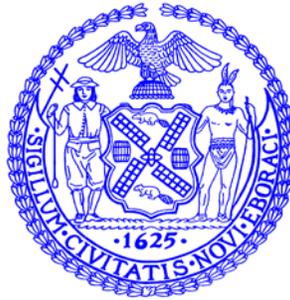


CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2016



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*Chair*

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Andrew Irving  
Erika Thomas  
*Members*

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*Executive Director*

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*The New York City Conflicts of Interest Board's Annual Report is designed and produced in-house at 2 Lafayette Street, Suite 1010, New York, New York 10007.*

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## **INTRODUCTION**

This Annual Report for 2016 summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board (“COIB” or “the Board”), which is charged with administering, interpreting, and enforcing the City’s Conflicts of Interest Law. Found in Chapter 68 of the City Charter (<http://on.nyc.gov/1aZtHKB>), that law is applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which, together with the Lobbyist Gift Law enacted in 2006 as Sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68's ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance 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 (<http://on.nyc.gov/1bb0NVe>).

This Report reviews the Board's accomplishments during 2016, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) training and education; (3) requests for guidance and advice; (4) enforcement; (5) annual disclosure; (6) the amendments to Chapter 68 proposed by the Board; and (7) administration and information technology.

### **1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD**

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 §§ 2602(a) and (b)). Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards" (City Charter § 2602(c)).

Richard Briffault, Joseph P. Chamberlain Professor of Legislation at Columbia Law School, was appointed to the Board in March 2014 and serves as its Chair.

Fernando A. Bohorquez, Jr., a partner at BakerHostetler, was also appointed to the Board in March 2014.

Anthony Crowell, Dean and President of New York Law School, was appointed to the Board in April 2013.

Andrew Irving, Area Senior Vice President and Area Counsel of Gallagher Fiduciary Advisors, LLC, was appointed to the Board in March 2005 and reappointed in April 2013.

Erika Thomas-Yuille was appointed to the Board in March 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 26 is divided into six units: Training and Education, Legal Advice, Enforcement, Annual Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Carolyn Lisa Miller.

## **2. TRAINING AND EDUCATION**

The Board's Training and Education 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). It is the six-person Training Unit that shoulders this huge responsibility.

### **Training Sessions**

In 2016, the Unit conducted 638 classes, the second highest number in the history of the Board, as reflected in Exhibit 3 to this Report. During 2016, the Unit

trained the entire staffs of several agencies, including the Campaign Finance Board, the City Council, the Department of City Planning, the Civil Service Commission, the Department of Cultural Affairs, the District Attorneys' Offices in Brooklyn and Manhattan, the Department of Citywide Administrative Services, the Department for the Aging, the Department of Health & Mental Hygiene, the Department of Records & Information Services, the Department of Youth & Community Development, and the Taxi & Limousine Commission. In all, as summarized in Exhibit 4 to this Report, during 2016 the Unit presented classes at 55 City agencies and offices, reaching approximately 27,113 City employees.<sup>1</sup>

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 sessions, 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 usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board's attorneys, conducted 14 Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year, including a general two-hour course for City attorneys of various agencies; several shorter "Special Topics" classes; one class for new lawyers at the Law Department, continuing a model begun in 2004; classes for new assistant district attorneys in Brooklyn, Queens, and the Office of Special Narcotics Prosecutor in Manhattan. The Unit also continued to cooperate with the Department of Citywide Administrative Services ("DCAS") to offer Citywide CLE classes in Chapter 68, both general and specialized, at the DCAS Citywide Training Center.

It is anticipated that the great majority of public servants will eventually be trained by some computer-based method, similar to the way many large organizations handle other types of mandatory training. In 2016 the Training Unit began a production process with staff at DCAS to develop a course to be deployed on the DCAS citywide Learning Management System (LMS). The course is scheduled to be deployed as a pilot in July of 2017. In the meantime, three agencies have implemented their own electronic training systems for their employees: the New York City Housing Authority, the Department of Buildings,

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<sup>1</sup> While impressive, that number falls far below the over 300,000 public servants that the 2010 Charter amendment mandates receive training every two years.

and the Department of Environmental Protection. The Training Unit served as the Chapter 68 content consultant for these three systems.

Much of the work of the Board in training, advice, enforcement, and disclosure is made easier by the positive collaborative relationships it maintains with City agencies. In an effort to sustain and reinforce those relationships, Training Director Alex Kipp and Executive Director Carolyn Miller conducted “meet & greet” sessions with leaders and senior staff of 61 City agencies.

### **Website, Publications, and Media Outreach**

The Internet remains an essential tool for Chapter 68 outreach. In 2016 the Board’s website (<http://nyc.gov/ethics>) had 140,000 page views and 45,600 visits. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links. In 2016 the Training Unit, with the assistance of DoITT, undertook an overhaul of the Board’s website, scheduled to be completed in early 2017.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, “Ask the City Ethicist,” and the Board’s newsletter, *The Ethical Times*. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads, and several agencies have reported that they electronically distribute the newsletter to their entire staff.

The Board’s monthly Ethics contest, the Public Service Puzzler, also continued. Each month, the Training Unit emails contest information (the Puzzler) to City employees, inviting them to compete for Board-related token prizes and a mention in *The Ethical Times*. Contests have included crosswords, competitions for best pun or best cartoon caption, and word scrambles, among others.

The Board continues to post new publications on its website. All Board publications, including the texts of Chapter 68, the Board’s Rules, the Annual Disclosure Law, and the Lobbyist Gift Law can be found there. Copies of the statutes can be found at: <http://on.nyc.gov/1KaauBK>. COIB plain language materials can be found at: <http://on.nyc.gov/1UKxdKa>. Recent articles by Board attorneys and installments of “Ask the City Ethicist” have also added to the publications available online.

The Training Unit continued production on a series of short videos entitled “Ethics Express: Conflicts of Interest Explained in Five Minutes or Less.” These short episodes use a “talking heads” format to present an aspect of Chapter 68. Three episodes were filmed in 2016. Also, the Training Unit created a new series of short, snappy PSAs for web distribution. These were shot in 2016 and will be posted in 2017.

The Training Unit’s Twitter feed, “COIB Daily Dose,” continued to grab attention in 2016. A sub-brand of the Training Unit, the feed seeks to drive engagement with social media-savvy stakeholders. It has garnered much praise by City social media users and the local media for its use of humor to engage with the public on the topic of ethics and conflicts of interest.

Over the summer, the Training Unit constructed an “Ethics Advice Booth” and staged a day-long event at Thomas Paine Park, talking to members of the public about government ethics.

2016 also saw the first-ever “COIB Donut Summit,” a late-afternoon meet-up with members of the press who cover local government and politics. Over donuts and coffee Board training staff and senior leadership hosted an informal discussion about the structure of the conflicts of interest law, and the processes of the Board.

Expanded staff has allowed the Training Unit to take on additional projects, including a series of agency-specific leaflets, developed at the request of agencies; and an internally-facing tool to help Board trainers and attorneys conducting research into agency-specific policies and issues. The skeleton and proof of concept for this “COIB Training Wiki” were created in 2016. In 2017, the content will be fully developed. The goal is to have a linkable, user-friendly tool that helps users have agency-specific policies, quizzes, advisory opinions, and enforcement dispositions at their fingertips when they are about to lead a training session or are attempting to answer a question.

### **Seminar**

The Board’s Twenty-Second Annual Seminar on Ethics in New York City Government, held at New York Law School on May 17, 2016, was a great success. More than 250 public servants attended, representing approximately 50 City agencies. The Oliensis Award for Ethics in City Government was presented to David Varoli, General Counsel at the Department of Design & Construction. The

Pierpoint Award for Outstanding Service to the Board was presented to the Board's Training & Education Director, Alex Kipp. A list of past recipients of these awards may be found in Exhibit 5 to this Report.

The Board welcomes nominations for both awards, to be conferred at its Twenty-third Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 19, 2017.

For the third year in a row, the Seminar was offered at no charge for public servants. The Board thanks New York Law School for its support and generosity.

### **International Visitors and Government Ethics Associations**

In 2016, Training Director Alex Kipp, Executive Director Carolyn Miller, and Senior Trainer Rob Casimir attended the annual conference of the Council on Governmental Ethics Laws ("COGEL"), the premier government ethics organization in North America. COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board's game show, an interactive ethics quiz, and electronic filing of annual disclosure reports. Mr. Kipp and Mr. Casimir ran a session called, "Leave 'em Wanting More: Driving Engagement with Creative Content." Mr. Kipp also moderated the "Local Agency Round Table" session, a yearly affair that seeks to give agencies that work on the municipal level a chance to exchange wisdom and resources. Ms. Miller moderated a "Table Topics" breakfast session on Gift Bans and Restrictions.

Ms. Miller continued her ethics work outside the Board, serving as a member of the New York City Bar Association's Committee on Government Ethics and State Affairs.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in developing and improving their ethics laws. Resources permitting, Board staff members respond to those requests, whenever possible by e-mail, although occasionally in person. In 2016, Board staff met with officials from the Jiangsu Academy of Governance and the City of Shenzhen in the People's Republic of China.

### **3. REQUESTS FOR GUIDANCE AND ADVICE**

The Legal Advice Unit oversees the Board's responsibility under City Charter § 2603(c)(1) to "render advisory opinions with respect to the matters

covered by” Chapter 68 “on the request of a public servant or a supervisory official of a public servant.” Complying with written 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.” Accordingly, the Board annually receives and responds to hundreds of written, and thousands of telephonic, requests for advice.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years; 2016 was no exception. Exhibits 1 and 6 to this Report summarize the Unit’s work in 2016 and prior years.

In 2016 the Board received 611 formal written requests for advice, as detailed in Exhibit 7 to the Report. 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 6, in 2015 the Board’s median response time to formal written requests for advice was 26 days.

As shown in Exhibit 8 to this Report, in 2016 the Board responded in writing to 623 requests for its advice, consisting of 76 Board letters and orders reflecting Board action, 109 staff advice letters, 437 waiver letters signed by the Chair on behalf of the Board, and 1 formal published Advisory Opinion.<sup>2</sup> These 623 written responses was the Board’s highest annual total, topping the prior record set 2007. At year end the number of pending advice requests awaiting written response was 95, its lowest level since 2002.

In 2016 Board staff also answered 3,946 telephone requests for advice, the second highest annual total on record. Telephone advice, which is provided by attorneys from both the Board’s Legal Advice and Enforcement Units, 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, however, consume an

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<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.” By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

enormous amount of staff time, sometimes 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 and to make them available on Lexis and Westlaw. Working with the Enforcement and Training and Education Units, the Legal Advice Unit has developed a large e-mail distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of all City agencies. Working in cooperation with New York Law School's Center for New York City Law, the Board makes its advisory opinions available on-line, free of charge, in full-text searchable form ([www.CityAdmin.org](http://www.CityAdmin.org)). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

The public Advisory Opinion issued by the Board in 2016 was:

AO 2016-1 – Trips by Elected Officials That Include Both Governmental and Political Activities

Having received and responded to an inquiry from an elected official about accepting payment from a third party for a trip that, the official advised, had both governmental and political elements, the Board determined to publish an Opinion setting forth its advice, because, it stated, it anticipated similar such inquiries in the future and such expense-paid travel by elected officials is often a matter of public interest. In summarizing its advice, the Board stated the following:

An elected official may not accept as a “gift to the City” payment from a third party for the entire cost of out-of-town travel that includes political as well as governmental activities, even where the political activity adds no cost to the travel expenses. Instead, the cost of the trip must be allocated on a reasonable basis between its governmental and political purposes and the official may accept payment only for costs allocated to the governmental purposes. Nothing in this Opinion changes the long-standing requirement for all public servants to personally bear the extra costs incurred when the non-governmental purpose adds cost to a trip undertaken for a City purpose.

In order to help meet its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, one volunteer law school graduate and three law student interns worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2 to this Report, contributed meaningfully to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Julia Lee, Associate Counsels Jessie Beller, Amber Gonzalez, and Chris Hammer, and Paralegal Hannah Reisinger.

#### **4. ENFORCEMENT**

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 occasionally violate Chapter 68 of the New York City Charter, the Conflicts of Interest Law, either intentionally or inadvertently. Board enforcement actions send a clear message that Conflicts of Interest Law violations will be exposed and violators punished.

