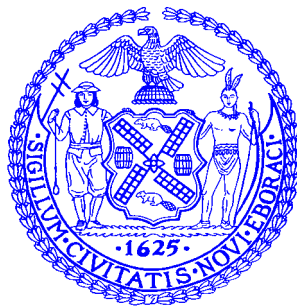


CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2007



Steven B. Rosenfeld
Chair

Monica Blum
Kevin B. Frawley
Angela Mariana Freyre
Andrew Irving
Members

Mark Davies
Executive Director

2 Lafayette Street
New York, New York 10007

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INTRODUCTION

In 2007, the New York City Conflicts of Interest Board (“COIB”) celebrated its seventeenth anniversary (and the forty-eighth anniversary of its predecessor agency, the Board of Ethics) and had its most productive year ever.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which also contains the City’s Conflicts of Interest Law (http://www.nyc.gov/html/conflicts/downloads/pdf2/bluebook_1-07_final.pdf), applicable to more than 300,000 public servants of the City of New York and all former public servants. That law, together with the Lobbyist Gift Law enacted in 2006 as sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68's ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City's financial disclosure law contained in section 12-110 of the New York City Administrative Code.

This Report reviews the Board's accomplishments during this record-setting year of 2007, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) training and education; (3) requests for guidance and advice; (4) administrative rules; (5) enforcement; (6) financial disclosure; and (7) budget, administration, and information technology.

1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

Appointed by the Mayor with the advice and consent of the City Council, the Board's five members serve staggered six-year terms, and are eligible for reappointment to one additional six-year term. Under the Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards." While serving on

the Board, they may not hold any other public office or any political party office.

The Board's Chair is Steven B. Rosenfeld, a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison. He was appointed to the Board in May 2002 to an initial term expiring March 31, 2008, and was named Chair in June 2002.

Angela Mariana Freyre, Senior Vice President and Deputy General Counsel of Nielsen Media Research, Inc., was appointed to the Board in October 2002 and reappointed in March 2005 to a term expiring March 31, 2010.

Monica Blum, President of the Lincoln Square Business Improvement District, was appointed to the Board in August 2004 and reappointed in October 2006 to a term expiring on March 31, 2012.

Andrew Irving, Senior Vice President and General Counsel of Independent Fiduciary Services, Inc., was appointed to the Board in March 2005 to an initial term expiring on March 31, 2010.

Kevin B. Frawley, Executive Vice-President for Financial Administration Services at Crawford & Company, was appointed to the Board in October 2006 to an initial term expiring on March 31, 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 21 is divided into six units: Training and Education, Legal Advice, Enforcement, Financial Disclosure, Administration, and Information Technology. The staff, listed in Exhibit 2, is headed by the Executive Director, Mark Davies.

2. TRAINING AND EDUCATION

Section 2603(b)(1) of the Conflicts of Interest Law directs that the Board "shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter." That is the responsibility of the Board's Training and Education Unit.

Training Sessions

2007 was the Unit's most productive year ever, with record numbers of classes taught and several new initiatives undertaken. As detailed in Exhibit 3 to this Report, in 2007 the Board's Training and Education Unit conducted an all-time-record 416 training classes for public servants throughout City government, including 75 classes for the Department of Education ("DOE"). This represents an increase of 114% from the 194 classes taught in 2006, surpassing by 10% the previous record of 377 set in 2000. It should be noted that the previous record was set when the Training Unit had three full-time trainers, one part-time trainer, and one administrative associate while this year's record was achieved with a Unit of two. The number of classes taught at agencies other than the DOE surpassed the old record of 164 by 108%, for a new record of 341, as the COIB expanded its outreach to a number of City agencies. The Unit trained the entire staffs of some agencies, including the Department of Buildings, the Civilian Complaint Review Board, the Sports Commission, the Civil Service Commission, the Office of Payroll Administration, the Financial Services Information Agency, the Independent Budget Office, the Taxi and Limousine Commission, and the Department of Youth and Community Development. Also, outreach to community boards across the City continued to expand. Despite the continuing difficulties the Unit has encountered in scheduling professional development for DOE teachers, whose professional development time has been severely cut, the number of classes taught at the DOE also increased from last year, up 74% from 43 to 75. In all, as summarized in Exhibit 4 to this Report, during 2007 COIB classes reached approximately 15,163 City employees in 62 City agencies and offices.

The dramatic increase in the number of classes this year reflects the Unit's effective functioning as a team of two. Many thanks go to the Board's Senior Trainer Jonathan Wingo, who in 2007 finished his first full year with the Board and without whom these record-breaking numbers would not have been achievable.

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions, which are often tailored to the specific agency or employees,

include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive, and usually quite enthusiastic.

In 2007, the Unit, together with the Board's attorneys, conducted a record number of Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State, surpassing the old record of 14 by 129%, for a new record of 32. The CLE program included a two-hour CLE class for City attorneys, and one class hosted by the Law Department that was open to attorneys from all City agencies, continuing a model begun in 2004. Additionally, the Unit sought and received accreditation from New York State for two new CLE classes, focusing on special topics in Chapter 68. The Unit also worked with the Department of Citywide Administrative Services ("DCAS") to establish several citywide CLE classes in Chapter 68, sponsored by the Citywide Training Center. COIB attorneys and Training staff also continued to write materials on Chapter 68 for publication, including a monthly column, "Ask the City Ethicist," in *The Chief-Leader* and the Board's own newsletter, *The Ethical Times*. Internet and email have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads. Several agencies have reported that they distribute it electronically to their entire staff. Finally, a relationship was started with the *Public Employees' Press*, in which COIB staff members write short capsule pieces on Chapter 68.

"Train the Trainer"

The Training & Education Unit continued its "Train the Trainer" program, in which the Board offers support to agencies that have chosen to conduct their own Chapter 68 training classes. The Unit updated and reinvigorated the Department of Transportation's program and launched a new program with the New York City Housing Authority ("NYCHA"). The training operation at NYCHA is now in full swing, and the Board and NYCHA hope to have the entire agency of more than 13,000 employees trained in 2008.

In support of the Board's ongoing "Train the Trainer" program, the Training and Education Unit continued hosting its Brown Bag Lunch series, a monthly lunchtime discussion group that takes a closer look at specific parts of the Conflicts of Interest Law. Participants included the training staffs of several agencies who are involved in teaching ethics, as well as

attorneys who work directly with Chapter 68 issues at their agencies. The Board has received accreditation from the State CLE Board for several of the Brown Bag topics. This very successful program will continue in 2008.

Department of Education

As noted above, the Board's training activities at the DOE increased in 2007 by 74% from 2006. This number is still significantly lower than in some recent years, largely, as also noted above, because of a severe cut in professional development time for teachers. The COIB is working with the DOE Ethics Officer on new strategies to reach DOE principals and teachers. The Unit held 48 classes at the DOE during the 2006-2007 school year, conducted 48 classes at the DOE from June to December 2007, and at year-end was scheduled to complete 80 classes for the 2007-2008 school year.

Website, Publications, and Media Outreach

The Internet remains one of the most essential tools for Chapter 68 outreach. Indeed, in 2007 the Board's website (<http://nyc.gov/ethics>) had 496,512 views, an 11% increase over 2006. Maintenance of regular publications and improvement of the COIB website design continue, as the Unit strives to make the site as accessible as possible both for those unfamiliar with Chapter 68 as well as for those who deal with it on a regular basis. This site includes frequently asked questions, legal publications, plain language publications, interactive exercises, and an ever-growing list of links. Jonathan Wingo, Senior Trainer, continues to do a fine job maintaining and updating the site.

