



# CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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**TO: Annual Disclosure Filers**

**FROM: Julia H. Lee, Director of Annual Disclosure**

**DATE: April 2, 2018**

**RE: Use of City Personnel to Complete Annual Disclosure Reports**

The purpose of this memorandum is to provide guidance concerning issues relating to the filling out of the annual disclosure report, with regard to Chapter 68 of the City Charter. The memorandum hopes to anticipate most of the questions that you will have in that regard. To the extent there are issues that are not addressed, please feel free to contact a member of the Board's annual disclosure staff for assistance by calling (212) 437-0739 or emailing [efiling@coib.nyc.gov](mailto:efiling@coib.nyc.gov). Finally, it is worth noting at the outset that individual agencies are free to adopt and may have adopted policies that are more stringent than those set forth here. We will be addressing conduct only as it relates to Chapter 68. The guidance provided in this memorandum applies to completion of both the portion of the annual disclosure report filed with the Board and, for filers required to file pursuant to EO91 or Department of Education regulations, the portion of the annual disclosure report filed with the Department of Investigation or Department of Education.

## **Completion of the Annual Disclosure Report during Working Hours**

If a City employee or officer has been designated as a person who is required to file an annual disclosure report (a "required filer"), he or she is under a legal obligation to do so pursuant to the New York City Administration Code. *See* NYC Admin. Code §12-110(b). Indeed, severe penalties are prescribed for required filers who fail to file on time, or who do not file at all. *See* NYC Admin. Code §12-110(g). The duty to complete and file an annual disclosure report is part of the official duties and responsibilities of any required filer. Accordingly, as with any other official duty and responsibility, the report may be completed while the required filer is on duty, as part of the normal course of the official business of the required filer.

In other words, you may complete your annual disclosure report, including the COIB, DOI, and DOE portions, on City time.

### **Use of City Equipment, Resources or Supplies to Complete the Annual Disclosure Report**

Because the completion of the report is considered part of the official duties and responsibilities of City employees, City equipment, such as your office computer, printer, copier, and telephone may be used in furtherance of the completion of your annual disclosure report without violating Chapter 68. For example, you may use your City computer to fill out the annual disclosure report electronically. You may use the office printer to print out a hard copy of the report for yourself. You may use the office copier to make a copy of the hand-signed receipt that must be returned to your liaison. You may use the telephone to call your spouse or domestic partner and ask for information that you left at home. Of course, your agency may have its own policies limiting such use. For example, if you need to make long distance calls to get necessary information, your agency may prohibit you from doing so.

### **Use of City Personnel to Assist in the Completion of the Annual Disclosure Report**

If the required filer has available to him or her personnel whose function is to provide clerical assistance to the required filer, use of such personnel to enter data into the annual disclosure report will not violate Chapter 68. For example, a Commissioner may ask his or her secretary to enter data into his or her annual disclosure report. A filer who shares a secretary with others, or whose job permits access to a clerical pool of employees, may ask a member of the pool or the shared secretary to enter data into his or her annual disclosure report. The bright line test is this: If you, in the ordinary course of your other City duties, would have the authority to assign or request a clerical worker to perform typing, data entry, or a similar task for you, then you may, without violating Chapter 68, request that such a clerical worker perform clerical tasks in connection with the completion of your annual disclosure report.

We caution, however, that, before making such request, the required filer consider whether the risk of inadvertent disclosure of his or her financial information once in the hands of another outweighs the amount of time that will be saved by having clerical assistance to complete the form. In addition, as mentioned at the outset, the filer's agency may have adopted its own policy that limits such use of personnel, if not prohibits it altogether, even though such use would not violate Chapter 68. Finally, required filers are reminded that the filer, and the filer alone, remains responsible for the completeness and accuracy of all of the information contained in his or her annual disclosure report, regardless of who enters the data.

If you are not inclined to use City personnel or the assistance of any other person, there is the ability to create a delegate account by which you are able to provide access to your filing for an assistant or assistants, whom you will identify, and to whom you will be able to issue a password. This delegate is able to input data into your report but cannot sign and submit your report. Only the required filer can certify the accuracy of his or her report and electronically sign and submit the report. The filer should not share his or her own password, which will be used to sign and certify the financial disclosure report, with anyone.