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, and impose fines on violators. With the exception of imposing fines, which only the Board itself may do, these functions are discharged by the Board's Enforcement Unit. 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 2016, the Enforcement Unit opened 475 new enforcement cases, closed 429 cases, and found violations in 56 cases. Those 56 public findings of violations included 54 dispositions imposing a fine (53 settlements and one case 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")) and two public warning letters. Data on enforcement cases from 1996 through 2016 can be found in Exhibit 9 to this Report and more detailed

information about the Board’s enforcement activity from 2006 through 2016 can be found in Exhibit 10 to this Report.

An integral part of the Board’s enforcement power is its ability to obtain monetary penalties and the disgorgement of ill-gotten gains, the latter a power given to the Board by the City’s voters in November 2010. In 2016, the Enforcement Unit, under the leadership of Director Michele Weinstat, collected \$110,150 in fines from violators. In addition, as discussed further below, the Enforcement Unit worked in cooperation with City agencies to jointly resolve cases involving Chapter 68 violations. In 2016, those cases resulted in agency fines, forfeiture of annual leave, and suspensions valued at \$102,172.

As reflected in Exhibit 11 to this Report, from 1990, when the Board gained enforcement authority, through 2016, Board fines and disgorgement penalties have totaled \$1,736,153. During that same period, fines paid to agencies, restitution, loan repayments, forfeiture of accrued leave, and suspensions without pay in Board cases have accounted for an additional \$1,709,500. But penalties alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement actions by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain.

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 2016, the Board referred 99 cases to DOI for investigation and DOI provided the Board with 137 investigative reports, as reflected in Exhibit 10. The Board also relies on the public, City employees and officials, and the media to bring possible violations to the Board’s attention and encourages anyone with information about a possible violation of Chapter 68 to use the “File a Complaint” function on the homepage of the Board’s website ([http://www.nyc.gov/html/conflicts/html/contact/file\\_complaint.shtml](http://www.nyc.gov/html/conflicts/html/contact/file_complaint.shtml)).

### **Enforcement Actions**

In 2016, the Board concluded enforcement actions involving a wide range of conduct, from elected and other high-level officials misusing their City positions to the dozens of employees at various City agencies who misused City resources – including City computers, e-mail accounts, telephones, and vehicles – not for a

City purpose but to advance their own private interests. A description of every enforcement disposition issued in 2016 can be found in the Appendix to this Report (Enforcement Case Summaries (2016)), but the following brief survey highlights the extent and success of the Board’s efforts:

**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 2016, the Board issued Findings of Facts, Conclusions of Law, and an Order in one case following a full trial at OATH.

In that action, the Board issued an Order, after a full hearing, imposing a \$42,000 fine on a former Property Maintenance Supervisor for the New York City Housing Authority (“NYCHA”), assigned to Sotomayor Houses, for using her City position to financially benefit Turkish Construction Corporation (“Turkish”), a private construction company owned and operated by her husband. Specifically, the Property Maintenance Supervisor: (1) made Turkish eligible to receive NYCHA small procurement contracts by adding Turkish to the list of approved NYCHA suppliers, ultimately resulting in the award to Turkish of 39 small procurement contracts totaling \$96,000 (each valued at less than \$5,000 and, therefore, requiring no competitive bidding.); (2) personally awarded eleven procurement contracts to Turkish for work at Sotomayor Houses; and (3) recommended Turkish’s services for work at another NYCHA housing development. In determining the penalty, the Board considered its precedent in cases of self-dealing, the egregious nature of the Property Maintenance Supervisor’s conduct, and that the Property Maintenance Supervisor did not accept responsibility for her actions.<sup>3</sup>

**Settlements: Significant Cases**

In a case involving novel issues relating to a high-level official’s use of his security detail, the Kings County District Attorney paid a \$15,000 fine in connection with his receipt of improper meal payments from the Kings County District Attorney’s Office (“KCDA”) and for having subordinates use their personal money to pay his meal expenses pending their reimbursement by KCDA.

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<sup>3</sup> *COIB v. Hawkins*, OATH Index No. 1043/16, COIB Case No. 2015-208 (Order Sept. 22, 2016).

The Kings County District Attorney admitted to having KCDA pay for his weekday meals from January 2014 through May 2014, totaling \$2,043, which he repaid in July 2014; having KCDA pay for his dinner and weekend meals from January 2014 through February 2015, totaling \$1,489, which he repaid in August 2015; and having the members of his security detail advance their own money for these expenses, as well as other of his personal meal expenses totaling \$1,992, for which the District Attorney periodically reimbursed KCDA per an arrangement with KCDA’s Fiscal Office. KCDA reimbursed the members of the security detail for their cash advances, sometimes after a delay. The Kings County District Attorney acknowledged that his conduct violated the provisions of the City’s conflicts of interest law that prohibit the City’s elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, privilege, or other private or personal advantage for the public servant, and from using City resources for any personal, non-City purpose. The Kings County District Attorney also acknowledged that, by permitting an office policy pursuant to which subordinate staff regularly advanced their own money to cover his personal expenses, he entered into a prohibited financial relationship with his subordinate employees. In determining the level of fine, the Board took into account that the Kings County District Attorney reimbursed all funds to KCDA prior to the Board’s commencement of an enforcement action, as well as the high level of accountability required of the chief prosecutor of Brooklyn.<sup>4</sup>

In another significant case involving high-level officials accepting free meals provided due to their City position, the Board fined a New York City Police Department (“NYPD”) Chief, former Chief, and Assistant Chief \$1,500 each in connection with their receipt of gifts in the form of meals from Queens Library President and CEO Thomas Galante, acting on behalf of Queens Library, with whom they interacted as part of their NYPD duties. The Chief and former Chief received four meals, each valued at more than \$100. The Assistant Chief received three meals for herself and one for her husband, each valued at more than \$100. The NYPD officers’ acceptance of meals provided to them solely due to their City positions violated the provision of the City’s conflicts of interest law that prohibits public servants from using their City positions to obtain any financial gain or personal advantage for the public servant or anyone “associated” with them, which includes a spouse. In determining the amount of the fine, the Board took into account the unique nature of the giver of the improper gifts.<sup>5</sup>

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<sup>4</sup> *COIB v. K. Thompson*, COIB Case No. 2015-110 (2016).

<sup>5</sup> *COIB v. Tuller*, COIB Case No. 2015-428 (2016); *COIB v. Secreto*, COIB Case No. 2015-428a (2016); *COIB v. Pizzuti*, COIB Case No. 2015-428b (2016).

**Settlements: Three-Way Settlements**

The Board’s Enforcement Unit continued to enhance its effectiveness in 2016 by strengthening its coordination with disciplinary counsel at City agencies in cases where Board action would overlap 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 § 2603(e)(2)(d)), the Board resolved Chapter 68 violations simultaneously with related disciplinary charges brought by the respondent’s agency. In 2016, the Board referred 67 such cases to agencies, including the Administration for Children’s Services, the Board of Elections, the Bronx District Attorney’s Office, the Department of Correction, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Homeless Services, the Department of Housing Preservation and Development, the Department of Parks and Recreation, the Department of Sanitation, the Kings County District Attorney’s Office, the New York City Housing Authority, the Police Department, the Human Resources Administration, and the New York City School Construction Authority.

Settlements reached in conjunction with City agencies frequently result in penalties of loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation. In one such case, the Board reached a three-way settlement with the New York City Department of Education (“DOE”) and an Assistant Principal, resulting in her paying a \$7,000 fine – \$6,000 to DOE and \$1,000 to the Board – for hiring her brother’s company to cater events at her school and personally authorizing payment to his company of a total of \$7,443.75 in DOE funds. In particular, she reimbursed herself a total of \$1,289 from DOE funds for purchases she had made from his company to cater events at her school and she signed off on an additional \$6,154.75 in direct DOE payments to his company to cater such events.<sup>6</sup>

In another three-way settlement, this time with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Supervising Exterminator agreed to serve a forty-day suspension without pay, valued at approximately \$4,867, for driving a DOHMH vehicle while off duty to a bar, then, approximately seven hours later, and now impaired, causing a multi-car accident that rendered the DOHMH vehicle unrepairable and inoperable. The City’s

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<sup>6</sup> *COIB v. CoPenny*, COIB Case No. 2015-502 (2016).

conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose.<sup>7</sup>

### **Settlements: 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 former Housing Inspector paid a \$6,000 fine for, while employed by the New York City Department of Housing Preservation and Development (“HPD”): (1) violating City Charter § 2604(b)(6) by appearing before the New York City Department of Buildings on behalf of his private architectural business on forty-seven occasions between 2013 and 2015; and (2) making improper appearances on behalf of a private client in violation of City Charter § 2604(b)(6) and misusing his City position for personal financial gain in violation of City Charter § 2604(b)(3) by contacting an HPD colleague to request the removal of HPD violations and a vacate order from the property of one of the Housing Inspector’s private clients, inquiring about the status of that request, and requesting a further expedited inspection to remove the vacate order.<sup>8</sup>

The Board also fined a former Member of the New York City Water Board \$1,000 for sponsoring a political fundraiser for the Mayor’s re-election campaign. The invitation to the fundraiser included the Water Board Member’s name as a host and requested campaign donations in amounts ranging from \$100 to \$2,500. Public servants with “substantial policy discretion,” such as Members of the Water Board, are prohibited by the City’s conflicts of interest law from requesting any person to make political contributions for any candidate for City elective office. In determining the amount of the fine, the Board took into account that the Water Board Member immediately resigned from the Water Board upon learning of his violation of Chapter 68, thus avoiding any continuing violation, as well as the high level of his position at the Water Board.<sup>9</sup>

In addition, the Board prosecutes cases against former public servants for violations that occur after they leave City service. In 2016, the Board brought multiple enforcement actions against former public servants for violating the Charter’s “post-employment provisions,” which prohibit former public servants from communicating for compensation with their former City agencies within one year after leaving City service, from working on the same particular matters that

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<sup>7</sup> *COIB v. Leggett*, COIB Case No. 2015-642 (2016).  
<sup>8</sup> *COIB v. MD Ali*, COIB Case No. 2015-797 (2016).  
<sup>9</sup> *COIB v. Finnerty*, COIB Case No. 2016-337 (2016).

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, the Board fined a former Executive Deputy Agency Chief Contracting Officer (“ACCO”) for the New York City Department of Transportation (“DOT”) \$5,000 for, within one year of leaving City service, twice appearing before DOT on behalf of his new private-sector employer. The former Executive Deputy ACCO admitted that, within two weeks of leaving City employment, he contacted a subordinate to request then-confidential technical proposals and engineering reports. She refused to provide the documents, warning him that it would be a conflict of interest violation to do so, and asked him not to contact her again. Subsequently, also within one year of leaving City employment, the former Executive Deputy ACCO called a second former subordinate at DOT to request then-confidential information regarding whether his new private sector employer had been shortlisted for a procurement. The City’s conflicts of interest law prohibits former public servants from communicating with their former City agency for one year after leaving City service.<sup>10</sup>

Summaries of all of the Board’s public enforcement actions from 1990 to the present are 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 ([www.CityAdmin.org](http://www.CityAdmin.org)).

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 70 such letters in 2016 – carry no findings of fact or violation by the Board, but instead serve as a formal reminder of the importance of strict compliance with the Conflicts of Interest Law.

For all their hard work, the Board thanks Michele Weinstat, Director of Enforcement; Jeff Tremblay, Deputy Director of Enforcement; Ethan Berkow, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. Finally, the Board extends its sincere thanks to the DOI Commissioner, the Special Commissioner of Investigation for the New York City School District (“SCI”), the New York City Police Department Internal Affairs

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<sup>10</sup> *COIB v. Syed*, COIB Case No. 2015-740 (2016).

Bureau, and their entire staffs for their investigating and reporting on complaints of violations of the Conflicts of Interest Law.

## **5. ANNUAL DISCLOSURE**

Pursuant to the Annual Disclosure Law, as set forth in Section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>), over 9,000 City public servants were required to file an annual disclosure report in 2016 with the Board.<sup>11</sup> 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....”

### **Filing and Review of Annual Disclosure Reports**

After the filing period, the Annual Disclosure (“AD”) Unit reviews filed reports for completeness and possible conflicts of interest. During 2016, the AD Unit reviewed 8,980 reports filed by non-terminating public servants for the year 2015. The AD Unit reviewed these annual disclosure reports to ensure that waivers had been obtained for second jobs requiring them. It also reviewed Board waiver letters, issued pursuant to City Charter § 2604(e), granting permission for second jobs to insure that these jobs were properly reported on the filer’s annual disclosure report.