The Board continues to post new publications on the website, so that every Board publication, including the texts of Chapter 68, the Board's rules, the financial disclosure law, and the Lobbyist Gift Law, and all COIB booklets and leaflets, are available to be downloaded from the website (<http://www.nyc.gov/html/conflicts/html/publications/index.shtml>), as well as from CityShare, the City's Intranet.

The Training and Education Unit completed a much-needed update and rewrite of the Plain Language Guide to Chapter 68, making it the Board's "Orange Book." The Board also published a new leaflet, "Financial Relationships between Co-workers," a frequently-broached topic in training classes. These, combined with recent articles by COIB attorneys and

installments of *Ask the City Ethicist*, have meant a significant increase in the number of publications available online.

2007 saw the completion of a new, colorful COIB poster, to serve as a constant reminder of public servants' ethical obligations. Artwork was provided without charge by artist Kurt Marquart, with text by the COIB staff. The poster is now being distributed to attendees at Chapter 68 training sessions and upon request to City agencies.

2007 also saw the development and completion of production of a new training video for the Board. The thirty-minute video, written by Director of Training and Education Alex Kipp, covers the basics of Chapter 68 in a number of hypothetical situations, interspersed with commentary. The video features the Board's own Jonathan Wingo and Alex Kipp as actors, as well as professional actor Robert Weinstein, who donated his time for this project. Development was aided by producer Patrick Cadenhead, and the video was produced by Evin Watson. Special thanks go to NYC-TV for use of their facilities and equipment. The Unit anticipates completing post-production in early 2008 and then posting the video on the Board's website, distributing it to every City agency, and using it for training sessions.

The Conference Room

Thanks to the City Council's addition of \$40,000 to the Board's Fiscal Year 2007 budget, the Board was able to remodel and renovate the staff's conference room, creating an ethics training center in which the Unit now conducts small training sessions, particularly CLE classes. This renovation included new lighting fixtures, new carpets, chairs, and bookshelves, and the installation of a projector, screen, and multimedia presentation system.

Seminar

The Board's Twelfth Annual Seminar on Ethics in New York City Government at New York Law School on May 16, 2007, was a great success. More than 300 public servants attended, representing approximately fifty City agencies. At the event's opening plenary session, both Mayor Bloomberg and Speaker Quinn gave keynote addresses and the Board's Chair presented a short "State of the Board" overview. The 2007 Powell Pierpoint Award for outstanding service to the Conflicts of Interest Board

was given to former Board member Jane Parver for her exemplary work for the Board during her twelve-year tenure (1994-2006). The Sheldon Oliensis Award for Ethics in City Government was given to the Department of Buildings (“DOB”) for its outstanding commitment to training every DOB employee in Chapter 68 every year for the last four years. Following the plenary session, the 300 attendees divided into breakout sessions focusing on a wide variety of issues under Chapter 68. The highlight was an interactive play about Chapter 68 issues, written by Alex Kipp, Director of Training and Education, which was performed by Alex Kipp and Robert Weinstein, a professional actor who graciously donated his time and talents to the Board. Legal commentary was provided between scenes by two of the Board’s attorneys. The play was well received by a capacity crowd.

The Board’s 2008 seminar will be held on May 21, 2008.

International Visitors and Government Ethics Associations

In 2007, the Board sent two staff members - Alex Kipp and Assistant Counsel for Enforcement Vanessa Legagneur - to the annual conference of the international Council on Government Ethics Laws (COGEL), the premier government ethics organization in North America. Past COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board’s game show, an interactive ethics quiz, and electronic filing of financial disclosure reports.

The Board receives numerous requests from municipalities around the State and from foreign countries to assist them in updating and improving their ethics laws. Resources permitting, COIB staff members attempt to respond to those requests, whenever possible by e-mail, although occasionally in person. For example, in 2007 Executive Director Mark Davies spoke on *Ethics in Local Government: The Need for Reform – 20 Years and Still Counting* at the Albany Law School Government Law Center’s 20th Anniversary of the Ethics in Government Act; to a New York Law School class on conflicts of interest; to the Westchester County Attorney’s Office on *Ethics Training: Article 18 of the New York State General Municipal Law*; and at the Fall meeting of the New York State Bar Association’s Municipal Law Section.

The Board’s staff gave presentations at the Board’s offices to representatives from Hong Kong (Independent Commission Against

Corruption), Vietnam, the People’s Republic of China (Shanxi Provisional Supervisory Commission), and Canada (Public Sector Integrity Commissioner). Most of the presentations to foreign visitors were made in response to requests from the U.S. Department of State’s International Visitors Program.

Time permitting, COIB staff also occasionally assist other municipalities that are seeking to revise their ethics laws. For example, in 2007, the Executive Director assisted the County of Albany, the Town of Southampton, and the Village of Tarrytown in revising their ethics codes and the County of Westchester in revising its financial disclosure law for volunteer board and commission members. The latter led to the Board’s proposal for a short-form financial disclosure report for volunteers. (*See* discussion of Financial Disclosure Amendments in Section 6 below and Exhibit 12 to this Report.)

Executive Director Mark Davies continues to serve as the Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association’s Municipal Law Section and on the Board of Directors of Global Integrity, an independent provider of information on governance and corruption trends around the world.

The Board salutes its small but dedicated training staff - Alex Kipp, Director of Training and Education, and Jonathan Wingo, Senior Trainer/Training Coordinator - for undertaking all of the various Training and Education activities described above.

3. REQUESTS FOR GUIDANCE AND ADVICE

The Board is authorized, pursuant to section 2603(c) of the Charter, to “render advisory opinions with respect to the matters covered by” Chapter 68, “on the request of a public servant or a supervisory official of a public servant.” Requesting advice from the Board can afford public servants a *safe harbor* against future enforcement action: the law provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action “shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.” The Board’s Legal Advice Unit is charged with responding to the hundreds of

written, and thousands of telephonic, requests for advice received by the Board each year.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years, and the enormous increase in productivity. Exhibits 1 and 5 to this Report summarize those gains, which continued in 2007, reflecting record levels of advice output.

In 2007, in response to requests for its advice, the Board issued 605 pieces of written legal advice, its highest-ever annual total, and 11% higher than the previous record total of 543 achieved in 2005. As shown in Exhibit 7 to this Report, these 605 written outputs included 269 staff advice letters, 246 waiver letters signed by the Chair on behalf of the Board,¹ 86 Board letters and orders reflecting Board action, and four public Advisory Opinions.

The Board's staff also handled a record number of telephone requests for advice. In 2007, the Board's staff handled 3326 telephone calls, 14% higher than the previous high of 2926 telephone calls in 2005. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities, but such calls consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for drafting written advice and advisory opinions.

Given the increased volume of advisory output, it is no surprise that written requests for advice have continued to grow. As detailed in Exhibit 6 to this Report, the Board in 2007 received 613 written requests for advice, an 8% increase over 2006 and the highest total for any year except 2002. Despite this growing demand for its service, the number of the Board's pending advice cases at year end dropped from 225 to 178, a 21% reduction. This reduction reflects the Board's commitment not only to respond promptly to all new requests for advice, but also to reduce its pending docket.

¹ Under section 2604(e) of the Charter, the Board may grant waivers permitting public servants to hold positions or take action "otherwise prohibited" by Chapter 68, upon the written approval of the head of the agency or agencies involved, and a finding by the Board that the proposed position or action "would not be in conflict with the purposes and interests of the city." By resolution, the Board has delegated to the Chair the authority to grant such waivers in routine cases.

The four formal public Advisory Opinions issued by the Board in 2007 were:

(1) AO 2007-1 – Community Education Councils Post-Employment Waivers

The Board announced that, in considering applications by former members of the Community Education Councils (“CEC”) of the Department of Education for waivers of the ban contained in Charter § 2604(d)(2) against appearances before one’s City agency within one year of leaving public service, the Board will as a general matter consider the “agency served” to be the DOE *district* on whose CEC the member served. Upon the written application by the DOE Chancellor, the Board will typically grant such waivers on the condition that former CEC members not appear during the first year following the end of their CEC service before the DOE district on whose CEC they served.

