



# Ethical Times

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## Conflicts and Candidacy: What You Should Know If You Are a City Employee Running for Office

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Chapter 68 of the NYC Charter does *not* prohibit City employees from seeking elective office. Public servants must, however, comply with Chapter 68 when running for office.

**Here are some of the key issues.**

City employees, at every level, may campaign only during their personal time and they may not use their official City position or City materials or equipment to advance either their own candidacy or the candidacy of others.

If your office is federally financed in whole or in part, the Federal Hatch Act may further restrict your political activities. It is your responsibility to discover whether the Hatch Act applies and in what way.

**Solicitation of Political Activities**

City employees at every level

are prohibited from coercing or attempting to coerce other public servants to engage in political activities and from requesting any subordinate public servant to engage in political activities or participate in a political campaign. City Council members may, however, use City employees and resources in conducting non-partisan voter registration drives, but the way in which the drive is conducted must make this clear.

**Buying City Office or Employment**

You may not give or promise to give a part of your salary or anything of value in consideration of having been nominated, appointed, elected, or employed as a public servant.

**Fundraising**

All City employees are prohibited from directly or indirectly compelling, inducing, or requesting any person to make political contributions under

threat of prejudice to or promise of advantage in rank, compensation, or other job-related status or function. Likewise, a superior may not request a subordinate to make any political contribution, even if the subordinate agrees to contribute.

An appointed City employee **who is charged with substantial policy discretion** may not request contributions for any candidates for City elective office, even when the City employee is the candidate, and even when the City employee is running against a City elected official for an office other than that which the elected official holds.

This prohibition means that both the City employee candidate and anyone acting on his or her behalf, including, without limitation, his or her campaign committee, may not solicit contributions from anyone for any candidate for City elective office or for any elected official who is a candidate for any elective office.

**The NYC Conflicts of Interest Board will provide the full text of any document reported in this issue.**

Phone: (212) 442-1400  
 Fax: (212) 442-1407

## ENFORCEMENT ACTIONS

**Moonlighting City Plumber***(In re Louis Abramo, COIB Case No. 2000-638)***June 6, 2001**

The Board issued a public warning letter to Louis Abramo, in which the Board reminded public servants who are licensed plumbers that

they may file with the Department of Buildings (“DOB”) Plumbing Alteration and Repair Slips, which involve minor plumbing jobs, but not Plumbing Affidavits, in-

volving major repairs in connection with building permits, unless they first obtain waivers from the Conflicts of Interest Board.

**Teacher Fined for Operating a Tour Company***(In re Steinhandler, COIB Case No. 2000-231)***June 13, 2001**

The Board fined a teacher \$1,500 for owning and operating a tour company that arranged

tours for Board of Education schools, including the school where he taught. The tours had been operated with the approval of the school’s principal, and the teacher sold his interest in the tour company in March of 1999.

**Attorney for City Commission on Human Rights Fined for Using Prosecutorial Discretion to Favor Her Own Mother***(In re Rieue, COIB Case No. 2000-5 )***June 26, 2001**

The Board fined a former attorney from the City Commission on Human Rights (“CHR”) \$2,000 for investigating a discrimination case involv-

ing her mother and recommending agency action (a finding of probable cause to believe that her mother had suffered discrimination), without disclosing the familial relationship to

her supervisors. The Board strongly disapproved of the use or misuse of prosecutorial discretion in favor of a family member.

**Community Board Member Fined for Vote on His Own Property** *(In re Capetanakis, COIB Case No. 99-157)***July 17, 2001**

In a summary judgment based upon stipulated facts and the report and recommendation of an Administrative Law Judge of the Office of Administrative Trials

and Hearings, the Board fined a community board member \$4,000 for voting on a matter involving real property which he and his siblings owned. Because a vote expressing the community’s preference

for land use “may result” in a personal and direct economic gain to the community board member, such votes are not permitted. The member may even retain the financial interest and discuss the matter, but is not allowed to vote.