Reviews conducted during the year resulted in 73 letters sent to filers, as follows: 68 of these letters advised the filers that it was necessary to obtain agency head permission and then a Board waiver pursuant to City Charter § 2604(e) in order to retain their second, non-City positions:<sup>12</sup> one instructed a filer to obtain an order for ownership interests pursuant to City Charter § 2604(a)(4); one advised the filer to seek the advice of the Board; two asked that the filer confirm that his or her City position did not involve the employer of the filer’s spouse; two asked filers to confirm that they were not in a superior-subordinate position in their City agency because they owned property together; and one to seek advice concerning non-City employment if it was not part of the filer’s City job. At year’s end, 15 filers had requested waivers, 10 waivers had been issued, 36 filers provided explanation for, or additional information concerning the second positions or reported, and two confirmed they were not in a superior-subordinate relationship.

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<sup>11</sup> Reports are filed in the year following the year to which they pertain. Thus, 2015 reports, covering calendar year 2015, were filed in 2016.

<sup>12</sup> Therefore, 15 of the requests for advice received by the Board this year directly resulted from the AD Unit’s review of disclosure reports.

The reviews also resulted in one matter being referred for enforcement action due to the filer's failure to obtain a Board waiver for a second job reported again after having previously been advised to obtain the waiver and four matters being referred for the respective filers' failure to respond to the Board's notice.

Reviews also resulted in the AD Unit contacting 189 filers concerning the need to amend their reports, the majority of whom needed to disclose second positions for which they had obtained permission or relatives in City service. As a result of the outreach, 141 filers amended their reports and 24 provided explanations as to why no amendment was required.

The AD Unit also reviewed filed reports to determine whether a conflict of interest existed where a filer and his or her relative work in the same City agency or the filer had more than one relative in another City agency. The AD Unit reviewed 262 reports and determined that there were 379 pairs of relatives in various City agencies.

The AD Unit receives requests for the certification of compliance 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 2016, 612 certifications were issued. Finally, the Unit continued its annual disclosure liaison trainings in 2016 with 7 trainings to 22 annual disclosure liaisons representing 19 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 were required to file a short paper form. Twenty-four policymaking boards and commissions, including 5 new DOB boards<sup>13</sup> and 60 additional filers,<sup>14</sup> participated in the 2016 filing period. There were 249 required filers, 25 of whom sat on multiple boards or commissions. By year's end, only three had not filed their 2015 annual disclosure reports.

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<sup>13</sup> All five boards were from the Department of Buildings: the Electrical Advisory Board, the Electrical Code Revision and Interpretation Committee, the Electrical License Board, the Master Plumbing and Fire Suppression Board, and the Plumbing Operations Committee.

<sup>14</sup> Nine of those 60 filers sat on multiple boards.

**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-two PAAA entities, including three entities filing for the first time, participated in the 2016 filing period.<sup>15</sup> These entities represented 380 filers. Of the 380 filers, 167 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 21 individuals served on more than one PAAA entity. The remaining 213 individuals filed the shorter paper PAAA reports, four of whom were required to file by virtue of service with more than one PAAA entity. By year’s end, there was 100% compliance.

**Annual Disclosure Appeals**

Pursuant to Section 12-110 (c) of the Administrative Code, an employee may appeal his or her agency’s determination that the employee is required to file a report. During 2016, the Board issued the following three appeal orders:

On January 28, 2016, the Board granted on default the appeal of a New York City Department of Citywide Administrative Services (“DCAS”) employee because the agency failed to provide requested information. [See Board Order 2016-01](#).

On February 11, 2016, the Board found that a New York City Department of Transportation attorney who suggested contract language that altered the criteria for bidders was required to file a financial disclosure report because his suggested changes could have affected the agency’s choice of contractors. [See Board Order 2016-02](#).

On December 16, 2016, the Board found that the duties of two DCAS employees did not change sufficiently since the Board granted their appeals in 2013 ([See Board Order 2013-01](#)); as such, they are still not required to file a financial disclosure report for calendar year 2015. [See Board Order 2016-03](#).

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<sup>15</sup> The three first-time entities were the Educational Construction Fund, the Friends of City Planning, and the Manhattan Action Fund.

## **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 2016, the Board collected \$26,250 in late filing fines, reflecting late filers from filing years 2014 and 2015.

## **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 2016, both the number of requests to inspect reports and determinations of privacy requests required to be made as a result of those requests were Board records. There were 2,597 requests to inspect filed reports, a 46% increase from the previous year. There were also 101 privacy requests, which is just one short of doubling the previous high of 51 in 2011.

Of the 2,597 number of requests in 2016, 2,167 were from the media, which resulted in numerous news articles and reports. A representative sampling organized by subject matter as follows:

Release of the Annual Disclosure Reports of the members of the City Council, the borough presidents, and the district attorneys on July 1, 2016, resulted in a *Capital New York* article that compared the disclosures of the five borough presidents and a July 2, 2016 *New York Daily News* article that focused on the debt of numerous Councilmembers.

Release of Reports of Appointed Public Servants on August 20, 2016, resulted in a number of articles from *Politico* and the *New York Daily News* on August 26, 2016, that focused on the salary of a former City Hall staffer charged with securing New York City as the host city for the 2016 Democratic National Convention.

Release of Reports of the members of the New York City Police Department resulted in several articles in the *New York Daily News* and on WNYC.org in November 2016 that focused on the outside financial interests of top officials.

## **Legislation**

The New York City Council amended the City's Annual Disclosure Law by requiring that, effective in 2017 with the filing of reports for calendar year 2016, the Board post the reports of elected officials on its website. The amendment also eliminated the requirement that Board notify the elected officials of the identity of the person who has viewed his report, a pre-requisite to posting reports.

In December 2016, the Board approved draft legislation changing the filing deadline for candidates for public office. The proposed amendments to Section 12-110(b)(2) of the Administrative Code seek to amend deadlines for the filing of annual disclosure reports by candidates that would enable the Conflicts of Interest Board to both notify candidates of their filing obligation in sufficient time for them to comply and to provide reports to the public in advance of an election.

City employees continue to show an excellent compliance rate in filing their mandated annual disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Annual Disclosure Law has exceeded 98% over the past six years. This superb record is attributed in large part to the excellent work of the Annual Disclosure Unit: Julia Davis, Director of Annual Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Annual Disclosure; Holli Hellman, Associate Electronic Financial Disclosure Project Manager and Supervising Annual Disclosure Analyst; Oni John, Annual Disclosure Analyst; and Veronica Martinez Garcia, Administrative Assistant.

## **6. PROPOSED AMENDMENTS TO CHAPTER 68**

The Board had a busy and successful year providing advice to City employees, enforcing violations of the City's ethics law, administering annual disclosure, and training City employees. However, Chapter 68 of the New York City Charter has gone largely unchanged since it was first enacted 25 years ago, and some changes are needed. Indeed, City Charter § 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>16</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.

## **7. ADMINISTRATION AND INFORMATION TECHNOLOGY**

The Board thanks its Director of Administration Varuni Bhagwant, Administrative Coordinator Iris Wright, and Purchasing Coordinator Oni John 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. Among his other myriad duties, this year Derick supervised the replacement of the agency's phone system with Voice Over Internet Protocol, an innovation that will save the Board tens of thousands of dollars annually.

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<sup>16</sup> In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: mandating that every City public servant obtain training in the Conflicts of Interest Law, increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and 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 Charter.

EXHIBITS  
AND  
APPENDICES

**EXHIBIT 1**  
**YEAR-BY-YEAR STATISTICAL COMPARISON: 1993, 2001, 2015, 2016**

<b>Agency</b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,237,114 (FY16)	2,561,120 (FY17)
Staff (budgeted)	26	23 <sup>3/5</sup>	22	26
<b>Legal Advice</b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	6 (4 attorneys) <sup>1</sup>
Telephone requests for advice	N/A	1,650	3,827	3,946
Written requests for advice	321	539	492	611
Issued opinions, letters, waivers, orders	266	501	437	623
Opinions, etc. per attorney	53	167	146	156
Pending requests at year end	151	40	170	95
Median time to respond to requests	N/A	N/A	30 days	26 days
<b>Enforcement</b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>
Staff	½	5 (4 attorneys)	5 (4 attorneys)	4 (3 attorneys)
New complaints received	29	124	544	475
Cases closed	38	152	484	429
Dispositions imposing fines	1	9	76	54
Public warning letters	0	2	7	2
Fines imposed	\$500	\$20,450	\$121,844	\$110,150
Referrals to DOI	19	49	71	99
Reports from DOI	N/A	43	175	137
<b>Training and Education</b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>
Staff	1	4 <sup>3/5</sup>	4	6 <sup>2</sup>
Training sessions	10	190	855	638

<sup>1</sup> The Advice Unit was increased from 4 to 6 in July 2016 with the addition of two new positions: another Advice Attorney and a Paralegal. The Paralegal joined the Board in September 2016; the Attorney has not yet been hired.

<sup>2</sup> Training staff was effectively 3 until May 2016. Two new trainers were hired in September and November 2016, but they will not begin to teach classes until early 2017.

		24 agencies; CLE	45 agencies; Ethics Liaison Meetup; multiple CLE offerings; training for all employees at 17 agencies; new sessions for Citywide seminar, with added integration between Training & other units	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
Dept. of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	241 classes taught	65 classes taught
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass’n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50	Over 50
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> (Monthly), <i>Public Service Puzzler</i> (Monthly)	<i>Ethical Times</i> (Monthly), <i>Public Service Puzzler</i> (Monthly)
<b><i>Training and Education (cont’d)</i></b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>

Videotapes	None	3 half-hour training films; 2 PSA's	"Ethics Express": 4 clips shot, one posted, 3 for posting in 2016	"Ethics Express": 3 clips shot, for posting in 2017; "Ethics Over Easy" PSAs – 7 shot in 2016
Electronic training	None	Computer game show; Crosswalks appearances	Development with DCAS slated for 2016. Twitter feed ("The COIB Daily Dose") innovations. Computer game show format given a refresher	Development of LMS content/program with DCAS begun; COIB Twitter feed; training "wiki"
<b>Annual Disclosure</b>	<b>1993</b>	<b>2001</b>	<b>2015</b>	<b>2016</b>
Staff	12	5	5	5
6-year compliance rate	99%	98.6%	98.5%	98.4%
Fines collected	\$36,051	\$31,700	\$28,530	\$26,250
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	8,592	8,980
Reports reviewed for conflicts (mandated by law)	350	38	8,592	8,980
Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA	0	0	31 PAAA entities filed	32 PAAA entities filed
Electronic filing	None	In development	With limited exceptions (PAAA filers, uncompensated members of policymaking boards and commissions, candidates, and assessors), all filers file electronically	With limited exceptions (PAAA filers, uncompensated members of policymaking boards and commissions, candidates, and assessors), all filers file electronically

## **EXHIBIT 2 BOARD MEMBERS AND STAFF 2016**

### *Members*

Richard Briffault, Chair  
Fernando A. Bohorquez, Jr.  
Anthony Crowell  
Andrew Irving  
Erika Thomas

### *Staff*

#### *Executive*

Carolyn Lisa Miller, Executive Director (*commencing February 2016*)

#### *Legal Advice*

Wayne G. Hawley, Deputy Executive Director & General Counsel  
Julia H. Lee, Deputy General Counsel (*commencing July 2016*)  
Jessie Beller, Associate Counsel (*until August 2016*)  
Christopher M. Hammer, Associate Counsel (*commencing September 2016*)  
Amber Marie Gonzalez, Assistant Counsel  
Hannah Reisinger, Paralegal (*commencing October 2016*)

#### *Enforcement*

Michele L. Weinstat, Director of Enforcement  
Bre Injeski, Deputy Director of Enforcement (*until July 2016*)  
Jeffrey Tremblay, Deputy Director of Enforcement (*commencing July 2016*) and  
Assistant Counsel (*until July 2016*)  
Evan Berkow, Assistant Counsel  
Maritza Fernandez, Litigation Coordinator

#### *Annual Disclosure*

Julia Davis, Director of Annual Disclosure & Special Counsel  
Joanne Giura-Else, Deputy Director of Annual Disclosure  
Holli R. Hellman, Associate Electronic Financial Disclosure Project Manager and  
Supervising Annual Disclosure Analyst  
Veronica Martinez Garcia, Administrative Assistant  
Oni John, Annual Disclosure Analyst (*until November 2016*)

#### *Training and Education*

Alex Kipp, Director of Training and Education  
Rob Casimir, Senior Trainer  
Dan Iwrey, Trainer (*commencing November 2016*)  
Gavin Kendall, Trainer (*commencing April 2016*)  
Roy Koshy, Trainer (*commencing September 2016*)  
Claire Wiseman, Trainer

#### *Administrative*

Varuni Bhagwant, Director of Administration  
Iris Wright, Administrative Coordinator (*until September 2016*)  
Oni John, Purchasing Coordinator (*commencing November 2016*)

#### *Information Technology*

Derick Yu, Director of Information Technology

## *Interns and Volunteers*

*Volunteer Law Graduate*  
Pamela Rockmore

*Law School Interns*  
Christian Kinsella  
Donald Roper  
Abhinaya Swaminathan

*College Interns*  
Abigail Sharkey

## *Former Members of the Board*

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

**EXHIBIT 3**  
**TRAINING AND EDUCATION CLASSES ON CHAPTER 68**

<u>Year</u>	<u>DOE Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes</u> <sup>1</sup>
1998	10	53	63
1999	23	69	92
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

<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 DOI.