(2) AO 2007-2 – City Planning Commissioners

The Board ruled that, while a Planning Commissioner may not work at a firm that practices before the Planning Department or the Planning Commission, a Planning Commissioner may, with a waiver from the Board, work for a private entity that owns real property that may be the subject of a land use application to the Department or the Commission. The Board will typically require, as a condition of such a waiver, that the Commissioner be recused, both at the private employer and at the Commission, from any involvement in the land use application. The Board will also advise such Commissioners that they must not communicate on behalf of their private employer concerning *any* matter with the City agencies listed in Board Rules § 1-09.

The Opinion took a different approach for Planning Commissioners working at public benefit corporations or their affiliates, and other quasi-government organizations: the Board may, upon written application, permit the employing entity to bring matters before the Planning Commission or the Planning Department, and may also grant a waiver to permit the Commissioner, in his or her work for such an

entity, to communicate with the City agencies listed in Board Rules § 1-09. In evaluating such waiver applications, the Board will consider that Rule 1-09 was aimed, in the main, at communications made on behalf of a *private* firm for which the Commissioner works, but will nevertheless look closely at whether the quasi-public entity employing the Commissioner has a shared purpose with the City.

The opinion also concluded that a Planning Commissioner who is an uncompensated member of the board of directors of a not-for-profit organization owning an interest in real property that may be the subject of an application to the Planning Department or the Planning Commission will not violate the Charter, provided that 1) the Commission Chair determines that such board service furthers the purposes and interests of the City; 2) the Commissioner is recused at the Commission from all matters involving the not-for-profit organization, and at the organization from all matters involving the Planning Commission or the Planning Department; 3) the Commissioner makes no communications on behalf of the not-for-profit that would violate Board Rules § 1-09; and 4) the Commissioner is recused at the not-for-profit from all matters involving the agencies listed in Board Rules § 1-09(b)(1) or involving any project or matter listed in Board Rules § 1-09(b)(2).

(3) AO 2007-3 – Gifts from Lobbyists

In its first advisory opinion construing the 2006 Lobbyist Gift Law, the Board concluded that organizations required to register as lobbyists may invite and provide free admission for public servants to specific events without violating the City's Lobbyist Gift Law, so long as in each instance the pertinent requirements of Board Rules § 1-16 are met. More particularly, provided that the organization is the sponsor of the event and public servants are invited in their official capacities:

1) the organization may invite and provide free admission to public servants, plus one guest for each public servant, for fundraising events and, where a nexus exists between additional guests and the nature of the event, may also provide supplementary tickets for family members of the public servants; and

2) an organization which puts on exhibitions and other special events

(a) may invite and provide free admission to public servants, plus one guest for each public servant, to exhibit openings;

(b) may invite and provide free admission during members-only previews and general admission viewing of exhibitions only to that small number of public servants for whom there is a clear and direct nexus between their official duties and attendance at the exhibition;

(c) may provide bundles of free admission tickets to an agency head or his or her designee, accepted as gifts to the City and for use, as allotted by the recipient, in furtherance of a City purpose;

(d) may provide bundles of free admission tickets to a public servant, provided they are accepted on behalf of the group of constituents served by the public servant's agency (*e.g.*, public school students, homeless families, etc.), for the use of such constituents as allotted by the recipient;

(e) may invite and provide free admission to public servants, plus one guest for each public servant, for its Legislative Appreciation Day, but not to additional guests of the public servant; and

(f) may invite and provide free admission to public servants for educational symposiums or conferences hosted by the organization.

(4) AO 2007-4 – Ownership Interests of Mayor Michael R. Bloomberg

In December 2007, responding to a request from Mayor Bloomberg, the Board clarified and updated its Advisory Opinion No. 2002-1, based on material changes in the Mayor's proposed investment goals occasioned by certain distributions to him and to the Bloomberg Family Foundation from Bloomberg L.P. The Board ruled that so long as Michael R. Bloomberg is Mayor:

1) The proposed investments by Mr. Bloomberg and by the Bloomberg Family Foundation in a wide variety of financial

instruments will not violate Chapter 68, *provided* that it is the investment firm or firms ("Investorco[s]") assisting him with these investments that choose and retain the Managers who will make the specific investments; that Mr. Bloomberg's communications with the Investorco[s] are limited to decisions about the allocation of investments among broad classes or sectors, the performance of the categories of investments, and the performance of the Managers; and that Mr. Bloomberg does not know either the identities of the Managers or the specific investments they make on his behalf and on behalf of the Foundation. Mr. Bloomberg may make decisions on whether to retain particular Managers - again, provided that he does so based on their performance, without knowing their identities.

2) In response to the Board's concern that Mr. Bloomberg may be considered to have a "financial relationship" with, and therefore may be "associated" within the meaning of Charter § 2601(5) with, the financial institutions that are involved in financing the distributions from Bloomberg L.P. or its affiliates, Mr. Bloomberg has agreed to recuse himself in his official capacity from all matters involving those financial institutions.

3) Mr. Bloomberg must also recuse himself in his official capacity from all matters involving each Investorco, whose identity[ies] he will report to the Board upon their selection and which shall be made a matter of public record.

4) Mr. Bloomberg must provide the Board with copies of his written agreement with each Investorco, which will set forth, among other things, the above provisions.

Indexes to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help address its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the year, six law student interns, one college student, and four high school student interns worked part-time for the Legal Advice Unit. These people contributed substantially to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial increase in its output and decrease in its backlog, excellent results achieved under considerable pressure, go to Deputy Executive Director and General Counsel Wayne Hawley and his superb staff, including Deputy General Counsel Sung Mo Kim, Associate Counsel Karrie Ann Sheridan, and Assistant Counsel Jessie Beller.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Training and Education Unit, the Legal Advice Unit has also developed a large e-distribution list, so that new advisory opinions and other important Board documents are being e-mailed to a large network of people, including the legal staff of most City agencies. In an important cost-saving measure, the Board has discontinued the distribution of these materials by mail. Working in cooperation with New York Law School's Center for New York City Law, the Board has made its advisory opinions available on-line, free of charge to all in full-text searchable form (<http://www.citylaw.org/cityadmin.php>).

4. ADMINISTRATIVE RULES

The Board neither adopted nor amended any rules in 2007.

5. ENFORCEMENT

Sections 2603(e)-(h) and 2606 of Chapter 68 invest the Board with the power to receive complaints regarding alleged violations of the Conflicts of Interest Law, to refer them to the Department of Investigation ("DOI") for investigation and report, and thereafter, if warranted, to pursue administrative proceedings against alleged violators and impose penalties. The Board's Enforcement Unit is responsible for discharging these functions.

