



# Annual Report

2018

**New York City**  
Conflicts of Interest Board

Carolyn Lisa Miller, Executive Director



## THE NEW YORK CITY CONFLICTS OF INTEREST BOARD

### 2018 ANNUAL REPORT

#### Board Members 2018

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The Board's full complement is five members. Appointed by the Mayor with the advice and consent of the City Council, each member serves a six-year term and is eligible for reappointment to one additional six-year term (City Charter Sections 2602(a) and (c)). Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards" (City Charter Section 2602(b)).

#### Members

Richard Briffault	Joseph P. Chamberlain Professor of Legislation at Columbia Law School, appointed to the Board in March 2014 and serves as its Chair.
Fernando A. Bohorquez Jr.	Partner at BakerHostetler, appointed to the Board in March 2014.
Anthony Crowell	Dean and President of New York Law School, appointed to the Board in April 2013.
Jeffrey D. Friedlander	Former First Assistant Corporation Counsel, NYC Law Department, appointed to the Board in April 2017.
Erika Thomas	Counsel at BakerHostetler, appointed to the Board in March 2012.



# Introduction

This Annual Report summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board during 2018.

The New York City Conflicts of Interest Board (“COIB” or “the Board”) has four broad responsibilities:

1. Educating the more than 300,000 current public servants of the City of New York about the requirements of Chapter 68;
2. Interpreting Chapter 68 and the Lobbyist Gift Law, contained in Sections 3-224 through 3-228 of the New York City Administrative Code, through issuing formal advisory opinions, promulgating rules, and responding to requests for advice, both formal and informal, from current and former public servants and lobbyists;
3. Prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and
4. Administering and enforcing the City's Annual Disclosure Law, contained in Section 12-110 of the New York City Administrative Code.

This Report reviews the Board's accomplishments during 2018, as summarized in [Exhibit 1 to this Report](#), under each of the following headings: (1) [Education and Engagement](#); (2) [Legal Advice](#); (3) [Enforcement](#); (4) [Annual Disclosure](#); (5) [Administration and Information Technology](#); (6) [Proposed Amendments to Chapter 68](#); and (7) [Exhibits and Appendices](#).

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# Education & Engagement

## UNIT OVERVIEW

The Board's six-person Education & Engagement Unit carries out the mandate of Section 2603(b)(1) of the Conflicts of Interest Law that the Board

*shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter.*

That responsibility was greatly magnified by the 2010 Charter amendment, now embodied in Section 2603(b)(2)(b), that "each public servant *shall undergo training* provided by the board in the provisions of this chapter" (emphasis added).

## OVERALL APPROACH

Public servants may not need to memorize every detail of the Conflicts of Interest Law, but they do need to know enough to be able to spot issues as they arise, and they need to know who to turn to for answers. Effective education should achieve three goals:

1. Make public servants aware of the basic bright-line compliance standards.
2. Help public servants develop a "field awareness" of conflicts of interest, so they can spot issues early.
3. Cultivate positive relationships with public servants, so that they feel encouraged to seek guidance from the Board when questions arise.

To these ends, the Education & Engagement Unit works on three primary fronts:

1. **Onboarding** – New employees are introduced to the Board and the Conflicts of Interest Law soon after being hired. This is a short session, usually as a part of a larger "new hire orientation" undertaken by the appointing agency.
2. **Biennial "Deep Dive"** – Once every two years employees must undergo comprehensive, interactive training on the Conflicts of Interest Law. For most of the Board's 28-year history, this training has

## Education & Engagement

taken the form of live classes, delivered by the Unit’s celebrated training professionals. The Board is currently increasing its reach by adding eLearning to the tools it uses to provide in-depth Chapter 68 education.

**3. Micro-Learning & Engagement** – Between onboarding and mandatory training sessions, the Education & Engagement Unit puts its writing, graphic design, filmmaking, and social media skills to work on bite-sized ethics messaging campaigns across a wide variety of platforms, including video, online, social media, print, pop-up booths in public parks, and other hosted events.

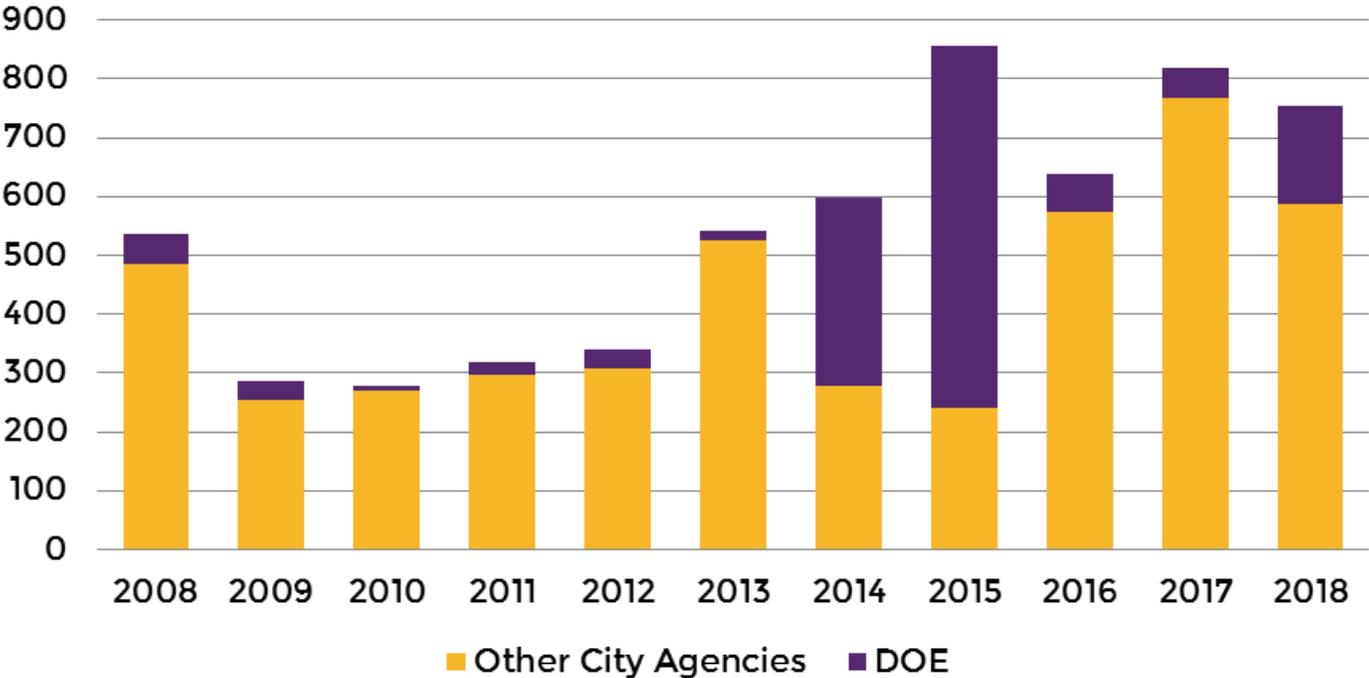
### CLASSES



In 2018, the Unit conducted 755 classes, as reflected in [Exhibit 2](#). Classes were presented at 51 City agencies and offices, reaching approximately 30,396 City employees.

The Board’s classes are interactive and engaging, explaining the basis and requirements of the law in plain language and informing public servants how they can get answers regarding their specific situations. The classes, often tailored to the specific agency or specific employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and quite enthusiastic.

### Classes Taught



In addition to these sessions, the Unit, together with the Board's attorneys, conducted 19 Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State, in various formats and at many agencies. The Unit also continued to work with DCAS to offer Citywide CLE classes in Chapter 68, both general and specialized, at the DCAS Citywide Training Center.

## ONLINE TRAINING

2018 marked the first full year of deployment the Board's eLearning Course to a large number of City employees on the DCAS Citywide Learning Management System (LMS). Course copy, as well as quizzes, video, and voiceover talent were all supplied by the Education & Engagement Unit. Through this system, agencies designate groups of employees for eLearning. Those targeted groups are enrolled into the LMS by DCAS and given a specific window in which to complete the Course. Completion can be tracked by each participating agency, DCAS, and the Board. The course was deployed to 9 City agencies in 2018, reaching a total of 10,684 public servants.

## SOCIAL MEDIA & VIDEO

The Education & Engagement Unit's philosophy on video and social media is simple: ethics messages exist in a hyper-competitive marketplace of ideas. In order to compete effectively, the Board's message needs to be delivered with a compelling novelty that adds value to the experience. Novelty comes in the form of the ethics content: a commercial parody, a music video, or a twitter survey with a surprise punchline. The value for the viewers is the laughter they get from watching the video; the value the Board gets is viewers sharing and reacting to this educational content and asking follow-up questions. This approach has yielded great dividends for the Board's Twitter feed ([@NYCCOIB](https://twitter.com/NYCCOIB)). In 2018, COIB Twitter posts were viewed over 3.5 million times, and users actively engaged with the account - by commenting, sharing, or opening web and multimedia links - a total of 212,788 times. The average engagement rate for the Board's Twitter feed continues to far exceed the average engagement rates of other government Twitter feeds.



In 2018, the Education & Engagement Unit expanded its video production in many ways: it created more videos; it created a greater variety of videos; and it expanded the reach of those videos on social media and elsewhere. Video projects included traditional character-based sketches, music videos, several conceptual parodies, and a video introducing new filers to the Annual Disclosure Unit. In all, the Unit created, produced, and released 12 videos in 2018, not including the regular work it does documenting the Board's open meetings and public hearings.

In 2018, the Education & Engagement Unit entered into an agreement with NYXT TV, a division of Manhattan Neighborhood Network, which specializes in airing short-form

community engagement videos. COIB videos can now be viewed on the NYXT TV website and in regular rotation on its cable channel. In 2018, the Unit continued to develop audiences on its [Facebook](#) and [Instagram](#) accounts with daily updates and cross-posting. These accounts continue to attract new followers.

## WEBSITE & PUBLICATIONS

The Board's [website](#) is designed to serve several core users: those seeking information on complying with the law, those seeking information on filing an annual disclosure report, and members of the public and press interested in the Board's publicly available documents. It includes frequently asked questions (FAQs), legal publications, and plain language guides. Education & Engagement Unit staffers maintain the website, keeping pages uncluttered and prioritizing usability for core users.

Education & Engagement Unit staff continued to write materials on Chapter 68 for publication, including monthly columns featured in the Board's digital newsletter, *The Ethical Times*. Several City agencies distribute the newsletter to their entire staff.

The Board's ethics contest, the [Public Service Puzzler](#), continued in 2018. Each month, the Education & Engagement Unit emails the Puzzler to City employees on the Board's distribution list, inviting them to compete for Board-related prizes and a mention in [The Ethical Times](#). Contests have included crosswords, competitions for best pun or best cartoon caption, and word scrambles.<sup>1</sup>

Education & Engagement Specialists have also created a series of infographics for use in the Board's printed and web materials, as well as on social media.

## SEMINAR

The Board held the Twenty-fourth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 24, 2018. Approximately 250 public servants attended, representing 50 City agencies. The Oliensis Award for Ethics in City Government was presented to Sharmila Rampersaud of the Department of Parks and Recreation. The Board welcomes nominations for the Oliensis Award and the Pierpoint Award for Outstanding Service to the Board, to be conferred at its Twenty-fifth Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School in on May 23, 2019. The Board thanks New York Law School for its support and generosity in making the Seminar such a resounding success.

## SPECIAL PROJECTS

The Education & Engagement Unit occasionally organizes events meant to foster better relations with key stakeholders. These informal discussions give the Board a chance to educate stakeholders on key legal issues, to clear up common misunderstandings, and most importantly create goodwill. In 2018 it organized a "Donut Summit" between select senior Board staff and local beat reporters. It also organized, with the Legal Advice Unit, a "Cookies & Conversation" afternoon session with agency ethics liaisons.

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<sup>1</sup>To subscribe to the Board's newsletter and monthly ethics contest, please [complete the web form](#).

## Chapter 9 Training

Chapter 9 of Title 3 of the NYC Administrative Code was enacted in 2016 to regulate and make available for public inspection donations to and expenditures by City-affiliated not-for-profits, particularly with respect to expenditures on “elected official communications.” The Board is charged with interpreting and enforcing this new law. In 2018, the Education & Engagement Unit worked with the Legal Advice Unit to create and deliver a series of training sessions for representatives of organizations which fall under Chapter 9’s aegis. In total, five presentations were given.

### Government Ethics Associations and International Visitors

In 2018, Education & Engagement Director Alex Kipp, Annual Disclosure Director and Special Counsel Julia Lee, and Advice Counsel Clare Wiseman attended the annual conference of the Council on Governmental Ethics Laws (COGEL), the premier government ethics organization in North America. COGEL conferences have provided Board staff opportunities to network with hundreds of good government professionals, discuss emerging problems, and brainstorm on solutions. Mr. Kipp moderated a panel discussion on the intersection of compliance outreach and behavioral economics, which featured Senior Education & Engagement Specialist Rob Casimir as a panelist. With Education & Engagement Specialists Dan Iwrey and Roy Koshy, Mr. Kipp co-presented an “Improv for COGEL Professionals” workshop. Mr. Kipp also ran his own workshop, “Leave ‘em Wanting More: Driving Engagement with Creative Content,” a continuation of the successful session he has run for the last two COGEL conferences. Additionally, Mr. Kipp represented the Board at COGEL’s tech trade show, where he featured the Board’s recent video creations. Mr. Kipp also served on COGEL’s 2018 Programming Committee.

The Board receives numerous requests from municipalities, states, and foreign countries to assist them in developing and improving their ethics laws. Board staff respond to those requests, whenever possible, by e-mail, although occasionally in person. In 2018, Executive Director Carolyn Lisa Miller and Director of Education & Engagement Alex Kipp met with visiting officials from South Africa’s Gauteng Province and an anti-corruption delegation from Russia.

## CONCLUSION

The Board has consistently expanded its outreach with new materials and technologies while maintaining the high level of quality and authenticity people have come to expect from its work in the classroom. For that, and for all of the work undertaken by the Education & Engagement Unit, the Board thanks its hard-working and creative staff: Director of Education & Engagement Alex Kipp, Senior Education & Engagement Specialist Rob Casimir, and Education & Engagement Specialists Dan Iwrey, Gavin Kendall, Roy Koshy, and Isaiah Tanenbaum.

# Legal Advice

## UNIT OVERVIEW

The Legal Advice Unit oversees the Board's responsibility under City Charter Section 2603(c)(1) and City Administrative Code Section 3-904 to

*render advisory opinions with respect to the matters covered by [Chapter 68 of the City Charter and Chapter 9 of Title 3 of the New York City Administrative Code ("Chapter 9")] on the request of a public servant or a supervisory official of a public servant.*

Complying with formal advice obtained from the Board affords public servants a safe harbor against future enforcement action: Section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action

*shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.*

Each year, the Board receives and responds to hundreds of requests for formal written advice and thousands of requests for informal (telephone and email) advice. [Exhibits 3 and 4](#) summarize the Unit's work in 2018 and prior years.

## REQUESTS FOR ADVICE

In 2018 the Board received 696 formal written requests for advice. Recognizing that delayed advice is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in [Exhibit 3](#), in 2018 the Board's median response time to formal written requests for advice was 29 days.

As shown in [Exhibit 4](#), in 2018 the Board responded in writing to 651 requests for its advice, consisting of 63 Board letters and orders reflecting Board action,<sup>1</sup> 120 staff advice letters, 472 waiver letters signed by the Chair on behalf of the Board, and 1 formal advisory opinion.<sup>2</sup> These 651 formal responses was the Board's second highest annual total in

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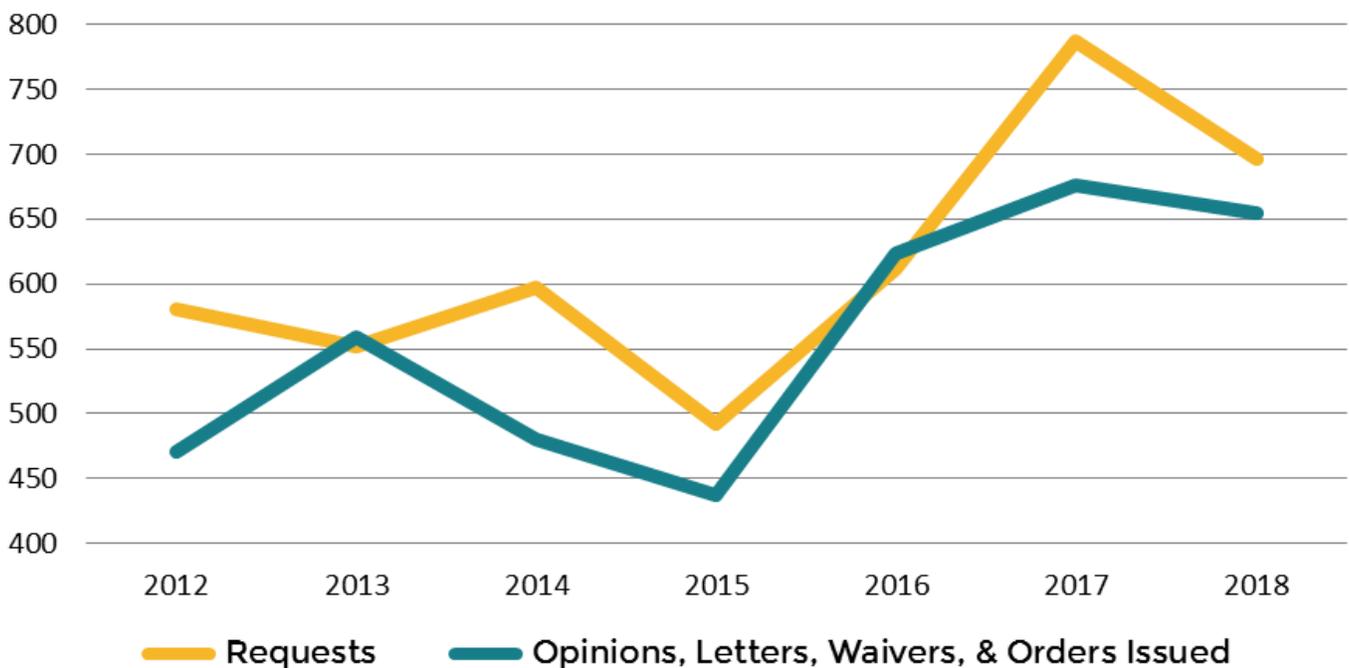
<sup>1</sup>The 63 Board letters and orders reported here and in [Exhibit 4](#) include four Board orders imposing penalties in enforcement proceedings after full trials at the New York City Office of Administrative Trials and Hearings.

the Board’s twenty-eight-year history. At year’s end the number of pending advice requests awaiting written response was 103, one of the lowest totals in recent years.

In 2018 the Unit also answered 4,502 informal requests for advice by email and telephone, the second highest annual total on record. Informal advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board’s highest priorities. Such calls and emails, however, consume an enormous amount of staff time, often hours a day, and therefore limit attorney time available for handling other matters.

The Board continues to distribute its formal advisory opinions to public servants and the public. The Board has developed a substantial e-mail distribution list, so that new advisory opinions, enforcement dispositions, and other important Board documents are e-mailed to a large network of people, including the legal staffs of all City agencies.<sup>3</sup> Working in cooperation with New York Law School’s Center for New York City Law, the

## Formal Advice



<sup>2</sup>Under Section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action “otherwise prohibited” by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action “would not be in conflict with the purposes and interests of the city.” As authorized by City Charter Section 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

<sup>3</sup>Anyone who wishes to be added to the Board’s distribution list can complete the “[Receive E-mails from COIB](#)” form on the Contact page of the Board’s website ([nyc.gov/ethics](http://nyc.gov/ethics)).

Board makes its advisory opinions available online, free of charge, in full-text searchable form ([CityAdmin.org](http://CityAdmin.org)). Indices to all of the Board's public advisory opinions since 1990 begin on [page 58](#) of this Report.

## RULEMAKING

In 2018, the Board completed the rulemaking process required by the City Administrative Procedure Act to implement Chapter 9. The Legal Advice Unit devoted substantial time and energy in drafting Board Rules and Commentary, consulting with the New York City Law Department, and advising the Board. The Legal Advice Unit, in conjunction with the Board's IT Director Derick Yu, also worked to develop a web-based portal for the regulated organizations to report the information required by Chapter 9 for the public to access such organizations' reported donations.

By Local Law 177 of 2018, the City Council amended Charter Section 2603(c)(4) to require that the Board promulgate rules pursuant to CAPA to codify any advisory opinion that has "interpretive value in construing the provisions of this chapter and which either (a) establishes a test, standard or criterion; or (b) is anticipated by the board to be the subject of future advisory opinion requests from multiple persons." In compliance with new Charter Section 2603(c)(4), and at the direction of the Board, the Legal Advice Unit began the enormous task of reviewing the 250 advisory opinions the Board has issued over its 28-year history and drafting new rules to codify advisory opinions. In 2018, the Board formally initiated rulemakings, holding open meetings and public hearings, defining entities that are not "firms" for the purposes of Charter Section 2601(11), defining "business or financial relationship" for the purposes of Charter Section 2604(b)(14), creating a new Chapter 4 for the Board's annual disclosure rules, and creating a procedure whereby agency heads may designate public servants to perform work on behalf of not-for-profit organizations and, with the approval of the Board, participate in such organizations' business dealings with the City. As a result of amended Charter Section 2603(c)(4), rulemaking will remain a major focus of the Board and its Staff over the next several years.