<sup>2</sup> As a result of mandated layoffs, the Board had no Training and 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 Training and Education 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's compliment was expanded from two to four in July 2012.

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

<sup>8</sup> One training position was effectively vacant from January through May of 2016

# EXHIBIT 4

## TRAINING CLASSES BY AGENCY: 2009 TO 2016

Agencies that held ten or more classes are in bold.  
 Agencies that held three to nine classes are in italics.  
 Agencies that held one or two classes are not separately listed.

2009 <sup>1</sup>	2010 <sup>2</sup>	2011	2012 <sup>3</sup>	2013	2014	2015 <sup>4</sup>	2016 <sup>5</sup>
<b>Buildings</b> City Council DCAS DoITT Education FISA NYCHA TLC CCHR CCRB <i>Community Boards</i> DCA DDC DOHMH DOF DOT DPR DSNY DYCD EDC FDNY HRA NYCERS OATH SBS	<b>Buildings</b> City Council DCAS DOF DOT HRA Not-for-profits Receiving Discretionary Grants <i>Bronx Borough President</i> Community Boards DDC DOHMH DoITT DPR FDNY HHC HPD	<b>Buildings</b> City Council DCAS DDC DOE DOF OATH SCA <i>Community Boards</i> DOHMH DoITT DYCD EDC FDNY HRA <i>Manhattan BP</i> MOCS NYCERS <i>Not-for-profits</i> Receiving Discretionary Grants OEM SBS	ACS City Council Comptroller DCAS DOE DOHMH DOT HRA NYCERS TLC <i>Borough President (M)</i> Community Boards DDC DEP DOB DOF DoITT DSNY EDC FDNY FISA OLR <i>Police Pension Richmond Cty.</i> DA's Office	ACS City Council BOE BoERS DA (M) DCAS DDC DFTA DHS DOB DOE DOF DoITT Parks COIB DA - M DCAS DEP DOB DOC DSNY Community Boards DA - Bx DEP DOHMH DSNY DYCD EDC FDNY HDC MOCS OEM OPA	City Council Community Boards Comptroller DDC DOE DOF DOHMH DoITT DOT HRA Parks COIB DA - M DCAS DEP DOB DOC DSNY EDC FDNY <i>Mayor's Office</i> <i>Mayor's Office</i> <i>Vs. Domestic Violence</i> NYCHA OEM <i>Public Advocate</i> SBS	ACS Bd. Of Elections City Council Comptroller DCAS DDC DOB DOE DOF DOHMH DOT FISA HRA OATH SCA TLC TRS 311 BxDA CCHR <i>Community Boards</i> DANY DOI DoITT DSNY DYCD FDNY NYCERS NYPD OEM OPA <i>Parks</i> Agencies Holding One or Two Classes: 13	City Council Community Boards DANY DDC DHS DOB DOE DOF DOHMH DOT DYCD HPD NYPD Parks TLC ACS <i>Comptroller</i> <i>Cultural Affairs</i> DFTA DOC DoITT DSNY EDC FDNY KCDA <i>Mayor's Office</i> OCME OEM OMB Agencies Holding One or Two Classes: 19
Agencies Holding One or Two Classes: 24	Agencies Holding One or Two Classes: 20	Agencies Holding One or Two Classes: 16	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 13	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 13	Agencies Holding One or Two Classes: 19
<b>Total Classes:</b> <b>286</b>	<b>Total Classes:</b> <b>279</b>	<b>Total Classes:</b> <b>318</b>	<b>Total Classes:</b> <b>341</b>	<b>Total Classes:</b> <b>542</b>	<b>Total Classes:</b> <b>599</b>	<b>Total Classes:</b> <b>855</b>	<b>Total Classes:</b> <b>638</b>

<sup>1</sup> For five months during 2009 the Unit had a staff of one.

<sup>2</sup> For eight months during 2010 the Unit had a staff of one.

<sup>3</sup> The Training Unit's compliment was expanded from two to four in July 2012.

<sup>4</sup> One Training Unit position was effectively vacant from June to August 2015 and for the month of December in 2015.

<sup>5</sup> One Training Unit position was effectively vacant from January to May 2016.

**EXHIBIT 5**  
**RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS**

**Sheldon Oliensis Ethics in City Government Award**

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**

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

**EXHIBIT 6**  
**LEGAL ADVICE SUMMARY: 1993 & 2010 TO 2016**

	<b>1993</b>	<b>2010 (Increase v. 2009)</b>	<b>2011 (Increase v. 2010)</b>	<b>2012 (Increase v. 2011)</b>	<b>2013 (Increase v. 2012)</b>	<b>2014 (Increase v. 2013)</b>	<b>2015 (Increase v. 2014)</b>	<b>2016 (Increase v. 2015)</b>
Staff	5 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	3 attorneys	4 attorneys	4 attorneys
Telephone requests for advice	N/A	3246 (-1%)	3310 (+2%)	3213	3536 (+10%)	4,353 (+23%)	3,827 (-12%)	3,946 (+3%)
Written requests for advice	321	599 (+8%)	582 (-3%)	581	552 (-5%)	597 (+8%)	492 (-18%)	611 (+24%)
Issued opinions, letters, waivers, orders	266	523 (+8%)	523	471 (-10%)	559 (+19%)	480 (-14%)	437 (-9%)	623 (+43%)
Opinions, etc. per attorney	53	131 (+8%)	131	118 (-10%)	140 (+19%)	160 (+14%)	146 (-8%)	155 (+6%)
Pending written requests at year end	151	162 (+17%)	166 (+2%)	221 (+33%)	107 (-52%)	174 (+63%)	170 (-2%)	95 (-44%)
Median time to respond to requests	N/A	24 days	29 days	28 days	22 days	28 days	30 days	26 days

**EXHIBIT 7**  
**WRITTEN REQUESTS FOR ADVICE: 1996 TO 2016**

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613
2008	624
2009	557
2010	599
2011	582
2012	581
2013	552
2014	597
2015	492
2016	611

**EXHIBIT 8**  
**WRITTEN RESPONSES TO REQUESTS FOR ADVICE: 1996 TO 2016**

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
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

**EXHIBIT 9**  
**ENFORCEMENT CASES: 1996 TO 2016**

<u>Year</u>	<u>New Complaints</u>	<u>Cases Closed</u>	<u>Dispositions Imposing Fines</u>	<u>Public Warning Letters</u>
1996	50	32	1	1
1997	64	54	2	0
1998	63	76	9	0
1999	81	83	4	0
2000	148	117	10	2
2001	124	152	9	2
2002	221	179	6	0
2003	346	243	3	0
2004	307	266	6	0
2005	370	234	11	1
2006	330	557	21	6
2007	466	426	62	26
2008	510	508	136	16
2009	445	476	98	23
2010	516	523	74	37
2011	441	507	66	19
2012	437	446	89	14
2013	506	508	67	29
2014	488	524	78	17
2015	544	484	76	7
2016	475	429	54	2

**EXHIBIT 10**  
**ENFORCEMENT SUMMARY: 2007 TO 2016**

	<b>2007 (Increase v. 2006)</b>	<b>2008 (Increase v. 2007)</b>	<b>2009 (Increase v. 2008)</b>	<b>2010 (Increase v. 2009)</b>	<b>2011 (Increase v. 2010)</b>	<b>2012 (Increase v. 2011)</b>	<b>2013 (Increase v. 2012)</b>	<b>2014 (Increase v. 2013)</b>	<b>2015 (Increase v. 2014)</b>	<b>2016 (Increase v. 2015)</b>
Staff	5 (4 attorneys)	5 (4 attorneys <sup>1</sup> )	5 (4 attorneys <sup>2</sup> )	5 (4 attorneys)	5 (4 attorneys <sup>3</sup> )	5 (4 attorneys <sup>4</sup> )	5 (4 attorneys <sup>5</sup> )	5 (4 attorneys <sup>6</sup> )	5 (4 attorneys <sup>7</sup> )	4 (3 attorneys <sup>8</sup> )
New complaints received	466 (+41%)	510 (+9%)	445 (-13%)	526 (+18%)	441 (-16%)	437 (-0.1%)	506 (+14%)	488 (- 4%)	544 (+11%)	475 (-13%)
Cases closed	426 (-24%)	508 (+19%)	476 (-6%)	523 (+10%)	507 (-3%)	446 (-12%)	508 (+16%)	524 (+3%)	484 (-8%)	429 (-11%)
Dispositions imposing fines	62 (+195%)	136 (+119%)	98 (-28%)	74 (-24%)	66 (-11%)	89 (+35%)	67 (-25%)	78 (+16%)	76 (-3%)	54 (-29%)
Public warning letters	26 (+333%)	16 (-38%)	23 (+44%)	37 (+61%)	19 (-49%)	14 (-26%)	29 (+101%)	17 (-41%)	7 (-59%)	2 (-71%)
Fines imposed	\$87,300	\$155,600	\$161,076	\$145,850	\$145,769	\$198,876	\$131,750	\$184,405	\$121,844	\$110,150
Referrals to DOI	115 (-33%)	112 (-3%)	74 (-34%)	77 (+4%)	64 (-17%)	67 (+5%)	75 (+12%)	56 (-25%)	71 (+27%)	99 (+39%)
Reports from DOI	282 (+25%)	310 (+10%)	187 (-40%)	259 (+39%)	169 (-35%)	204 (+21%)	193 (-5%)	182 (-6%)	175 (-4%)	137 (-22%)

<sup>1</sup> The Enforcement Unit had one attorney on leave for several months in 2008.

<sup>2</sup> The Enforcement Unit had one attorney on leave for several months in 2009.

<sup>3</sup> The Enforcement Unit lacked one attorney for 3½ months in 2011.

<sup>4</sup> The Enforcement Unit lacked one attorney for 7½ months in 2012.

<sup>5</sup> The Enforcement Unit lacked one attorney for two months in 2013.

<sup>6</sup> The Enforcement Unit lacked one attorney for five months in 2014.

<sup>7</sup> The Enforcement Unit lacked a Director for one month in 2015.

<sup>8</sup> The Enforcement Unit lacked one attorney for five months in 2016.

**EXHIBIT 11**  
**ANNUAL DISCLOSURE SUMMARY: 2010 TO 2015**

Reporting Year <sup>1</sup> ("R.Y.")	Number of Reports Required for R.Y.	Reports Filed for R.Y.	Compliance Rate for R.Y. <sup>2</sup>	Number of Fines Waived for R.Y.	Number of Fines Paid for R.Y.	Amount of Fines Paid for R.Y.	Current Non-Filers for R.Y. <u>Act.I</u> <u>nact.</u> <sup>3</sup>		Current Non-Payers for R.Y. <u>Act.Inact.</u>	
2010	8,249	8,099	98.8%	67	51	\$17,250	0	60	0	92
2011	8,240	8,131	99%	71	44	\$15,250	0	63	0	69
2012	8,804	8,615	98.1%	126	63	\$24,500	0	83	0	73
2013*	9,044	8,860	98.1%	95	44	\$18,280	0	110	0	85
2014*	9,283	9,156	98.6%	96	81	\$28,500	0	67	0	107
2015	9,760	9,566	98.1%	81	41	\$16,000	8	105	9	122
TOTALS	53,380	52,427	98.4%	536	324	\$119,780	8	488	9	548

<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> "Act." indicates active City employees; "inact." indicates inactive City employees.