In 2007, the Enforcement Unit set a new benchmark of productivity, resolving and publishing 87 dispositions, a 235% increase over 2006. Summaries of the 87 dispositions of 2007, which are a matter of public record and include 36 public warning letters, are annexed to this Report. Of particular note are the following five cases – three of which involved "firsts" in the Board's enforcement history:

(1) In *COIB v. Clair*, COIB Case No. 2005-244 (2007), the Board imposed its most significant fine to date for accepting a gift in violation of Charter § 2604(b)(5). The Board imposed a \$6,500 fine on a former Assistant Commissioner for the New York City Fire Department (“FDNY”) Office of Medical Affairs, who accepted valuable gifts from a firm doing business with FDNY, a firm whose work he evaluated in his capacity as the Assistant Commissioner in the FDNY Office of Medical Affairs. The former Assistant Commissioner acknowledged that, in late 2000 or early 2001, he introduced an automated coding and billing product to FDNY personnel produced by ScanHealth, an information technology company in the emergency medical service and home health care fields. FDNY selected ScanHealth as a preferred vendor in 2003 and entered into a \$4.3 million contract with ScanHealth in 2004. The former Assistant Commissioner acknowledged that, while he served on the Evaluation Committee to monitor and evaluate the ScanHealth contract, he accepted reimbursement of travel expenses from ScanHealth for trips to Hawaii (in the amount of \$2,592.00), Minnesota (in the amount of \$199.76), and Atlanta (in the amount of \$1,129.00); three or four dinners (each in excess of \$50.00); and tickets to the Broadway production of “Mamma Mia.” The former Assistant Commissioner acknowledged that this conduct violated the City’s Conflicts of Interest Law, which prohibits: (a) using one’s City position for personal gain; (b) accepting a valuable gift from a firm doing business with the City; and (c) accepting compensation, except from the City, for performing any official duty or accepting or receiving a gratuity from a firm whose interests may be affected by the City employee’s actions.

(2) In *COIB v. Sanders*, COIB Case No. 2005-442 (2007), the Board imposed the first Chapter 68 fine (\$1,000) upon a Member of the New York City Council. The Board fined a Council Member who, having married his Chief of Staff, continued to employ her, as his subordinate, in that capacity for eight months after their marriage. The Council Member acknowledged that this conduct violated the provisions of the Conflicts of Interest Law, which (a) prohibit a public servant from using his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, for any person or firm “associated with the public servant,” such as a spouse, and (b) prohibit a public servant from entering into a financial relationship with his superior or subordinate. The Board took the occasion of the publication of the disposition to remind all public servants that marriage is a “financial relationship” within the meaning of the City’s Conflicts of Interest Law and that such a financial relationship between superiors and subordinates is prohibited even if the superior-subordinate relationship precedes the marriage.

(3) *COIB v. Mazer*, COIB Case No. 2005-467 (2007), involved the Board's first fine for disclosure of confidential information. The Board fined the former General Counsel and Deputy Commissioner for Legal Affairs of the New York City Taxi and Limousine Commission ("TLC") \$2,000 for disclosing, after he left City service, confidential information he gained while at the TLC. The former General Counsel admitted that, after he left City service, he prepared and executed an affidavit revealing the substance of confidential conversations with the TLC's First Deputy Commissioner concerning TLC's application of the rules regarding alternative fuel medallions that were bid at an October 2004 auction. The former General Counsel admitted that these internal TLC conversations were not public at the time the affidavit was prepared and that his disclosure of these internal, non-public agency discussions violated the provision of the Conflicts of Interest Law that prohibits former City employees from disclosing or using for private advantage any confidential information gained from City service.

(4) *COIB v. Cantwell*, COIB Case No. 2005-690 (2007), illustrates that even the smallest request to a subordinate to engage in political activities violates Chapter 68. The Board imposed a \$1,500 fine on a former Vice President of Information Technology for the New York City School Construction Authority ("SCA") who used City resources and personnel in connection with his political campaign. The former Vice President acknowledged that in 2005 he ran for election to a position as a member to the Town Board of Smithtown, New York, and that in connection with his campaign he used an SCA photocopier and SCA printer to photocopy and print campaign materials and that he requested a subordinate to review and correct an electronic file containing his signature for use on a campaign mailing. Prior to his campaign, in response to his request for advice, the former Vice President had been advised by the Board that such conduct was prohibited by the City Charter. The former Vice President acknowledged that his conduct violated the provisions of the Conflicts of Interest Law which prohibit public servants from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes and from requesting any subordinate to participate in a political campaign. The Board took the opportunity to remind all public servants that they are absolutely prohibited from using City resources, of any kind and of any amount, on campaigns for public office and that requesting the assistance of a subordinate, for any amount of time and in any fashion, on campaign related matters violates the City Charter.

(5) In *COIB v. Pentangelo*, COIB Case No. 1999-026 (2007), the Board issued a decision, after a full trial on the merits at the New York City Office of Administrative Trial and Hearings (“OATH”), affirming the importance of the job-hunting restrictions contained within Charter § 2604(d)(1). The Board found that, in July and August 1998, a former Director of Engineering with the New York City Department of Transportation (“DOT”), certified and signed ten invoices which verified that City-owned parking garages were properly managed and operated by a City vendor, Kinney Systems, Inc., and authorized DOT’s payment of over \$290,000 in management fees to Kinney. During this same period when he was certifying and signing these Kinney invoices, the Director of Engineering was actively negotiating for, and ultimately accepted, a position with Central Parking Corporation, which he knew was the parent corporation of Kinney. The OATH Administrative Law Judge found, and the Board adopted as its own findings, that this conduct violated the City’s Conflicts of Interest Law, which prohibits a public servant from soliciting, negotiating for, or accepting any position with a firm involved in a particular matter with the City while the public servant is directly concerned or personally participating in that particular matter. The Board fined the former DOT Director of Engineering \$1,500.

The Board’s “Summaries of Enforcement Cases” provides a useful digest of all of the Board’s enforcement results from 1990 to date. This document is available on CityShare, the City’s Intranet, and on the Board’s website (at http://www.nyc.gov/html/conflicts/downloads/pdf2/Enforcement_Case_Summaries.pdf) for use by all City workers and members of the public as an easy reference guide to cases the Board has prosecuted. The dispositions themselves, like the Board’s advisory opinions, are available on the CityLaw website free of charge to all in full-text searchable form (at <http://www.citylaw.org/cityadmin.php>).

The Enforcement Unit increased its use of the “three-way settlement” procedure to resolve cases that overlap with disciplinary proceedings brought by other City agencies. In 2007, such three-way settlements were concluded with the Administration for Children’s Services, the Department of Design and Construction, the Department of Education, the Department of Health and Mental Hygiene, the Human Resources Administration, the Department of Probation, the Department of Sanitation, and the New York City Housing Authority.

The Enforcement Unit also continued to prosecute cases involving former public servants, as it is empowered to do by the Charter. For example, in the *Allen, Anderson, Burgos, Cagadoc, Cammarata, Cantwell, Clair, Della Monica, Kessock, Larson, Marchuk, Margolin, Norwood, Pentangelo, Pratt, Tarazona, Russo, Speiller, Vale, and Wade* cases, described in the Enforcement Case Summaries annexed to this Report, the Board imposed fines against former public servants for conduct that occurred while they were public servants. Prosecution of such cases is an important reminder to public servants that they cannot insulate themselves from enforcement of the Conflicts of Interest Law by resigning in the face of an investigation or charges.

The Board also prosecutes cases against former public servants for conduct that occurs after they leave City service. Thus, in *Bilder, McHugh, Rosenfeld, and Mazer*, the Board fined former public servants for violating the Charter's post-employment provisions, which prohibit former public servants from appearing before their former City agencies within one year after leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service which is not otherwise available to the public. Former public servants must comply with the post-employment provisions of the Conflicts of Interest Law after they leave public service, or face a Board enforcement action.

