus. The Corporation and the Trustee will clear such copy today.

4. A revised general notice will appear in the New York Times (Northeast and Nationwide) on January 8, 1992. Copy will be provided by the Corporation to Doremus. The Corporation and the Trustee will clear such copy today.
5. A revised general notice will appear in the *Wall Street Journal* (Midwest, Western, and Southwest Editions) on January 8, 1992. Copy will be provided by the Corporation to Doremus. The Corporation and the Trustee will clear such copy today.

6. The full page Notice of Redemption will appear in the *Wall Street Journal* (Eastern Edition) on January 8, 1992. The Corporation will provide Doremus with language to be inserted at the top of the Notice in bold face. The Corporation and the Trustee will clear such copy today.

Please contact me immediately if there are any questions whatsoever.

Sincerely,

Lynnette Kelly
Counsel

Lk: ca
cc: John J. Kechane, Esq.
     Robert R. Grew, Esq.
6 January 1992

Ms. Lynn Canton
Acting Director
STATE OF NEW YORK
Governor’s Office of Minority &
Women’s Business Development
State Capitol
Albany, New York 12224

Dear Ms. Canton:

This is in response to your request that the Municipal Assistance Corporation complete a quarterly questionnaire reporting on its engagement of minority and women-owned businesses during the three months ending December 31, 1991.

The Corporation is an independent public benefit corporation of New York State organized in 1975 to provide financing for the City of New York and to oversee certain fiscal affairs of the City. We are not a state agency, as the term is defined in Article 15-A of the Executive Law. We are, however, pleased to complete the form as per your request.

As you can see from the completed responses, many of the items of inquiry are inapplicable to our operations. The Corporation does not undertake construction activities, does not enter into not-for-profit service contracts, and has no procurement programs beyond those limited services and supplies incidental to its issuance of securities and its own administration. Nevertheless, we have significantly expanded our business relationships with a number of minority-owned securities firms, and our Procurement Contract Guidelines set forth the Corporation’s commitment to engage minority and women-owned businesses where feasible.

The Corporation remains committed to the principles of economic opportunity for minority and women-owned businesses, and is continually seeking ways to expand our relationships with these firms.

Sincerely,

Quentin B. Spector
Executive Director

LK:ca
Enclosure
wmp@qbs@cantor.ltr
In providing accurate data concerning MBE participation in all State procurement, the information requested in these categories is not mandated by Article 15-A. Therefore, the following information is required:

**IN ADDITION TO THE ABOVE, THE FOLLOWING INFORMATION IS REQUIRED:**

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</table>

**SEE INSTRUCTIONS ON REVERSE FOR EXPLANATION OF COLUMNS**

Approved by 
Period: 10/1/91 - 12/31/91

Contact Person: Lynnette Kelly
Agency Code: 775-0010
Phone: (212) 775-0010
Agency: MUNICIPAL ASSISTANCE CORPORATION OF NEW YORK

CONSULTANT/SERVICE QUARTERLY UTILIZATION REPORT FOR

MUNICIPAL ASSISTANCE CORPORATION OF NEW YORK

REPORT PERIOD: 10/1/91 - 12/31/91
In providing accurate data concerning MWBE participation in all state procurement statistics will assist the Governor's Office of Minority and Women's Business Development while the information required in these categories is not mandated by Article 15-A, these

** IN ADDITION TO THE ABOVE, THE FOLLOWING INFORMATION IS REQUIRED:**

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SEE INSTRUCTIONS ON REVERSE FOR EXPLANATION OF COLUMNS:

** Date: 11/6/92 **

** Approved by: **

** Contact Person: **

** Agency Code: **

** 11/6/92 **

** Municipal Assistance Corporation **

** Quarterly Utilization Report **

** NOT APPLICABLE **
In providing accurate data concerning minority WBE/participation in all State procurement, the Governor's Office of Minority and Women's Business Development will assist the contractor. The following information is required:

** Utilization Information **

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** IN ADDITION TO THE ABOVE, THE FOLLOWING INFORMATION IS REQUIRED: **

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<tr>
<td>666'000</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

** SEE INSTRUCTIONS ON REVERSE FOR EXPLANATION OF COLUMNS: **

Date: 1/6/92

Approved by:

Contact Person: LaVerne Kately

Agency: NYC Municpal Assistance Corporation

Quarterly Utilization Report For

Municipal Assistance Corporation

Phone (212) 775-0010

Period: 10/1/91 - 12/31/91

Agency Code: N/A

NOT APPLICABLE
In providing accurate data concerning NMBE participation in all state procurement activities, the Governor's Office of Minority and Women's Business Development and the Office of the Attorney General are required to submit quarterly reports that include utilization information on contracts and their value. The following information is required:

<table>
<thead>
<tr>
<th>Contract</th>
<th>Prime</th>
<th>Sub</th>
<th>MBE</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td>#</td>
<td>#</td>
<td>#</td>
<td>#</td>
</tr>
</tbody>
</table>

*NOTE: See instructions on reverse for explanation of columns.*

Date: 6/9/2023
Approved: N/A
Period: 10/1/91 - 12/31/91
Agency: MUNICIPAL ASSISTANCE CORPORATION
Phone: (212) 775-0010
Municipal Assistance Corporation
In providing accurate data concerning WBEP participation in all State procurement, statistics will assist the Governor's office in minority and women's business development.

While the information requested in these categories is not mandated by Article 15-A, these

<table>
<thead>
<tr>
<th>W/Goals</th>
<th>W/Goals</th>
<th>Value of Contract</th>
<th>WBE Contracts</th>
<th>WBE Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td>#</td>
<td>$</td>
<td>#</td>
<td>#</td>
</tr>
</tbody>
</table>

** IN ADDITION TO THE ABOVE, THE FOLLOWING INFORMATION IS REQUIRED: **

** UTILIZATION INFORMATION **

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** SEE INSTRUCTIONS ON REVERSE FOR EXPLANATION OF COLUMNS: **

Date Approved By: 10/1/91 - 12/31/91

Contact Person: Phone: (212) 755-3010
Agency: N/A
N/A

MUNICIPAL ASSISTANCE CORPORATION
NOT FOR PROFIT SERVICE CONTRACTS
QUARTERLY UTILIZATION REPORT FOR

NOT APPLICABLE