## ADVISORY OPINIONS

The sole advisory opinion issued by the Board in 2018 was:

### **Advisory Opinion No. 2018-1: Compensation for Overbooked Flights**

A public servant may not accept compensation from an airline for the voluntary or involuntary surrender of a seat on a flight paid for with City funds for the public servant's personal use. Regardless of whether a public servant has voluntarily surrendered a seat or been involuntarily denied boarding on a flight taken for City travel, the public servant must (1) request the overbooked flight compensation offered be issued in a form transferable to the City and (2) transfer such compensation to the City. In the unusual circumstance that overbooked flight compensation arising from City travel is not easily transferable to the City, the Board leaves to the discretion of individual City agencies how best to dispose of such non-transferable compensation.

In the case of either voluntary surrender or involuntary denial of boarding, a public servant may accept and use vouchers offered by an airline for food, accommodations, and ground transportation in connection with his or her delayed City travel, provided that the public servant does not use his or her City position to obtain greater compensation from the airline.

## CONCLUSION

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to General Counsel Ethan A. Carrier and the superb Legal Advice staff: Deputy General Counsel Christopher M. Hammer; Assistant Counsels Amber Gonzalez, Chad H. Gholizadeh, and Clare Wiseman; and Paralegals Hannah Reisinger and Summer Payton.

# Enforcement

## UNIT OVERVIEW

A vigorous enforcement program is at the heart of the Board's efforts to preserve and promote public confidence in City government, protect the integrity of government decision-making, and enhance government efficiency.

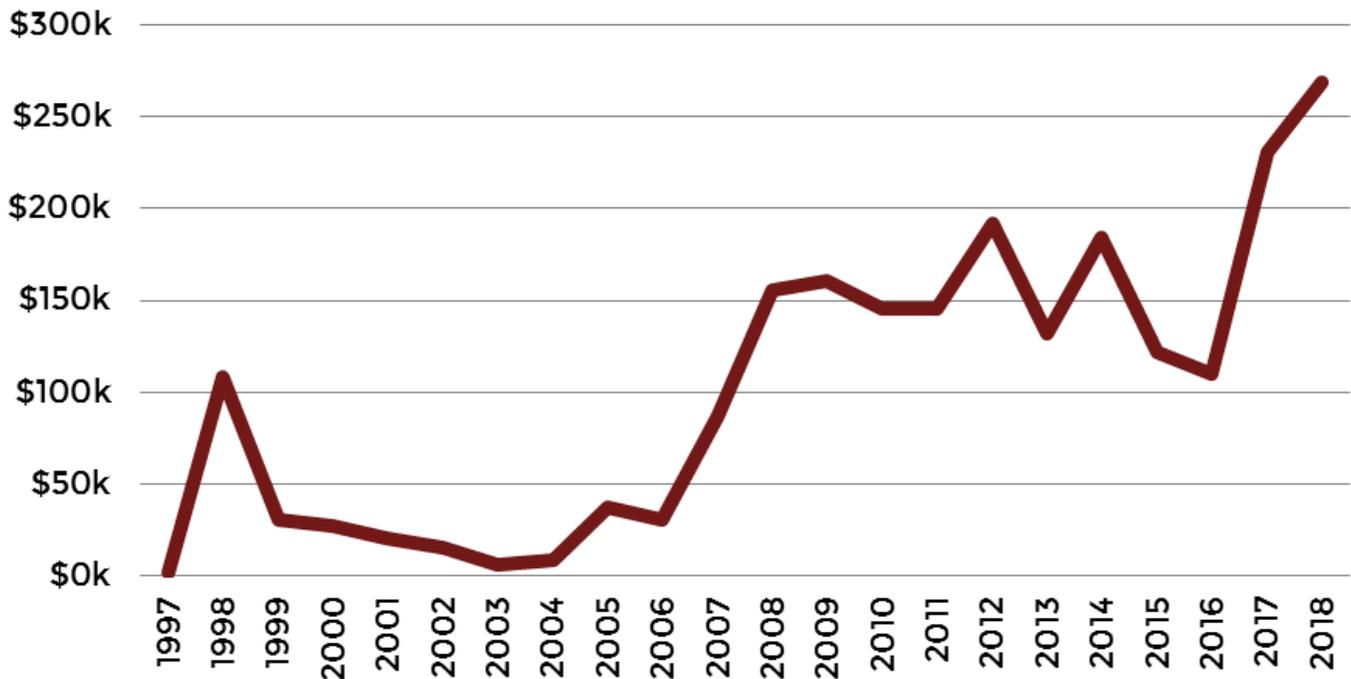
Public servants at all levels violate the City's conflicts of interest law, either intentionally or inadvertently. Board enforcement actions send a clear message that Conflicts of Interest Law violators will be held accountable, while also educating other public servants regarding conduct they should avoid.

The Board's enforcement powers include the authority to receive complaints, direct the New York City Department of Investigation ("DOI") to investigate matters within the Board's jurisdiction, create a public record of Conflicts of Interest Law violations, impose fines on violators, and order disgorgement of improper gains resulting from violations. The Unit reviews complaints of possible violations of the Conflicts of Interest Law, initiates investigations conducted by DOI, brings civil charges in administrative proceedings for violations of the law, and negotiates settlements on the Board's behalf.

In 2018, under the leadership of Director Michele Weinstat, the Enforcement Unit's accomplishments include:

- The Board made 97 public findings of violations, including 92 dispositions imposing a fine and five public warning letters. The 92 dispositions imposing fines include 88 settlements and four cases in which the Board issued Findings of Fact, Conclusions of Law, and an Order, following a hearing before the New York City Office of Administrative Trials and Hearings ("OATH").
- The Board's number of public dispositions imposing fines in 2018 is 16% higher than the number in 2017 and the Board's highest yearly number of dispositions imposing fines since 2009.
- The Board imposed a total of \$268,942 in fines on violators. (Although this sum includes four as-yet-uncollected fines that were imposed in 2018 through Board Orders after trials at OATH, Board settlements are only executed by the Board and announced to the public *after* agreed-upon fines are paid to the Board in full.)

## Fines Imposed



- The Board collected a total of \$218,902 in fines in 2018, a 118% increase over the annual amount of fines paid in 2017 and the highest annual total in the history of the Board.
- The Board's joint settlements with agencies resulted in additional agency fines, forfeiture of annual leave, and suspensions valued at \$97,305.

Detailed data about the Board's enforcement activity from 2008 through 2018 can be found in [Exhibit 5](#). A description of every enforcement action resolved in 2018 can be found in [Exhibit 7](#).

The Board's penalties and public findings alone do not fully reflect the benefits to the City that grow out of a strong enforcement program. Those benefits include:

- Time and cost savings to the City when investigations by DOI and enforcement actions by the Board put a stop to, or deter, the waste of City resources by City employees who abuse City time and resources for their own gain.
- Public servants in an enforcement-educated workforce face a reduced risk of coercion and unfairness resulting from conduct such as misuse of position by superiors, superiors entering into financial relationships with subordinates, and improper hiring of close family members and business associates.
- Private citizens enjoy a better quality of life when public servants are deterred from expecting or requesting tips, gifts, or additional compensation above their City salaries for performing their duties, and when public servants are deterred from using City resources such as City parking placards to give them special privileges when they are off duty.

A vital component of the Board's enforcement program is carried out by DOI. The City Charter provides for investigations of possible violations of the Conflicts of Interest Law by DOI and also requires DOI to report the results of all its investigations involving violations of the Conflicts of Interest Law to the Board so that the Board may determine whether a violation has occurred. Consistent with these dual mandates, in 2018, the Board referred 76 cases to DOI for investigation, and DOI provided the Board with 149 investigative reports, as reflected in [Exhibit 5](#).

The Board also relies on the public, City employees and officials, and the media to bring possible violations to the Board's attention. Anyone with information about a possible violation of Chapter 68 is encouraged to [report violations](#) on the Board's website.

## SIGNIFICANT SETTLEMENTS

In 2018, the Board forged inroads into areas in which the public may have previously believed that "this is just the way things are done." The Board confronted the use of City time and resources by high-level City officials for political campaigns and the use of City vehicles beyond their authorized City purpose. In matters involving high-level officials, the Board is cognizant of the significant impact on public confidence in the integrity of government that comes from a failure to adhere to the City's Conflicts of Interest Law.

### **Kings County District Attorney and KCDA Staff**

In 2018, the Board addressed the conflicts of interest law violations of an incumbent candidate for elected office and his high-level staff. Brooklyn District Attorney Charles "Joe" Hynes and many of his staff converted their City office into a veritable campaign outpost for Hynes's reelection campaign.

The now-former (and since-deceased) District Attorney paid a \$40,000 fine for, from May 2012 through November 5, 2013, using his Kings County District Attorney's Office ("KCDA") email account and his KCDA computer to exchange over 5,000 mails related to his 2013 reelection campaign (the "Campaign") with Campaign managers, political consultants, friends, fundraisers, donors, a New York State Supreme Court judge, political allies, his KCDA subordinates, and others. The District Attorney's improper emails included communications regarding Campaign staffing, Campaign press releases, Campaign strategy, Campaign fundraising, Campaign endorsements, Campaign news, Campaign debate preparation, Campaign event planning, and Campaign work to be performed by his KCDA staff. The former District Attorney admitted that he used his KCDA computer, KCDA email, and KCDA personnel to perform work for the Campaign and that he knowingly caused his KCDA subordinates to use KCDA time and KCDA resources for the Campaign.<sup>1</sup>

Ten of the former District Attorney's mostly-senior staff also paid a total of \$40,999 in fines to the Board for their misuse of City time and City resources for the Campaign.<sup>2</sup>

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<sup>1</sup> *COIB v. Hynes*, COIB Case No. 2013-771 (2018).

## Commissioner of New York City Department of Correction and DOC Staff

In 2018, the Board imposed substantial penalties on the now-former Commissioner of the New York City Department of Correction (“DOC”) for misusing his City vehicle. The now-former Commissioner paid an \$18,500 fine for, in 2016, using his assigned DOC “take-home” vehicle to take 17 personal trips to Maine, 6 personal trips to Massachusetts, 6 personal trips to New Jersey, and 1 personal trip to Niagara Falls; using a DOC-issued gas card to buy \$1,043 worth of gas for his out-of-state personal trips; and using a DOC-issued E-ZPass to pay \$746.56 worth of tolls incurred on his personal trips. In determining that the \$18,500 fine was an appropriate penalty for the now-former Commissioner, the Board took into account the accountability required by his high-level position as Commissioner, that the now-former Commissioner represented that he retired from DOC in part because of this conduct, and that he reimbursed DOC for the gas card and E-ZPass charges incurred.<sup>3</sup>

In 2018, five of the Commissioner’s senior staff paid a total of \$12,250 in fines to the Board, also for their misuse of their DOC take-home vehicles for unauthorized personal purposes.<sup>4</sup> (In 2017, the Board fined nine high-level DOC officials, including the current DOC Commissioner, for their misuse of their take-home DOC vehicles.)

### Three-Way Settlements

The Enforcement Unit continues to coordinate with disciplinary counsel at City agencies in cases where Board action overlaps with agency disciplinary charges. Through the so-called “referral back” process, by which the Board refers an alleged violation of the Conflicts of Interest Law to an agency if related disciplinary charges are pending at the agency (City Charter Section 2603(e)(2)(d)), the Board resolved Chapter 68 violations simultaneously with the related disciplinary charges. Settlements reached in conjunc-

<sup>2</sup>*COIB v. Schmetterer*, COIB Case No. 2013-771d (2018) (fining a now-former KCDA Public Information Officer \$6,000); *COIB v. Feinstein*, COIB Case No. 2013-771b (2018) (fining a now-former KCDA Chief Assistant District Attorney \$4,500); *COIB v. Amoroso*, COIB Case No. 2013-771a (2018) (fining a now-former KCDA Deputy District Attorney \$4,500); *COIB v. White*, COIB Case No. 2013-771f (2018) (fining a now-former KCDA Community Liaison \$4,000); *COIB v. Zmijewski*, COIB Case No. 2013-771g (2018) (fining a now-former KCDA Principal Administrative Associate \$3,000); *COIB v. Swern*, COIB Case No. 2013-771e (2018) (fining a now-former First Assistant District Attorney \$2,000); *COIB v. Vecchione*, COIB Case No. 2013-771n (2018) (fining a now-former KCDA Chief Assistant District Attorney and Chief of the KCDA Rackets Division \$1,000); *COIB v. Ogiste*, COIB Case No. 2013-771c (2018) (fining an Assistant District Attorney, formerly serving as Counsel to the Kings County District Attorney, \$1,000); *COIB v. Flidner*, COIB Case No. 2013-771m (2018) (fining a now-former KCDA Executive Assistant District Attorney \$800); *COIB v. Hughes*, COIB Case No. 2013-771o (2018) (fining a now-former Confidential Assistant District Attorney in charge of the KCDA Crime Prevention Division \$600).

<sup>3</sup>*COIB v. Ponte*, COIB Case No. 2017-156 (2018).

<sup>4</sup>*COIB v. Gumusdere*, COIB Case No. 2017-156e (2018) (fining DOC Chief of Security \$4,000); *COIB v. Matthews*, COIB Case No. 2017-156t (2018) (in a joint resolution with the Board and DOC, a DOC Deputy Warden in Command paying a \$1,500 fine to the Board, which fine took into account that the Deputy Warden had already forfeited 7 days of annual leave to DOC, valued at \$7,916, and reimbursed DOC \$104.32 for mileage incurred); *COIB v. Farrell*, COIB Case No. 2017-156g (2018) (in a joint resolution with the Board and DOC, a DOC Deputy Commissioner paying a \$2,250 fine to the Board, forfeiting five days of annual leave, valued at \$3,756, and reimbursing \$1,381.97 to DOC for mileage incurred); *COIB v. Augustus*, COIB Case No. 2017-156h (2018) (fining a now-former DOC Assistant Chief \$4,000); *COIB v. H. Smith*, COIB Case No. 2017-156r (2018) (fining a DOC Warden \$500).

tion with City agencies result in penalties including loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation.

In one such case, a New York City Department of Health and Mental Hygiene (“DOHMH”)-Office of Chief Medical Examiner (“OCME”) Borough Supervisor of the Staten Island Morgue also worked on the side as a funeral home director. On 45 occasions, the Borough Supervisor picked up bodies from the Staten Island Morgue in his private capacity as a funeral director, which required him to engage in an in-depth check-out process with an OCME Mortuary Technician. On two of those occasions, he performed this work while on the clock at his OCME job. The City’s conflicts of interest law prohibits City employees from appearing for compensation on behalf of private interests before any City agency and from performing work for their private businesses during their City work hours. In a three-way settlement with the Board and DOHMH, the Borough Supervisor agreed to serve a ten-workday suspension, valued at approximately \$2,037, and pay a \$4,000 fine – \$3,000 to DOHMH-OCME and \$1,000 to the Board.<sup>5</sup>

In some cases, public servants who are the subject of a Board enforcement matter sign a confidentiality release to permit the Board attorney to discuss with the employing agency the possibility of participating in the Board’s disposition in order to avoid any potential agency disciplinary charges in addition to their Board penalty. In one such three-way settlement, a DOE Principal paid a \$10,000 fine for using his City position in multiple ways to benefit his domestic partner. The Principal’s high school maintained a close relationship with a local college. The Principal’s domestic partner was a student at that same college, studying for a Master of Social Work. To complete the program, the Principal’s domestic partner needed to log 1,200 hours of supervised internship work. In order to help his domestic partner complete this requirement, the Principal approved his domestic partner’s placement for a social work internship at the Principal’s school; assigned his subordinate to directly supervise his domestic partner; indirectly supervised his domestic partner himself; attempted to convince the college to extend his domestic partner’s internship at the Principal’s school beyond its normal termination date; and, when he could not get the college to extend his domestic partner’s internship at his own school, demanded that the college place his domestic partner at a different DOE school, this time insinuating in a manner the college viewed as a threat, that, if his domestic partner were not placed at the school, the Principal would no longer recommend the college to his DOE students.<sup>6</sup>

### Settlements with Former City Employees

The Board’s authority to prosecute public servants for violations that occurred while they were public servants continues even after they leave City service. For example, a now-former Senior Vice President and Chief Information Officer at New York City Health + Hospitals oversaw a \$300 million Health + Hospitals contract with Epic Systems Corporation, a provider of electronic medical records software applications. Only individuals who were certified by Epic could provide in-house support to medical facilities that use Epic’s software. The now-former Senior Vice President’s live-in partner (a non-

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<sup>5</sup> *COIB v. Tucker*, COIB Case No. 2014-652 (2018).

<sup>6</sup> *COIB v. Canale*, COIB Case No. 2017-033 (2018).

City employee) wanted to obtain such a certification from Epic. The now-former Senior Vice President misused his high-level position in the following ways: he requested that Epic schedule certification training for his live-in partner at Epic's Wisconsin campus on the same dates as his own training; arranged for his live-in partner to have office space and a computer terminal at Health + Hospitals Manhattan headquarters so she could work on projects required prior to taking the Epic certification exams; allowed his live-in partner to use the Health + Hospitals office and computer on multiple occasions for this purpose; directed two of his Health + Hospitals subordinates to assist with obtaining Health + Hospitals credentials and identification that would allow his live-in partner to access the Health + Hospitals office; and directed a consultant who was retained to assist Health + Hospitals employees with Epic training to provide guidance and assistance to his live-in partner. The now-former Senior Vice President paid a \$9,000 fine to the Board.<sup>7</sup>

In addition, the Board prosecutes cases against former public servants for violations that occur after they leave City service. In 2018, the Board brought multiple enforcement actions against former public servants for violating the City Charter's post-employment provisions, which prohibit former public servants from communicating for compensation with their former City agencies within one year of leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not otherwise available to the public. In one such case, after leaving his position with the Mayor's Office of Technology and Innovation, a former Project Manager founded a not-for-profit organization that offers professional training. On eight occasions within his first post-employment year, and despite having received advice from the Board warning him not to do so, the former Project Manager communicated with Mayor's Office employees seeking business for his not-for-profit organization. These prohibited communications with Mayor's Office employees included emails and telephone calls in which he provided information regarding the training programs offered by his not-for-profit, proposed specific training programs for Mayor's Office staff, and attempted to set up meetings with the Mayor's Office regarding his training programs. The Project Manager paid an \$8,000 fine, which took into account that the former Project Manager disregarded Board advice.<sup>8</sup>

## Adjudicated Cases

The vast majority of enforcement actions are resolved by negotiated settlements. However, if a settlement is not possible, the Enforcement Unit will proceed expeditiously to a hearing; in 2018, the Board issued Findings of Facts, Conclusions of Law, and an Order in four cases following full trials at OATH.

1. The Board fined a now-former Translator for the New York City Department of Education ("DOE") for using 471 hours of City time (the equivalent of almost 70 workdays) when he worked as a language instructor for the French Institute Alliance Française (the "French Institute"), a firm that does business with the City, at times when he was clocked in at DOE. In determining \$20,000 to be the appropriate penalty, the Board

<sup>7</sup> *COIB v. Robles*, COIB Case No. 2016-646 (2018).

<sup>8</sup> *COIB v. Seliger*, COIB Case No. 2016-757 (2018).

took into account the extent of the Translator’s misuse of City time and his failure to take any responsibility for his actions.<sup>9</sup>

2. A DOE Payroll Secretary at a Bronx middle school was responsible for administering a school checking account used to collect student dues and pay for school activities such as school dances and trips. Instead, the Payroll Secretary stole \$2,040 from this account by forging the Principal’s signature on three checks and cashing them. The Board ordered him to pay a \$10,000 fine, plus repay the \$2,040 he stole.<sup>10</sup>
3. A now-former paraprofessional for the DOE served as his school’s Technology Coordinator. In that role he was entrusted to safeguard a pool of MacBook Air laptops meant for staff use. Forgoing the inventory system he was charged to maintain, he removed the DOE asset tags and other identifying information from two of the laptops and took them home for his own personal use, with no intention of returning them. The paraprofessional only returned the laptops when his theft was uncovered by the school some eighteen months later. The Board fined him \$6,000.<sup>11</sup>
4. A now-former attorney for the New York City Taxi and Limousine Commission (“TLC”) had a car accident with a TLC-licensed taxi driver. At the scene of the accident, the now-former attorney revealed to the TLC driver that she was a TLC employee. In attempting to obtain payment from the taxi driver for damages to her car, the now-former TLC attorney sent a text message in which she threatened the TLC driver with a TLC summons. The Board fined the now-former TLC attorney \$3,000.<sup>12</sup>

### Public Warning Letters

After initiating an enforcement action, the Board may determine that a fine is unwarranted but that a public warning letter would serve a valuable educational purpose both for the public servant involved and for other public servants. The Board may agree to settle enforcement matters by issuing public warning letters in cases involving relatively minor violations, significant mitigating circumstances, or novel violations about which the Board has not explicitly spoken in the past.