In addition to working on complaints arising out of Chapter 68, the Enforcement Unit continued to assist the Legal Advice Unit in rendering telephone advice to public servants and members of the public who contact the Board daily, and participated in the work of the Board's Training and Education Unit, by conducting classes and seminars for public servants, including Enforcement Training Workshops to increase awareness of the Board's enforcement process among agency disciplinary counsel and investigators and to promote the use of three-way settlements in parallel disciplinary proceedings. The Enforcement Unit conducted such workshops at 26 different City agencies, including the Department of Housing Preservation and Development, Administration for Children's Services, Department of Design and Construction, Department of Parks and Recreation, NYCHA, DOT, Department of Cultural Affairs, Department of Health and Mental Hygiene, Department of Consumer Affairs, TLC,

Department of Information Technology and Telecommunications, DOE, DOI, DOB, Special Commissioner of Investigation for the New York City School District, Health and Hospitals Corporation, Civilian Complaint Review Board, Department of Youth and Community Development, Manhattan Borough President's Office, Brooklyn Borough President's Office, Public Advocate's Office, City Council, Police Department, Human Resources Administration, Campaign Finance Board, Department of Correction, and Department of City Planning. From these workshops, the Unit has developed a large e-distribution list for Board dispositions, so that disciplinary counsel and other interested staff at agencies are regularly informed about recent Board fines and as a result can identify Chapter 68 violations in their own cases for possible referral to the Board.

The awareness of Chapter 68's enforcement procedures fostered by these workshops, and the Board's many other training, education, and outreach efforts, has substantially increased the workload of the Enforcement Unit. Exhibits 8 and 9 to this Report show that in 2007 the Board received 465 new complaints, representing a 42% increase from 2006, and closed 429 cases. The Enforcement Unit referred 137 matters to DOI for its investigation. The Board relies on the public, public servants, and the media to bring to its attention possible violations of Chapter 68, including violations of advice given by Board.

As Exhibit 10 to this Report shows, the Chapter 68 fines imposed in Board proceedings in 2007, including those fines made payable in part to other agencies in three-way settlements, amounted to \$87,100, reflecting a 186% increase from 2006. Total civil fines imposed in Board and criminal proceedings for substantive violations of Chapter 68 from 1990 through 2007 have amounted to \$544,536.36.

While the deterrent effect of fines is important, some of the Board's most important work involves public and private warning letters carrying no fine. In 2007, the Board issued a record number of 26 public warning letters, more than three times the number (7) published in 2006, along with 45 private warning letters, an increase of 29% from the 35 sent in 2006. Furthermore, fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain. Nor do fines show the related savings when DOI's findings and Board enforcement actions lead to agency disciplinary

proceedings that result in termination, demotion, suspension, and forfeiture of leave time.

The Board thanks the Enforcement Unit staff for their continued excellence under pressure, including Carolyn Lisa Miller, Director of Enforcement; Dinorah S. Nunez, Deputy Director of Enforcement; Vanessa Legagneur, Assistant Counsel for Enforcement; Bre Injeski, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. The Board also extends sincere thanks to DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District (“SCI”) Richard J. Condon, and their entire staffs for the invaluable work of DOI and SCI in investigating and reporting on complaints of violations of the City’s Conflicts of Interest Law.

6. FINANCIAL DISCLOSURE

The Board’s final - but by no means least important - mandated function, imposed under section 2603(d) of Chapter 68, is to receive “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law...” Under current law, some 7,500 City public servants are required to file financial disclosure statements with the Board. For the first time in 2007, *virtually all* such reports were filed with the Board electronically.

City employees continue to show an excellent compliance record in filing mandated annual financial disclosure reports. As detailed in Exhibit 11 to this Report, the overall rate of compliance with the financial disclosure law, set forth in section 12-110 of the New York City Administrative Code, is 97%. This superb record must be attributed in large part to the excellent work of the Financial Disclosure Unit: Felicia A. Mennin, Director of Financial Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Financial Disclosure; Holli Hellman, Senior Financial Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and the Unit’s two new additions, Candice Flament, Financial Disclosure Analyst, and James Wilson, Financial Disclosure Assistant.

Financial Disclosure Amendments

The Board continues its efforts to modify the scope of the financial disclosure form to eliminate irrelevant questions and, even more

importantly, to tie the information required to be disclosed directly to the substantive mandates of the Conflicts of Interest Law. Since such an amendment to the City's financial disclosure law may require State legislation, the Board, with the support of the City Administration and the City Council, and with the assistance of the Mayor's Office of State Legislative Affairs, initiated an effort in 2007 to convince the State Legislature and the Governor to enact legislation authorizing the Board to modify the scope of the financial disclosure form for most City filers, so as to tie it to the City's Conflicts of Interest Law.

With the enactment of the Public Authorities Accountability Act of 2005 (2005 N.Y. Laws ch. 766), obtaining authority for the Board to modify the scope of the City's financial disclosure form has taken on added significance and urgency. If broadly construed, this new State law could require a significantly greater number of individuals to file financial disclosure reports, by mandating annual financial disclosure by members and certain staff of City-affiliated public authorities, public benefit corporations, industrial development agencies and authorities, and not-for-profit corporations, as well as the affiliates of all such entities. If it is so interpreted, this new State mandate would mean, for example, that board members of City-affiliated not-for-profit entities, such as the Gracie Mansion Conservancy, and even affiliates of public authorities, such as the Museum of Natural History, must file the City's lengthy financial disclosure form with the Board. Such a requirement may adversely affect the willingness of individuals to serve as volunteer board members of such not-for-profit organizations.

Accordingly, in 2007 the Board intensified its efforts to obtain authority from the State to modify the scope of the City's financial disclosure form. Board staff testified before the State Assembly at a hearing in May 2007. A bill, approved by the Board, was introduced in the State legislature as A.8023-B and S.6331-A (Exhibit 12 to this Report). That bill would permit the Board to develop at least two financial disclosure forms, tailored to the Charter and requiring lesser and more targeted disclosure for unpaid volunteers. The minimum requirements for the two levels of disclosure are set forth in the bill. As the Assembly failed to return in December, no action was taken on the bill in 2007, but it will be introduced in both the Assembly and the Senate in early 2008, when the Board hopes it will be enacted.

Electronic Filing of Financial Disclosure Reports

At the end of 2006, the Board's staff began working with DOI and the City's Department of Information Technology and Telecommunications ("DoITT") to integrate DOI's financial reports into the electronic filing application. The integration was completed in time for the 2006 filing period, which ran during the summer of 2007. Public servants required to file both a COIB and DOI financial disclosure report did so electronically as part of a single filing. In addition, Department of Education filers answered their supplemental DOE questions electronically, thus eliminating the supplemental DOE paper forms.

Throughout 2007, staff worked closely with DoITT to improve the electronic filing application. The process for entering multiple securities was streamlined, thus saving the filer significant time. For all filers who filed electronically for calendar year 2005, the reports appeared "pre-populated" for the 2006 filing period. Those filers merely had to review and update the prior year's report, an effort that for most filers required only a few minutes. Filers no longer need to fill out a completely new report every year.

Other enhancements to the electronic filing system included modifying the application to allow a filer to assign a delegate to assist with entering data. In order to do so, the filer simply clicks on a box that says "manage delegate account" at the beginning of the filing application. Once the filer provides the name, address, and telephone number of the person who will be assisting with the filing, the screen displays a password, which the filer may, in his or her discretion, give to another person who may enter the data for the filer. However, the application is restricted so that the filer, and only the filer, may review, certify, and sign the report electronically.

The filing application has also been enhanced with "rollover" functionality to show the filer specifically what information is missing. In order to access this feature, the filer clicks on the box called "Show Rollover Menus." When the filer rolls his or her mouse over a particular question, the application will describe the information that is missing so that the filer may supply it.

Filers continued using the convenience of filing remotely, that is, from home or any other non-work location. Filers may complete their electronic forms anywhere they are able to obtain Internet access.

For the first time, filers were instructed to print, hand sign, date, and return to the COIB a receipt of filing. The receipt contains one or two bar codes that provide an “electronic fingerprint” of the report in the exact form that existed at the time it was submitted. The receipt helps to further ensure that no one has tampered with the filer’s report.

