

Mayor's Office of Media & Entertainment v. Johnson

OATH Index No. 1837/25 (Sept. 18, 2025)

Petitioner established that respondent failed to meet the eligibility requirements for a press credential and its denial of respondent's application should be affirmed.

NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

In the Matter of
MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT
Petitioner
- against -
CHRISTOPHER LEON JOHNSON
Respondent

MEMORANDUM DECISION

CHRISTINE STECURA, *Administrative Law Judge*

Petitioner, the Mayor's Office of Media and Entertainment ("MOME") brought this proceeding on behalf of respondent, Christopher Leon Johnson, under section 3-119.4(e) of title 3 of the Administrative Code of the City of New York ("Code") and section 16-06(a) of title 43 of the Rules of the City of New York ("RCNY") ("petitioner's rules"). Respondent applied for a standard press card ("press card") on January 28, 2025 (ALJ Ex. 1). On March 14, 2025, petitioner denied respondent's application on the basis that respondent failed to meet the eligibility requirements for a press credential and failed to complete all administrative requirements. The same day, respondent appealed the denial by requesting a hearing before OATH pursuant to 43 RCNY section 16-06(a)(i). Petitioner seeks a finding that its determination that respondent failed to meet the eligibility requirements for a press credential pursuant to 43 RCNY section 16-06(a)(ii) was correct, and its denial of respondent's application should be affirmed (ALJ Ex. 1).¹

¹ MOME's rules were amended effective March 13, 2025. References to MOME's rules in this decision are to the version of the rules in effect when the petition was filed.

On August 7, 2025, trial was held via videoconference.² Petitioner relied on documentary evidence. Respondent, who was advised of his right to counsel and his Fifth Amendment right against self-incrimination, appeared *pro se*, and testified on his own behalf.

For the reasons below, petitioner established that respondent failed to meet the eligibility requirements for a press credential and its denial of respondent's application should be affirmed.

ANALYSIS

Section 3-119.4(c) of the Code authorizes MOME to “issue press cards . . . [and] additional types of press credentials.” Admin. Code § 3-119.4(c). A press card entitles the bearer to (i) cross police lines, fire lines or other restrictions, limitations or barriers established by the city at emergency, spot, or breaking news events and public events of a non-emergency nature; and (ii) attend events sponsored by the city which are open to members of the press. Admin. Code § 3-119.4(b); 43 RCNY § 16-02.

An eligible member of the press may apply for a press card by submitting, in part,

[S]ix (6) or more articles, commentaries, books, photographs, videos, films, or audios published, broadcast, or cablecast within the twenty-four (24) months immediately preceding the . . . application, sufficient to show that such applicant covered, in person, six (6) or more events occurring on separate days described in subdivision (a) of this section.

43 RCNY § 16-03(e). Petitioner's rules delineate a covered event as:

- i. emergency, spot, or breaking news events, or public events of a non-emergency nature where police or fire lines, or other restrictions, limitations, or barriers, established by the City of New York have been set up for security or crowd control purposes; or
- ii. events sponsored by the City of New York that are open to members of the press.

43 RCNY § 16-03(a). An “emergency, spot, or breaking news event” is defined as:

[A]n incident or occurrence in a public place within the City of New York that was unplanned or unforeseen by an agency of the City of New York and is the subject of newsgathering, including, but not limited to, a crime scene, fire, train wreck, bombing, and plane crash.

43 RCNY § 16-01. An “event sponsored by the City of New York that is open to members of the press” is defined as:

² Trial was originally scheduled for June 17, 2025, but was adjourned on consent at respondent's request.

[A]n event that is organized by one or more agencies or offices of the City of New York that is available to more than one member of the press, including, but not limited to, a local press conference; provided, however, that such an event does not include a meeting of City employees or officials with individual members of the press or individuals engaged by a single newsgathering organization.

Id. Petitioner may deny an application for a press card where an applicant fails to meet the eligibility requirements or fails to complete all administrative requirements or instructions set forth in the application. 43 RCNY § 16-06(a)(ii)(B)-(C).

Petitioner's Evidence

Petitioner relied on documentary evidence. It presented a copy of respondent's press card application as contained within MOME's application review portal (the "application"), including a copy of respondent's identification and his photograph (Pet. Exs. 2-4). It also presented six photographs that respondent submitted in support of his application (Pet. Exs. 7a-7f). Respondent did not submit anything further in support of his application.

On March 6, 2025, petitioner determined that the four of respondent's photographs were ineligible under its rules because the contents of the photographs were not covered events per section 16-03(a) of petitioner's rules (Pet. Ex. 2). 43 RCNY § 16-03(a). The specific photographs deemed ineligible, described in more detail below, were titled "NYS State Senator Chan Swearing in Ceremony" (Pet. Ex. 7a), "Kevin Parker Campaign Kickoff" (Pet. Ex. 7b), "Press conference about Neighbor Assault Incident in Mill Basin With Zeeshan Aamar" (Pet. Ex. 7c), and "The Good Grief Experience by Oresa Napper-Williams #book Release Smash Studios 18th Floor 1/27/25 [sic]" (Pet. Ex. 7d). Petitioner deemed the two other photographs as eligible (Tr. 47; Pet. Exs. 2, 7e, 7f). Petitioner advised respondent that he could revise his application within five business days (Pet. Ex. 2).