For example, in 2018, the Board issued public warning letters to a New York City Police Department (“NYPD”) Detective who sold a firearm to his supervisor, an NYPD Sergeant, and to the Sergeant who bought the firearm. While the City’s conflicts of interest law is clear that superiors and subordinates may not enter into such financial transactions with each other, the Board considered that the Sergeant’s wife initiated the purchase—intended as a gift for her husband—in determining not to impose a fine on either NYPD officer.<sup>16</sup>

When a public servant self-reports his violation, the Board may lend considerable weight to that as a mitigating factor in determining whether to issue a public warning letter rather than seek a fine. For instance, the Board issued a public warning letter to

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<sup>9</sup> *COIB v. Larkem*, OATH Index No. 1632/17, COIB Case No. 2015-798 (Order Feb. 14, 2018).

<sup>10</sup> *COIB v. Ma. Martinez*, OATH Index No. 1354/18, COIB Case No. 2016-162 (Order May 14, 2018).

<sup>11</sup> *COIB v. Medina*, OATH Index No. 2531/17, COIB Case No. 2016-412 (Order Nov. 14, 2018).

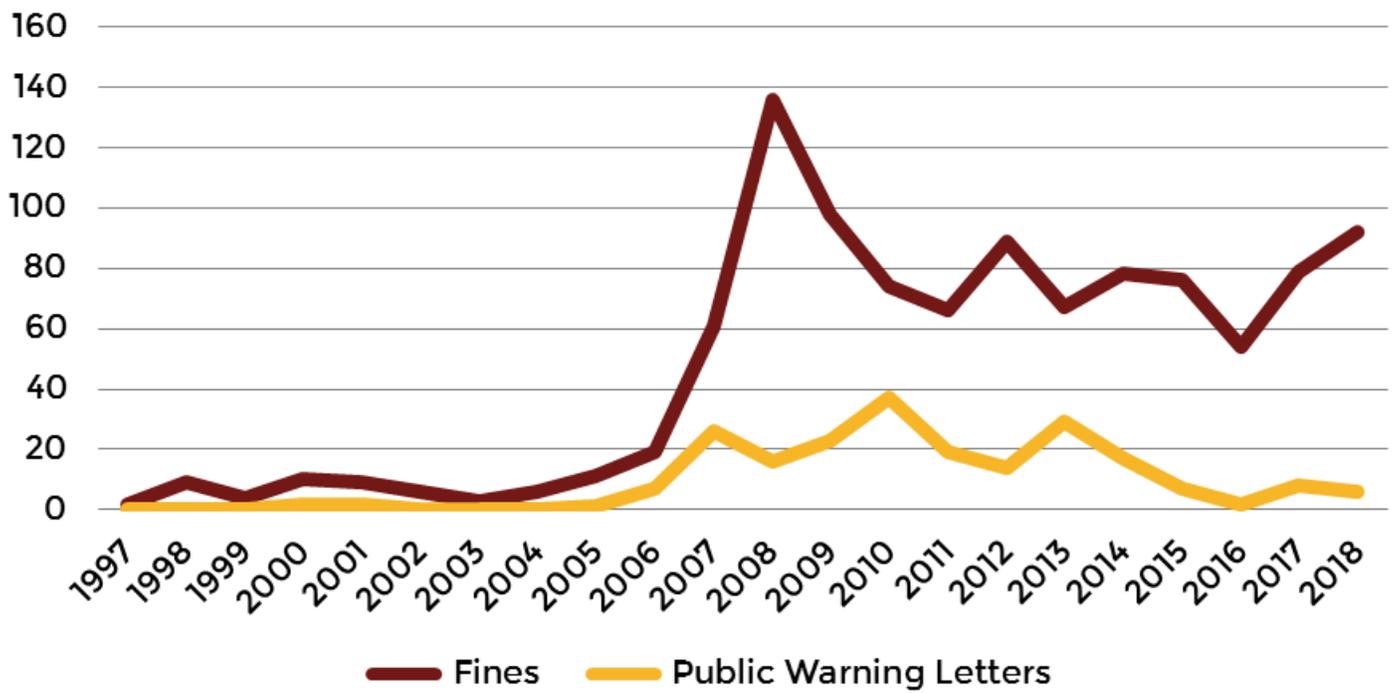
<sup>12</sup> *COIB v. Trojanowska*, OATH Index No. 1654/18, COIB Case No. 2017-187 (Order Nov. 1, 2018).

the Acting Executive Director of the Mayor’s Office of Workforce Development, who invoked his City position in multiple communications with DOE on behalf of the private nursery school where his child was enrolled. The Acting Executive Director was attempting to help the nursery school clarify a request to modify its Pre-K program. His communications with the DOE Universal Pre-K office included emails in which he signed off with his official email signature and Mayor’s Office title, including three emails in which he mentioned in the body of the email that he was a “fellow City employee” and one in which he mentioned that he worked in the Mayor’s Office. The City’s conflicts of interest law prohibits City employees from using their City positions to obtain a personal advantage for an entity with which they are “associated,” which includes a private school where they have registered their children and paid tuition. In determining not to impose a fine, the Board took into account that the Acting Executive Director self-reported his conduct to the Board once he learned that invoking his position while communicating with DOE could be a conflict of interest.<sup>13</sup>

### Private Warning Letters

In addition to public sanctions, the Board may, where appropriate, choose to educate public servants privately about the implications of Chapter 68 on their past conduct. These confidential warnings - of which the Board sent 62 in 2018 - include no findings of fact or violation, but instead serve as a formal reminder of the importance of strict compliance with the conflicts of interest law.

## Public Dispositions



<sup>13</sup> *COIB v. Neale*, COIB Case No. 2018-172 (2018).

## 2018 AND BEYOND

In 2018, the Enforcement Unit set ambitious goals for the time frames of each major step in the enforcement process. To better quantify the efficiency of its work, the Enforcement Unit developed the technological means to measure the extent to which it is meeting these goals. Measuring efficiency in this way, although only in its beginning stages, is helping the Unit prioritize its work and ensure that enforcement cases are processed as quickly as possible.

Moreover, the Unit has sought to streamline Board protocol and triage complaints to move all matters more efficiently through the enforcement process from inception to resolution. As a result, the Board opened 28% fewer formal cases in 2018 than in 2017. The Board continues to review and provide all complaints to DOI, even complaints that do not allege facts that, if true, would constitute a violation of the City's conflicts of interest law. However, by opening only cases that pass a more rigorous standard, the Board has eliminated unnecessary use of administrative and attorney time, allowing the Unit to focus its own efforts on obtaining better and faster results with respect to matters involving significant violations of the City's conflicts of interest law. The Board hopes that its work in this regard will result in further increases in the number of dispositions and fines paid in 2019.

Summaries of all of the Board's public enforcement actions from 1990 to the present are currently available [on the Enforcement page](#) of the Board's website. Each settlement and order is available in full-text searchable form on the website for the Center for New York City Law at New York Law School ([CityAdmin.org](#)).

For all their hard work, the Board thanks Michele Weinstat, Director of Enforcement; Jeff Tremblay, Deputy Director of Enforcement; and Evan Berkow and Katherine Miller, Assistant Counsels for Enforcement. Finally, the Board extends its sincere thanks to the DOI Commissioner and DOI's entire staff for investigating and reporting on complaints of violations of the Conflicts of Interest Law.

# Annual Disclosure

## UNIT OVERVIEW

Under Section 2603(d) of Chapter 68, the Board receives

*[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law.*

In 2018, the Annual Disclosure (“AD”) Unit implemented new public outreach methods to better serve filers and City agencies by providing information on the annual disclosure filing requirements. Of particular note are improvements to the [Annual Disclosure page](#) on the COIB website such as an introductory video on AD (pictured), a new infographic for agency liaisons, the incorporation of AD in training presentations to City employees, and the March 2018 publication of the *Ethical Times* and the *Public Service Puzzler* featuring annual disclosure.



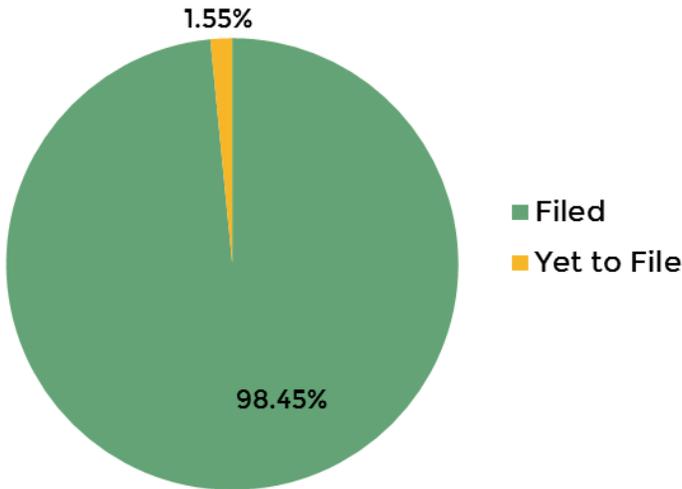
## FILING & REVIEW OF ANNUAL DISCLOSURE REPORTS

In 2018, the AD Unit reviewed 8,791 reports filed for the year 2017.<sup>1</sup> After the four-week filing period which ran from April 9 to May 4, the AD Unit reviewed all submitted reports for completeness and possible conflicts of interest. The reviews resulted in 195 letters sent to public servants. Many of the letters advised the filers that it was necessary to obtain agency head permission and then a Board waiver pursuant to City Charter Section 2604(e) in order to retain their non-City positions; others instructed filers to seek advice on ownership interests and outside volunteer positions; and the majority identified potential conflicts of interest when a filer and his or her relative were working at the same City agency. By year’s end, the review of AD reports resulted in the opening of 25 advice cases, 2 referrals for enforcement action, and the resolution by the AD Unit of all 110 letters inquiring into filers and their relatives working at the same agency. One of the

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<sup>1</sup> Reports are filed in the year following the year to which they pertain. Thus, 2017 reports, covering calendar year 2017, were filed in 2018.

## 2017 Annual Disclosure Reports



letters identified a conflicts of interest issue which resulted in a reassignment for a NYCHA filer who had periodically supervised a relative.

The AD Unit also contacted 203 filers concerning the need to amend their reports. 175 of those filers amended their reports.

The AD Unit processes certifications to demonstrate that departing City employees have complied with their obligations under the Annual Disclosure Law. Pursuant to Section 12-110 (b)(3)(b) of the Administrative Code, departing employees must obtain

such a certification before they can receive their final paychecks and/or any lump sum payments. In 2018, the Unit issued 679 certifications.

Finally, the Unit continued its annual disclosure liaison trainings in 2018 with classes given to 38 AD liaisons representing 41 City agencies.

### Policymaking Boards and Commissions

As amended by Local Law 58 of 2012 and to conform to State law, uncompensated members of policymaking boards and commissions are required to file a short form annual disclosure report. Twenty-eight policymaking boards and commissions participated in the 2018 filing period including five new policymaking boards and commissions: the Audit Committee, the Mayor’s Advisory Committee on the Judiciary, the Civil Service Screening Committee, the Charter Revision Commission, and the Mayor’s Committee on City Marshals. There were 246 required filers, 20 of whom sat on multiple boards or commissions. By year’s end, all required filers were in compliance.

### Public Authorities Accountability Act

The Public Authorities Accountability Act (“PAAA”) requires directors, officers, and employees of certain City-affiliated entities to file annual disclosure reports with the Board. Thirty-one PAAA entities participated in the 2018 filing period, representing 369 filers. The New York City School Support Services was a new addition to the list of required PAAA filing entities. Of the 369 filers, 156 individuals had previously submitted annual disclosure reports pursuant to their City positions and thus were not required to file a PAAA annual disclosure report, and 20 individuals served on more than one PAAA entity. The remaining 213 individuals filed the short form reports. By year’s end, there was 100% compliance.

## Annual Disclosure Appeals

Pursuant to Section 12-110(c) of the Administrative Code, a City employee may appeal his or her agency's determination that the employee is required to file an annual disclosure report. On November 30, 2018, the Board determined that a New York City School Construction Authority ("SCA") employee with the civil service title of Project Officer II was required to file an annual disclosure report for calendar year 2017 based upon his substantive and direct recommendations on change orders and payment requisitions relating to SCA construction projects. See [Matter of Pokalsky, 2018-01](#).

## ANNUAL DISCLOSURE ENFORCEMENT

Section 12-110(g) of the City's Administrative Code empowers the Board to impose fines of up to \$10,000 for the non-filing or late filing of an annual disclosure report. During 2018, the Board collected \$36,500 in late filing fines.

In January 2018, the AD Unit entered into a settlement agreement with a filer who failed to pay his late filing fine incurred for the untimely filing of his 2016 annual disclosure report. The settlement was reached after commencing an enforcement proceeding at the City's Office of Administrative Trials and Hearings ("OATH"). In November 2018, the AD Unit commenced enforcement proceedings against four non-filers and one late filer who failed to pay her late filing fine. By year's end, two non-filers had filed their 2017 reports and paid their respective fines. The remaining three OATH actions are pending.

## PUBLIC INSPECTION OF ANNUAL DISCLOSURE REPORTS

Section 12-110(e) of the City's Administrative Code provides that certain information contained in annual disclosure reports shall be made available for public inspection. In 2018, there were 1,232 requests for reports.

### Annual Disclosure in the News

Of the 1,232 requests in 2018, 867 were from the media. As a result, there were several noteworthy articles generated from the reports that focused on various issues such as Mayor Bill De Blasio's legal debt and rental income, First Lady Chirlane McCray's omission of required information in her annual disclosure report, travel gifts to the New York City Board of Elections Chair, and thanks to our Twitter feed, an unexpected but amusing write-up in Gawker Media's Automotive section:

- [Politico: De Blasio's financial disclosure shows legal debt, rental income](#)
- [New York Post: De Blasio's wife falsely claimed the couple doesn't own any NYC properties](#)
- [New York Post: BOE head reportedly failed to properly report trips paid for by voting machine manufacturer](#)
- [NY 1: Board of Election boss is on the board for election systems and software?](#)
- [Jalopnik: Initial d is now initial d-disclosure](#)

## CONCLUSION

City employees continue to comply at an excellent rate with filing their mandated annual disclosure reports. As detailed in [Exhibit 6](#), the overall rate of compliance with the Annual Disclosure Law has exceeded 98% over the past six years. This superb record is attributable in large part to the excellent work of the Annual Disclosure Unit: Julia H. Lee, Director of Annual Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Annual Disclosure; Holli Hellman, Senior Annual Disclosure Analyst; Grace Cho, Annual Disclosure Analyst; and Veronica Martinez Garcia, Administrative Assistant.

## Administration & Information Technology

### ADMINISTRATION & INFORMATION TECHNOLOGY

The Board thanks its Director of Administration Varuni Bhagwant and Human Resources Generalist Nabilah Quddus for their continued perseverance in the face of increasing administrative burdens.

The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running.

# Proposed Amendments to Chapter 68

Chapter 68 of the New York City Charter has gone largely unchanged since it was first enacted 28 years ago, and some changes are needed.

Indeed, City Charter Section 2603(j) requires that, at least once every five years, the Board

*shall review the provisions of this chapter and shall recommend to the council . . . such changes or additions as it may consider appropriate or desirable.*

The Board did so in August 2009, when it issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law. A handful of those proposals were enacted in 2010 upon recommendation of the Charter Revision Commission.<sup>1</sup> But the Board's other proposals have not been considered.

In particular, one of the Board's highest legislative priorities for many years has been a Charter amendment providing the Board with an independent budget. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget. The Board believes that is in itself an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials who are subject to the Board's jurisdiction.

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<sup>1</sup> In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: (1) mandating that every City public servant obtain training in the Conflicts of Interest Law, (2) increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and (3) empowering the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. Those provisions are now part of Chapter 68, in Sections 2603(b), 2606(b), and 2606(b-1) of the City Charter.

## EXHIBIT 1

### YEAR-BY-YEAR STATISTICAL COMPARISON: 1993, 2001, 2016, 2017, 2018

Agency	1993	2001	2016	2017	2018
Adopted Budget	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,561,120 (FY17)	\$2,580,410 (FY18)	\$2,580.177 (FY19)

Staff (budgeted)	26	23 <sup>3</sup> / <sub>5</sub>	26	26	26
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Legal Advice	1993	2001	2016	2017	2018
Attorneys	4 <sup>1</sup> / <sub>2</sub>	3	4	5	5
Informal requests for advice	N/A	1,650	3,946	4,651	4,502
Formal requests for advice	321	539	611	787	696
Issued opinions, letters,	266	501	623	676	655
Opinions, etc. per attorney	53	167	156	135	131
Pending requests at year end	151	40	95	114	103
Median time to respond to requests	N/A	N/A	26 days	33 days	29 Days

Enforcement	1993	2001	2016	2017	2018
Attorneys	1/2	4	4	4	4
Cases opened	9	156	475	547	392
Cases closed	1	152	429	543	404
Dispositions imposing fines	1	9	54	79	92
Public warning letters	0	2	2	8	5
Private warning letter	0	10	70	58	62
Fines imposed	\$500	\$13,950	\$110,150	\$231,115	\$286,902
Referrals to DOI	2	57	99	76	76
Reports from DOI	7	48	137	159	149

Education & Engagement	1993	2001	2016	2017	2018
Staff	1	4 <sup>3</sup> /5	6	6	6
Classes	10	190 24 agencies; CLE	638 55 agencies; press meet-up; multiple CLE offerings; training for all employees at 12 agencies; new seminar sessions; training sessions at COGEL; special sessions on Gifts; ethics “advice booth” in Thomas Paine Park	818 53 agencies; multiple CLE offerings; training for all employees at 19 agencies; new seminar sessions; training sessions at COGEL; ethics “advice booth” in City Hall Park	755 51 agencies; multiple CLE offerings; training for all employees at 15 agencies; new seminar sessions; participation in four COGEL sessions; new classes in Chapter 9 compliance; COIB “Donut Summit”; Ethics Liaison Meet-ups
Dept. of Education classes	None	116	65	52	168
Ethics Newsletter	None	<i>Ethical Times</i> (quarterly)	<i>Ethical Times</i> (monthly), <i>Public Service Puzzler</i> (monthly)	<i>Ethical Times</i> (monthly) redesign, <i>Public Service Puzzler</i> (monthly); pre-production on monthly comic strip	<i>Ethical Times</i> (monthly); <i>Public Service Puzzler</i> (monthly)
Videos	None	3 half-hour training films; 2 PSA’s	“Ethics Express”: 3 clips shot, for posting in 2017; “Ethics Over Easy” PSAs – 7 shot in 2016	7 “Ethics Over Easy” PSAs posted; “The Conflicts Zone” episode 1 posted; “MunicipALS with Dan” episode 1 shot; video bookends for LMS eLearning shot and posted	12 New Videos, thousands of views online, rotation on NYXT TV
Electronic Training	None	Computer game show; Crosswalks appearances	Development of LMS content/program with DCAS begun; COIB Twitter feed; training “wiki”	LMS eLearning with DCAS deployed; COIB Twitter, Instagram, Facebook & Youtube; training “wiki”; complete website overhaul	10,684 employees trained at 9 City agencies through online training; 3.5 million impressions on COIB Twitter; COIB presence & daily outreach on Facebook and Instagram; COIB YouTube channel

Annual Disclosure	1993	2001	2016	2017	2018
Staff	12	5	5	5	5
6-year compliance rate	99%	98.6%	98.4%	98.5%	98.5%
Fines Collected	\$36,051	\$31,700	\$26,250	\$29,001	\$36,500
Appeals to COIB	n/a *	n/a*	11	0	15
Reports reviewed for completeness	All (12,000)	400	8,980	9,014	8,792
Reports reviewed for conflicts	350	38	8,980	9,014	8,792
Letters sent to filers for potential conflicts	n/a	0	73	458 (from review of 2015 and 2016 reports)	195
Filing by City-affiliated entities (e.g., not-for-profits and public authorities under PAAA)	0	0	32 PAAA entities filed	30 PAAA entities filed	31 PAAA entities filed
Electronic filing	None	In development	With limited exceptions (PAAA filers, uncompensated members of policymaking boards & commissions, candidates, & assessors), all filers file electronically	PAAA filers, uncompensated members of policymaking boards and commissions, candidates, & assessors file on .pdf fillable forms. All other filers file electronically.	PAAA filers, uncompensated members of policymaking boards and commissions, candidates, & assessors file on .pdf fillable forms. All other filers file electronically.

\* Due to the change in the annual disclosure law, the Board became responsible for appeals starting in 2004.

## EXHIBIT 2

### CLASSES ON CHAPTER 68: 2000-2018

Year	DOE Classes	Other Agency Classes	Total Classes <sup>1</sup>
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 <sup>2</sup>	43	139	182
2004	119	169	288
2005	80	162	242
2006 <sup>3</sup>	43	151	194
2007	75	341	416
2008	51	484	535
2009 <sup>4</sup>	33	253	286
2010 <sup>5</sup>	9	270	279
2011	21	297	318
2012 <sup>6</sup>	34	307	341
2013	18	524	542
2014	320	279	599
2015 <sup>7</sup>	614	241	855
2016 <sup>8</sup>	65	573	638
2017 <sup>9</sup>	52	766	818
2018	168	587	755

<sup>1</sup>These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program, nor briefings set up and conducted exclusively by the New York City Department of Investigation.