At year end, the Unit was in the final stages of adding “terminating reports” and “amendments” to the electronic application. Filers terminating City service will soon be able to file their required termination report electronically. So, too, anyone wishing to amend a particular question on a previously electronically filed report may do so electronically.

Financial Disclosure Late Fines and Litigation

Section 12-110(g) of the City’s financial disclosure law empowers the Board to impose fines of up to \$10,000 for non-filing or late filing of financial disclosure forms.

During 2007, the Board collected \$2,100 in late filing fines. Since the Board assumed responsibility for financial disclosure in 1990, the Board has collected \$480,423 in financial disclosure fines.

In 2007, the Financial Disclosure Unit continued to successfully implement enforcement procedures aimed at convincing delinquent filers to file their reports and/or pay their late filing fines before the Board initiated costly and time-consuming administrative proceedings. Using these procedures, by year end the Unit was able to obtain compliance as to calendar year 2005 reports, due in 2006, by all but one current public servant, who as of year end still had not filed and whom the Board will prosecute in early 2008. In early 2008, the Unit will also begin pursuing those individuals who are not in compliance for 2006 reports, due in 2007.

Financial Disclosure Appeals

In 2007, pursuant to the statutory mandate set forth in the 2004 amendments to the financial disclosure law, the Board’s staff developed a

new procedure for appeals by those public servants contesting determinations by their agencies that they are required to file a financial disclosure report. With the assistance of the City's Office of Labor Relations, the Board entered into an agreement with District Council 37 whereby the union agreed to test a newly-developed appellate procedure as a pilot program for one year, and then revisit the issue after that time. The new procedure shifts onto the agency the burden of coming forward with evidence that a particular employee should file, and gives the Board authority to summarily grant default judgments where either side fails to comply with the agreed-upon procedure. The Board may also grant a form of summary judgment against the agency in instances where, on the papers presented, the agency has failed to demonstrate that a public servant falls within the statutory criteria for filing. Finally, in instances where a matter needs further fact-finding, neutral arbitrators from the Office of Collective Bargaining will serve in that capacity. The Board's staff trained three agreed-upon arbitrators in late 2007.

7. BUDGET, ADMINISTRATION, AND INFORMATION TECHNOLOGY

The Board thanks its Director of Administration, Ute O'Malley, and Deputy Director of Administration, Varuni Bhagwant, for their continued perseverance in the face of increasing administrative burdens. The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running, has provided the Board with the technical expertise necessary to implement electronic financial disclosure filing, and has supervised the implementation of upgrades to the Board's IT infrastructure.

For Fiscal Year 2008, the Board was able to hold its own on the budget. The Board's salaries for certain positions, however, again lag substantially behind those of other City agencies, significantly undermining staff recruitment and retention.

Pursuant to the mandate of Charter § 2603(j), the Board has proposed a number of amendments to Chapter 68, in particular the enactment of a Charter amendment granting the Board budget protection. This priority has been at the top of the Board's list of legislative priorities for many years. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget, in itself

an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That circumstance should finally be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials who are subject to the Board's jurisdiction.

The Board has sponsored many other long-pending initiatives for Charter amendments, such as obtaining investigative authority, making ethics training mandatory for all City employees, increasing to \$25,000 the maximum permissible fine for each violation, and adding the remedy of disgorgement of ill-gotten gains to the Board's enforcement powers. These proposed initiatives are set out in Exhibit 13 to this Report, in the form of proposed State legislation.

EXHIBIT 1
CONFLICTS OF INTEREST BOARD: 1993, 2001, 2006, 2007

<i>Agencywide</i>	1993	2001	2006	2007
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$1,852,196 (FY07)	\$1,916,476 (FY08)
Staff (budgeted)	26	23 ^{3/5} ¹	20	21
Highlights		Virtually all ethics publications on website; opinions & enforcement decisions on Westlaw & Lexis	Website visitors increased to 239,140, with 446,904 views	Highest number ever of training classes, advice calls, advice letters, enforcement dispositions imposing fines, and public warning letters
<i>Legal Advice</i>	1993	2001	2006	2007
Staff	6-1/2 (4-1/2 attorneys)	4 (3 attorneys)	4 attorneys ²	4 attorneys
Telephone requests for advice	?	1,650	2,895	3,326
Written requests for advice	321	539	568	613
Issued opinions, letters, waivers, orders	266	501	415	605
Opinions, etc. per attorney	53	167	172	151
Pending requests at year end	151	40	225	178
Median age of pending requests at year-end	8-1/2 months	18 days	7-1/2 months	7 months
<i>Enforcement</i>	1993	2001	2006	2007
Staff	1/2	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
Complaints received	29	124	328	465
Cases closed	38	154	530	429
Dispositions imposing fines	1	10	19	61
Public warning letters	0	2	7	26
Fines collected	\$500	\$20,450	\$30,460 ³	\$76,750 ⁴
Referrals to DOI	19	49	154	137
Reports from DOI	?	43	120	143

Training and Education	1993	2001	2006	2007
Staff	1	4 ³ /5 ³	2 ⁵	2
Training sessions	10	190 24 agencies; CLE	194 36 agencies Brown Bag Lunches; class for vendors; expanded community board outreach; new CLE offerings through DCAS; new training class for training directors of other agencies; interactive theatrical presentation in chapter 68 for citywide seminar & UN	416 62 agencies, Brown Bag Lunches; expanded community board outreach; new CLE curricula approved; interactive theatrical presentation; new collaborations with MOCS in procurement training
Board of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	Outreach to DOE speech therapists	75 training sessions, DOE leaflet updated
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Monthly column in <i>The Chief</i>	Over 50 Monthly column in <i>The Chief</i> ; new article in <i>Public Employees' Press</i> ; New leaflet: <i>Financial Relationships between Co-Workers</i> ; <i>Plain Language Guide</i> overhauled and reformatted, new poster created and produced

<i>Training and Education (cont'd)</i>	1993	2001	2006	2007
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> continued
Videotapes	None	3 half-hour training films; 2 PSA's	Old videos transferred to DVD; old videos digitized and posted on website	New video developed and shot.
Electronic training	None	Computer game show; Crosswalks appearances	Computer game show updated; DoITT working on bid for creation of electronic learning platform	DoITT working on bid for creation of electronic learning platform; regular website maintenance and updates
<i>Financial Disclosure</i>	1993	2001	2006	2007
Staff	12	5	5	6
6-year compliance rate	99%	98.6%	97.4%	96.7%
Fines collected	\$36,051	\$31,700	\$8,075	\$2,100
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	6,700 ⁶	All
Reports reviewed for conflicts (mandated by law)	350	38	818	134
Filing by City-affiliated entities (e.g., n-f-ps)	0	0	0	In process
Electronic filing	None	In development	Phase 3 filing (6,700 filers)	All filers file electronically

¹ The part-time (3/5) position, a senior trainer, was not part of the Board's budgeted headcount of 23.

² The FY2007 budget added a fourth line for the Legal Advice Unit, which had only two attorneys from April through October 2006, when the third line was backfilled, and did not add the fourth attorney until December, for an average of 2.4 attorneys in 2006.

³ Includes, in addition to fines imposed by and paid to the Board in 2006, (1) a \$15,000 fine, payable to the Board, imposed in a criminal proceeding for violation of Chapter 68 and the financial disclosure law and (2) \$1,500 from a fine imposed in 2005 but paid in 2006 pursuant to a payment schedule.

⁴ The Board imposed fines totaling \$87,100, but has only collected \$76,750, as the result of a payment plan in one case, allowed to the respondent after a showing of financial hardship, and the default in two other cases by the respondents after adverse judgments against them the Board in adopting the Report and Recommendation of Administrative Law Judges at the Office of Administrative Trials and Hearings.

⁵ From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from January to mid-July, and the new hire needed to be trained before he could begin teaching classes.