\* The numbers reported in this chart have been updated to reflect activity since the Board's 2015 Annual Report.

# ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

## SUMMARIES AND INDEXES

*A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.*

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# ENFORCEMENT CASE SUMMARIES: 2016

## MISUSE OF CITY TIME

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

The Board fined a New York City Health + Hospitals (“H+H”) Supervisor of Stock Workers \$2,500 for using his H+H computer, email account and H+H printers on at least twelve occasions during his H+H work hours to do design and printing jobs for his wife’s campaign for a New Jersey county committee position and for a not-for-profit organization his wife served as President, as well as for the political campaign of another individual. The City’s conflicts of interest law prohibits public servants from using City time or resources for any non-City purpose, particularly political activities. *COIB v. A. Santana*, COIB Case No. 2015-778 (2016).

In a joint disposition with the Board and the New York City Department of Transportation (“DOT”), an Administrative Manager agreed to serve a ten-day suspension, valued at approximately \$2,000, to resolve the Administrative Manager’s violations of Chapter 68 and DOT’s Code of Conduct. The Administrative Manager violated City Charter § 2604(b)(2) by serving as co-chair of Community Board No. 5’s (“CB5”) Municipal Services Committee, during which time the committee considered matters brought before it by DOT. In addition, the Administrative Manager misused City time, in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), by communicating with CB5 members about CB5 matters during her regular DOT workday. *COIB v. Lawrence*, COIB Case No. 2016-018 (2016).

The Supervisor of Plumbers at Kings County Hospital Center (“KCHC”), an employee of New York City Health + Hospitals (“H+H”), paid a \$3,000 fine for, between November 2010 and September 2011, during his H+H work hours, using his H+H computer to access, modify, maintain, save, and/or store five files related to his private plumbing business and using his H+H email account to send and receive approximately forty-eight emails relating to the operations of that business. The Supervisor of Plumbers also violated City Charter § 2604(b)(14) by purchasing a motor vehicle from one of his subordinates, a KCHC Plumber. *COIB v. Cook*, COIB Case No. 2016-388 (2016). The subordinate KCHC Plumber paid a \$450 fine to the Board for violating § 2604(b)(14) by selling a vehicle to his superior. *COIB v. Bosco*, COIB Case No. 2016-388b (2016).

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<sup>1</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(a) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City.”

In a joint settlement with the New York City Department of Education (“DOE”), a former DOE principal paid a \$1,800 fine to the Board for: (1) leaving work for several hours during a school day to travel to a car dealership in Jersey City, New Jersey, where he picked up a car he had previously purchased; and (2) having a teacher assigned to his school accompany him to the dealership. Both the principal and the teacher were being paid to perform work for DOE during their absence, and the principal directed a second teacher to “cover” the missing teacher’s remaining class. The City’s conflicts of interest law prohibits public servants from using City time and City resources for non-City purposes and from using their positions for personal advantage, which includes having subordinates perform personal favors. *COIB v. Sanchez*, COIB Case No. 2014-427 (2016).

A New York City Department of Homeless Services (“DHS”) Clerical Associate accepted a fifteen-day pay fine, valued at \$3,151.65, and a six-month probationary period for misusing the DHS email system during her City work hours to solicit business from several DHS employees by sending them a link to her travel website and inviting them to shop. This was a three-way settlement with COIB and DHS. *COIB v. S. Dickens*, COIB Case No. 2014-262 (2016).

In a joint disposition with the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist Supervisor II agreed to accept a five-workday suspension, valued at \$1,577, for, during her City work hours, using her ACS email account to send six emails and attached documents related to her private business and using her ACS computer to store those emails and one document related to that private business. The City’s conflicts of interest law prohibits City employees from using City time or City resources to perform work for their private businesses. *COIB v. Liota*, COIB Case No. 2016-008 (2016).

A City Research Scientist 4A for the New York City Department of Health and Mental Hygiene (“DOHMH”) was fined \$2,000 and served a two-day suspension, valued at approximately \$838, for (1) using her DOHMH computer during her City work hours to visit the website associated with her private business on forty-two occasions and (2) using her DOHMH computer and email account during her City work hours to send four emails soliciting for her private business. The City’s conflicts of interest law prohibits employees from using City time or City resources to perform work for their private businesses. This matter was a joint settlement with DOHMH, resolving both conflict of interest law violations and related disciplinary charges. \$500 of the total \$2,000 fine was paid to the Board and the remaining \$1,500 will be paid to DOHMH. *COIB v. Myers*, COIB Case No. 2015-183 (2016).

An Agency Attorney III for the New York City Department of Health and Mental Hygiene (“DOHMH”) was fined \$2,000 for using his DOHMH computer during his City work hours to access and/or save twenty-four documents relating to his outside, compensated work as an immigration attorney. The City’s conflicts of interest law prohibits employees from using City time or City resources to perform work for their private businesses. This matter was a joint settlement with DOHMH, resolving both conflict of *interest* law violations and related disciplinary charges. Half of the \$2,000 total fine (\$1,000) was paid to the Board and the other half will be paid to DOHMH. *COIB v. Rana*, COIB Case No. 2015-789 (2016).

## MISUSE OF CITY RESOURCES

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

In a three-way settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Supervising Exterminator agreed to serve a forty-day suspension without pay, valued at approximately \$4,867, for driving a DOHMH vehicle while off duty to a bar, then, approximately seven hours later, and now impaired, causing a multi-car accident that rendered the DOHMH vehicle unrepairable and inoperable. The City’s conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose. *COIB v. Leggett*, COIB Case No. 2015-642 (2016).

The Board fined a New York City Health + Hospitals (“H+H”) Supervisor of Stock Workers \$2,500 for using his H+H computer, email account and H+H printers on at least twelve occasions during his H+H work hours to do design and printing jobs for his wife’s campaign for a New Jersey county committee position and for a not-for-profit organization his wife served as President, as well as for the political campaign of another individual. The City’s conflicts of interest law prohibits public servants from using City time or City resources for any non-City purpose, particularly political activities. *COIB v. A. Santana*, COIB Case No. 2015-778 (2016).

In a three-way settlement with the Board and New York City Department of Sanitation (“DSNY”), a Sanitation Supervisor agreed to serve a five-workday suspension, valued at approximately \$1,906, for misusing his assigned DSNY vehicle on approximately ten occasions to transport produce to a restaurant in Brooklyn as a favor to the restaurant owner. The City’s conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose. *COIB v. Scudieri*, COIB Case No. 2015-520 (2016).

In a joint settlement with the Board and the New York City Department of Sanitation (“DSNY”), a Sanitation Worker agreed to serve a five-workday suspension, valued at approximately \$1,485.85, for misusing his assigned DSNY parking placard by copying and laminating it in order to create a fraudulent parking placard and providing it to an individual who was not a DSNY employee. The City’s conflicts of interest law prohibits using City resources, such as a City parking placard, for any non-City purpose. *COIB v. Cumberbatch*, COIB Case No. 2016-684 (2016).

In a joint settlement with the Board and the New York City Department of Sanitation (“DSNY”), a Sanitation Worker agreed to serve a three-workday suspension, valued at

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<sup>2</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(b) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.”

approximately \$871.41, for misusing his assigned DSNY parking placard while off-duty by placing it in the windshield of his personal vehicle to avoid receiving a parking ticket while he was inside a bar. DSNY rules require that parking placards be used by employees only while on duty and when parking in the immediate area of their work location. The City's conflicts of interest law prohibits using City resources, such as a City parking placard, for any non-City purpose. *COIB v. Papp*, COIB Case No. 2016-700 (2016).

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 approximately fifty occasions to travel to various destinations, including fast food restaurants, grocery stores, shopping malls, and a doctor's office, all for personal purposes and without authorization. The City's conflicts of interest law prohibits public servants from using City resources, such as a City vehicle, for any non-City purpose. *COIB v. J. Romano*, COIB Case No. 2016-675 (2016).

In a joint settlement with the Board and the New York City Department of Sanitation ("DSNY"), a Sanitation Worker agreed to serve a five-workday suspension, valued at approximately \$1,192.65, for misusing his assigned DSNY sanitation truck by departing from his assigned collection route to bring his partner to his son's baseball game, then to drive to a motel so he could meet someone for approximately one hour. *COIB v. Puglia*, COIB Case No. 2016-704 (2016). His partner, also a Sanitation Worker, agreed to a three-workday suspension, valued at approximately \$861.06, for leaving his assigned collection route to drive the DSNY sanitation truck to his son's baseball game. The City's conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose. *COIB v. A. Torres*, COIB Case No. 2016-704a (2016).

In a joint settlement with the Board and the New York City Housing Authority ("NYCHA"), a Lead Abatement Worker agreed to serve a ten-workday suspension, valued at approximately \$1,996, and to serve a one-year probationary period, for misusing his assigned NYCHA van. The Lead Abatement Worker drove the NYCHA van approximately 46 miles to transport materials from Home Depot to a private residence, twice transported unauthorized passengers in the NYCHA van, and twice drove home in the NYCHA van, all without authorization or any City purpose. This settlement resolves both the Lead Abatement Worker's violations of the City's conflicts of interest law as well as other violations of the NYCHA Human Resources Manual. *COIB v. Sampath*, COIB Case No. 2016-193 (2016).

The Supervisor of Plumbers at Kings County Hospital Center ("KCHC"), an employee of New York City Health + Hospitals ("H+H"), paid a \$3,000 fine for, between November 2010 and September 2011, during his H+H work hours, using his H+H computer to access, modify, maintain, save, and/or store five files related to his private plumbing business and using his H+H email account to send and receive approximately forty-eight emails relating to the operations of that business. The Supervisor of Plumbers also violated City Charter § 2604(b)(14) by purchasing a motor vehicle from one of his subordinates, a KCHC Plumber. *COIB v. Cook*, COIB Case No. 2016-388 (2016). The subordinate KCHC Plumber paid a \$450 fine to the

Board for violating § 2604(b)(14) by selling a vehicle to his superior. *COIB v. Bosco*, COIB Case No. 2016-388b (2016).

In a joint settlement with the New York City Department of Environmental Protection (“DEP”), a DEP Engineering Technician admitted to stealing multiple DEP computers, the total purchase price of which was over \$3,000, and agreed to resign his DEP employment and accept DEP’s prior imposition of a thirty-nine (39)-day unpaid suspension valued at approximately \$9,224.32. The penalty took into account that the Engineering Technician had previously paid \$600 in restitution to DEP pursuant to a Kings County Superior Court Disposition to resolve related criminal charges. *COIB v. Deokarran*, COIB Case No. 2016-683 (2016).

In a joint settlement with the New York City Department of Environmental Protection (“DEP”), a DEP Engineering Technician, admitted to using multiple DEP-issued gasoline cards to purchase \$3,167.21 worth of gasoline for personal, non-City purposes, and agreed to: (1) resign his DEP employment; (2) accept DEP’s prior imposition of a thirty (30)-day unpaid suspension valued at approximately \$2,968.90; and (3) pay \$3,167.21 in restitution to DEP. The City’s conflicts of interest law prohibits public servants from using City funds for non-City purposes. *COIB v. Mingo-Bellony*, COIB Case No. 2016-416 (2016).

In a joint settlement with the New York City Department of Parks and Recreation (“DPR”), a DPR Recreational Specialist forfeited ten days of annual leave, valued at approximately \$1,578, for, without authorization from DPR, removing a PlayStation 4 game console from DPR’s Red Hook Recreation Area and keeping it at his home for approximately six weeks while he was on a leave of absence. The Recreational Specialist returned the PlayStation 4 when asked to do so by his supervisor. The City’s conflicts of interest law prohibits public servants from using City resources for personal, non-City purposes. *COIB v. DeBerry*, COIB Case No. 2016-222 (2016).

The Board fined a New York City Police Department (“NYPD”) Lieutenant \$800 for twice using his assigned NYPD vehicle to transport an unauthorized passenger and, on several other occasions, using his assigned NYPD vehicle for a personal, non-City purpose. The City’s conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose. *COIB v. Murtha*, COIB Case No. 2015-656 (2016).