<sup>2</sup>As a result of mandated layoffs, the Board had no Education Unit and therefore no training and education classes from May 15 to October 15, 2003.

<sup>3</sup>From December 2005 to September 2006, the Unit had an effective staff of one, as the Senior Trainer position was vacant from December 2005 to mid-July 2006, and the new trainer then needed to be trained before he could begin teaching classes.

<sup>4</sup>For five months during 2009 the Unit had a staff of only one.

<sup>5</sup>For eight months during 2010 the Unit had a staff of only one.

<sup>6</sup>The Unit was expanded from two to four in July 2012.

<sup>7</sup>One training position was effectively vacant from June to August and December in 2015.

<sup>8</sup>The Unit was expanded from four to six in Fall 2016, and one training position was effectively vacant from January through May 2016.

<sup>9</sup>One training position was effectively vacant from May through November 2017, and another was vacant from mid-June through September 2017.

## EXHIBIT 3

### LEGAL ADVICE SUMMARY: 1993 & 2011-2017

	1993	2011	2012	2013	2014	2015	2016	2017	2018
Attorneys	5	4	4	4	3	4	4	5	5
Informal requests for advice	N/A	3,310	3,213 (+3%)	3536 (+10%)	4,353 (+23%)	3,827 (-12%)	3,946 (+3%)	4,651 (+18%)	4502 (-3%)
Formal requests for advice	321	582	581 (-0%)	552 (-5%)	597 (+8%)	492 (-18%)	611 (+24%)	787 (+29%)	696 (-12%)
Issued opinions, letters, waivers, orders	266	523	471 (-10%)	559 (+19%)	480 (-14%)	437 (-9%)	623 (+43%)	676 (+9%)	655 (-3%)
Opinions, etc. per attorney	53	131	118 (-10%)	140 (+19%)	160 (+14%)	146 (-8%)	155 (+6%)	135 (-17%)	131 (-3%)
Pending formal requests at year end	151	166	221 (+33%)	107 (-52%)	174 (+63%)	170 (-2%)	95 (-44%)	114 (+20%)	10 (-10%)
Median time to respond to formal requests (in days)	N/A	29	28	22	28	30	26	33	29

## EXHIBIT 4

### WRITTEN RESPONSES TO REQUESTS FOR ADVICE: 1997-2017

Year	Staff Letters	Formal/(b)(2) Letters	Board Letters, Orders, Opinions	Total
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605
2008	253	226	95	574
2009	170	231	83	484
2010	208	234	81	523
2011	188	250	85	523
2012	155	246	70	471
2013	210	282	67	559
2014	221	210	49	480
2015	157	223	57	437
2016	109	437	77	623
2017	75	304	297	676
2018	120	472	63	655

## EXHIBIT 5

### ENFORCEMENT SUMMARY: 1997 & 2009-2018

	1997	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Attorneys</b>	4	4	4	4	4	4	4	4	4	4	4	4
<b>Cases opened</b>	64	510	445	526	441	437	506	488	544	475	547	392
			(-13%)	(+18%)	(-16%)	(-0.1%)	(+14%)	(- 4%)	(+11%)	(-13%)	(+15%)	(-28%)
<b>Cases closed</b>	54	508	476	523	507	446	508	524	484	429	543	404
			(-6%)	(+10%)	(-3%)	(-12%)	(+16%)	(+3%)	(-8%)	(-11%)	(+27%)	(-26%)
<b>Dispositions</b>			98	74	66	89	67	78	76	54	79	92
<b>Imposing fines</b>	2	136	(-28%)	(-24%)	(-11%)	(+35%)	(-25%)	(+16%)	(-3%)	(-29%)	(+46%)	(+16%)
<b>Fines imposed<sup>1</sup></b>	\$2,100	\$155,600	\$161,076	\$145,850	\$145,769	\$198,876	\$131,750	\$184,405	\$121,844	\$110,150	\$231,125	\$268,942
			(+4%)	(-9%)	(0%)	(+36%)	(-34%)	(+40%)	(-34%)	(-10%)	(+109%)	(+16%)
<b>Fines collected</b>	\$2,100	\$141,100	\$138,950	\$134,850	\$134,269	\$173,626	\$131,750	\$125,905	\$120,092	\$68,150	\$100,225	\$218,902
			(-2%)	(-3%)	(0%)	(+29%)	(-24%)	(-4%)	(-5%)	(-43%)	(+47%)	(+118%)
<b>Public Warning Letters</b>	0	16	23	37	19	14	29	17	7	2	8	6
			(+44%)	(+61%)	(-49%)	(-26%)	(+101%)	(-41%)	(-59%)	(-71%)	(+300%)	(-37%)
<b>Private Warn- ing Letters</b>	1	46	51	76	81	88	49	62	71	70	58	62
			(+11%)	(+49%)	(+7%)	(+9%)	(-44%)	(+27%)	(+15%)	(-1%)	(-15%)	(+7%)
<b>Referrals to DOI</b>	9	112	74	77	64	67	75	56	71	99	76	76
			(-34%)	(+4%)	(-17%)	(+5%)	(+12%)	(-25%)	(+27%)	(+39%)	(-23%)	(+0%)
<b>Reports from DOI</b>	6	310	187	259	169	204	193	182	175	137	159	150
			(-40%)	(+39%)	(-35%)	(+21%)	(-5%)	(-6%)	(-4%)	(-22%)	(+16%)	(-6%)

<sup>1</sup> Fines are imposed but not collected by the Board when: (1) the Board forgives a portion of an imposed fine as part of a settlement agreement based on a respondent's documented showing of financial hardship; or (2) the Board imposes a fine after a hearing at OATH and the Respondent does not pay it. These unpaid fines that have not been forgiven are referred to a private collection agency, which may obtain a judgment if needed.

## EXHIBIT 6

### ANNUAL DISCLOSURE SUMMARY: 2012-2017

Reporting Year <sup>1</sup>	Reports Required	Reports Filed	Compliance Rate <sup>2</sup>	Fines Issued	Fine Amount	Current Non-filers <sup>3</sup>	Current Non-Payers <sup>4</sup>
2012	8,804	8,615	98.1%	63	\$24,500	78	77
2013	9,044	8,872	98.1%	44	\$18,280	103	92
2014	9,164	9,070	98.6%	81	\$28,500**	65	108
2015*	9,840	9,676	98.4%	56	\$22,000**	99	129
2016*	9,752	9,612	98.5%	78	\$22,751	75	119
2017	9,806	9,654	98.5%	89	\$36,000	96	86
<b>Total</b>	<b>56,410</b>	<b>55,499</b>	<b>98.3%</b>	<b>411</b>	<b>\$152,031</b>	<b>516</b>	<b>611</b>

<sup>1</sup> The reporting year is the year to which the annual disclosure report pertains; the report is submitted the following calendar year.

<sup>2</sup> Includes those individuals who have appealed their agency's determination that they were required filers.

<sup>3</sup> All inactive City employees except for two active City employees in 2018.

<sup>4</sup> All inactive City employees except for one active City employee in 2018.

\* The numbers reported in this chart have been updated to reflect activity since the Board's 2017 Annual Report.

\*\* These amounts have been updated due to an error in the 2017 Annual Report.

# EXHIBIT 7: ENFORCEMENT CASE SUMMARIES: 2018

## OUTSIDE EMPLOYMENT WITH A FIRM ENGAGED IN BUSINESS DEALINGS WITH THE CITY

- **Relevant Charter Sections:** City Charter Sections 2604(a)(1)(a), 2604(a)(1)(b)<sup>1</sup>

A now-former Health Program Planner/Analyst for New York City Health + Hospitals also worked as a Mental Health Clinician with Young Adult Institute (“YAI”), a not-for-profit with contracts with multiple City agencies. The Health Program Planner used her Health + Hospitals computer to access YAI’s computer network 749 times in order to view her YAI email account, access YAI payroll, and view YAI client records, and she used her Health + Hospitals computer and email account to exchange fourteen emails related to her YAI job, mainly at times when she was required to perform work for Health + Hospitals. The now-former Health Program Planner agreed to pay a \$3,000 fine to the Board for these violations. *COIB v. Correa*, COIB Case No. 2016-512 (2018).

For nineteen years, the now-former Executive Director for Bridge Inspection and Management at the New York City Department of Transportation (“DOT”) served as an adjunct professor at a number of local private universities, all of which had business dealings with the City and some of which had business dealings with DOT. During that time he also had a contract with a textbook publishing company that had business dealings with the City. Between 2005 and 2018, the Executive Director used his DOT email account and DOT cell phone to send and receive 2,929 emails related to his adjunct professorships. These emails were regularly and extensively sent at times when the Executive Director was required to be performing work for DOT. The Executive Director paid a \$5,000 fine to the Board for these violations. In assessing the appropriate penalty, the Board took into account that DOT had already suspended the Executive Director for thirty days, which had the approximate value of \$11,805. The Executive Director also retired from DOT during the pendency of DOT’s related disciplinary action. *COIB v. Yanev*, COIB Case No. 2017-758 (2018).

A Secretary at the New York City Housing Authority (“NYCHA”) assigned to Patterson Houses was invited to a “Family Day” event by the President of the Patterson Houses Resident Association. The Secretary proposed to the Resident Association that the catering company where she moonlighted would cater this NYCHA-sponsored event. The catering company was paid \$570 in NYCHA funds, and the secretary misused NYCHA resources – a NYCHA printer and NYCHA computer – to print a contract and receipt relating to the catering job. In addition, the Secretary regularly used her NYCHA computer and e-mail account for her volunteer activities on behalf of her church. The Board and NYCHA concluded a three-way settlement with the NYCHA Secretary who agreed to accept the penalty of a six-workday suspension, valued at approximately \$896, for: (a) having a second job with a firm that has business dealings with her City agency; (b) using her City position to secure business for her second job; (c) using City resources to perform work for her private business; and (d) engaging in more than a *de minimis* use of City resources for her unpaid volunteer activities. *COIB v. D. Taylor*, COIB Case No. 2017-455 (2018).

A Social Worker for New York City Health + Hospitals worked for a total of nine years for two firms that did business with the City – St. Vincent’s Services and Heartshare. In addition, on two occasions when she was clocked in as working for Health + Hospitals, she was actually commuting from her second job, misusing a total of 90 minutes of City time to do so. The Social Worker agreed to pay a \$1,250 fine. *COIB v. Saunders-Ashton*, COIB Case No. 2017-279 (2018).

The Board fined a former Translator for the New York City Department of Education (“DOE”) for misusing 471 hours of City time (the equivalent of almost 70 workdays). The Board adopted the Report and Recommendation of Administrative Law Judge Kara J. Miller at the Office of Administrative Trial and Hearings (“OATH”), issued after a full trial, that, between January 2013 and September 2015, a now-former DOE Translator, while employed by DOE, held a position as a language instructor for the French Institute Alliance Française (the “French Institute”), a firm that does business with the City. The Translator performed work for the French Institute for 471.5 hours when he was required to be performing his DOE duties. He would clock in at his City work location in Queens, leave that work location to commute to his outside job in Manhattan, work at his outside job, and commute back to his City work location in Queens, all while using City time. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City’s conflicts of interest law, which prohibits public servants from holding a position with a firm that does business with the City and from pursuing non-City business on City time. The Board took into consideration in determining \$20,000 to be the appropriate penalty the “flagrant”

and “shocking” extent of the Translator’s misuse of City time; that the Translator was paid \$15,540.67 in DOE salary for times when he was actually performing work for his outside job rather than DOE; and the Translator’s failure to take any responsibility for his actions. *COIB v. Larkem*, OATH Index No. 1632/17, COIB Case No. 2015-798 (Order Feb. 14, 2018).

A Recreation Specialist for the New York City Department of Parks and Recreation (“DPR”) paid a \$1,000 fine for two violations of the conflicts of interest law. First, he worked for the Public School Athletic League (“PSAL”), an entity that receives funding from the New York City Department of Education, for one and one-half years without the DPR Commissioner’s approval or a waiver. Second, on one occasion, at a time when the Recreation Specialist was scheduled to coach a cross country practice for approximately thirty children ages seven to fifteen, the Recreation Specialist left his DPR work location to work for PSAL for one hour. As a result of the Recreation Specialist’s departure, the children were left without DPR supervision for a brief period of time, and two other DPR employees had to coach the practice without the Recreation Specialist’s assistance. *COIB v. Gangemi*, COIB Case No. 2017-103 (2018).

## **VOLUNTEERING FOR A NOT-FOR-PROFIT ENGAGED IN BUSINESS DEALINGS WITH THE CITY**

- **Relevant Charter Sections:** City Charter Sections 2604(a)(1)(a), 2604(a)(1)(b), 2604(c)(6)<sup>2</sup>

The Board issued a public warning letter to a Recreation Supervisor at the New York City Department of Parks and Recreation who, for five years, served as the volunteer president of a not-for-profit organization that received funding from the City and participated in the organization’s business with the City. The Board had previously issued a public warning letter to the Recreation Supervisor for committing a similar violation of the conflicts of interest law through her involvement with another not-for-profit organization. The Recreation Supervisor ended her current violation by obtaining written permission from her agency head and a waiver from the Board to hold the position of volunteer president of the organization and to participate in the organization’s City business dealings. Absent a waiver, the City’s conflicts of interest law prohibits public servants who serve as volunteer officers of a not-for-profit from taking part in the organization’s City business dealings. *COIB v. Rowe-Adams*, COIB Case No. 2018-377 (2018).

## **MISUSE OF CITY TIME**

- **Relevant Charter Sections:** City Charter Section 2604(b)(2)
- **Relevant Board Rules:** Board Rules Section 1-13(a)<sup>3</sup>

A now-former Health Program Planner/Analyst for New York City Health + Hospitals also worked as a Mental Health Clinician with Young Adult Institute (“YAI”), a not-for-profit with contracts with multiple City agencies. The Health Program Planner used her Health + Hospitals computer to access YAI’s computer network 749 times in order to view her YAI email account, access YAI payroll, and view YAI client records, and she used her Health + Hospitals computer and email account to exchange fourteen emails related to her YAI job, mainly at times when she was required to perform work for Health + Hospitals. The now-former Health Program Planner agreed to pay a \$3,000 fine to the Board for these violations. *COIB v. Correa*, COIB Case No. 2016-512 (2018).

A now-former Architect II for the New York City Housing Authority (“NYCHA”) used his NYCHA email account and computer to exchange 48 emails over a two-and-one-half-year period, mostly during his work hours, related to his private architectural practice. The Architect II also used his NYCHA computer during work hours to edit a project proposal related to his private practice. The now-former Architect II agreed to pay a \$1,250 fine to the Board. *COIB v. Dada*, COIB Case No. 2017-824 (2018).

A now-former First Assistant District Attorney at the Kings County District Attorney’s Office (“KCDA”) used her KCDA email account, KCDA computer, and KCDA work hours to communicate with District Attorney Charles Hynes regarding his 2013 re-election campaign (the “Campaign”). In all, she sent five emails, four during her KCDA work hours, related to Campaign fundraising & contributions; her thoughts regarding a Campaign mailer; and, on two occasions, her assistance with Campaign debate preparation. The now-former First Assistant District Attorney agreed to pay a \$2,000 fine to the Board. *COIB v. Swern*, COIB Case No. 2013-771e (2018).

A New York City Department of Health and Mental Hygiene (“DOHMH”)–Office of Chief Medical Examiner (“OCME”) Borough Supervisor of the Staten Island Morgue also worked on the side as a funeral home director. On 45 occasions, the Borough Supervisor picked up bodies from the Staten Island Morgue in his

private capacity as a funeral director, which required him to engage in an in-depth check-out process with an OCME Mortuary Technician. On two of those occasions, he performed this work while on the clock at his OCME job. The City's conflicts of interest law prohibits City employees from appearing for compensation on behalf of private interests before any City agency and from performing work for their private businesses during their City work hours. In a three-way settlement with the Board and DOHMH, the Borough Supervisor agreed to serve a ten-workday suspension, valued at approximately \$2,037, and pay a \$4,000 fine - \$3,000 to DOHMH-OCME and \$1,000 to the Board. *COIB v. Tucker*, COIB Case No. 2014-652 (2018).

Prior to his retirement, a now-former Associate Education Officer for the New York City Department of Education ("DOE") used his DOE email account during his DOE work hours to send a farewell missive to 306 colleagues. In this email, he stated: "For my next endeavor, I will be running for City Council in an open seat in New York City! Feel free to learn more about the campaign here: [www.VoteSantosNY.com](http://www.VoteSantosNY.com)." The former Associate Education Officer agreed to pay a \$450 fine for his use of City time and a City resource, his DOE email account, for his political campaign. *COIB v. Santos*, COIB Case No. 2017-153 (2018).

A New York City Health + Hospitals Executive Secretary used City time and City resources for her Avon business. Specifically, mostly during her Health + Hospitals work hours, she used her Health + Hospitals email account and computer to exchange 68 emails related to the sale of Avon products and she stored and accessed 17 Avon-related documents, including invoices, on her Health + Hospitals computer. The Executive Secretary agreed to pay a \$2,000 fine. *COIB v. Z. Marrero*, COIB Case No. 2017-335 (2018).

For nineteen years, the now-former Executive Director for Bridge Inspection and Management at the New York City Department of Transportation ("DOT") served as an adjunct professor at a number of local private universities, all of which had business dealings with the City and some of which had business dealings with DOT. During that time he also had a contract with a textbook publishing company that had business dealings with the City. Between 2005 and 2018, the Executive Director used his DOT email account and DOT cell phone to send and receive 2,929 emails related to his adjunct professorships. These emails were regularly and extensively sent at times when the Executive Director was required to be performing work for DOT. The Executive Director paid a \$5,000 fine to the Board for these violations. In assessing the appropriate penalty, the Board took into account that DOT had already suspended the Executive Director for thirty days, which had the approximate value of \$11,805. The Executive Director also retired from DOT during the pendency of DOT's related disciplinary action. *COIB v. Yanev*, COIB Case No. 2017-758 (2018).

A Principal Administrative Associate misused her New York City Department of Health and Mental Hygiene ("DOHMH") email account during her DOHMH work hours to send and receive a total of 54 emails related to selling Avon products. In a joint settlement with the Board and DOHMH, the Principal Administrative Associate agreed to pay a \$1,000 fine, with \$300 to DOHMH and \$700 to the Board. *COIB v. Dubose*, COIB Case No. 2018-035 (2018).

A Social Worker for New York City Health + Hospitals worked for a total of nine years for two firms that did business with the City - St. Vincent's Services and Heartshare. In addition, on two occasions when she was clocked in as working for Health + Hospitals, she was actually commuting from her second job, misusing a total of 90 minutes of City time to do so. The Social Worker agreed to pay a \$1,250 fine. *COIB v. Saunders-Ashton*, COIB Case No. 2017-279 (2018).

A now-former Administrative Education Officer for the New York City Department of Education ("DOE") had an outside job as a tax preparer. She misused her DOE computer to modify and store 15 documents for this outside job. She also misused City time by promoting her tax prep services to co-workers and a subordinate during DOE work hours, which led to her obtaining two co-workers and the subordinate as paying clients. The now-former Administrative Education Officer agreed to pay a \$3,000 fine. *COIB v. R. Garcia*, COIB Case No. 2016-216 (2018).

A now-former teacher at the New York City Department of Education ("DOE") had an outside position as a representative for a multilevel marketing company called ItWorks!. She misused DOE time to promote her outside business by posting seventeen tweets about It Works! during her DOE work hours, including preparatory periods and during her classes. She agreed to pay a \$1,500 fine, which takes into account the appearance of impropriety created by a teacher publicly posting about her private business during hours when she was supposed to be performing work for DOE. *COIB v. Fruchter*, COIB Case No. 2017-428 (2018).

During the 2015 spring semester, a now-former New York City Department of Education (“DOE”) Principal of M.S. 061 in Brooklyn had a second job teaching a course twice a week at Borough of Manhattan Community College (“BMCC”). On each day that he taught this course, the Principal arrived at M.S. 061 at approximately 9:30 a.m., although the M.S. 061 school day begins at 8:00 a.m. The now-former Principal agreed to pay a \$2,500 fine to the Board for teaching a course at BMCC and commuting from that job during hours when he was required to be performing services for DOE. *COIB v. Burton*, COIB Case No. 2016-752 (2018).

A now-former Kings County District Attorney’s Office (“KCDA”) Community Liaison served as the KCDA liaison to the Orthodox Jewish community in Brooklyn. For a period of approximately 16 months, she also served as a liaison to that community for the District Attorney’s 2013 reelection campaign (the “Campaign”). In pursuit of her work for the Campaign, she used her KCDA email account and her KCDA computer, often during her KCDA work hours, to help organize Jewish community campaign events; connect the District Attorney with supporters to host fundraisers and “get out the vote” efforts; prepare the District Attorney for his appearances at fundraisers; coordinate whether the District Attorney or she would appear at Campaign events; apprise the District Attorney of news relating to Jewish community Campaign endorsements; and facilitate Campaign-related communications with community newspapers. The former Community Liaison paid a \$4,000 fine for this misuse of City time and City resources. *COIB v. White*, COIB Case No. 2013-771f (2018).