⁶ This figure reflects active City employees, all of whom, except assessors, filed electronically; an additional 500 filers, consisting of former public servants, filed paper reports.

EXHIBIT 2
MEMBERS, STAFF, AND FORMER MEMBERS
OF THE
CONFLICTS OF INTEREST BOARD

Members

Steven B. Rosenfeld, Chair
Monica Blum
Kevin B. Frawley
Angela Mariana Freyre
Andrew Irving

Staff

Executive

Mark Davies, Executive Director

Legal Advice

Wayne G. Hawley, Deputy Executive Director & General Counsel
Sung Mo Kim, Deputy General Counsel
Karrie Ann Sheridan, Associate Counsel
Jessie Beller, Assistant Counsel

Enforcement

Carolyn Lisa Miller, Director of Enforcement
Dinorah Núñez, Deputy Director of Enforcement
Vanessa Legagneur, Assistant Counsel
Bre Injeski, Assistant Counsel
Maritza Fernandez, Litigation Coordinator

Training and Education

Alex Kipp, Director of Training and Education
Jonathan Wingo, Senior Trainer/Training Coordinator

Financial Disclosure

Felicia A. Mennin, Director of Financial Disclosure & Special Counsel
Joanne Giura-Else, Deputy Director of Financial Disclosure
Holli R. Hellman, Senior Financial Disclosure Analyst
Veronica Martinez Garcia, Administrative Assistant
Michelle Burgos, Financial Disclosure Analyst (*until April 2007*)
Candice Flament, Financial Disclosure Analyst (*beginning September 2007*)
James Wilson, Assistant Financial Disclosure Analyst (*beginning September 2007*)

Administrative

Ute O'Malley, Director of Administration
Varuni Bhagwant, Deputy Director of Administration

Information Technology

Derick Yu, Director of IT

Former Members of the Board

Merrill E. Clarke, Jr., Chair	1989
Beryl Jones	1989-1995
Robert J. McGuire	1989-1994
Sheldon Oliensis, Chair	1990-1998
Shirley Adelson Siegel	1990-1998
Benjamin Gim	1990-1994
Benito Romano, Acting Chair (1998-2002)	1994-2004
Jane W. Parver	1994-2006
Bruce A. Green	1995-2005

EXHIBIT 3
TRAINING AND EDUCATION CLASSES ON CHAPTER 68

<u>Year</u>	<u>Department of Ed Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes¹</u>
1995	0	24	24
1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 ²	43	139	182
2004	119	169	288
2005	80	162	242
2006 ³	43	151	194
2007	75	341	416

¹ These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

² As a result of layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15, 2003, to October 15, 2003.

³ From December 2005 to September 2006 the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December to mid-July, and the new hire needed to be trained before he could begin teaching classes.

EXHIBIT 4

COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold

Agencies that held three to nine classes are in italics

Agencies that held one or two classes are not separately listed

2000	2001	2002	2003 ¹	2004	2005	2006 ²	2007
Bd. of Education Buildings DEP DOT Finance Parks Sanitation Correction DCAS DDC DOI EDC Health HPD HRA NYPD TLC	Bd. of Education DCAS Finance HPD <i>DEP DDC FIRE DOITT Sanitation Transportation</i>	Buildings Correction DCAS Education Finance Sanitation SCA ACS <i>City Planning DDC DEP DOT Health HPD NYCERS Parks Transportation</i>	Correction Education DOHMH HRA NYCERS <i>Buildings DCAS DHS DYCD Finance Law</i>	Buildings DCAS Education DHS HRA <i>DCLA DFTA Finance DOHMH DOITT NYCERS</i>	Parks Finance DCA DYCD DOB Education Education DDC HRA TLC DOITT DCAS <i>Community Boards HHC HPD DOC DOHMH Comptroller</i>	Comptroller DCAS DDC DOB Education Finance Sanitation <i>Community Boards DOC DOHMH DoITT DYCD HHC Manhattan Borough Pres TLC</i>	Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA Taxi & Limo Transportation CCRB <i>Community Boards DCP DoITT DYCD EDC HPD HRA NYCERS NYPD Parks</i>
Agencies Holding One or Two Classes: 22	Agencies Holding One or Two Classes: 14	Agencies Holding One or Two Classes: 29	Agencies Holding One or Two Classes: 12	Agencies Holding One or Two Classes: 27	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 21	Agencies Holding One or Two Classes: 39
Total Classes: 377³	Total Classes: 190³	Total Classes: 286³	Total Classes: 182³	Total Classes: 288³	Total Classes: 242³	Total Class: 194³	Total Class: 416³

¹ As a result of layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15, 2003, to October 15, 2003.

² From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from January to mid-July, and the new hire needed to be trained before he could begin teaching classes.

³ These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

EXHIBIT 5
LEGAL ADVICE WORKLOAD: 1993 TO 2007

	1993	2002	2003 (Increase v. 2002)	2004 (Increase v. 2003)	2005 (Increase v. 2004)	2006 (Increase v. 2005)	2007 (Increase v. 2006)
Staff	5 attorneys	3 attorneys	3 attorneys	3 attorneys	3 attorneys	4 attorneys	4 attorneys
Telephone requests for advice	N/A	2,410	2,342 (-3%)	2,633 (+12%)	2,926 (+11%)	2,895 (-1%)	3,326 (+15%)
Written requests for advice	321	691	559 (-19%)	535 (-4%)	515 (-4%)	568 (+10%)	613 (+8%)
Issued opinions, letters, waivers, orders	266	505	535 (+6%)	470 (-12%) ¹	543 (+16%)	415 (-24%) ²	605 (+46%)
Opinions, etc. per attorney	53	168	178 (+6%)	157 (-12%) ¹	181 (+15%)	172 (-5%)	151 (-12%)
Pending written requests at year end	151	184	160 (-13%)	191 (+19%)	127 (-34%)	225 (+77%)	178 (-21%)
Median age of pending requests at year end	8- ¹ / ₂ months	3- ¹ / ₂ months	5- ¹ / ₂ months	8 months	12 months	7- ¹ / ₂ months	7 months

¹ The Legal Advice Unit lost its longtime Special Counsel and lacked an attorney for two months in 2004 before hiring an attorney intern.

² The FY2007 budget added a fourth line for the Legal Advice Unit, which had only two attorneys from April through October 2006, when the third line was backfilled, and did not add the fourth attorney until December, for an average of 2.4 attorneys in 2006.

EXHIBIT 6
REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613

EXHIBIT 7
RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605

EXHIBIT 8
ENFORCEMENT CASES (CHAPTER 68)

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
New Complaints Received	8	20	22	29	31	29	50	64	63	81	148	124	221	346	307	370	328	465
Cases Closed	2	6	25	38	4	33	32	54	76	83	117	152	179	243	266	234	530	429
Dispositions Imposing Fines	0	0	1	1	2	1	1	2	9	4	10	9	6	3	6	11	19	61
Public Warning Letters	0	0	0	0	0	0	1	0	0	0	2	2	0	0	0	1	7	26

EXHIBIT 9
ENFORCEMENT WORKLOAD: 1993 to 2007

	1993	2002 (Increase v. 2001)	2003 (Increase v. 2002)	2004 (Increase v. 2003)	2005 (Increase v. 2004)	2006 (Increase v. 2005)	2007 (Increase v. 2006)
Staff	½ attorney	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)	4 (3 attorneys)	4 (2 attorneys ¹)	5 (4 attorneys)
Complaints received	29	221 (+78%)	346 (+57%)	307 (-11%)	370 (+21%)	328 (-11%)	465 (+42%)
Cases closed	38	179 (+16%)	243 (+36%)	266 (+9%)	234 (-12% ²)	530 (+126%)	429 (-19%)
Dispositions imposing fines ³	1	6	3	6	11 (+83%)	19 (+73%)	61 (+221%)
Public warning letters	0	0	0	0	1	7	26 (+271%)
Fines Collected	\$500	\$15,300	\$6,500	\$8,450	\$37,050	\$30,460	\$76,750 ⁴
Referrals to DOI	19	84 (+71%)	136 (+62%)	156 (+15%)	110 (-29%)	154 (+40%)	137 (-11%)
Reports from DOI	N/A	74 (+72%)	62 (-16%)	93 (+50%)	117 (+26%)	120 (+3%)	143 (+19%)

¹ The Enforcement Unit had only two attorneys for several months in 2006.