The Board fined a New York City Department of Education (“DOE”) Teacher \$150 for using one of her students to help her cook and clean up after preparing a dinner in her school’s kitchen for her church, for which she paid the student \$10, and for using a number of students to help her package a cake that she sold to a colleague for \$100. The Teacher acknowledged that, by using her students to assist her with her personal and business activities she violated City Charter § 2604(b)(3), which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. The Teacher further acknowledged that by using the school’s classroom and kitchen to package a cake for sale and prepare a meal for a private event, she used City resources for personal, non-City purposes in

violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). *COIB v. Watson*, COIB Case No. 2016-335 (2016).

The Board fined five current and former New York City Department of Education (“DOE”) employees who abused DOE procurement credit cards (“P-cards”) by making purchases in contravention of DOE policy and without a City purpose. The five current and former DOE employees worked in the now-defunct Children First Network (“CFN”) system, and each acknowledged that he or she misused City resources in violation of the City’s conflicts of interest law by using DOE funds without a City purpose for expenses expressly prohibited by DOE. A former CFN Network Leader paid a \$1,500 fine for using his P-card to pay for \$79.59 worth of personal food and drink and for a \$3,655 celebratory, end-of-year dinner for 27 principals, assistant principals, and himself, at a cost of \$130.54 per person. *COIB v. D. Jones*, COIB Case No. 2016-054b (2016). An Administrative Educational Analyst paid a \$2,500 fine for, while he was a CFN Deputy Cluster Leader, using his P-card to pay for \$495.95 worth of personal food and drink (COIB Case No. 2016-054c). *COIB v. Fagan*, COIB Case No. 2016-054c (2016). An Administrative Educational Analyst paid a \$750 fine for, while he was a CFN Director Operations, using his P-card, with the encouragement of his superior, to pay a total of \$4,110 for a \$114.17-per-person, end-of-year celebratory event attended by 36 DOE employees, including his superior and himself, at Red Rooster restaurant that included a live jazz performance and lecture on jazz. *COIB v. Manner*, COIB Case No. 2016-054d (2016). The former CFN Network Leader who was the superior of the Director of Operations paid a \$1,000 fine for permitting his subordinate to use DOE funds to pay for the celebratory event at Red Rooster. *COIB v. Feigelson*, COIB Case No. 2016-054e (2016). An Administrative Educational Analyst paid a \$500 fine for, while she was a CFN Director of Operations, using her P-card to pay \$1,858 for a \$53.08-per-person meal at a restaurant. *COIB v. Rachelson*, COIB Case No. 2016-054h (2016).

The Board and New York City Administration for Children’s Services (“ACS”) concluded a joint settlement with an Administrative Staff Analyst who accepted a six-workday suspension, valued at \$1,704, for showing his ACS identification card to two ACS employees present at a family court proceeding involving one of the Administrative Staff Analyst’s close family members for the purpose of inquiring and complaining about the case. The City’s conflicts of interest law prohibits public servants from using a City resource – which includes their City identification – for any personal, non-City purpose. *COIB v. Binyaminov*, COIB Case No. 2016-073 (2016).

The Board and the New York City Department of Environmental Protection (“DEP”) concluded a joint settlement with a Sewer Treatment Worker who accepted a ten-workday suspension, valued at \$3,180, and reimbursed \$83.10 to DEP, for 31 instances of unauthorized use of a DEP-issued E-ZPass for non-City, personal purposes, which resulted in his evading payment of \$171.74 in tolls. The City’s conflicts of interest law prohibits public servants from using a City resource – which includes their City-issued E-ZPass – for any personal, non-City purpose. *COIB v. Panzarino*, COIB Case No. 2016-051 (2016).

The Kings County District Attorney paid a \$15,000 fine in connection with his receipt of improper meal payments from the Kings County District Attorney's Office ("KCDA") and for having subordinates use their personal money to pay his meal expenses pending their reimbursement by KCDA. The Kings County District Attorney admitted to having KCDA pay for his weekday meals from January 2014 through May 2014, totaling \$2,043, which he repaid in July 2014; having KCDA pay for his dinner and weekend meals from January 2014 through February 2015, totaling \$1,489, which he repaid in August 2015; and having the members of his security detail advance their own money for these expenses, as well as other of his personal meal expenses totaling \$1,992, for which the District Attorney periodically reimbursed KCDA per an arrangement with KCDA's Fiscal Office. KCDA reimbursed the members of the security detail for their cash advances, sometimes after a delay. The Kings County District Attorney acknowledged that his conduct violated the provisions of the City's conflicts of interest law that prohibit the City's elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, privilege, or other private or personal advantage for the public servant, and from using City resources for any personal, non-City purpose. The Kings County District Attorney also acknowledged that, by permitting an office policy pursuant to which subordinate staff regularly advanced their own money to cover his personal expenses, he entered into a prohibited financial relationship with his subordinate employees. In determining the level of fine, the Board took into account that the Kings County District Attorney reimbursed all funds to KCDA prior to the Board's commencement of an enforcement action, as well as the high level of accountability required of the chief prosecutor of Brooklyn. *COIB v. K. Thompson*, COIB Case No. 2015-110 (2016).

A translator for the New York City Department of Education ("DOE") paid a \$2,500 fine for using his DOE computer to access, save, and/or store over 150 files related to his private translation business and his private teaching position at the United Nations. The City's conflicts of interest law prohibits employees from using City resources to perform work for their private businesses. *COIB v. Abdelhalim*, COIB Case No. 2015-791 (2016).

In a joint settlement with the New York City Department of Education ("DOE"), a former DOE principal paid a \$1,800 fine to the Board for: (1) leaving work for several hours during a school day to travel to a car dealership in Jersey City, New Jersey, where he picked up a car he had previously purchased; and (2) having a teacher assigned to his school accompany him to the dealership. Both the principal and the teacher were being paid to perform work for DOE during their absence, and the principal directed a second teacher to "cover" the missing teacher's remaining class. The City's conflicts of interest law prohibits public servants from using City time and City resources for non-City purposes and from using their positions for personal advantage, which includes having subordinates perform personal favors. *COIB v. Sanchez*, COIB Case No. 2014-427 (2016).

In a joint disposition with the New York City Police Department ("NYPD"), a Detective paid a \$200 fine and forfeited one day of annual leave, valued at approximately \$360, for giving a letter to his landlord for use as evidence at an Environmental Control Board hearing. Although the NYPD had no involvement with the matter, the Detective wrote the letter on NYPD letterhead; attested that the landlord was not responsible for the violation; and signed off with his

NYPD title and squad number. The City's conflicts of interest law prohibits City employees from using City letterhead for any non-City purpose, and from using or attempting to use their City positions to obtain any private or personal advantage for a person with whom the public servant is associated, in this case the Detective's landlord. In determining the amount of the fine, the Board took into consideration that there is no evidence the Detective benefited personally from providing the letter to his landlord. *COIB v. Davis*, COIB Case No. 2016-045 (2016).

In a joint disposition with the Board and New York City Department of Sanitation ("DSNY"), a DSNY Police Officer was suspended for misusing his DSNY Police Officer badge by wearing it around his neck while he was off-duty at an event at Jones Beach Theater and, when detained, telling New York State Parks Police that he was working as a security guard when, in fact, he was not. To resolve both the Chapter 68 violation and unrelated disciplinary charges relating to which the DSNY Police Officer had already served a 30-day pre-trial suspension, he accepted a thirty workday suspension, valued at \$8,465.29, and received credit for the 30-day pre-trial suspension already served. *COIB v. Cifarelli*, COIB Case No. 2014-859 (2016).

An Assistant Commissioner of the New York City Department of Correction ("DOC") was fined \$1,500 for misusing his City position and City resources by having an on-duty Correction Officer transport the Assistant Commissioner and his family in an agency vehicle from DOC headquarters to JFK airport for a family vacation, as well as assist with unloading the family's luggage. This was a three-way settlement with DOC. *COIB v. Kuczinski*, COIB Case No. 2015-497 (2016).

A New York City Department of Homeless Services ("DHS") Clerical Associate accepted a fifteen-day pay fine, valued at \$3,151.65, and a six-month probationary period for misusing the DHS email system during her City work hours to solicit business from several DHS employees by sending them a link to her travel website and inviting them to shop. This was a three-way settlement with COIB and DHS. *COIB v. S. Dickens*, COIB Case No. 2014-262 (2016).

The Board and New York City Department of Education ("DOE") concluded a three-way settlement with a Teacher who agreed to pay a \$1,000 fine to the Board for giving a business card relating to her private music business, to the parent of one of her DOE students. The business card had her personal website and email address as well as the address of her DOE school and her DOE email address. The Teacher acknowledged that her conduct created the appearance that she was soliciting for her private business in violation of the City's conflicts of interest law, which prohibits a public servant from using or attempting to use her position as a public servant to obtain a financial benefit for herself. In addition, the Teacher acknowledged that she violated the conflicts of interest law's prohibition on using City resources for non-City purposes by using her DOE email address, a City resource, on business cards she used for her private music business. *COIB v. Theilacker*, COIB Case No. 2015-013 (2016).

In a joint disposition with the New York City Administration for Children's Services ("ACS"), a Child Protective Specialist Supervisor II agreed to accept a five-workday suspension, valued at \$1,577, for, during her City work hours, using her ACS email account to send six

emails and attached documents related to her private business and using her ACS computer to store those emails and one document related to that private business. The City's conflicts of interest law prohibits City employees from using City time or City resources to perform work for their private businesses. *COIB v. Liota*, COIB Case No. 2016-008 (2016).

A City Research Scientist 4A for the New York City Department of Health and Mental Hygiene ("DOHMH") was fined \$2,000 and served a two-day suspension, valued at approximately \$838, for (1) using her DOHMH computer during her City work hours to visit the website associated with her private business on forty-two occasions and (2) using her DOHMH computer and email account during her City work hours to send four emails soliciting for her private business. The City's conflicts of interest law prohibits employees from using City time or City resources to perform work for their private businesses. This matter was a joint settlement with DOHMH, resolving both conflict of interest law violations and related disciplinary charges. \$500 of the total \$2,000 fine was paid to the Board and the remaining \$1,500 will be paid to DOHMH. *COIB v. Myers*, COIB Case No. 2015-183 (2016).

An Agency Attorney III for the New York City Department of Health and Mental Hygiene ("DOHMH") was fined \$2,000 for using his DOHMH computer during his City work hours to access and/or save twenty-four documents relating to his outside, compensated work as an immigration attorney. The City's conflicts of interest law prohibits employees from using City time or City resources to perform work for their private businesses. This matter was a joint settlement with DOHMH, resolving both conflict of interest law violations and related disciplinary charges. Half of the \$2,000 total fine (\$1,000) was paid to the Board and the other half will be paid to DOHMH. *COIB v. Rana*, COIB Case No. 2015-789 (2016).

In a joint disposition with the Board and the New York City Administration for Children's Services ("ACS"), resolving both conflict of interest law violations and related disciplinary charges, an ACS Child Protective Specialist paid a \$500 fine for, without authorization and for a personal, non-City purpose, driving an ACS vehicle from her office in Manhattan to her home in Brooklyn. ACS vehicles are needed for Agency purposes, including child protective investigations and transport of children at risk. The City's conflicts of interest law prohibits using City resources, such as a City vehicle, for any non-City purpose. *COIB v. Barnett*, COIB Case No. 2015-502 (2016).

## MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)<sup>3</sup>

In a joint disposition with the Board and the New York City Department of Transportation (“DOT”), an Administrative Manager agreed to serve a ten-day suspension, valued at approximately \$2,000, to resolve the Administrative Manager’s violations of Chapter 68 and DOT’s Code of Conduct. The Administrative Manager violated City Charter § 2604(b)(2) by serving as co-chair of Community Board No. 5’s (“CB5”) Municipal Services Committee, during which time the committee considered matters brought before it by DOT. In addition, the Administrative Manager misused City time, in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), by communicating with CB5 members about CB5 matters during her regular DOT workday. *COIB v. Lawrence*, COIB Case No. 2016-018 (2016).

A now-former Housing Inspector paid a \$6,000 fine for, while employed by the New York City Department of Housing Preservation and Development (“HPD”): (1) violating City Charter § 2604(b)(6) by appearing before the New York City Department of Buildings on behalf of his private architectural business on forty-seven occasions between 2013 and 2015; and (2) making improper appearances on behalf of a private client in violation of City Charter § 2604(b)(6) and misusing his City position for personal financial gain in violation of City Charter § 2604(b)(3) by contacting an HPD colleague to request the removal of HPD violations and a vacate order from the property of one of the Housing Inspector’s private clients, inquiring about the status of that request, and requesting a further expedited inspection to remove the vacate order. *COIB v. MD Ali*, COIB Case No. 2015-797(2016).