A now-former Kings County District Attorney’s Office (“KCDA”) Chief Assistant District Attorney and Chief of the KCDA Rackets Division agreed to pay a \$1,000 fine for, on one occasion, using his KCDA email account and his KCDA computer during his KCDA work hours to help prepare the Kings County District Attorney for a debate relating to the District Attorney’s 2013 reelection campaign. In his email, the Deputy District Attorney suggested questions that the District Attorney might ask his opponent during an upcoming debate on NY1. *COIB v. Vecchione*, COIB Case No. 2013-771n (2018).

A now-former Confidential Assistant District Attorney in charge of the Kings County District Attorney’s Office (“KCDA”) Crime Prevention Division agreed to pay a \$600 fine for using City time to perform work relating to the District Attorney’s 2013 reelection campaign (the “Campaign”) by exchanging several emails with the District Attorney during her KCDA work hours regarding the Campaign mailing list, the Campaign website, and Campaign fundraisers. *COIB v. Hughes*, COIB Case No. 2013-771o (2018).

On several occasions during the 2015-2016 and 2016-2017 school years, a teacher for the New York City Department of Education (“DOE”) used his DOE work hours to demonstrate and sell a geometry bingo game from which he intended to personally profit. The teacher paid a \$1,000 fine, which took into account his representation that he earned no profit from the game. *COIB v. Abdullah*, COIB Case No. 2017-435 (2018).

Now-former Kings County District Attorney’s Office (“KCDA”) Public Information Officer agreed to pay a \$6,000 fine for, over a 14-month period, frequently using his KCDA email account and his KCDA computer, often during his KCDA work hours, to perform unpaid work for the 2013 reelection campaign of the Kings County District Attorney, including communicating with the District Attorney and Campaign staff regarding Campaign press statements he drafted or approved, as well as Campaign-related news, internal Campaign issues, polling, debate preparation, and requests for Campaign interviews and debates. *COIB v. Schmetterer*, COIB Case No. 2013-771d (2018).

Now-former Kings County District Attorney’s Office (“KCDA”) Chief Assistant District Attorney agreed to pay a \$4,500 fine for using her KCDA email account and her KCDA computer, often during her KCDA work hours, to perform work requested by then Kings County District Attorney relating to his 2013 reelection campaign. The Chief Assistant District Attorney used her KCDA email account and her KCDA computer, often during her KCDA work hours, to prepare Campaign responses to negative press coverage; to critique, discuss, and assist the District Attorney with preparation for debates and Campaign TV appearances; to coordinate a Campaign meeting; and to arrange the logistics of a Campaign appearance. *COIB v. Feinstein*, COIB Case No. 2013-771b (2018).

A now-former Kings County District Attorney’s Office (“KCDA”) Principal Administrative Associate agreed to pay a \$3,000 fine for, while working as administrative assistant to the then Kings County District Attorney, regularly using her KCDA email account, KCDA computer, and KCDA telephone during her KCDA work hours to perform scheduling work for the District Attorney’s 2013 reelection campaign (the

“Campaign”), including coordinating Campaign appearances, interviews, and fundraisers. The Principal Administrative Associate also regularly used her KCDA computer, KCDA email account, KCDA printer, and KCDA telephone to perform administrative tasks such as typing donor thank-you letters, printing and/or emailing dozens of Campaign-related documents, editing Campaign statements, and fielding Campaign-related telephone calls. In determining the appropriate penalty, the Board took into account that the Principal Administrative Associate engaged in the improper activities at the request of her superior. *COIB v. Zmijewski*, COIB Case No. 2013-771g (2018).

The Board fined a former Translator for the New York City Department of Education (“DOE”) for misusing 471 hours of City time (the equivalent of almost 70 workdays). The Board adopted the Report and Recommendation of Administrative Law Judge Kara J. Miller at the Office of Administrative Trial and Hearings (“OATH”), issued after a full trial, that, between January 2013 and September 2015, a now-former DOE Translator, while employed by DOE, held a position as a language instructor for the French Institute Alliance Française (the “French Institute”), a firm that does business with the City. The Translator performed work for the French Institute for 471.5 hours when he was required to be performing his DOE duties. He would clock in at his City work location in Queens, leave that work location to commute to his outside job in Manhattan, work at his outside job, and commute back to his City work location in Queens, all while using City time. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City’s conflicts of interest law, which prohibits public servants from holding a position with a firm that does business with the City and from pursuing non-City business on City time. The Board took into consideration in determining \$20,000 to be the appropriate penalty the “flagrant” and “shocking” extent of the Translator’s misuse of City time; that the Translator was paid \$15,540.67 in DOE salary for times when he was actually performing work for his outside job rather than DOE; and the Translator’s failure to take any responsibility for his actions. *COIB v. Larkem*, OATH Index No. 1632/17, COIB Case No. 2015-798 (Order Feb. 14, 2018).

A Recreation Specialist for the New York City Department of Parks and Recreation (“DPR”) paid a \$1,000 fine for two violations of the conflicts of interest law. First, he worked for the Public School Athletic League (“PSAL”), an entity that receives funding from the New York City Department of Education, for one and one-half years without the DPR Commissioner’s approval or a waiver. Second, on one occasion, at a time when the Recreation Specialist was scheduled to coach a cross country practice for approximately thirty children ages seven to fifteen, the Recreation Specialist left his DPR work location to work for PSAL for one hour. As a result of the Recreation Specialist’s departure, the children were left without DPR supervision for a brief period of time, and two other DPR employees had to coach the practice without the Recreation Specialist’s assistance. *COIB v. Gangemi*, COIB Case No. 2017-103 (2018).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a DOHMH Administrative Staff Analyst paid a \$1,250 fine for using City time and resources to perform work for her catering business. The Administrative Staff Analyst stored a menu for her catering business on her City computer, and, while she was required to perform work for DOHMH, used her DOHMH telephone to speak to a client about her catering services. The Administrative Staff Analyst’s supervisor overheard this conversation and advised the Administrative Staff Analyst that she should not conduct work for the catering business using City time or resources. Despite receiving this warning, the Administrative Staff Analyst continued to use City time and resources for her business; she subsequently used her DOHMH computer and DOHMH email account to send and receive five emails related to her catering business, two of which were sent or reviewed during her DOHMH work hours. *COIB v. Aiken*, COIB Case No. 2016-701 (2018).

A former Associate Engineer in the Queens Borough President’s Office’s (“QBPO”) Topographical Unit paid a \$4,000 fine for frequently using a QBPO copy machine, a QBPO scanner, his QBPO computer, and his QBPO email account, often during his City work hours, to perform work for his private business conducting survey inspections and research for eight private companies. *COIB v. Clarke*, COIB Case No. 2016-035 (2018).

A City Tax Auditor for the New York City Department of Finance (“DOF”) paid a \$2,500 fine for using his DOF laptop computer, often during his City work hours, to access, modify, maintain, save, and/or store ninety-six documents relating to his outside, compensated work for four concert promotion companies. *COIB v. Mui*, COIB Case No. 2017-160 (2018).

A Coordinating Manager for New York City Health + Hospitals used City time and resources for a private import-export business she owns and operates with her husband. Over the course of two years, during her Health + Hospitals work hours, the Coordinating Manager sent approximately 200 business-related emails using her Health + Hospitals email account and computer, regularly used her Health + Hospitals telephone to have business-related conversations, and regularly used a Health + Hospitals fax machine to send and/or receive business-related faxes. In 2009, the Coordinating Manager, then working for a different City agency, agreed to serve a 25-day suspension, valued at approximately \$5,000, to resolve a Board enforcement action and agency disciplinary charges for using City time and resources to perform work for the same business. In a new joint settlement with the Board and Health + Hospitals that took into account the Coordinating Manager's repeat violations, the Coordinating Manager agreed to pay a \$17,224 fine to Health + Hospitals and to be placed on indefinite probation, for her violations. *COIB v. Bastawros*, COIB Case No. 2017-762 (2018).

## **MISUSE OF CITY RESOURCES**

- **Relevant Charter Sections: City Charter Section 2604(b)(2)**
- **Relevant Board Rules: Board Rules Section 1-13(b)**

The Board issued an Order, after a full trial at the New York City Office of Administrative Trials and Hearings, imposing a \$6,000 fine on a now-former paraprofessional for the New York City Department of Education ("DOE") who served as his school's Technology Coordinator. In that role he was entrusted to safeguard a pool of MacBook Air laptops meant for staff use. Forgoing the inventory system he was charged to maintain, the now-former Technology Coordinator removed the DOE asset tags and other identifying information from two of the laptops and took them home for his own personal use, with no intention of returning them. The now-former Technology Coordinator only returned the laptops when his theft was uncovered by the school some eighteen months later. *COIB v. Medina*, OATH Index No. 2531/17, COIB Case No. 2016-412 (Order Nov. 14, 2018).

A now-former Health Program Planner/Analyst for New York City Health + Hospitals also worked as a Mental Health Clinician with Young Adult Institute ("YAI"), a not-for-profit with contracts with multiple City agencies. The Health Program Planner used her Health + Hospitals computer to access YAI's computer network 749 times in order to view her YAI email account, access YAI payroll, and view YAI client records, and she used her Health + Hospitals computer and email account to exchange fourteen emails related to her YAI job, mainly at times when she was required to perform work for Health + Hospitals. The now-former Health Program Planner agreed to pay a \$3,000 fine to the Board for these violations. *COIB v. Correa*, COIB Case No. 2016-512 (2018).

A now-former Architect II for the New York City Housing Authority ("NYCHA") used his NYCHA email account and NYCHA computer to exchange 48 emails over a two-and-one-half-year period, mostly during his NYCHA work hours, related to his private architectural practice. The Architect II also used his NYCHA computer during his NYCHA work hours to edit a project proposal related to his private practice. The now-former Architect II agreed to pay a \$1,250 fine to the Board. *COIB v. Dada*, COIB Case No. 2017-824 (2018).

A now-former Telecommunications Associate at the New York City Department of Sanitation ("DSNY") was assigned a DSNY car and a DSNY E-ZPass for the purpose of performing his official duties. He was not permitted to use the DSNY E-ZPass for his commute. Nevertheless, on at least 176 dates, he incurred 534 charges on his DSNY E-ZPass for his commute, for a total of \$3,211 in tolls that he never repaid to DSNY. The now-former Telecommunications Associate agreed to pay a \$5,000 fine to the Board. *COIB v. Pinto*, COIB Case No. 2017-274 (2018).

A now-former First Assistant District Attorney at the Kings County District Attorney's Office ("KCDA") used her KCDA email account, KCDA computer, and KCDA work hours to communicate with District Attorney Charles Hynes regarding his 2013 re-election campaign (the "Campaign"). In all, she sent five emails, four during her KCDA work hours, related to Campaign fundraising & contributions; her thoughts regarding a Campaign mailer; and, on two occasions, her assistance with Campaign debate preparation. The now-former First Assistant District Attorney agreed to pay a \$2,000 fine to the Board. *COIB v. Swern*, COIB Case No. 2013-771e (2018).

A now-former Senior Vice President and Chief Information Officer at New York City Health + Hospitals oversaw a \$300 million Health + Hospitals contract with Epic Systems Corporation, a provider of electron-

ic medical records software applications. Only individuals who were certified by Epic could provide in-house support to medical facilities that use Epic's software. The now-former Senior Vice President's live-in partner (a non-City employee) wanted to obtain such a certification from Epic. The now-former Senior Vice President used his high-level position in the following ways: he requested that Epic schedule certification training for his live-in partner at Epic's Wisconsin campus on the same dates as his own training; arranged for his live-in partner to have office space and a computer terminal at Health + Hospitals Manhattan headquarters so she could work on projects required prior to taking the Epic certification exams; allowed his live-in partner to use the Health + Hospitals office and computer on multiple occasions for this purpose; directed two of his Health + Hospitals subordinates to assist with obtaining Health + Hospitals credentials and identification that would allow his live-in partner to access the Health + Hospitals office; and directed a consultant who was retained to assist Health + Hospitals employees with Epic training to provide guidance and assistance to his live-in partner. The now-former Senior Vice President agreed to pay a \$9,000 fine to the Board. *COIB v. Robles*, COIB Case No. 2016-646 (2018).

An Assistant Commissioner and Chief Engineer at the New York City Department of Citywide Administrative Services ("DCAS") was assigned a "take-home vehicle" to perform his official duties and commute. Over the course of 11 months, he used the vehicle to make 37 unauthorized personal trips, mostly to run errands within a short distance of his residence. In a joint settlement with the Board and DCAS, the Assistant Commissioner agreed to pay a \$1,500 fine to the Board; forfeit 20 days of annual leave to DCAS, valued at approximately \$13,793; and reimburse \$126.79 to DCAS for the mileage incurred on the vehicle. *COIB v. Wagner*, COIB Case No. 2018-085 (2018).

A New York City Department of Education ("DOE") Principal of Cornerstone Academy for Social Action Middle School ("CASA") allowed a candidate for mayor to film a campaign advertisement in his school. In a joint settlement with the Board and DOE, the Principal agreed to pay a \$1,000 fine to the Board for using DOE facilities for campaign-related activities. *COIB v. J. Bowman*, COIB Case No. 2017-825 (2018).

Prior to his retirement, a now-former Associate Education Officer for the New York City Department of Education ("DOE") used his DOE email account during his DOE work hours to send a farewell missive to 306 colleagues. In this email, he stated: "For my next endeavor, I will be running for City Council in an open seat in New York City! Feel free to learn more about the campaign here: [www.VoteSantosNY.com](http://www.VoteSantosNY.com)." The former Associate Education Officer agreed to pay a \$450 fine for his use of City time and a City resource, his DOE email account, for his political campaign. *COIB v. Santos*, COIB Case No. 2017-153 (2018).

An Evidence and Property Control Specialist Level II for the New York City Department of Health and Mental Hygiene ("DOHMH") Office of Chief Medical Examiner ("OCME") drafted four fraudulent reference letters on OCME letterhead. She submitted the fraudulent letters to a mortgage company to try to get a mortgage for a home in Texas. These letters, on which she had forged an OCME co-worker's signature, falsely stated that the Specialist could continue working for OCME remotely while living in Texas. In a joint disposition with the Board and DOHMH, the Specialist agreed to resign her position at OCME. This penalty reflects DOHMH's consideration that Respondent's position at OCME demanded a high level of integrity, insofar as her duty was to ensure the chain of custody of items held in evidence by OCME or the New York City Police Department. The Board imposed no additional penalty. *COIB v. Benjamin*, COIB Case No. 2018-282 (2018).

A now-former New York City Department of Correction ("DOC") Chief of Security agreed to pay a \$4,000 fine for using his "take-home" DOC vehicle for 14 personal trips, primarily brief trips from his residence in the Bronx to the Ridge Hill Mall in Yonkers. DOC "take-home" vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. *COIB v. Gumusdere*, COIB Case No. 2017-156e (2018).

An Associate Park Service Worker at the New York City Department of Parks and Recreation ("DPR") was issued a DPR "Randall's Island Only" E-ZPass for the sole purpose of commuting to and from Randall's Island; he was not permitted to use the DPR E-ZPass for lunch breaks or any personal appointments. On 396 occasions, he used it to pay for a total of \$2,178 in personal tolls unrelated to his commute. In a joint disposition with the Board and DPR, the Associate Park Service Worker agreed to reimburse \$2,178 to DPR; forfeit 15 days of annual leave, valued at approximately \$2,810; and serve a one-year probationary period. *COIB v. L. Bennett*, COIB Case No. 2018-424 (2018).

For over six months, a Special Officer of Security at the New York City Department of Homeless Services (“DHS”) used a counterfeit New York City Health + Hospitals Police parking placard to park his personal vehicle illegally in a loading zone with a “no standing” restriction. He also gave his co-worker, another DHS Special Officer, a second counterfeit Health + Hospitals parking permit. The co-worker used her counterfeit placard to illegally park in the same “no standing” zone for a month and a half. In a joint disposition with the Board and DHS, the first Special Officer agreed to serve a 25-day suspension, valued at approximately \$2,958; forfeit 15 days of annual leave, valued at approximately \$2,335; and serve a nine-month termination probationary period. The second Special Officer agreed to serve a 14-calendar-day suspension, valued at approximately \$1,288, and to serve a nine-month probationary period. The Board imposed no additional penalty. *COIB v. J. Joseph*, COIB Case No. 2018-108 (2018); *COIB v. Cardona*, COIB Case No. 2018-108a (2018).

A New York City Health + Hospitals Executive Secretary used City time and City resources for her Avon business. Specifically, mostly during her Health + Hospitals work hours, she used her Health + Hospitals email account and computer to exchange 68 emails related to the sale of Avon products and she stored and accessed 17 Avon-related documents, including invoices, on her Health + Hospitals computer. The Executive Secretary agreed to pay a \$2,000 fine. *COIB v. Z. Marrero*, COIB Case No. 2017-335 (2018).

In a joint resolution with the Board and the New York City Department of Correction (“DOC”), a DOC Deputy Warden in Command agreed to pay a \$1,500 fine to the Board for using her “take-home” DOC vehicle to make 22 personal trips, primarily to shopping malls in Long Island. DOC “take-home” vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. In setting the fine, the Board considered that the Deputy Warden had already forfeited 7 days of annual leave to DOC, valued at \$7,916, and reimbursed DOC \$104.32 for the mileage incurred. *COIB v. Matthews*, COIB Case No. 2017-156t (2018).

On twenty occasions over the course of four months, a New York City Department of Homeless Services (“DHS”) Supervising Special Officer had a subordinate DHS Peace Officer use a DHS vehicle to drive him home and to various personal destinations after work. On several of these occasions, the Special Officer directed the Peace Officer to remain at DHS beyond his usual departure time until the Special Officer was ready to leave. With the Special Officer’s knowledge and approval, the Peace Officer remained on the clock, sometimes earning overtime, while he was driving the Special Officer and while he was waiting for the Special Officer to depart the DHS office. The City’s conflicts of interest law prohibits City supervisors from soliciting or accepting services, such as free rides, from their subordinates; from using a City vehicle for any non-City purpose; and from directing City personnel to perform non-City tasks on City time. DHS had previously suspended the Supervising Special Officer for forty-five days, which had an approximate value of \$7,584. The Board accepted the DHS penalty as sufficient and imposed no additional penalty. *COIB v. R. Diaz*, COIB Case No. 2018-253 (2018).

A now-former Deputy District Attorney at the Kings County District Attorney’s Office (“KCDA”) agreed to pay a \$4,500 fine for using his KCDA email account and his KCDA computer, during his KCDA work hours, to perform work requested by the Kings County District Attorney relating to his 2013 reelection campaign. The Deputy District Attorney used his KCDA email account and his KCDA computer approximately 17 times, including approximately four times during his KCDA work hours, to prepare the District Attorney for a campaign television appearance and communicate regarding various campaign-related issues such as endorsements, get-out-the-vote strategy, registration of South Asian voters, mailing of absentee ballots, and fundraising strategy. *COIB v. Amoroso*, COIB Case No. 2013-771a (2018).

A now-former Executive Assistant District Attorney at the Kings County District Attorney’s Office (“KCDA”) agreed to pay a \$800 fine for using his KCDA computer and KCDA email account to send three emails during his KCDA work hours to assist the District Attorney’s efforts to obtain endorsements for his 2013 reelection campaign from members of the Brooklyn LGBTQ community. *COIB v. Fliedner*, COIB Case No. 2013-771m (2018).

For nineteen years, the now-former Executive Director for Bridge Inspection and Management at the New York City Department of Transportation (“DOT”) served as an adjunct professor at a number of local private universities, all of which had business dealings with the City and some of which had business dealings with DOT. During that time he also had a contract with a textbook publishing company that had business dealings with the City. Between 2005 and 2018, the Executive Director used his DOT email account and DOT cell phone to send and receive 2,929 emails related to his adjunct professorships. These

emails were regularly and extensively sent at times when the Executive Director was required to be performing work for DOT. The Executive Director paid a \$5,000 fine to the Board for these violations. In assessing the appropriate penalty, the Board took into account that DOT had already suspended the Executive Director for thirty days, which had the approximate value of \$11,805. The Executive Director also retired from DOT during the pendency of DOT's related disciplinary action. *COIB v. Yanev*, COIB Case No. 2017-758 (2018).

The Director of Fleet for the New York City Department for Homeless Services ("DHS") accessed a confidential NYS Department of Motor Vehicles database to view her boyfriend's confidential records for personal reasons and had her subordinate issue a DHS parking permit to her boyfriend without proper documentation. In a three-way settlement between the Board, DHS, and the Director of Fleet, DHS determined that the appropriate penalty to resolve the related DHS disciplinary matter was a 20-day pay fine, valued at approximately \$7,572, and a 10-day annual leave deduction, valued at \$3,786, as well as imposition of a six-month probationary period (permitting imposition of an additional fifteen-day suspension for similar misconduct). The Board accepted the DHS penalty as sufficient to resolve the Director of Fleet's conflicts of interest law violations and imposed no additional penalty. *COIB v. Astacio*, COIB Case No. 2017-501 (2018).