However, respondent failed to revise his application, and on March 14, 2025, petitioner denied respondent's application on the basis that he failed to meet eligibility requirements and failed to complete all administrative requirements or instructions set forth in the application by submitting an incomplete application (Pet. Exs. 2, 5). The same day, respondent appealed petitioner's denial and requested a hearing at OATH (Pet. Ex. 6).

Respondent's Evidence

Respondent testified that the event depicted in the photograph “NYS State Senator Chan Swearing in Ceremony” was a covered event on the basis that the state senator represents a district in New York City and “hand delivers money to the city budgets via the state discretionary funding” (Tr. 27-28; Pet. Ex. 7a). Respondent also contended that other members of the press covered the event (Tr. 28). Respondent stated that Mr. Chan was a state elected official and not a member of the New York City Council or a head of a New York City Agency (Tr. 33). He further stated that the photograph did not depict an event sponsored by the City of New York or any police lines or physical barriers (Tr. 35-36).

Respondent also testified that the event depicted in the photograph “Kevin Parker Campaign Kickoff” was a covered event because Mr. Parker is a state senator who “delivers money to the city agency via discretionary funding,” and because the event depicted Mr. Parker kicking off his campaign for New York City Comptroller, which is a city position (Tr. 28-29, 39; Pet. Ex. 7b). Respondent stated that at the time the photograph was taken, Mr. Parker was not a city official (Tr. 39). Later in his testimony, after being shown the photograph that was submitted with his application, respondent admitted that he accidentally submitted this photograph, and it does not actually depict Mr. Parker’s campaign kickoff event (Tr. 44).

Respondent further testified that the event depicted in the photograph “Press conference about Neighbor Assault Incident in Mill Basin With Zeeshan Aamar” was a covered event because it was also covered by other members of the press (Tr. 29; Pet. Ex. 7c). He stated that the photograph did not depict any police or fire lines, or any restrictions, limitations, or barriers established by the City of New York (Tr. 45).

Respondent stated that it was a “gray area” whether the event depicted in the photograph “The Good Grief Experience by Oresa Napper-Williams #book Release Smash Studios 18th Floor 1/27/25” was a covered event, because while the event was hosted by an individual who “is well-known within the city council and the state,” it was not city sponsored (Tr. 29-30; Pet. Ex. 7d). He stated that purchasing tickets was required to attend the event (Tr. 46).

The Charge

Petitioner alleged that it correctly determined that respondent's application for a press card failed to meet the eligibility requirements for a press credential pursuant to section 16-06(a)(ii) of its rules. 43 RCNY §16-06(a)(ii).

Petitioner "has the burden of proving its case by a fair preponderance of the credible evidence" *Dep't of Correction v. Hall*, OATH Index No. 400/08 at 2 (Oct. 18, 2007), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 08-33-SA (May 30, 2008) (citation omitted). Preponderance has been defined as "the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence." *Prince, Richardson on Evidence* § 3-206 (Lexis 2008); *see also Dep't of Sanitation v. Figueroa*, OATH Index No. 940/10 at 11 (Apr. 26, 2010), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 11-47-A (July 12, 2011).³ In assessing credibility, this tribunal has considered factors such as: "witness demeanor, consistency of a witness' testimony, supporting or corroborating evidence, witness motivation, bias or prejudice, and the degree to which a witness' testimony comports with common sense and human experience." *Dep't of Sanitation v. Menzies*, OATH Index No. 678/98 at 2 (Feb. 5, 1998), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 98-101-A (Sept. 9, 1998). Here, I found respondent to be credible. He answered questions in a straightforward and truthful manner, and he admitted facts adverse to his case.

"NYS State Senator Chan Swearing in Ceremony"

This photograph depicts six people standing on a stage in front of a United States flag, a New York State flag, and City of New York flag, as well as a sign containing the words "New York State Senator T. Chan 17th District" and his photograph, among other information (Pet. Ex. 7a). From the title of the photograph, it can be inferred that the photograph depicts a state senator's swearing in ceremony. The photograph does not appear to depict, and the title of the photograph does not suggest, an "emergency, spot, or breaking news event[]." 43 RCNY § 16-03(a)(i). Respondent also admitted that the photograph was not covering a "public event[]" of a non-

³ Section 3-119.4(f) of the Code and MOME's rules proscribe a clear and convincing standard for the seizure, suspension, and revocation of press credentials, but not for denials of press card applications. Admin. Code § 3-119.4(c)-(f); 43 RCNY § 16-06.

emergency nature where police or fire lines, or other restrictions, limitations, or barriers . . . have been set up for security or crowd control purposes.” 43 RCNY § 16-03(a)(i).