In a joint disposition with the New York City School Construction Authority (“SCA”), an SCA Technical Inspector agreed to pay a \$1,500 fine to the Board and to accept a six-month extension of his probationary period for asking an employee of an SCA contractor for sidewalk scaffolding material for a personal project he was working on at his home and for taking the material home. The Technical Inspector returned the material to the contractor after learning of SCA’s investigation of his conduct. In determining the penalty, the Board took into account both that the Technical Inspector routinely cited and documented items to be rectified by the contractor when inspecting its work and the grave appearance of impropriety created by the Technical Inspector’s conduct. The City’s conflicts of interest law prohibits public servants from accepting gifts from firms doing business with the City and from using their City position for personal advantage. *COIB v. Flynn*, COIB Case No. 2016-473 (2016).

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<sup>3</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

City Charter § 2604(b)(3) states: “No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.”

The Board fined a New York City Department of Education (“DOE”) Teacher \$150 for using one of her students to help her cook and clean up after preparing a dinner in her school’s kitchen for her church, for which she paid the student \$10, and for using a number of students to help her package a cake that she sold to a colleague for \$100. The Teacher acknowledged that, by using her students to assist her with her personal and business activities she violated City Charter § 2604(b)(3), which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. The Teacher further acknowledged that by using the school’s classroom and kitchen to package a cake for sale and prepare a meal for a private event, she used City resources for personal, non-City purposes in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). *COIB v. Watson*, COIB Case No. 2016-335 (2016).

The Board issued an Order, after a full hearing, imposing a \$42,000 fine on a former Property Maintenance Supervisor for the New York City Housing Authority (“NYCHA”), assigned to Sotomayor Houses, for using her City position to financially benefit Turkish Construction Corporation (“Turkish”), a private construction company owned and operated by her husband. Specifically, the Property Maintenance Supervisor: (1) made Turkish eligible to receive NYCHA small procurement contracts by adding Turkish to the list of approved NYCHA suppliers, ultimately resulting in the award to Turkish of 39 small procurement contracts totaling \$96,000 (each valued at less than \$5,000 and, therefore, requiring no competitive bidding.); (2) personally awarded eleven procurement contracts to Turkish for work at Sotomayor Houses; and (3) recommended Turkish’s services for work at another NYCHA housing development. In determining the penalty, the Board considered its precedent in cases of self-dealing, the egregious nature of the Property Maintenance Supervisor’s conduct, and that the Property Maintenance Supervisor did not accept responsibility for her actions. *COIB v. Hawkins*, OATH Index No. 1043/16, COIB Case No. 2015-208 (Order Sept. 22, 2016).

The Board fined a New York City Police Department (“NYPD”) Chief, former Chief, and Assistant Chief \$1,500 each in connection with their receipt of gifts in the form of meals from Queens Library President and CEO Thomas Galante, acting on behalf of Queens Library, with whom they interacted as part of their NYPD duties. The Chief and former Chief received four meals, each valued at more than \$100. The Assistant Chief received three meals for herself and one for her husband, each valued at more than \$100. The NYPD officers’ acceptance of meals provided to them solely due to their City positions violated the provision of the City’s conflicts of interest law that prohibits public servants from using their City positions to obtain any financial gain or personal advantage for the public servant or anyone “associated” with them, which includes a spouse. In determining the amount of the fine, the Board took into account the unique nature of the giver of the improper gifts. *COIB v. Tuller*, COIB Case No. 2015-428 (2016); *COIB v. Secreto*, COIB Case No. 2015-428a (2016); *COIB v. Pizzuti*, COIB Case No. 2015-428b (2016).

The Kings County District Attorney paid a \$15,000 fine in connection with his receipt of improper meal payments from the Kings County District Attorney’s Office (“KCDA”) and for having subordinates use their personal money to pay his meal expenses pending their

reimbursement by KCDA. The Kings County District Attorney admitted to having KCDA pay for his weekday meals from January 2014 through May 2014, totaling \$2,043, which he repaid in July 2014; having KCDA pay for his dinner and weekend meals from January 2014 through February 2015, totaling \$1,489, which he repaid in August 2015; and having the members of his security detail advance their own money for these expenses, as well as other of his personal meal expenses totaling \$1,992, for which the District Attorney periodically reimbursed KCDA per an arrangement with KCDA's Fiscal Office. KCDA reimbursed the members of the security detail for their cash advances, sometimes after a delay. The Kings County District Attorney acknowledged that his conduct violated the provisions of the City's conflicts of interest law that prohibit the City's elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, privilege, or other private or personal advantage for the public servant, and from using City resources for any personal, non-City purpose. The Kings County District Attorney also acknowledged that, by permitting an office policy pursuant to which subordinate staff regularly advanced their own money to cover his personal expenses, he entered into a prohibited financial relationship with his subordinate employees. In determining the level of fine, the Board took into account that the Kings County District Attorney reimbursed all funds to KCDA prior to the Board's commencement of an enforcement action, as well as the high level of accountability required of the chief prosecutor of Brooklyn. *COIB v. K. Thompson*, COIB Case No. 2015-110 (2016).

A New York City Department of Homeless Services ("DHS") Assistant Superintendent of Welfare Shelters was suspended for using his position as a supervisor of the Flatlands Family Shelter to attempt to obtain repayment on personal loans he had made to a contract security guard working at his shelter. As a supervisor, the Assistant Superintendent's duties include supervising the activities of DHS's contracted security guards. The Assistant Superintendent submitted a complaint to the agency employing the security guard, requesting it take disciplinary action to make the security guard repay the approximately \$3,500 she had borrowed from him. DHS determined a thirty-day suspension without pay is the appropriate disciplinary penalty for this matter. The Board accepted the penalty, valued at approximately \$7,475, as sufficient penalty for the Chapter 68 violation and imposed no additional penalty. *COIB v. Waldron*, COIB Case No. 2016-323 (2016).

In a joint settlement with the New York City Department of Education ("DOE"), a former DOE principal paid a \$1,800 fine to the Board for: (1) leaving work for several hours during a school day to travel to a car dealership in Jersey City, New Jersey, where he picked up a car he had previously purchased; and (2) having a teacher assigned to his school accompany him to the dealership. Both the principal and the teacher were being paid to perform work for DOE during their absence, and the principal directed a second teacher to "cover" the missing teacher's remaining class. The City's conflicts of interest law prohibits public servants from using City time and City resources for non-City purposes and from using their positions for personal advantage, which includes having subordinates perform personal favors. *COIB v. Sanchez*, COIB Case No. 2014-427 (2016).

In a joint disposition with the Board and the New York City Department of Education, an Assistant Principal was fined \$7,000 – \$6,000 to DOE and \$1,000 to the Board – for hiring her

brother's company to cater events at her school and personally authorizing payment to his company of a total of \$7,443.75 in DOE funds. In particular, she reimbursed herself a total of \$1,289 from DOE funds for purchases she had made from his company to cater events at her school and she signed off on an additional \$6,154.75 in direct DOE payments to his company to cater such events. *COIB v. CoPenny*, COIB Case No. 2015-502 (2016).

In a joint disposition with the Board and the New York City Housing Authority ("NYCHA"), a NYCHA employee was suspended for using her position as an Interviewer in Human Resources to put her daughter into the NYCHA hiring stream for two separate positions without authorization to do so and bypassing standard NYCHA procedures. The Interviewer's daughter was not hired. This was a three-way settlement with NYCHA and the Interviewer in which the Board accepted NYCHA's disciplinary penalty of a three-week suspension, valued at \$2,532, as sufficient to address the Interviewer's Chapter 68 violation. *COIB v. Jackson*, COIB Case No. 2016-303 (2016).

In a joint disposition with the New York City Police Department ("NYPD"), a Detective paid a \$200 fine and forfeited one day of annual leave, valued at approximately \$360, for giving a letter to his landlord for use as evidence at an Environmental Control Board hearing. Although the NYPD had no involvement with the matter, the Detective wrote the letter on NYPD letterhead; attested that the landlord was not responsible for the violation; and signed off with his NYPD title and squad number. The City's conflicts of interest law prohibits City employees from using City letterhead for any non-City purpose, and from using or attempting to use their City position to obtain any private or personal advantage for a person with whom the public servant is associated, in this case the Detective's landlord. In determining the amount of the fine, the Board took into consideration that there is no evidence the Detective benefited personally from providing the letter to his landlord. *COIB v. Davis*, COIB Case No. 2016-045 (2016).

In a joint disposition with the New York City Department of Education ("DOE"), a DOE teacher paid a \$1,800 fine to the Board for accepting the gift of a laptop from the parents of students assigned to her class. The parents bought her the gift after she informed them that she would be unable to communicate with them after school hours because her personal laptop was no longer working. She represented that she used the laptop the parents bought for both school and personal purposes. The City's conflicts of interest law prohibits a public servant from using his or her City position for personal advantage, which includes accepting gifts from individuals over whom the public servant has influence as a result of his or her City position. *COIB v. Kaplan*, COIB Case No. 2014-553 (2016).

A Senior Information Technology Manager at the New York City School Construction Authority ("SCA") agreed to pay a \$200 fine for, on one occasion, asking an SCA vendor with which she interacted in her City job to buy advertising in a brochure for a symposium she was helping to plan as a volunteer at a not-for-profit organization. The vendor did not buy the advertisement. The City's conflicts of interest law prohibits public servants from using or attempting to use their City position for their personal benefit, including by soliciting charitable donations from a vendor that has or could reasonably be expected to have matters before her at her City job. *COIB v. Kraft*, COIB Case No. 2015-800 (2016).

The Board issued a public warning letter to the Deputy Chief Clerk of the Brooklyn Office of the New York City Board of Elections (“BOE”) for, in 2014, obtaining rides to and from work from a subordinate BOE employee. The BOE employee who drove the Deputy Chief Clerk had offered to do so and lived in close proximity to her home. Chapter 68 prohibits City employees from carpooling with a subordinate, regardless of whether the subordinate is reimbursed or compensated for the driving. Public servants who wish to carpool to work with their superior or subordinate must first obtain approval from their agency and a waiver from the Board. This requirement helps to ensure that the commitment by a subordinate to carpool with a superior is truly a voluntary one and not, in fact, an abuse of position by the supervisor. *COIB v. Canizio-Aquil*, COIB Case No. 2015-219 (2016).

The Administrative Chief of the Bronx District Attorney’s Office paid a \$5,000 fine for: (1) asking one of her subordinates to consult on her brother’s wedding and paying him \$1,250 for doing so; (2) paying another subordinate \$500 for catering her father’s birthday party; and (3) selling \$4,451 worth of soaps and other products for her private business to five of her subordinates. The City’s conflicts of interest law prohibits public servants from using their City position for their personal benefit or the benefit of anyone with whom they are associated, a category that includes siblings. The conflicts of interest law also prohibits public servants from entering into financial relationships with their superiors or subordinates. *COIB v. Payne Wansley*, COIB Case No. 2014-665 (2016).

The Chief Clerk of the Staten Island Office of the New York City Board of Elections (“BOE”) was fined \$3,500 for misusing her City position to obtain free car rides from two of her BOE subordinates. Over the course of approximately eight years, the Chief Clerk had a subordinate BOE employee regularly drive her to and from work without paying or reimbursing the subordinate for the costs associated with providing this service. The Chief Clerk also had another BOE subordinate drive her to doctor’s appointments during the workday, using his annual leave to do so. The Chief Clerk described both the subordinates as personal friends and neighbors. *COIB v. del Giorno*, COIB Case No. 2015-269 (2016).

An Assistant Commissioner of the New York City Department of Correction (“DOC”) was fined \$1,500 for misusing his City position and City resources by having an on-duty Correction Officer transport the Assistant Commissioner and his family in an agency vehicle from DOC headquarters to JFK airport for a family vacation, as well as assist with unloading the family’s luggage. This was a three-way settlement with DOC. *COIB v. Kuczinski*, COIB Case No. 2015-497 (2016).