A Secretary at the New York City Housing Authority ("NYCHA") assigned to Patterson Houses was invited to a "Family Day" event by the President of the Patterson Houses Resident Association. The Secretary proposed to the Resident Association that the catering company where she moonlighted would cater this NYCHA-sponsored event. The catering company was paid \$570 in NYCHA funds, and the secretary misused NYCHA resources—a NYCHA printer and NYCHA computer to print a contract and receipt—relating to the catering job. In addition, the Secretary regularly used her NYCHA computer and e-mail account for her volunteer activities on behalf of her church. The Board and NYCHA concluded a three-way settlement with the NYCHA Secretary who agreed to accept the penalty of a six-workday suspension, valued at approximately \$896, for: (a) having a second job with a firm that has business dealings with her City agency; (b) using her City position to secure business for her second job; (c) using City resources to perform work for her private business; and (d) engaging in more than a *de minimis* use of City resources for her unpaid volunteer activities. *COIB v. D. Taylor*, COIB Case No. 2017-455 (2018).

A Plant Chief for the New York City Department of Environmental Protection ("DEP") had a subordinate perform plumbing jobs at the Plant Chief's rental properties. Specifically, the Sewage Treatment Worker replaced 25 feet of water main at one rental property, repaired leaking steam valves at another property, and repaired radiator steam valves at a third property. The Plant Chief paid the Sewage Treatment Worker for his work at below market rate. Additionally, the Plant Chief used his DEP cell phone to exchange numerous text messages with his tenants and the Sewage Treatment Worker to coordinate the repair work. The Plant Chief agreed to pay a \$6,000 fine to the Board. *COIB v. Zaman*, COIB Case No. 2018-029 (2018).

A Principal Administrative Associate misused her New York City Department of Health and Mental Hygiene ("DOHMH") email account during her DOHMH work hours to send and receive a total of 54 emails related to selling Avon products. In a joint settlement with the Board and DOHMH, the Principal Administrative Associate agreed to pay a \$1,000 fine, with \$300 to DOHMH and \$700 to the Board. *COIB v. Dubose*, COIB Case No. 2018-035 (2018).

A former Administrative Education Officer for the New York City Department of Education ("DOE") had an outside job as a tax preparer. She misused her DOE computer to modify and store 15 documents for this outside job. She also misused City time by promoting her tax prep services to co-workers and a subordinate during DOE work hours, which led to her obtaining two co-workers and the subordinate as paying clients. The former Administrative Education Officer agreed to pay a \$3,000 fine. *COIB v. R. Garcia*, COIB Case No. 2016-216 (2018).

A now-former Commissioner of the New York City Department of Correction ("DOC") agreed to pay an \$18,500 fine for, in 2016, using his assigned DOC "take home" vehicle to take 17 personal trips to Maine, 6 personal trips to Massachusetts, 6 personal trips to New Jersey, and 1 personal trip to Niagara Falls; using a DOC-issued gas card to buy \$1,043 worth of gas for his out-of-state personal trips; and using a DOC-issued E-ZPass to pay \$746.56 worth of tolls incurred on his personal trips. DOC "take-home" vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. In determining that the \$18,500 fine was an appropriate penalty, the Board weighed the following factors:

the number of times the now-former Commissioner used his DOC vehicle for personal trips; the distance traveled during those trips; and the accountability required by his high-level position as Commissioner. The Board also considered that the now-former Commissioner was operating under an erroneous understanding that he was permitted to use his take-home vehicle for personal, non-City matters; that the now former Commissioner represented that he retired from DOC in part because of this conduct; and that he reimbursed DOC for the gas card and E-ZPass charges incurred. *COIB v. Ponte*, COIB Case No. 2017-156 (2018).

Over the course of fourteen years, a former employee of the New York City Department of Environmental Protection (“DEP”), who served most recently as a DEP Assistant Commissioner, had her subordinate DEP employee drive her from work to her home and other personal destinations fifty times. Though she occasionally gave her subordinate cash to cover some of his expenses, the former Assistant Commissioner did not fully reimburse him for the costs of gas and tolls. Additionally, the former Assistant Commissioner knew of and approved her subordinate remaining on the clock while he drove her on these non-City trips. The former Assistant Commissioner agreed to pay a \$5,000 fine to the Board. *COIB v. Osenni*, COIB Case No. 2017-129 (2018).

During his tenure at New York City Health + Hospitals, a now-former Supervisor of Plumbers maintained his own private plumbing business. Over the course of several years, he used his Health + Hospitals computer to store 24 documents related to his private business; listed his Health + Hospitals office telephone number as his business’s contact information on documents related to his private work; and listed his Health + Hospitals office telephone number as his business’s contact information on three master plumber license records filed with regulatory entities. The former Supervisor of Plumbers agreed to pay a \$2,500 fine to the Board. *COIB v. Pieretti*, COIB Case No. 2017-333 (2018).

A New York City Department of Education (“DOE”) Payroll Secretary at a Bronx middle school was responsible for administering a school checking account used to collect student dues and pay for school activities such as school dances and trips. He diverted a total of \$2,040 from this account by forging the Principal’s signature on three checks and cashing them. After a full trial, Administrative Law Judge (“ALJ”) Kevin F. Casey of the New York City Office of Administrative Trials and Hearings issued a Report and Recommendation, finding two violations by the now-former Payroll Secretary: 1) misusing City resources by taking \$2,040 of DOE funds for his personal use; and 2) misusing his DOE position of official responsibility for the account. The ALJ recommended a \$10,000 fine, plus repayment of \$2,040. The Board adopted the ALJ’s findings of fact, conclusions of law, and penalty recommendation. *COIB v. Ma. Martinez*, OATH Index No. 1354/18, COIB Case No. 2016-162 (Order May 14, 2018).

A driver for the Materials for the Arts program at the New York City Department of Cultural Affairs misused his assigned City truck to drive himself to the gym twice. The driver agreed to pay a \$1,000 fine for misusing a City resource for a personal, non-City activity. *COIB v. Salamone*, COIB Case No. 2016-858 (2018).

A Director of Field Operations at the Division of Instruction and Information Technology (“DIIT”) for the New York City Department of Education was assigned a DIIT vehicle and DIIT E-ZPass to perform his City work. While the Director was authorized to take home his DIIT vehicle, he was instructed to personally pay for any tolls incurred for his commute. Over the course of approximately seven months, however, he used his DIIT-issued E-ZPass to pay those tolls, totaling \$516.56, which he repaid once his supervisor brought the improper charges to his attention. In his settlement with the Board, the Director agreed to pay a \$500 fine for using a City resource, in this case a DIIT E-ZPass, for a personal, non-City purpose. In determining the appropriate penalty, the Board took into account the Director’s full reimbursement to the City and his representation that he carelessly, rather than intentionally, permitted tolls to be charged to the DIIT E-ZPass. *COIB v. Vilorio*, COIB Case No. 2016-971a (2018).

A now-former Kings County District Attorney’s Office (“KCDA”) Community Liaison served as the KCDA liaison to the Orthodox Jewish community in Brooklyn. For a period of approximately 16 months, she also served as a liaison to that community for the District Attorney’s 2013 reelection campaign (the “Campaign”). In pursuit of her work for the Campaign, she used her KCDA email account and her KCDA computer, often during her KCDA work hours, to help organize Jewish community campaign events; connect the District Attorney with supporters to host fundraisers and “get out the vote” efforts; prepare the District Attorney for his appearances at fundraisers; coordinate whether the District Attorney or she would appear at Campaign events; apprise the District Attorney of news relating to Jewish community

Campaign endorsements; and facilitate Campaign-related communications with community newspapers. The former Community Liaison paid a \$4,000 fine for this misuse of City time and City resources. *COIB v. White*, COIB Case No. 2013-771f (2018).

A now-former Kings County District Attorney's Office ("KCDA") Chief Assistant District Attorney and Chief of the KCDA Rackets Division agreed to pay a \$1,000 fine for, on one occasion, using his KCDA email account and his KCDA computer during his KCDA work hours to help prepare the Kings County District Attorney for a debate relating to the District Attorney's 2013 reelection campaign. In his email, the Deputy District Attorney suggested questions that the District Attorney might ask his opponent during an upcoming debate on NY1. *COIB v. Vecchione*, COIB Case No. 2013-771n (2018).

A New York City Department of Homeless Services ("DHS") Clerical Associate requisitioned a DHS vehicle and driver for the stated purpose of transporting computers between DHS offices. Instead, he used the car and driver to take him to his home in the Bronx for a family event. In a joint settlement with the Board and DHS, the Clerical Associate accepted a fifty-calendar-day suspension, valued at \$7,243, and a one-year probationary period, to resolve this and unrelated violations of the DHS Code of Conduct. The Board imposed no further penalty. *COIB v. D. Lawrence*, COIB Case No. 2017-502 (2018).

A New York City Department of Environmental Protection ("DEP") Associate Air Pollution Inspector was assigned a "take home vehicle" for the purposes of performing his official duties and commuting. Over the course of 14 months, he treated the DEP vehicle as if it were his own personal vehicle, using it for personal errands and travel, including during his days off. In a joint settlement with the Board and DEP, the Associate Air Pollution Inspector agreed to irrevocably resign. After reviewing prior cases with similar facts, the Board accepted his resignation as a sufficient penalty for his Chapter 68 violations. *COIB v. Licitra*, COIB Case No. 2017-537 (2018).

In a joint settlement with the Board and the New York City Department of Environmental Protection ("DEP"), a DEP Air Pollution Inspector agreed to resign his DEP employment for having used a DEP vehicle on at least five occasions for personal, non-City purposes. On one of those occasions, he received a speeding ticket for driving 94 miles per hour in a 50 mile-per-hour zone. After reviewing prior cases with similar facts, the Board accepted his resignation as sufficient penalty for his Chapter 68 violations. *COIB v. Caceres*, COIB Case No. 2017-960 (2018).

A Park Supervisor for the New York City Department of Parks and Recreation ("DPR") stored his mobile home on a service road in DPR's Forest Park for three months. In a joint settlement with the Board and DPR, the Park Supervisor agreed to pay a \$1,000 fine for misusing DPR premises for a personal, non-City purpose. *COIB v. B. Gonzalez*, COIB Case No. 2017-342 (2018).

While working at the New York City Housing Authority ("NYCHA"), a Maintenance Worker used a NYCHA credit card to buy gas for his personal vehicle on five to ten occasions over a six-month period. When NYCHA commenced disciplinary charges against him for this conduct, he resigned and quickly obtained another Maintenance Worker position with the New York City Department of Citywide Administrative Services. The Maintenance Worker paid a \$2,500 fine to the Board. *COIB v. Wiggins*, COIB Case No. 2017-233 (2018).

A now-former Stuyvesant High School Guidance Counselor misused DOE resources to pursue work for her private college counseling practice. Specifically, she used her DOE computer and DOE flash drive to store 10 documents related to her private practice, and she took general information regarding the college admissions process and a college scholarship program from DOE emails sent by Stuyvesant's Director of College Counseling and posted the information on the Facebook page of her private college counseling practice. The Guidance Counselor paid an \$800 fine to the Board. *COIB v. Schindler*, COIB Case No. 2016-633 (2018).

In a joint resolution with the Board and the New York City Department of Correction ("DOC"), a DOC Deputy Commissioner agreed to pay a \$2,250 fine to the Board and forfeit five days of annual leave, valued at \$3,756, for using his "take-home" DOC vehicle to make 14 personal trips to and from a family home in Connecticut. DOC "take-home" vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. The Deputy Commissioner also agreed to reimburse \$1,381.97 to DOC for the mileage incurred on his take-home vehicle during his instances of personal use. *COIB v. Farrell*, COIB Case No. 2017-156g (2018).

A now-former New York City Department of Correction (“DOC”) Assistant Chief agreed to pay a \$4,000 fine for using his “take-home” DOC vehicle for 11 personal trips, usually drives from his home in Orange County, New York, to Monticello, New York. DOC “take-home” vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. *COIB v. Augustus*, COIB Case No. 2017-156h (2018).

A New York City Department of Correction (“DOC”) Warden paid a \$500 fine to the Board for using her “take-home” DOC vehicle for 9 personal trips, including 6 trips to NYC-area airports. DOC “take-home” vehicles are assigned to DOC employees to be used only in the performance of their official duties and to commute. The Warden reimbursed DOC \$87.80 for the mileage incurred and forfeited 7 days of compensatory time to DOC, valued at \$4,779.74, which the Board took into account in setting the amount of the fine. *COIB v. H. Smith*, COIB Case No. 2017-156r (2018).

The now-former Kings County District Attorney agreed to pay a \$40,000 fine for, from May 2012 through November 5, 2013, using his Kings County District Attorney’s Office (“KCDA”) email account and his KCDA computer to exchange over 5,000 mails related to his 2013 reelection campaign (the “Campaign”) with Campaign managers, political consultants, friends, fundraisers, donors, a New York State Supreme Court judge, political allies, and his KCDA subordinates, as well as others. The District Attorney’s improper emails included communications regarding Campaign staffing, Campaign press releases, Campaign strategy, Campaign fundraising, Campaign endorsements, Campaign news, Campaign debate preparation, and Campaign work to be performed by his KCDA staff. The former District Attorney admitted that he used his KCDA computer, KCDA email, and KCDA personnel to perform work for the Campaign and that he knowingly caused his KCDA subordinates to use KCDA time and KCDA resources for the Campaign. *COIB v. Hynes*, COIB Case No. 2013-771 (2018).

Now-former Kings County District Attorney’s Office (“KCDA”) Public Information Officer agreed to pay a \$6,000 fine for, over a 14-month period, frequently using his KCDA email account and his KCDA computer, often during his KCDA work hours, to perform unpaid work for the 2013 reelection campaign of the Kings County District Attorney, including communicating with the District Attorney and Campaign staff regarding Campaign press statements he drafted or approved, as well as Campaign-related news, internal Campaign issues, polling, debate preparation, and requests for Campaign interviews and debates. *COIB v. Schmetterer*, COIB Case No. 2013-771d (2018).

Now-former Kings County District Attorney’s Office (“KCDA”) Chief Assistant District Attorney agreed to pay a \$4,500 fine for using her KCDA email account and her KCDA computer, often during her KCDA work hours, to perform work requested by then Kings County District Attorney relating to his 2013 reelection campaign. The Chief Assistant District Attorney used her KCDA email account and her KCDA computer, often during her KCDA work hours, to prepare Campaign responses to negative press coverage; to critique, discuss, and assist the District Attorney with preparation for debates and Campaign TV appearances; to coordinate a Campaign meeting; and to arrange the logistics of a Campaign appearance. *COIB v. Feinstein*, COIB Case No. 2013-771b (2018).

A now-former Kings County District Attorney’s Office (“KCDA”) Principal Administrative Associate agreed to pay a \$3,000 fine for, while working as administrative assistant to the then Kings County District Attorney, regularly using her KCDA email account, KCDA computer, and KCDA telephone during her KCDA work hours to perform scheduling work for the District Attorney’s 2013 reelection campaign (the “Campaign”), including coordinating Campaign appearances, interviews, and fundraisers. The Principal Administrative Associate also regularly used her KCDA computer, KCDA email account, KCDA printer, and KCDA telephone to perform administrative tasks such as typing donor thank-you letters, printing and/or emailing dozens of Campaign-related documents, editing Campaign statements, and fielding Campaign-related telephone calls. In determining the appropriate penalty, the Board took into account that the Principal Administrative Associate engaged in the improper activities at the request of her superior. *COIB v. Zmijewski*, COIB Case No. 2013-771g (2018).

An Assistant District Attorney at the Kings County District Attorney’s Office (“KCDA”) agreed to pay a \$1,000 fine for, while serving as Counsel to the Kings County District Attorney, using his KCDA email account to perform work for the District Attorney’s 2013 reelection campaign. In particular, the Assistant District Attorney sent four emails related to efforts to get the *New York Carib News* to endorse the District Attorney’s 2013 candidacy. *COIB v. Ogiste*, COIB Case No. 2013-771c (2018).

While off duty from his City job, a New York City Department of Transportation (“DOT”) Motor Grader Operator visited a friend at a construction site in lower Manhattan. When a DOT Inspector arrived to conduct official business related to the unsafe operation of a forklift, the DOT Motor Grader Operator approached him, identified himself as a DOT employee, and showed the Inspector his DOT identification card. The DOT Motor Grader Operator then asked the Inspector to give him the opportunity to correct the unsafe condition relating to the forklift. The Motor Grader Operator paid a \$1,000 fine to the Board for misusing his DOT identification card to help his friend and his friend’s employer avoid a safety citation. *COIB v. Augello*, COIB Case No. 2017-312 (2018).

A New York City Department of Education (“DOE”) Administrator for Special Education agreed to pay a \$1,250 fine for using City resources to perform work for her handbag business. The Administrator used her DOE computer to periodically perform web-based work for her handbag business and stored ninety-six documents related to her handbag business on her DOE computer. *COIB v. M. Mills*, COIB Case No. 2016-803 (2018).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a DOHMH Administrative Staff Analyst paid a \$1,250 fine for using City time and resources to perform work for her catering business. The Administrative Staff Analyst stored a menu for her catering business on her City computer, and, while she was required to perform work for DOHMH, used her DOHMH telephone to speak to a client about her catering services. The Administrative Staff Analyst’s supervisor overheard this conversation and advised the Administrative Staff Analyst that she should not conduct work for the catering business using City time or resources. Despite receiving this warning, the Administrative Staff Analyst continued to use City time and resources for her business; she subsequently used her DOHMH computer and DOHMH email account to send and receive five emails related to her catering business, two of which were sent or reviewed during her DOHMH work hours. *COIB v. Aiken*, COIB Case No. 2016-701 (2018).

A former Associate Engineer in the Queens Borough President’s Office’s (“QBPO”) Topographical Unit paid a \$4,000 fine for frequently using a QBPO copy machine, a QBPO scanner, his QBPO computer, and his QBPO email account, often during his City work hours, to perform work for his private business conducting survey inspections and research for eight private companies. *COIB v. Clarke*, COIB Case No. 2016-035 (2018).

A City Tax Auditor for the New York City Department of Finance (“DOF”) paid a \$2,500 fine for using his DOF laptop computer, often during his City work hours, to access, modify, maintain, save, and/or store ninety-six documents relating to his outside, compensated work for four concert promotion companies. *COIB v. Mui*, COIB Case No. 2017-160 (2018).

A Coordinating Manager for New York City Health + Hospitals used City time and resources for a private import-export business she owns and operates with her husband. Over the course of two years, during her Health + Hospitals work hours, the Coordinating Manager sent approximately 200 business-related emails using her Health + Hospitals email account and computer, regularly used her Health + Hospitals telephone to have business-related conversations, and regularly used a Health + Hospitals fax machine to send and/or receive business-related faxes. In 2009, the Coordinating Manager, then working for a different City agency, agreed to serve a 25-day suspension, valued at approximately \$5,000, to resolve a Board enforcement action and agency disciplinary charges for using City time and resources to perform work for the same business. In a new joint settlement with the Board and Health + Hospitals that took into account the Coordinating Manager’s repeat violations, the Coordinating Manager agreed to pay a \$17,224 fine to Health + Hospitals and to be placed on indefinite probation, for her violations. *COIB v. Bastawros*, COIB Case No. 2017-762 (2018).

A Communications Electrician at the New York City Fire Department (“FDNY”) drove an FDNY utility truck, without authorization, from Brooklyn to a Manhattan Family Court hearing. When he arrived, the Communications Electrician parked the utility truck with two wheels up on the curb, which resulted in a motor vehicle accident that caused serious injury to the driver of another vehicle. The Board set a \$1,000 fine after taking into account that, while a single instance of misuse of a City vehicle for a personal purpose, the Communications Electrician’s irresponsible use of the vehicle resulted in an accident. *COIB v. Placide*, COIB Case No. 2017-186 (2018).

A New York City Department of Citywide Administrative Services (“DCAS”) Steamfitter drove a DCAS vehicle to New Jersey for a personal overnight trip and used a DCAS-issued E-ZPass to pay a \$14.10 toll when he drove back into the City. In a joint settlement with the Board and DCAS, the Steamfitter agreed to serve a two-workday suspension, valued at approximately \$770, for his personal use of the DCAS vehicle and City E-ZPass. *COIB v. F. Velez*, COIB Case No. 2017-647 (2018).

On ten occasions, a Principal at the New York City Department of Education (“DOE”) brought her three-year-old grandson to participate in a Pre-Kindergarten class at her school for two to three hours each time. The class was taught by two of the Principal’s DOE subordinates. The Principal’s grandson was not officially enrolled in, or old enough for the class. Moreover, his presence caused the class to exceed maximum capacity. In a joint disposition with the Board and DOE, the Principal agreed to pay a \$3,000 fine for misusing her position to place her grandson in the class, thereby obtaining a benefit for her daughter (the grandchild’s mother), and misusing DOE staff by having her subordinates supervise her grandson. *COIB v. Ramirez*, COIB Case No. 2016-682 (2018).

