



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.

Except as provided in subdivision (c) of this section, 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.

2. DSNY has determined that the appropriate penalty in this case is a three-day suspension, which has an approximate value of Nine Hundred Twenty-Eight Dollars (\$928).

3. After reviewing prior cases in which public servants used City parking placards to park their personal vehicles without authorization, the Board has determined that the penalty imposed by DSNY is sufficient to resolve Respondent's Chapter 68 violation and imposes no additional penalty.

4. In recognition of the foregoing, Respondent agrees to the following:


- a. I agree to serve a three-day suspension, valued at approximately Nine Hundred Twenty-Eight Dollars (\$928).
- b. I agree that this Disposition is a public and final resolution of DSNY's charges and the Board's action against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or DSNY in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or the DSNY, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.
- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having been represented by the attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board or DSNY; and that I fully understand all the terms of this Disposition.

e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.


5. The Board and DSNY accept this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or DSNY against Respondent based upon the facts and circumstances set forth herein, except that the Board and DSNY shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

6. This Disposition shall not be effective until all parties have affixed their signatures below.


Dated: 09-17, 2019

  
\_\_\_\_\_  
Carlos Rodriguez  
Respondent

Dated: 9/17, 2019

  
\_\_\_\_\_  
Allen Cohen  
Kirschner & Cohen, P.C.  
Counsel for Respondent

Dated: 9/17, 2019

  
\_\_\_\_\_  
Rita Brackeen  
Employment Counsel/Department Advocate  
Office of Employment & Disciplinary Matters  
NYC Department of Sanitation

Dated: 11/26, 2019

  
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Richard Briffault  
Chair  
NYC Conflicts of Interest Board