Respondent conceded that Mr. Chan is a state senator and not a city official. Though Mr. Chan is a state senator for a district located in the City of New York and is involved in the state budgetary process, the photograph does not depict an event that was sponsored by the City of New York, as respondent contends. 43 RCNY § 16-03(a)(ii). Respondent also argued that the ceremony was a covered event because other media outlets covered it; however, whether other members of the press cover an event is irrelevant to whether an event is considered a covered event, under petitioner’s rules.

As such, petitioner proved by a fair preponderance of the credible evidence that the photograph “NYS State Senator Chan Swearing in Ceremony” does not depict a covered event per section 16-03(a) of petitioner’s rules. 43 RCNY § 16-03(a).

“Kevin Parker Campaign Kickoff”

This photograph depicts approximately 90 people sitting in an auditorium facing towards the camera (Pet. Ex. 7b). Some of the people in the auditorium are holding up their phones and appearing to film or take photographs of something off camera (*Id.*). At the back of the auditorium is an open door outside of which a person is standing facing away from the camera (*Id.*). Respondent admitted that he submitted this photograph erroneously under the title “Kevin Parker Campaign Kickoff” and the photograph did not actually depict Mr. Parker’s campaign kickoff for his bid for New York City comptroller. Nevertheless, the photograph does not appear to depict, “an emergency, spot, or breaking news event[]” as it does not capture “an incident or occurrence in a public place within the City of New York that was unplanned or unforeseen by an agency of the City of New York and is the subject of newsgathering.” 43 RCNY §§ 16-01, 16-03(a)(i). The photograph also does not appear to depict a “public event[] of a non-emergency nature where police or fire lines, or other restrictions, limitations, or barriers . . . have been set up for security or crowd control purposes.” 43 RCNY § 16-03(a)(i). Respondent did not provide any further details regarding what the photograph depicts, but there is no evidence that it is an “event[] sponsored by the City of New York.” 43 RCNY § 16-03(a)(ii).

As such, petitioner proved by a fair preponderance of the credible evidence that the photograph “Kevin Parker Campaign Kickoff” does not depict a covered event per section 16-03(a) of petitioner’s rules. 43 RCNY § 16-03(a).

“Press conference about Neighbor Assault Incident in Mill Basin With Zeeshan Aamar”

This photograph depicts nine people standing outside on the street in a predominantly residential neighborhood (Pet. Ex. 7c). One person is holding a microphone towards her mouth appearing to speak (*Id.*). From the title of the photograph, it can be inferred the photograph depicts a press conference held by Zeeshan Aamar regarding a neighborhood incident. The photograph does not appear to depict, and the title of the photograph does not suggest, “an emergency, spot, or breaking news event[.]” 43 RCNY § 16-03(a)(i). Respondent also admitted that the photograph was not covering a “public event[.] of a non-emergency nature where police or fire lines, or other restrictions, limitations, or barriers . . . have been set up for security or crowd control purposes.” 43 RCNY § 16-03(a)(i). The photograph also does not depict an event that was sponsored by the City of New York. 43 RCNY § 16-03(a)(ii).

Respondent’s argument that this was a covered event because other media outlets covered it fails again because whether other members of the press cover an event is irrelevant to whether an event is considered a covered event, under petitioner’s rules.

As such, petitioner proved by a fair preponderance of the credible evidence that the photograph “Press conference about Neighbor Assault Incident in Mill Basin With Zeeshan Aamar” does not depict a covered event per section 16-03(a) of petitioner’s rules. 43 RCNY § 16-03(a).

“The Good Grief Experience by Oresa Napper-Williams #book Release Smash Studios 18th Floor 1/27/25”

The photograph depicts a man standing behind a microphone, appearing to be speaking or singing, with two people seated to his left, in a darkened room (Pet. Ex. 7d). The photograph does not appear to depict, and the title of the photograph does not suggest, “an emergency, spot, or breaking news event[.]” 43 RCNY § 16-03(a)(i). Nor does it depict a “public event[.] of a non-emergency nature where police or fire lines, or other restrictions, limitations, or barriers . . . have been set up for security or crowd control purposes.” 43 RCNY § 16-03(a)(i). Respondent conceded that the event was not city sponsored. 43 RCNY § 16-03(a)(ii).

As such, petitioner proved by a fair preponderance of the credible evidence that the photograph “The Good Grief Experience by Oresa Napper-Williams #book Release Smash Studios 18th Floor 1/27/25” does not depict a covered event per section 16-03(a) of petitioner’s rules. 43 RCNY § 16-03(a).

ORDER

The relief sought under the petition is granted. Based on the above, petitioner proved by a fair preponderance of the credible evidence that it correctly found that respondent failed to meet the eligibility requirements for a press credential pursuant to 43 RCNY section 16-06(a)(ii). Petitioner’s denial of respondent’s application is affirmed. Pursuant to section 3-119.4(g) of the Code (“Press Credentials”), “. . . the decisions of the office of administrative trials and hearings shall constitute final determinations.”

Christine Stecura
Administrative Law Judge

September 18, 2025

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