## **AIDING OR INDUCING A VIOLATION OF THE CONFLICTS OF INTEREST LAW**

- **Relevant Charter Sections: City Charter Section 2604(b)(2)**
- **Relevant Board Rules: Board Rules Section 1-13(b)**

The now-former Kings County District Attorney agreed to pay a \$40,000 fine for, from May 2012 through November 5, 2013, using his Kings County District Attorney’s Office (“KCDA”) email account and his KCDA computer to exchange over 5,000 mails related to his 2013 reelection campaign (the “Campaign”) with Campaign managers, political consultants, friends, fundraisers, donors, a New York State Supreme Court judge, political allies, and his KCDA subordinates, as well as others. The District Attorney’s improper emails included communications regarding Campaign staffing, Campaign press releases, Campaign strategy, Campaign fundraising, Campaign endorsements, Campaign news, Campaign debate preparation, and Campaign work to be performed by his KCDA staff. The former District Attorney admitted that he used his KCDA computer, KCDA email, and KCDA personnel to perform work for the Campaign and that he knowingly caused his KCDA subordinates to use KCDA time and KCDA resources for the Campaign. *COIB v. Hynes*, COIB Case No. 2013-771 (2018).

## **MISUSE OF CITY POSITION**

- **Relevant Charter Sections: City Charter Section 2604(b)(2), 2604(b)(3)**

The Board issued an Order, after a full trial at the New York City Office of Administrative Trials and Hearings, imposing a \$3,000 fine on a now-former attorney for the New York City Taxi and Limousine Commission (“TLC”) who was involved in a car accident with a TLC-licensed taxi driver. The now-former attorney identified herself as a TLC employee in the immediate aftermath of the accident and, thereafter, sent numerous text messages in which she threatened the driver with a TLC summons if he failed to provide her with payment to fix her car. *COIB v. Trojanowska*, OATH Index No. 1654/18, COIB Case No. 2017-187 (Order Nov. 1, 2018).

An Operations Supervisor at the New York City Department of Information Technology and Telecommunications (“DoITT”) and a subordinate Communications Operations Technician entered into a prohibited financial relationship when the subordinate loaned \$1,000 to the Operations Supervisor, which the supervisor repaid within a few months. The Operations Supervisor also misused his City position by soliciting and accepting the loan and accepting a \$300 gift from the same subordinate. Recognizing that the Operations Supervisor and his subordinate were friends before their City employment, and that their pre-existing friendship appeared to motivate both the loan and gift, the Board set a fine of \$1,250 for the Operations Supervisor and a \$250 fine for his subordinate. *COIB v. Hiller*, COIB Case No. 2018-542 (2018); *COIB v. Pollice*, COIB Case No. 2018-542a (2018).

A New York City Department of Education (“DOE”) Assistant Principal misused his DOE position by selling a fur coat to a subordinate DOE teacher for \$500. When the teacher bought the coat from the Assistant Principal, they entered into a prohibited financial relationship. In a joint settlement with the Board and DOE, the Assistant Principal paid a \$500 fine to the Board; in a separate settlement with the Board, the teacher paid a \$100 fine. *COIB v. Burnside*, COIB Case No. 2017-918 (2018); *COIB v. Hurt*, COIB Case No. 2017-918a (2018).

A New York City Campaign Finance Board (“CFB”) Senior Programmer/Developer forwarded his brother-in-law’s resume to a CFB hiring team, stating that his brother-in-law was a “friend.” The Senior Programmer/Developer supervised his brother-in-law for fifteen months. In a joint resolution with the Board and CFB, the Senior Programmer/Developer agreed to pay a \$2,500 fine to the Board for misusing his City position by supervising the husband of his sister, a person with whom he is associated. *COIB v. Gendelman*, COIB Case No. 2018-354 (2018).

A now-former Senior Vice President and Chief Information Officer at New York City Health + Hospitals oversaw a \$300 million Health + Hospitals contract with Epic Systems Corporation, a provider of electronic medical records software applications. Only individuals who were certified by Epic could provide in-house support to medical facilities that use Epic’s software. The now-former Senior Vice President’s live-in partner (a non-City employee) wanted to obtain such a certification from Epic. The now-former Senior Vice President used his high-level position in the following ways: he requested that Epic schedule certification training for his live-in partner at Epic’s Wisconsin campus on the same dates as his own training; arranged for his live-in partner to have office space and a computer terminal at Health + Hospitals Manhattan headquarters so she could work on projects required prior to taking the Epic certification exams; allowed his live-in partner to use the Health + Hospitals office and computer on multiple occasions for this purpose; directed two of his Health + Hospitals subordinates to assist with obtaining Health + Hospitals credentials and identification that would allow his live-in partner to access the Health + Hospitals office; and directed a consultant who was retained to assist Health + Hospitals employees with Epic training to provide guidance and assistance to his live-in partner. The now-former Senior Vice President agreed to pay a \$9,000 fine to the Board. *COIB v. Robles*, COIB Case No. 2016-646 (2018).

Over the course of three months, a New York City Department of Education (“DOE”) Assistant Principal assigned herself 81 hours of per session work (worth \$3,855.82), circumventing the normal procedure by which such work is assigned and approved. When the Assistant Principal sought payment for the work, her supervising Principal refused to authorize it. In a joint settlement with the Board and DOE, the Assistant Principal agreed to pay a \$1,500 fine to the Board for attempting to use her position for personal financial gain in violation of City Charter Section 2604(b)(3). *COIB v. Fee*, COIB Case No. 2017-811 (2018).

The Board issued a public warning letter to the Acting Executive Director of the Mayor’s Office of Workforce Development, who invoked his City position in multiple communications with the New York City Department of Education (“DOE”) on behalf of the private nursery school where his child was enrolled. The Acting Executive Director was attempting to help the nursery school clarify a request to modify its Pre-K program. His communications with the DOE Universal Pre-K office included emails in which he signed off with his official email signature and Mayor’s Office title, including three emails in which he mentioned in the body of the email that he was a “fellow City employee” and one email in which he mentioned that he worked in the Mayor’s Office. The City’s conflicts of interest law prohibits City employees from using their City positions to obtain a personal advantage for an entity with which they are “associated,” which includes a private school where they have registered their children and paid tuition. In determining not to impose a fine in this case, the Board took into account that the Acting Executive Director self-reported his conduct to the Board once he learned that his invoking his position while communicating with DOE could be a conflict of interest. *COIB v. Neale*, COIB Case No. 2018-172 (2018).

From July 2016 to December 2017, an Assistant Vice President at New York City Health + Hospitals, who was then the Associate Executive Director of Coney Island Hospital, was driven to and from work nearly every day by a subordinate who lived near her. While the supervisor did bear some of the costs of the arrangement—she paid for parking and her subordinate paid for gas—the amount she contributed was less than half of the total driving expenses; the superior offered to pay more but the subordinate declined. In addition, on approximately ten days when this subordinate was absent from work, the supervisor had another subordinate drive her home and contributed nothing to the subordinate’s driving expenses. The supervisor admitted that obtaining rides from her subordinates without paying an equitable share constituted a misuse of her City position (even if the subordinate accepted the arrangement) and that she had entered into a prohibited financial relationship with the subordinate with whom she shared driving expenses. The Assistant Vice President agreed to pay a \$1,000 fine to the Board. *COIB v. Sun*, COIB Case No. 2018-286 (2018).

Over the course of five years, a now-former Supervisor of Grounds for the New York City Housing Authority (“NYCHA”) sought over \$700 in interest-free loans from three of his NYCHA subordinates. He succeed-

ed in receiving \$496.81 in loans from them. The Supervisor of Grounds also drove two of his subordinates to and from work in exchange for cash, cigarettes, beer, and haircuts. The City's conflicts of interest law prohibits City employees from soliciting or accepting loans from their City subordinates and from receiving payments from their City subordinates for personal services. The Supervisor of Grounds agreed to pay a \$1,500 fine to the Board, after having repaid all the loans. *COIB v. Spencer*, COIB Case No. 2017-964 (2018).

A New York City Department of Citywide Administrative Services ("DCAS") Custodian II accepted Christmas gifts and a Valentine's Day gift from a City Custodial Assistant who was his DCAS subordinate. The aggregate value of the gifts was over \$50. The City's conflicts of interest law prohibits superiors from accepting valuable gifts from subordinates except for a significant life event such as a wedding, funeral, or the birth of a child. In a joint disposition with the Board and DCAS, the Custodian agreed to serve a five workday suspension, valued at approximately \$734, to address his violations of the City's conflicts of interest law and additional unrelated disciplinary charges. The Board accepted the DCAS penalty as sufficient and imposed no further penalty. *COIB v. Charles*, COIB Case No. 2018-269 (2018).

On twenty occasions over the course of four months, a New York City Department of Homeless Services ("DHS") Supervising Special Officer had a subordinate DHS Peace Officer use a DHS vehicle to drive him home and to various personal destinations after work. On several of these occasions, the Special Officer directed the Peace Officer to remain at DHS beyond his usual departure time until the Special Officer was ready to leave. With the Special Officer's knowledge and approval, the Peace Officer remained on the clock, sometimes earning overtime, while he was driving the Special Officer and while he was waiting for the Special Officer to depart the DHS office. The City's conflicts of interest law prohibits City supervisors from soliciting or accepting services, such as free rides, from their subordinates; from using a City vehicle for any non-City purpose; and from directing City personnel to perform non-City tasks on City time. DHS had previously suspended the Supervising Special Officer for forty-five days, which had an approximate value of \$7,584. The Board accepted the DHS penalty as sufficient and imposed no additional penalty. *COIB v. R. Diaz*, COIB Case No. 2018-253 (2018).

The Director of Fleet for the New York City Department for Homeless Services ("DHS") accessed a confidential NYS Department of Motor Vehicles database to view her boyfriend's confidential records for personal reasons and had her subordinate issue a DHS parking permit to her boyfriend without proper documentation. In a three-way settlement between the Board, DHS, and the Director of Fleet, DHS determined that the appropriate penalty to resolve the related DHS disciplinary matter was a 20-day pay fine, valued at approximately \$7,572, and a 10-day annual leave deduction, valued at \$3,786, as well as imposition of a six-month probationary period (permitting imposition of an additional fifteen-day suspension for similar misconduct). The Board accepted the DHS penalty as sufficient to resolve the Director of Fleet's conflicts of interest law violations and imposed no additional penalty. *COIB v. Astacio*, COIB Case No. 2017-501 (2018).

A Community Associate at the Brooklyn Borough President's Office ("BKBPO") operated a private property management company. A constituent called the BKBPO for help regarding issues she was having with the tenants of her rental property, and the Community Associate helped her resolve these issues. As a result, the constituent proposed that the Community Associate serve as her property manager; the Community Associate agreed and served notices of eviction, attempted to install a security camera, and arranged for the repair of a toilet. The constituent gave him \$400, which the Community Associate claimed was reimbursement for expenses incurred and prepayment for an expense. Upon learning of the Community Associate's private dealings with the constituent, the BKBPO required him to return the \$400 to her. Public servants misuse their City positions when they obtain private clients from among those who come to their City agency seeking assistance. In a joint settlement with the Board and the Borough President's Office, the Community Associate agreed to pay a \$600 fine to the Board. *COIB v. McDaniel*, COIB Case No. 2017-442 (2018).

A Secretary at the New York City Housing Authority ("NYCHA") assigned to Patterson Houses was invited to a "Family Day" event by the President of the Patterson Houses Resident Association. The Secretary proposed to the Resident Association that the catering company where she moonlighted would cater this NYCHA-sponsored event. The catering company was paid \$570 in NYCHA funds, and the secretary misused NYCHA resources—a NYCHA printer and NYCHA computer to print a contract and receipt relating to the catering job. In addition, the Secretary regularly used her NYCHA computer and e-mail account for her volunteer activities on behalf of her church. The Board and NYCHA concluded a

three-way settlement with the NYCHA Secretary who agreed to accept the penalty of a six-workday suspension, valued at approximately \$896, for: (a) having a second job with a firm that has business dealings with her City agency; (b) using her City position to secure business for her second job; (c) using City resources to perform work for her private business; and (d) engaging in more than a *de minimis* use of City resources for her unpaid volunteer activities. *COIB v. D. Taylor*, COIB Case No. 2017-455 (2018).

A Plant Chief for the New York City Department of Environmental Protection (“DEP”) had a subordinate perform plumbing jobs at the Plant Chief’s rental properties. Specifically, the Sewage Treatment Worker replaced 25 feet of water main at one rental property, repaired leaking steam valves at another property, and repaired radiator steam valves at a third property. The Plant Chief paid the Sewage Treatment Worker for his work at below market rate. Additionally, the Plant Chief used his DEP cell phone to exchange numerous text messages with his tenants and the Sewage Treatment Worker to coordinate the repair work. The Plant Chief agreed to pay a \$6,000 fine to the Board. *COIB v. Zaman*, COIB Case No. 2018-029 (2018).

A former Administrative Education Officer for the New York City Department of Education (“DOE”) had an outside job as a tax preparer. She misused her DOE computer to modify and store 15 documents for this outside job. She also misused City time by promoting her tax prep services to co-workers and a subordinate during DOE work hours, which led to her obtaining two co-workers and the subordinate as paying clients. The former Administrative Education Officer agreed to pay a \$3,000 fine. *COIB v. R. Garcia*, COIB Case No. 2016-216 (2018).

Over the course of fourteen years, a former employee of the New York City Department of Environmental Protection (“DEP”), who served most recently as a DEP Assistant Commissioner, had her subordinate DEP employee drive her from work to her home and other personal destinations fifty times. Though she occasionally gave her subordinate cash to cover some of his expenses, the former Assistant Commissioner did not fully reimburse him for the costs of gas and tolls. Additionally, the former Assistant Commissioner knew of and approved her subordinate remaining on the clock while he drove her on these non-City trips. The former Assistant Commissioner agreed to pay a \$5,000 fine to the Board. *COIB v. Osenni*, COIB Case No. 2017-129 (2018).

A DOE Payroll Secretary at a Bronx middle school was responsible for administering a school checking account used to collect student dues and pay for school activities such as school dances and trips. He diverted a total of \$2,040 from this account by forging the Principal’s signature on three checks and cashing them. After a full trial, Administrative Law Judge (“ALJ”) Kevin F. Casey of the New York City Office of Administrative Trials and Hearings issued a Report and Recommendation, finding two violations by the now-former Payroll Secretary: 1) misusing City resources by taking \$2,040 of DOE funds for his personal use; and 2) misusing his DOE position of official responsibility for the account. The ALJ recommended a \$10,000 fine, plus repayment of \$2,040. The Board adopted the ALJ’s findings of fact, conclusions of law, and penalty recommendation. *COIB v. Ma. Martinez*, OATH Index No. 1354/18, COIB Case No. 2016-162 (Order May 14, 2018).

A New York City Department of Transportation (“DOT”) Highway Transportation Specialist undertook outside work with his wife as agents of a multi-level marketing company. To further this outside work, the Highway Transportation Specialist recruited two of his DOT subordinates to become members of his wife’s marketing team. On one occasion, he sold a product directly to a DOT subordinate. In addition, in order to boost his sales numbers, the Highway Transportation Specialist had a DOT subordinate purchase a product worth \$40 from the marketing company’s website and reimbursed the subordinate for that purchase. In a joint settlement with the Board and DOT, the Highway Transportation Specialist agreed to serve a 20-workday suspension, valued at approximately \$3,511.72. The Board imposed no further penalty. *COIB v. W. Knight*, COIB Case No. 2017-411 (2018).

Over the course of eight years, a Principal for the New York City Department of Education (“DOE”) accepted a series of birthday and Christmas gifts from her subordinate, a DOE teacher who the Principal promoted to Assistant Principal during this time period. The aggregate value of the gifts was approximately \$600. The conflicts of interest law prohibits superiors from accepting valuable gifts from subordinates except on certain special occasions. In a joint settlement with the Board and DOE, the Principal agreed to pay a \$1,500 fine. In assessing the appropriate fine, the Board considered that the Principal also gave some gifts to her subordinate in exchange for the gifts she received. *COIB v. Prashad*, COIB Case No. 2016-990 (2018).

An Environmental Police Sergeant for the New York City Department of Environmental Protection (“DEP”) texted several of his DEP subordinates with a link to his son’s GoFundMe page. The son was seeking donations to cover the cost of his attendance at a professional development conference. One of the Sergeant’s subordinates donated \$50 and another subordinate donated \$25. In a joint settlement with the Board and DEP, the Sergeant agreed to (1) return the donated money to his subordinates; (2) forfeit four days of annual leave, valued at approximately \$1,134; and (3) pay a \$150 fine. *COIB v. J. Rivera*, COIB Case No. 2017-830 (2018).

A New York City Department of Education (“DOE”) Assistant Principal and a DOE teacher violated the City’s conflicts of interest law when they moved in together while the Assistant Principal continued to supervise the teacher. In three-way dispositions with the Board and DOE, the Assistant Principal agreed to pay a \$3,750 fine for supervising the employment of his live-in girlfriend and then wife for eleven months and for entering into a financial relationship with his subordinate with whom he lived and ultimately married, and the teacher agreed to pay a \$1,752 fine for entering into a financial relationship with her supervisor. *COIB v. Postiglione*, COIB Case No. 2016-902 (2018); *COIB v. DeDominic*, COIB Case No. 2016-902a (2018).

A now-former Principal for the New York City Department of Education (“DOE”) agreed to pay a \$5,500 fine in a three-way settlement with the Board and DOE for hiring her sister to perform hourly “per session” work for DOE and for supervising her sister in that position for three months. The Principal hired her sister to process the payroll for the Principal’s school, permitted her sister to work remotely by faxing her the paperwork needed to perform the per session duties, and entered and approved her sister’s work hours. The Principal acknowledged that, by both hiring and supervising her sister, she used her City position to obtain a financial benefit for a person with whom she is associated, in violation of City Charter Section 2604(b)(3). *COIB v. Raimundi Ortiz*, COIB Case No. 2016-535 (2018).

In a joint settlement with the Board and the New York City Department of Education (“DOE”), a high school principal paid a \$10,000 fine for misusing his City position multiple times to benefit his domestic partner. The Principal’s high school maintained a close relationship with a local college. The Principal’s domestic partner was a student at that same college, studying for a Master of Social Work. To complete the program, the Principal’s domestic partner needed to log 1,200 hours of supervised internship work. In order to help his domestic partner complete this requirement, the Principal approved his domestic partner’s placement for a social work internship at the Principal’s school; had his subordinate directly supervise his domestic partner; indirectly supervised his domestic partner himself; attempted to convince the college to extend his domestic partner’s internship at the Principal’s school beyond its normal termination date; and, when he could not get the college to extend his domestic partner’s internship at his own school, demanded that the college place his domestic partner at a different DOE school, this time insinuating in a manner the college viewed as a threat, that, if his domestic partner were not placed at the school, the Principal would no longer recommend the college to his DOE students. *COIB v. Canale*, COIB Case No. 2017-033 (2018).

On ten occasions, a Principal at the New York City Department of Education (“DOE”) brought her three-year-old grandson to participate in a Pre-Kindergarten class at her school for two to three hours each time. The class was taught by two of the Principal’s DOE subordinates. The Principal’s grandson was not officially enrolled in, or old enough for the class. Moreover, his presence caused the class to exceed maximum capacity. In a joint disposition with the Board and DOE, the Principal agreed to pay a \$3,000 fine for misusing her position to place her grandson in the class, thereby obtaining a benefit for her daughter (the grandchild’s mother), and misusing DOE staff by having her subordinates supervise her grandson. *COIB v. Ramirez*, COIB Case No. 2016-682 (2018).

## **USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION**

- **Relevant Charter Sections:** City Charter Section 2604(b)(4)

The Director of Fleet for the New York City Department for Homeless Services (“DHS”) accessed a confidential NYS Department of Motor Vehicles database to view her boyfriend’s confidential records for personal reasons and had her subordinate issue a DHS parking permit to her boyfriend without proper documentation. In a three-way settlement between the Board, DHS, and the Director of Fleet, DHS determined that the appropriate penalty to resolve the related DHS disciplinary matter was a 20-day pay fine, valued at approximately \$7,572, and a 10-day annual leave deduction, valued at \$3,786, as well as

imposition of a six-month probationary period (permitting imposition of an additional fifteen-day suspension for similar misconduct). The Board accepted the DHS penalty as sufficient to resolve the Director of Fleet's conflicts of interest law violations and imposed no additional penalty. *COIB v. Astacio*, COIB Case No. 2017-501 (2018).

On 56 occasions, a New York City Human Resources Administration ("HRA") Caseworker misused the Welfare Management System ("WMS") to access the confidential public assistance case records of an individual for whom she serves as an Authorized Family Care Provider. In a joint settlement with the Board and HRA that resolves both the Caseworker's conflicts of interest law violations and unrelated HRA Code of Conduct violations, the Caseworker agreed to accept a thirty-day suspension, valued at approximately \$3,951, and to serve a one-year probation. The Board imposed no further penalty. *COIB v. S. Agbaje*, COIB Case No. 2017-304 (2018).