The Board and New York City Department of Education (“DOE”) concluded a three-way settlement with a Teacher who agreed to pay a \$1,000 fine to the Board for giving a business card relating to her private music business, to the parent of one of her DOE students. The business card had her personal website and email address as well as the address of her DOE school and her DOE email address. The Teacher acknowledged that her conduct created the appearance that she was soliciting for her private business in violation of the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use her position as a public servant to obtain a financial benefit for herself. In addition, the Teacher acknowledged

that she violated the conflicts of interest law’s prohibition on using City resources for non-City purposes by using her DOE email address, a City resource, on business cards she used for her private music business. *COIB v. Theilacker*, COIB Case No. 2015-013 (2016).

In a joint disposition with the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist Supervisor II agreed to accept an eight-workday suspension, valued at \$2,469, for intervening in an ACS investigation involving her adult child during an official ACS visit being conducted in the Child Protective Specialist Supervisor II’s home. The Child Protective Specialist Supervisor II acknowledged that, in so doing, she used her City position to attempt to obtain a benefit for her adult child in violation of City Charter § 2604(b)(3). *COIB v. Constanza*, COIB Case No. 2015-145 (2016).

An Assistant Resident Buildings Superintendent for the New York City Housing Authority (“NYCHA”) assigned to Baruch Houses was fined \$1,000, and placed on one-year probation, for soliciting and receiving two loans: (1) a \$600 loan in November 2014 from a Baruch Houses resident, which he repaid in installments ending in February 2015; and (2) a \$100 loan from a NYCHA subordinate in December 2014, which he repaid within one week. The City’s conflicts of interest law prohibits public servants from using their City positions for personal advantage, which includes soliciting or accepting loans from subordinates and other individuals over whom the public servant has power or authority. This matter was a joint settlement with NYCHA, resolving conflicts of interest violations and related disciplinary charges. *COIB v. Blaney*, COIB Case No. 2015-291 (2016).

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

- **Relevant Charter Sections:** City Charter § 2604(b)(4)<sup>4</sup>

In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist Supervisor I agreed to serve a sixty-day suspension, valued at \$10,317, to resolve the Child Protective Specialist Supervisor I’s violations of Chapter 68 of the City Charter as well as two separate sets of ACS disciplinary charges that do not implicate the City’s conflicts of interest law. The Child Protective Specialist Supervisor I violated City Charter § 2604(b)(4) by accessing the New York State Central Register’s confidential database, CONNECTIONS, on three separate occasions to learn the status of an ACS investigation in which he had a personal interest. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and

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<sup>4</sup> City Charter § 2604(b)(4) states: “No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.”

other child protective services throughout New York State. *COIB v. Viverette*, COIB Case No. 2015-732 (2016).

## **GIFTS**

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

In a joint disposition with the New York City School Construction Authority (“SCA”), an SCA Technical Inspector agreed to pay a \$1,500 fine to the Board and to accept a six-month extension of his probationary period for asking an employee of an SCA contractor for sidewalk scaffolding material for a personal project he was working on at his home and for taking the material home. The Technical Inspector returned the material to the contractor after learning of SCA’s investigation of his conduct. In determining the penalty, the Board took into account both that the Technical Inspector routinely cited and documented items to be rectified by the contractor when inspecting its work and the grave appearance of impropriety created by the Technical Inspector’s conduct. The City’s conflicts of interest law prohibits public servants from accepting gifts from firms doing business with the City and from using their City position for personal advantage. *COIB v. Flynn*, COIB Case No. 2016-473 (2016).

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<sup>5</sup> City Charter § 2604(b)(5) states: “No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.”

Board Rules § 1-01(a) defines “valuable gift” to mean “any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. Two or more gifts to a public servant shall be deemed to be a single gift for the purposes of this subdivision and Charter § 2604(b)(5) if they are given to the public servant within a twelve-month period under one or more of the following circumstances (1) they are given by the same person; and/or (2) they are given by persons who the public servant knows or should know are (i) relatives or domestic partners of one another; or (ii) are directors, trustees, or employees of the same firm or affiliated firm.”

**APPEARANCE BEFORE THE CITY  
ON BEHALF OF PRIVATE INTEREST**

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

In a three-way settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”)-Office of Chief Medical Examiner (“OCME”), a Forensic Mortuary Technician agreed to pay a \$2,000 fine – \$1,500 to DOHMH-OCME and \$500 to the Board – for appearing before DOHMH-OCME on three occasions to remove decedent bodies from OCME morgues in her private capacity as a funeral director. The City’s conflicts of interest law prohibits City employees from appearing on behalf of private interests before any City agency. *COIB v. L. Williams*, COIB Case No. 2014-652b (2016).

A now-former Housing Inspector paid a \$6,000 fine for, while employed by the New York City Department of Housing Preservation and Development (“HPD”): (1) violating City Charter § 2604(b)(6) by appearing before the New York City Department of Buildings on behalf of his private architectural business on forty-seven occasions between 2013 and 2015; and (2) making improper appearances on behalf of a private client in violation of City Charter § 2604(b)(6) and misusing his City position for personal financial gain in violation of City Charter § 2604(b)(3) by contacting an HPD colleague to request the removal of HPD violations and a vacate order from the property of one of the Housing Inspector’s private clients, inquiring about the status of that request, and requesting a further expedited inspection to remove the vacate order. *COIB v. MD Ali*, COIB Case No. 2015-797 (2016).

The Board issued a public warning letter to a Member of Manhattan Community Board No. 2 (“CB 2”) who self-reported to the Board that she appeared in her private capacity as an architect on behalf of a paying client during a meeting of CB 2’s Landmarks Committee. In the public warning letter, the Board informed the Member that her conduct violated the City’s conflicts of interest law, which, among other things, prohibits community board members from representing, for compensation, private interests before their own community boards. In deciding to issue a public warning letter instead of imposing a fine, the Board took into consideration that the member self-reported her conduct to the Board and, prior to appearing before CB 2, received advice from CB 2’s Chair that led her to believe she was permitted to make such appearances so long as she recused herself from voting on the matter (which she did). The Board took the opportunity to remind public servants of the rules regarding community board members’ compensated appearances before community boards and that advice of superiors does not

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<sup>6</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

City Charter § 2604(b)(6) states: “No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.”

absolve public servants from liability under the conflicts of interest law. *COIB v. Brandt*, COIB Case No. 2015-551 (2016).

### **POLITICAL FUNDRAISING BY HIGH-LEVEL CITY OFFICIALS**

- **Relevant Charter Sections:** City Charter § 2604(b)(12)<sup>7</sup>

The Board fined a former Member of the New York City Water Board \$1,000 for sponsoring a political fundraiser for the Mayor’s re-election campaign. The invitation to the fundraiser included the Water Board Member’s name as a host and requested campaign donations in amounts ranging from \$100 to \$2,500. Public servants with “substantial policy discretion,” such as Members of the Water Board, are prohibited by the City’s conflicts of interest law from requesting any person to make political contributions for any candidate for City elective office. In determining the amount of the fine, the Board took into account that the Water Board Member immediately resigned from the Water Board upon learning of his violation of Chapter 68, thus avoiding any continuing violation, as well as the high level of his position at the Water Board. *COIB v. Finnerty*, COIB Case No. 2016-337 (2016).

### **SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS**

- **Relevant Charter Sections:** City Charter § 2604(b)(14)<sup>8</sup>

The Supervisor of Plumbers at Kings County Hospital Center (“KCHC”), an employee of New York City Health + Hospitals (“H+H”), paid a \$3,000 fine for, between November 2010 and September 2011, during his H+H work hours, using his H+H computer to access, modify, maintain, save, and/or store five files related to his private plumbing business and using his H+H email account to send and receive approximately forty-eight emails relating to the operations of that business. The Supervisor of Plumbers also violated City Charter § 2604(b)(14) by purchasing a motor vehicle from one of his subordinates, a KCHC Plumber. *COIB v. Cook*, COIB Case No. 2016-388 (2016). The subordinate KCHC Plumber paid a \$450 fine to the Board for violating § 2604(b)(14) by selling a vehicle to his superior. *COIB v. Bosco*, COIB Case No. 2016-388b (2016).

The Kings County District Attorney paid a \$15,000 fine in connection with his receipt of improper meal payments from the Kings County District Attorney’s Office (“KCDA”) and for

<sup>7</sup> City Charter § 2604(b)(12) states: “No public servant, other than an elected official, who is a deputy mayor, or had of an agency or who is charged with substantial policy discretion as defined by rule of the board, shall directly or indirectly request any person to make or pay any political assessment, subscription or contribution for any candidate for an elective office of the city or for any elected official who is a candidate for any elective office; provided that nothing contained in this paragraph shall be construed to prohibit such public servant from speaking on behalf of any such candidate or elected official at an occasion where a request for a political assessment, subscription or contribution made by others.”

<sup>8</sup> City Charter § 2604(b)(14) states: “No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.”

having subordinates use their personal money to pay his meal expenses pending their reimbursement by KCDA. The Kings County District Attorney admitted to having KCDA pay for his weekday meals from January 2014 through May 2014, totaling \$2,043, which he repaid in July 2014; having KCDA pay for his dinner and weekend meals from January 2014 through February 2015, totaling \$1,489, which he repaid in August 2015; and having the members of his security detail advance their own money for these expenses, as well as other of his personal meal expenses totaling \$1,992, for which the District Attorney periodically reimbursed KCDA per an arrangement with KCDA's Fiscal Office. KCDA reimbursed the members of the security detail for their cash advances, sometimes after a delay. The Kings County District Attorney acknowledged that his conduct violated the provisions of the City's conflicts of interest law that prohibit the City's elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, privilege, or other private or personal advantage for the public servant, and from using City resources for any personal, non-City purpose. The Kings County District Attorney also acknowledged that, by permitting an office policy pursuant to which subordinate staff regularly advanced their own money to cover his personal expenses, he entered into a prohibited financial relationship with his subordinate employees. In determining the level of fine, the Board took into account that the Kings County District Attorney reimbursed all funds to KCDA prior to the Board's commencement of an enforcement action, as well as the high level of accountability required of the chief prosecutor of Brooklyn. *COIB v. K. Thompson*, COIB Case No. 2015-110 (2016).

The Administrative Chief of the Bronx District Attorney's Office paid a \$5,000 fine for: (1) asking one of her subordinates to consult on her brother's wedding and paying him \$1,250 for doing so; (2) paying another subordinate \$500 for catering her father's birthday party; and (3) selling \$4,451 worth of soaps and other products for her private business to five of her subordinates. The City's conflicts of interest law prohibits public servants from using their City position for their personal benefit or the benefit of anyone with whom they are associated, a category that includes siblings. The conflicts of interest law also prohibits public servants from entering into financial relationships with their superiors or subordinates. *COIB v. Payne Wansley*, COIB Case No. 2014-665 (2016).

An Assistant Resident Buildings Superintendent for the New York City Housing Authority ("NYCHA") assigned to Baruch Houses was fined \$1,000, and placed on one-year probation, for soliciting and receiving two loans: (1) a \$600 loan in November 2014 from a Baruch Houses resident, which he repaid in installments ending in February 2015; and (2) a \$100 loan from a NYCHA subordinate in December 2014, which he repaid within one week. The City's conflicts of interest law prohibits public servants from using their City positions for personal advantage, which includes soliciting or accepting loans from subordinates and other individuals over whom the public servant has power or authority. This matter was a joint settlement with NYCHA, resolving conflicts of interest violations and related disciplinary charges. *COIB v. Blaney*, COIB Case No. 2015-291 (2016).

## **ONE-YEAR POST-EMPLOYMENT APPEARANCES**

- **Relevant Charter Sections:** City Charter § 2604(d)(2)<sup>9</sup>

A former Executive Deputy Agency Chief Contracting Officer (“ACCO”) for the New York City Department of Transportation (“DOT”) paid a \$5,000 fine for, within one year of leaving City service, twice appearing before DOT on behalf of his new private-sector employer. The former Executive Deputy ACCO admitted that, within two weeks of leaving City employment, he contacted a subordinate to request then-confidential technical proposals and engineering reports. She refused to provide the documents, warning him that it would be a conflict of interest violation to do so, and asked him not to contact her again. Subsequently, also within one year of leaving City employment, the Executive Deputy ACCO called a second former subordinate at DOT to request then-confidential information regarding whether his new private sector employer had been shortlisted for a procurement. The City’s conflicts of interest law prohibits former public servants from communicating with their former City agency for one year after leaving City service. *COIB v. Syed*, COIB Case No. 2015-740 (2016).

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<sup>9</sup> City Charter § 2604(d)(2) states: “No former public servant shall, within a period of one year after termination of such person’s service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant’s service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.”