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**Conflicts of Interest Board**

2 Lafayette Street, Suite 1010

NY, NY 10007

Phone: (212) 442-1400

Fax: (212) 442-1407

# City Parking Official Penalized for Using Position to Solicit Subordinate to Marry Daughter

*(In re Moran, COIB Case No. 99-51; OATH Index No. DOT-012261)*

**August 16, 2001**

In a three-way settlement, the Board and the New York City Department of Transportation (“DOT”) suspended, demoted, and fined a City parking official for using his position to solicit a subordinate to marry his daughter in Ecuador and for repairing the cars of subordinates for compensation. Milton Moran, an Assistant Chief in the Parking Control Divi-

sion of DOT, admitted that he offered to pay the subordinate \$3,000-\$5,000, or more, plus reimbursement of travel expenses and telephone calls to Ecuador. Mr. Moran proposed to the subordinate that records of phone calls from the subordinate to Mr. Moran’s daughter, as well as love letters, and photographs, be used to document a relationship for immigration authorities. At one point, Mr. Moran offered to pay the

subordinate’s rent and to give or sell him a car as a further inducement to marry Mr. Moran’s daughter. The plot failed. Mr. Moran agreed to an array of penalties: a 30-day suspension without pay, a demotion to a non-supervisory position with a \$1,268 annual pay cut and a new work assignment in which he would not be working with the subordinate whom he solicited to marry his daughter, a two-year probation pe-

riod during which he will not be eligible for any promotion or increase in pay, a “two-strikes” provision under which he can be terminated summarily for any further conflict of interest or other misconduct, and the forfeiture of \$2,500 worth of accrued leave time in lieu of a fine.

# DOC Program Specialist Markets Products to His Subordinates

*(In re Jones, COIB Case No. 98-437)*

**September 4, 2001**

In a settlement between the New York City Department of Correction (“DOC”) and Ronald

Jones, a DOC Program Specialist, Mr. Jones admitted violating the City Charter by selling t-shirts and promoting his side business (sales of

essential oils and perfumes) to his City subordinates. Mr. Jones forfeited five vacation days.

# Acting Principal Sends School Aides to Deliver Payment of Her “Scofflaw” Fine

*(In re Denizac, COIB Case No. 2000-533)*

**Sept 28, 2001**

In a joint agreement with the Board of Education (“BOE”), an interim acting principal was fined \$4,000 and admitted that she had asked school aides to perform personal errands for her on school

time. Specifically, she asked them to go to a New York City Marshal’s Office to deliver payment of a scofflaw fine that had been imposed on her car, and she asked several subordinate employees to deliver a loan application on her

behalf. Those employees made these trips on City time.





## NYC CONFLICTS OF INTEREST BOARD

2 Lafayette Street  
Suite 1010  
New York, N.Y. 10007

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## Financial Disclosure and the Candidates, 2001

The Financial Disclosure staff was busy over the summer preparing for the elections by getting the word out to potential candidates of their requirement to file financial disclosure reports with the Conflicts of Interest Board.

Anyone running for Mayor, Public Advocate, Comptroller, Borough President or Council Member is required to file a financial disclosure report disclosing certain financial interests for calendar year 2000.

Over 400 reminder notices along with financial disclosure

reports were mailed to potential candidates. These reminder notices are also posted on the Board's web site.

In addition to reaching out to the borough county leaders for all the major parties, the Financial Disclosure Unit was in constant contact with the Board of Elections and the Campaign Finance Board. The Unit made a presentation at a Board of Elections seminar. The *Chief* printed a reminder notice in June and July. Staff answered over 250 calls from candidates.

Once designating petitions were

filed at the Board of Elections, Senior Financial Disclosure Analyst Holli Hellman examined the list and identified those who had not filed their reports. One-hundred sixty (160) candidates received Conflicts of Interest "non-filer" notices from the Conflicts of Interest Board.

There are currently 95 candidates who have not filed their financial disclosure reports.

The Conflicts of Interest Board has published on its web site a list of all candidates who have not filed their reports.