On 86 occasions, a New York City Human Resources Administration ("HRA") Associate Job Opportunity Specialist accessed the confidential public assistance records of his then girlfriend (who lived in a building that he owned), their close relatives, and members of their households. In a joint settlement with the Board and HRA, the Associate Job Opportunity Specialist agreed to resign. The Board imposed no further penalty. *COIB v. Deshong*, COIB Case No. 2017-707 (2018).

## **GIFTS**

- **Relevant Charter Sections:** City Charter Section 2604(b)(5)
- **Relevant Board Rules:** Board Rules Section 1-01(a)<sup>8</sup>

A now-former Community Associate with the New York City Administration for Children's Services ("ACS") was responsible for enrolling daycare centers in the ACS Automated Child Care Information System (the "System") to enable the centers to participate in voucher programs provided by ACS. The former Community Associate became acquainted with the proprietor of several ACS-funded daycare centers when enrolling at least two of his daycares into the System. At the Proprietor's request, she adjusted the allocation of children allowed in some of the Proprietor's daycare centers. Later, the Proprietor gave the Community Associate \$200 cash, purportedly on the occasion of the baby shower of the Community Associate's daughter. He also gave a \$400 check to the Community Associate when she attended the Proprietor's company holiday party. Taking into account an unpaid suspension, valued at \$2,860, that the former Community Associate served, as well as her subsequent resignation (both imposed for disciplinary infractions related to this misconduct), the Board determined an additional \$5,000 fine to be the appropriate penalty. The Board forgave this fine based on the Community Associate's showing of financial hardship. *COIB v. Shuemake*, COIB Case No. 2015-130a (2018).

## **ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY**

- **Relevant Charter Sections:** City Charter Section 2604(b)(13)<sup>10</sup>

A now-former Community Associate with the New York City Administration for Children's Services ("ACS") was responsible for enrolling daycare centers in the ACS Automated Child Care Information System (the "System") to enable the centers to participate in voucher programs provided by ACS. The former Community Associate became acquainted with the proprietor of several ACS-funded daycare centers when enrolling at least two of his daycares into the System. At the Proprietor's request, she adjusted the allocation of children allowed in some of the Proprietor's daycare centers. Later, the Proprietor gave the Community Associate \$200 cash, purportedly on the occasion of the baby shower of the Community Associate's daughter. He also gave a \$400 check to the Community Associate when she attended the Proprietor's company holiday party. Taking into account an unpaid suspension, valued at \$2,860, that the former Community Associate served, as well as her subsequent resignation (both imposed for disciplinary infractions related to this misconduct), the Board determined an additional \$5,000 fine to be the appropriate penalty. The Board forgave this fine based on the Community Associate's showing of financial hardship. *COIB v. Shuemake*, COIB Case No. 2015-130a (2018).

## APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

- **Relevant Charter Sections:** City Charter Section 2604(b)(2), 2604(b)(6)

A New York City Department of Health and Mental Hygiene (“DOHMH”)–Office of Chief Medical Examiner (“OCME”) Borough Supervisor of the Staten Island Morgue also worked privately as a funeral home director. On 45 occasions, the Borough Supervisor picked up bodies from the Staten Island Morgue in his private capacity as a funeral director, which required him to engage in an in-depth check-out process with an OCME Mortuary Technician. On two of those occasions, he performed this work while on the clock at his OCME job. The City’s conflicts of interest law prohibits City employees from appearing for compensation on behalf of private interests before any City agency and from performing work for their private businesses during their City work hours. In a three-way settlement with the Board and DOHMH, the Borough Supervisor agreed to serve a ten-workday suspension, valued at approximately \$2,037, and pay a \$4,000 fine – \$3,000 to DOHMH-OCME and \$1,000 to the Board. *COIB v. Tucker*, COIB Case No. 2014-652 (2018).

## SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

- **Relevant Charter Sections:** City Charter Section 2604(b)(14)

An Operations Supervisor at the New York City Department of Information Technology and Telecommunications (“DoITT”) and a subordinate Communications Operations Technician entered into a prohibited financial relationship when the subordinate loaned \$1,000 to the Operations Supervisor, which the supervisor repaid within a few months. The Operations Supervisor also misused his City position by soliciting and accepting the loan and accepting a \$300 gift from the same subordinate. Recognizing that the Operations Supervisor and his subordinate were friends before their City employment, and that their pre-existing friendship appeared to motivate both the loan and gift, the Board set a fine of \$1,250 for the Operations Supervisor and a \$250 fine for his subordinate. *COIB v. Hiller*, COIB Case No. 2018-542 (2018); *COIB v. Pollice*, COIB Case No. 2018-542a (2018).

A New York City Department of Education (“DOE”) Assistant Principal misused his DOE position by selling a fur coat to a subordinate DOE teacher for \$500. When the teacher bought the coat from the Assistant Principal, they entered into a prohibited financial relationship. In a joint settlement with the Board and DOE, the Assistant Principal paid a \$500 fine to the Board; in a separate settlement with the Board, the teacher paid a \$100 fine. *COIB v. Burnside*, COIB Case No. 2017-918 (2018); *COIB v. Hurt*, COIB Case No. 2017-918a (2018).

A New York City Police Department (“NYPD”) Detective sold a firearm to his supervisor, an NYPD Sergeant. The Board considered that the Sergeant’s wife initiated the purchase—intended as a gift for her husband—in determining not to impose a fine on either NYPD officer and instead issued a public warning letter. *COIB v. Holman*, COIB Case No. 2018-146 (2018); *COIB v. Rodrigo*, COIB Case No. 2018-146a (2018).

From July 2016 to December 2017, an Assistant Vice President at New York City Health + Hospitals, who was then the Associate Executive Director of Coney Island Hospital, was driven to and from work nearly every day by a subordinate who lived near her. While the supervisor did bear some of the costs of the arrangement—she paid for parking and her subordinate paid for gas—the amount she contributed was less than half of the total driving expenses; the superior offered to pay more but the subordinate declined. In addition, on approximately ten days when this subordinate was absent from work, the supervisor had another subordinate drive her home and contributed nothing to the subordinate’s driving expenses. The supervisor admitted that obtaining rides from her subordinates without paying an equitable share constituted a misuse of her City position (even if the subordinate accepted the arrangement) and that she had entered into a prohibited financial relationship with the subordinate with whom she shared driving expenses. The Assistant Vice President agreed to pay a \$1,000 fine to the Board. *COIB v. Sun*, COIB Case No. 2018-286 (2018).

A New York City Department of Parks and Recreation (“DPR”) Parks Supervisor and a subordinate Parks Worker entered into a prohibited financial relationship when the subordinate sold his used car to his supervisor. For this violation, the supervisor paid a \$700 fine in a joint settlement with the Board and DPR; in a separate settlement with the Board, the subordinate paid a \$500 fine. *COIB v. Llopiz*, COIB Case No. 2017-402 (2018); *COIB v. Em. Morales*, COIB Case No. 2017-402a (2018).

Over the course of five years, a now-former Supervisor of Grounds for the New York City Housing Authority (“NYCHA”) sought over \$700 in interest-free loans from three of his NYCHA subordinates. He succeed-

ed in receiving \$496.81 in loans from them. The Supervisor of Grounds also drove two of his subordinates to and from work in exchange for cash, cigarettes, beer, and haircuts. The Supervisor of Grounds agreed to pay a \$1,500 fine to the Board, after having repaid all the loans. *COIB v. Spencer*, COIB Case No. 2017-964 (2018).

A Plant Chief for the New York City Department of Environmental Protection (“DEP”) had a subordinate perform plumbing jobs at the Plant Chief’s rental properties. Specifically, the Sewage Treatment Worker replaced 25 feet of water main at one rental property, repaired leaking steam valves at another property, and repaired radiator steam valves at a third property. The Plant Chief paid the Sewage Treatment Worker for his work at below market rate. Additionally, the Plant Chief used his DEP cell phone to exchange numerous text messages with his tenants and the Sewage Treatment Worker to coordinate the repair work. The Plant Chief agreed to pay a \$6,000 fine to the Board. *COIB v. Zaman*, COIB Case No. 2018-029 (2018).

A former Administrative Education Officer for the New York City Department of Education (“DOE”) had an outside job as a tax preparer. She misused her DOE computer to modify and store 15 documents for this outside job. She also misused City time by promoting her tax prep services to co-workers and a subordinate during DOE work hours, which led to her obtaining two co-workers and the subordinate as paying clients. The former Administrative Education Officer agreed to pay a \$3,000 fine. *COIB v. R. Garcia*, COIB Case No. 2016-216 (2018).

A New York City Department of Transportation (“DOT”) Highway Transportation Specialist undertook outside work with his wife as agents of a multi-level marketing company. To further this outside work, the Highway Transportation Specialist recruited two of his DOT subordinates to become members of his wife’s marketing team. On one occasion, he sold a product directly to a DOT subordinate. In addition, in order to boost his sales numbers, the Highway Transportation Specialist had a DOT subordinate purchase a product worth \$40 from the marketing company’s website and reimbursed the subordinate for that purchase. In a joint settlement with the Board and DOT, the Highway Transportation Specialist agreed to serve a 20-workday suspension, valued at approximately \$3,511.72. The Board imposed no further penalty. *COIB v. W. Knight*, COIB Case No. 2017-411 (2018).

A New York City Department of Education (“DOE”) Assistant Principal and a DOE teacher violated the City’s conflicts of interest law when they moved in together while the Assistant Principal continued to supervise the teacher. In three-way dispositions with the Board and DOE, the Assistant Principal agreed to pay a \$3,750 fine for supervising the employment of his live-in girlfriend and then wife for eleven months and for entering into a financial relationship with his subordinate with whom he lived and ultimately married, and the teacher agreed to pay a \$1,752 fine for entering into a financial relationship with her supervisor. *COIB v. Postiglione*, COIB Case No. 2016-902 (2018); *COIB v. DeDominic*, COIB Case No. 2016-902a (2018).

A former Director of Contracts and Construction in the Traffic Division of the New York City Department of Transportation (“DOT”) engaged in a series of financial transactions with his subordinate. Over the course of three years, the Director and his subordinate lent and repaid each other more than \$40,000. The subordinate previously paid a \$2,500 fine (\$1,500 to DOT and \$1,000 to the Board). Additionally, the former Director filed three false annual City financial disclosure statements in which he failed to report that his subordinate owed him more than \$1,000, each time violating the City’s Annual Disclosure law. For these violations, the former Director paid a \$4,000 fine to the Board. *COIB v. Tomlinson*, COIB Case No. 2015-858a (2018).

## **JOB SEEKING VIOLATIONS**

- **Relevant Charter Sections:** City Charter Section 2604(d)(1)

The Director of Multifamily Disposition and Finance Programs at the New York City Department of Housing Preservation and Development (“HPD”) submitted his resume to a developer while he was supervising the developer’s active projects with HPD. Only after the developer asked the Director to confirm that he had recused himself from its active projects did the Director seek advice and formally recuse himself from dealing with the developer. The Director then withdrew himself from consideration for the job and self-reported his conduct to the Board. The Director paid a \$500 fine, which penalty took into account the steps he took to limit the impact of his single violation. *COIB v. Chan*, COIB Case No. 2018-105 (2018).

A Vice President in the Capital Program Department at the New York City Economic Development Corporation (“EDC”) attempted to initiate discussions about potential employment with a construction company, Judlau/OHL, while the Vice President was working with Judlau/OHL on a project for EDC. Judlau/OHL informed EDC of this misconduct. Upon learning of the Vice President’s misconduct, EDC terminated his employment. Taking into account the Vice President’s single job-seeking violation and that he self-reported it to the Board, the Board accepted the Vice President’s termination as sufficient to address his job-seeking violation and imposed no additional penalty. *COIB v. Assaf*, COIB Case No. 2017-836 (2018).

### **ONE-YEAR POST-EMPLOYMENT APPEARANCE BAN**

- **Relevant Charter Sections:** City Charter Section 2604(d)(1)

After leaving his position with the Mayor’s Office of Technology and Innovation, a former Project Manager founded a not-for-profit organization that offers professional training. On eight occasions within his first post-employment year, and despite having received advice from the Board warning him not to do so, the former Project Manager communicated with Mayor’s Office employees seeking business for his not-for-profit organization. These prohibited communications with Mayor’s Office employees included emails and telephone calls in which he provided information regarding the training programs offered by his not-for-profit, proposed specific training programs for Mayor’s Office staff, and attempted to set up meetings with the Mayor’s Office regarding his training programs. The Project Manager paid an \$8,000 fine, which took into account that the former Project Manager disregarded Board advice. *COIB v. Seliger*, COIB Case No. 2016-757 (2018).

After leaving City employment, a former Confidential Investigator for the New York City Department of Education (“DOE”) began a private business consulting for employees facing disciplinary action by DOE by reviewing the quality of DOE investigations conducted by her former DOE department, the DOE Office of Special Investigations (“OSI”). Roughly three months after leaving City service, she was hired by an attorney representing a DOE Assistant Principal who had been demoted after an OSI investigation. The former Confidential Investigator communicated with DOE on the client’s behalf on three occasions within one year of leaving her DOE employment: testifying before an internal DOE committee that was reviewing DOE’s decision to demote the Assistant Principal (during this hearing the former Confidential Investigator was repeatedly asked by the internal DOE committee to clarify her role in the hearing and whether she was testifying on behalf of OSI); preparing and signing a written report that was submitted to the internal DOE committee; and appearing before DOE in writing when her signed, written report was submitted to DOE as part of the Assistant Principal’s Article 78 challenge to his demotion. The Board determined that the appropriate penalty was a \$6,000 fine, taking into account that her testimony at the DOE committee hearing generated confusion among the committee members regarding her role in the proceeding. The Board forgave \$4,000 of the \$6,000 fine based on the former Confidential Investigator’s documented financial hardship. *COIB v. Celik*, COIB Case No. 2017-198 (2018).

### **ANNUAL DISCLOSURE LAW**

- **Relevant Law:** Administrative Code Section 12-110(g)(2)

A former Director of Contracts and Construction in the Traffic Division of the New York City Department of Transportation (“DOT”) engaged in a series of financial transactions with his subordinate. Over the course of three years, the Director and his subordinate lent and repaid each other more than \$40,000. The subordinate previously paid a \$2,500 fine (\$1,500 to DOT and \$1,000 to the Board). Additionally, the former Director filed three false annual City financial disclosure statements in which he failed to report that his subordinate owed him more than \$1,000, each time violating the City’s Annual Disclosure law. For these violations, the former Director paid a \$4,000 fine to the Board. *COIB v. Tomlinson*, COIB Case No. 2015-858a (2018).

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	91-16	91-18	92-3	92-10	92-12	92-33
	92-35	93-9	93-14	93-23	93-25	94-2
	94-12	94-17	95-2	95-5	95-14	94-28 (Revised)
	97-2	98-1	08-3	09-7	11-1	
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City Vehicles, Use of	09-1					
Commercial Discounts	06-4					
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	96-4	03-2	03-3	04-1	04-3	05-3
	08-2	10-1				

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	92-4	92-14	93-21	93-28	94-3	94-13
	94-13	94-20	98-1			
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	93-26	94-29	95-7	95-27	98-14	01-01
	98-14	01-02	03-4	08-6		
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	94-9	94-12	94-23	94-29	95-28	96-3
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	10-2	11-2	12-4	16-1	17-2	
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Gifts - Sporting Events	12-4					
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	92-28	92-30	92-34	92-36	93-4	93-5
	93-24	93-25	94-1	94-8	94-16	95-6
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	92-9	92-11	92-26 (Revised)		92-30	92-35
	93-7	93-16	93-22	93-27	93-32	94-1
	94-3	94-8	94-10	94-11	94-13	94-20
	94-25	97-3	98-2	98-3	02-01	03-7
	94-26	95-10	95-12	95-18	95-21	97-3
	98-2	98-3	02-01	03-7	07-4	09-7
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	93-31	94-5	94-7	92-38	93-8	93-11
	93-12	93-13	94-15	94-19	94-21	94-22
	95-1	95-4	95-23	96-1	96-6	97-1
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<b>Prizes - see Gifts</b>						
<b>Prohibited Interests</b>	90-1	90-2	91-2	91-3	91-15	92-5
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	92-30	92-35	93-1	93-3	93-4	93-7
	93-9	93-16	93-22	93-27	93-29	93-32
	94-1	94-13	94-16	94-20	94-25	94-26
	94-3	94-5	94-8	94-10	94-11	95-10
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	92-26 (Revised)		92-28	92-30	93-1	93-4
	93-7	93-17	93-19	93-31	94-6	94-11
	94-17	94-18	94-24	96-2	98-1	
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	94-1	94-3	94-6	94-8	94-11	94-15
	94-16	94-19	95-17	96-1	96-2	98-8
	98-9	94-20	94-22	95-1	95-3	95-16
	99-2	99-4	99-5	99-6	00-2	06-1
	07-1	08-4	12-2			
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## RECIPIENTS OF BOARD AWARDS

### Sheldon Oliensis Ethics in City Government Award

- 2018 Sharmila Rampersaud (Department of Parks & Recreation)
- 2017 David Fenichel (Department of Transportation)
- 2016 David Varoli (Department of Design & Construction)
- 2015 Allen Fitzer (Comptroller's Office)
- 2014 Rose Gill Hearn (Department of Investigation)
- 2013 Samantha Biletsky (Department of Education)
- 2012 Marla Simpson (Mayor's Office of Contract Services)
- 2010 Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
- 2009 Ricardo Morales (New York City Housing Authority)
- 2007 Department of Buildings
- 2005 The Center for New York City Law at New York Law School
- 2004 Saphora Lefrak (City Council)
- 2003 Department of Investigation
- 2002 Department of Environmental Protection
- 2001 Department of Transportation
- 1999 Sheldon Oliensis (Conflicts of Interest Board)

### Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board

- 2017 Andrew Irving
- 2016 Alex Kipp
- 2015 Carolyn Lisa Miller
- 2014 Burton Lehman
- 2013 Steven Rosenfeld and Monica Blum
- 2012 Wayne Hawley
- 2011 Angela Mariana Freyre
- 2009 Mark Davies
- 2008 Robert Weinstein
- 2007 Jane Parver
- 2006 Bruce Green
- 2005 Benito Romano
- 2003 Andrea Berger
- 1999 Shirley Adelson Siegel

# Board Staff

## Executive

**Carolyn Lisa Miller**  
Executive Director

**Jasmine Mack**  
Administrative Legal Coordinator

## Administration

**Varuni Bhagwant**  
Director of Administration

**Oni John**  
Purchasing Coordinator  
*(until January 2018)*

**Nabilah Quddus**  
Human Resources Generalist  
*(commencing February 2018)*

## Legal Advice

**Ethan A. Carrier**  
General Counsel

**Christopher M. Hammer**  
Deputy General Counsel

**Chad Gholizadeh**  
Assistant Counsel

**Amber Marie Gonzalez**  
Assistant Counsel  
*(until December 2018)*

**Clare Wiseman**  
Assistant Counsel

**Hannah Reisinger**  
Paralegal  
*(until June 2018)*

**Summer Payton**  
Paralegal  
*(August to November 2018)*

## Enforcement

**Michele L. Weinstat**  
Director of Enforcement

**Jeffrey Tremblay**  
Deputy Director of Enforcement

**Evan Berkow**  
Assistant Counsel  
*(until November 2018)*

**Katherine Miller**  
Assistant Counsel

## Annual Disclosure

**Julia H. Lee**  
Director of Annual Disclosure &  
Special Counsel

**Joanne Giura-Else**  
Deputy Director of Annual  
Disclosure

**Holli R. Hellman**  
Senior Annual Disclosure Analyst

**Grace Cho**  
Annual Disclosure Analyst

**Veronica Martinez Garcia**  
Administrative Assistant

## Education & Engagement

**Alex Kipp**  
Director of Engagement  
& Education

**Rob Casimir**  
Senior Education & Engagement  
Specialist

**Dan Iwrey**  
Education & Engagement  
Specialist

**Gavin Kendall**  
Education & Engagement  
Specialist

**Roy Koshy**  
Education & Engagement  
Specialist

**Isaiah Tanenbaum**  
Education & Engagement  
Specialist

## Information Technology

**Derick Yu**  
Director

# Former Board Members

<b>Merrill E. Clarke, Jr., Chair</b>	1989	<b>Bruce A. Green</b>	1995-2005
<b>Beryl Jones</b>	1989-1995	<b>Angela Mariana Freyre</b>	2002-2011
<b>Robert J. McGuire</b>	1989-1994	<b>Steven B. Rosenfeld, Chair</b>	2002-2012
<b>Sheldon Oliensis, Chair</b>	1990-1998	<b>Kevin J. Frawley</b>	2006-2009
<b>Shirley Adelson Siegel</b>	1990-1998	<b>Monica Blum</b>	2004-2013
<b>Benjamin Gim</b>	1990-1994	<b>Burton Lehman</b>	2009-2014
<b>Benito Romano,</b>	1994-2004	<b>Nicholas Scoppetta, Chair</b>	2012-2014
<b>Acting Chair (1998-2002)</b>		<b>Andrew Irving</b>	2005-2017
<b>Jane W. Parver</b>	1994-2006		

