

**CITY OF NEW YORK**  
**LAW DEPARTMENT AND DEPARTMENT OF INVESTIGATION**  
**RULE GOVERNING THE PROTOCOL FOR PROCESSING PROPOSED CIVIL**  
**COMPLAINTS PURSUANT TO THE NEW YORK CITY FALSE CLAIMS ACT**

**TITLE 46**

**CHAPTER 3**  
**FALSE CLAIMS**

§ 3-01. Submission of proposed civil complaints to the City.

1. Any person may submit a proposed civil complaint alleging a violation of § 7-803 of Chapter 8 of Title 7 of the Administrative Code of the City of New York on behalf of the City of New York. Such submission shall include the person's name, address, telephone numbers and e-mail address (if available), and shall enclose all material evidence and information possessed by such person in support of the allegations of the proposed civil complaint. Information and materials submitted in support of the proposed complaint shall include, but not be limited to (a) identification of the person or entity alleged to have submitted a false or fraudulent claim to the City; (b) a description of the nature of the allegedly fraudulent claim; (c) the dollar amount alleged to have been falsely or fraudulently submitted to the City; (d) the date(s) on which the allegedly false or fraudulent claims were made; (e) the City agency(ies) to which the allegedly false or fraudulent claims were made.

2. The proposed civil complaint shall be signed and verified as follows: "The proposed civil complaint is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters [he][she] believes them to be true." Such verification shall be notarized.

3. The proposed civil complaint shall be sent by certified U.S. mail, return receipt requested, in a sealed envelope addressed to the New York City Department of Investigation, 80 Maiden Lane, New York, New York 10038, Attention: Complaint Bureau.

4. The Department of Investigation ("DOI") shall send an acknowledgement to each person who has submitted a proposed civil complaint indicating that their proposed civil complaint has been received.

§ 3-02. Review of proposed civil complaints.

1. Within thirty days of receipt of the proposed civil complaint, DOI shall forward a copy of each proposed civil complaint and all documentation submitted in support thereof to the Law Department, addressed to "Chief, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, NY 10007," and marked "CONFIDENTIAL – TO BE OPENED ONLY BY ADDRESSEE." DOI shall at that time notify the Law Department in writing whether the proposed civil complaint alleges wrongdoing

that is already the subject of an ongoing investigation, or may warrant the opening of a new investigation by DOI.

2. Following receipt of notification from DOI that the subject of a proposed civil complaint is the subject of an ongoing investigation or that a new investigation may be warranted, the Law Department and DOI will promptly and thereafter, as necessary, discuss the necessity of and the appropriate level of confidentiality to be given to such proposed complaints; the preparation for and/or commencement of a civil action and the timing of such civil action; and the status of the investigation or prosecution.

3. a. Within 60 days of receipt of a proposed civil complaint, DOI shall notify the Law Department in writing as to whether the Commissioner of Investigation has determined that a civil enforcement action may interfere with or jeopardize an investigation by a governmental agency. DOI shall promptly notify the Law Department in writing when the Commissioner of Investigation has determined that such civil enforcement action would no longer interfere with or jeopardize a governmental investigation.

b. Upon the determination by the Commissioner of Investigation that a civil enforcement action shall not interfere with or jeopardize a governmental investigation, DOI will share with the Law Department relevant documents in its possession. DOI will also share material developed during the course of the investigation, to the extent permitted by law and to the extent that the sharing of such information will not compromise a criminal investigation.

4. DOI shall make the determination as to if and when a referral of a potential criminal case shall be made to the appropriate prosecutorial agency, based on its investigation of allegations submitted pursuant to Administrative Code § 7-804.

5. Nothing in these rules shall be deemed to supersede or interfere with the authority and practices of DOI with respect to its conduct of investigations and cooperation with and referral of matters to other law enforcement or other government agencies pursuant to the City Charter or other law, nor shall the Corporation Counsel commence or authorize the commencement of any civil enforcement action pursuant to Administrative Code § 7-804 if the Commissioner of Investigation has determined that such an action may interfere with or jeopardize an investigation by a governmental agency.

#### § 3-03. Processing of proposed civil complaints.

1. In accordance with Administrative Code § 7-804(b)(2), within one hundred eighty days of the receipt of a proposed civil complaint by the Department of Investigation, the Law Department shall in writing notify the person who has submitted the proposed complaint of its intention to commence a civil enforcement action, or to designate the person or his or her attorney to commence a civil enforcement action, or to decline to commence such action, in which case it shall provide its reasons for so declining. If the Commissioner of Investigation has determined that a civil enforcement action may interfere with or jeopardize an investigation by a governmental agency, the Law Department shall notify the complainant of such fact within ninety days of the City's receipt of the proposed civil complaint.

2. Any person who has submitted a proposed civil complaint shall fully cooperate with DOI and the Law Department from the time such proposed civil complaint was submitted through the resolution of the matter.

3. Nothing in these rules shall be deemed to supersede or interfere with the authority of the Corporation Counsel, pursuant to the New York City Charter or any other law, with regard to the conduct of litigation or the recommendation for settlement of matters on behalf of the City of New York.