



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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FOR IMMEDIATE RELEASE

November 1, 2004

FORMER CORRECTION COMMISSIONER FRASER FINED FOR HAVING CORRECTION OFFICERS REPAIR HIS POOL

The New York City Conflicts of Interest Board (the "Board") has concluded a settlement with William Fraser, former Commissioner of the Department of Correction. He has paid a \$500 fine for having subordinates repair his private, above-ground swimming pool on their own time. This settlement comes as a result of an investigation conducted by the New York City Department of Investigation.

When he was Assistant Chief of Department at the Department of Correction, before he became Commissioner, Mr. Fraser had three subordinate Correction Officers replace the leaking liner on the above-ground swimming pool at his home. The Officers also replaced several clamps and re-installed the filter on the pool. He stated that the work was modest in scope and believed that the Officers acted out of friendship. They did so on their own time, not City time. Two of the Officers were his personal friends for more than ten years, and they brought the third Officer, whom Mr. Fraser had not met before. Mr. Fraser paid the two Officers he knew a total of \$100 for their work. Although he had the power to affect the terms of their employment, he stated that he did not in fact interact with them on the job at the relevant time; they were working in the Staten Island courts, and he was Assistant Chief of Division II on Rikers Island. He indicated that he never took any official action to affect their City employment.

Mr. Fraser acknowledged that he violated New York City Charter provisions and Board Rules that prohibit public servants from misusing or even attempting to misuse their official positions and City resources for private gain, from using City personnel for a non-City purpose, and from entering into a business or financial relationship with subordinates.

A copy of the disposition is attached.

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The Board took the occasion of this Disposition to remind City officials that public servants may not use their City positions to obtain a financial gain or private or personal advantage for themselves, their families, or their business or financial associates. Officials may not use subordinates to perform home repairs. This is so even if the subordinates are longstanding friends of their supervisors, because such a situation is inherently coercive. Allowing, requesting, encouraging, or demanding such favors or outside, paid work can be an imposition on the subordinate, who may be afraid to refuse the boss, or may want to curry favor with the boss in a way that creates dissension in the workplace. There was no indication here that Mr. Fraser coerced the Officers in this case, but it is important that high-level City officials set the example for the workforce by taking care to consider the potential for conflicts of interest. Those in doubt should call the Board before they act. The Board's staff can be reached at 212-442-1400 for advice about the conflicts of interest law.

The Conflicts of Interest Board is the City's ethics board and is responsible for enforcing Chapter 68 of the New York City Charter, the City's conflicts of interest law. The Board is composed of five members, appointed by the Mayor with the advice and consent of the City Council. Board penalties are civil fines.

Joan R. Salzman, Deputy Executive Director & Chief of Enforcement, and Astrid B. Gloade, Deputy Chief of Enforcement, handled this case for the Board. The Board gratefully acknowledges the investigative work and support of the New York City Department of Investigation, Rose Gill Hearn, Commissioner; Daniel D. Brownell, Deputy Commissioner of Investigations; Michael Caruso, Assistant Commissioner.

The Board does not comment on enforcement dispositions, except as set forth above. For copies of any additional public documents, e-mail davies@coib.nyc.gov.