² The Enforcement Unit lacked one attorney for almost 11 months in 2005.

³ The amounts of the fines assessed and collected vary from year to year, depending on when lengthy litigation involving complex or multiple violations is concluded.

⁴ The Board imposed fines totaling \$87,100, but has only collected \$76,750, as the result of a payment plan in one case, allowed to the respondent after a showing of financial hardship, and the default in two other cases by the respondents after adverse judgments against them the Board in adopting the Report and Recommendation of Administrative Law Judges at the Office of Administrative Trials and Hearings.

EXHIBIT 10 ENFORCEMENT FINES

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
12/17/07	2006-632	Blenman	2,000					
12/17/07	2006-233	Osagie	5,000			X		
12/04/07	2004-188	Pratt ¹	500		3,961 Restitution			
11/29/07	2007-519	Tamayo	100		900	X	Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	52,649
11/29/07	2006-562b	McLeod				X	5	1,105.62
11/27/07	2006-618	Hall	1,500					
11/27/07	2004-517	Williams	4,000					
11/05/07	2005-365	Norwood	4,000					
10/29/07	2006-423	S. Fraser	2,000					
10/29/07	2003-785a	Speiller	1,000					
10/29/07	2007-138	Basile	2,000					
10/26/07	2007-039	Tulce				X	30	4,550
10/09/07	2003-200	Lastique	2,000			X	21 plus reassignment & probation	1,971.69
10/02/07	2007-441	Larson	1,000					
10/02/07	2006-423a	Russell	1,000					
09/26/07	2006-411	Allen	5,000					
09/18/07	2004-246	Margolin	3,250					
09/12/07	2006-551	Davis	700					
09/04/07	2007-016	Graham					5	896
08/30/07	2007-362	Lucido	500					
07/31/07	2003-785	Gennaro	2,000					
07/23/07	2003-152a	Bergman	1,000					
07/18/07	1999-026	Pentangelo	1,500					
07/16/07	2006-706	Carlson	500	4,820.92		X		
07/12/07	2006-461	Greenidge	500					
07/11/07	2006-098	Barreto	2,500			X		
07/11/07	2005-244	Clair	6,500					
07/10/07	2007-056	Glover				X	30	7,742
06/29/07	2005-200	Cetera	2,000			X		
06/05/07	2005-442	Sanders	1,000					
06/04/07	2005-240	Mazer	2,000					
05/31/07	2006-383	Ianniello	1,000			X		
05/31/07	2006-684	Cooper	2,500	2,500		X		

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
05/31/07	2006-684a	Reilly	750	750		X		
05/31/07	2006-460	Amofo-Danquah	3,000			X	5	1,273.25
05/30/07	2007-053	Cammarata	1,500					
05/30/07	2002-678	Murphy	750					
05/30/07	2004-556	Cagadoc	500					
05/02/07	2005-690	Cantwell	1,500					
04/30/07	2006-068	Henry	1,000					
04/30/07	2005-739a	Oquendo	500					
04/25/07	2004-570	Matos	1,000			X		
04/17/07	2006-562a	Wade	500					
03/28/07	2006-554	Bassy	500					
03/27/07	2006-349	Vale	2,250					
03/27/07	2005-240	Sahm	1,250					
02/28/07	2005-505	Martino-Fisher	1,000					
02/28/07	2003-752	Kessock	500					
02/28/07	2006-519	Lepkowski	500					
02/28/07	2002-503	Maith	500					
02/05/07	2002-458	Aquino	500					
02/05/07	2006-064	Tarazona	2,000					
02/05/07	2001-494	Russo	2,000			X		
01/29/07	2005-031	Marchuk	750					
01/29/07	2006-635	Bayer	1,000			X	18	1,000
01/24/07	2005-178	Davis	1,000			X		
01/24/07	2005-098	Rosenfeld	500					
01/05/07	2004-697	Della Monica	1,500					
01/03/07	2004-712	McHugh	2,000					
12/19/06	2005-685	Diaz	500					
12/15/06	2002-140	Fenster	500					
12/11/06	2006-562b	Jefferson				X	25	3,085
12/11/06	2006-562	Nelson				X	25	4,262
11/10/06	2003-655	Sorkin	500					
11/10/06	2005-271a	Parlante	460			X		
11/10/06	2005-271	Marchesi	750			X		
08/24/06	2004-324a	Neira	4,500					
08/24/06	2006-048	Tyner				X	45	6,224
07/28/06	2004-700a	L. Golubchick	4,000					
07/28/06	2004-700	J. Golubchick	1,000					
06/30/06	2003-097	Kerik	10,000		5,000 FD & 206,000 Criminal			
06/20/06	2004-159	Goyol	2,500					
06/06/06	2005-155	Okowitz	1,250			X		
05/10/06	2003-423a	Coppola	500					
03/28/06	2005-590	Whitlow		1,818		X		
02/23/06	2005-238	Valsamedis				X	50 (plus 10 days annual leave)	11,267.50

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
02/15/06	2005-146	Vance	1,500				Annual leave	1,122
02/03/06	2002-716	Green	2,500	1,500		X		
11/16/05	2004-214	Guttman	2,800					
11/16/05	2004-418	Trica	4,000					
07/23/05	2002-677y	Serra ²	10,000					
06/22/05	2005-151	Carroll	3,000			X	Suspension w/out pay	3,000
06/07/05	2004-082a	Romano	4,000					
05/25/05	2004-082	Hoffman	4,000					
03/29/05	2003-788	Asemota	500			X	Annual leave	1,000
03/29/05	2004-466	Powery	1,000					
02/28/05	2004-515	Genao	1,000					
02/28/05	2004-321a	Vasquez	1,750			X	Annual leave	1,600
01/31/05	2003-127	Thomas	2,000				Annual leave	3,915
01/31/05	2002-782	Bonamarte	3,000					
12/21/04	2004-180	Berkowitz	3,500					
10/30/04	2002-770	W. Fraser	500					
10/21/04	2004-305	McKen	450	450		X		
06/22/04	2003-359	Campbell	2,000					
05/20/04	2002-528	Fleishman	1,000	5,000	1,300 Restitution			
03/05/04	2001-618	Andersson	1,000					
04/03/03	2002-304	Arriaga	1,000	2,500		X	30	
03/25/03	2002-088	Adams	1,500					
01/07/03	2002-463	Mumford		2,500	5,000 for violation of Reg. C-110			
07/18/02	2002-188	Blake-Reid	4,000				Annual leave	4,000
06/27/02	2001-593	Cottes	500			X		
06/21/02	2000-456	Silverman	500					
03/27/02	2000-192	Smith ³			2,433 Restitution			
02/27/02	2001-569	Kerik	2,500					
02/22/02	2000-407	Loughran	800					
12/13/01	1998-508	King	1,000			X		
11/13/01	2000-581	Hill-Grier	700			X		
09/25/01	2000-533	Denizac		4,000		X		
08/15/01	1999-501	Moran					Annual leave (plus 30 days w/out pay and demoted)	2,500
07/16/01	1999-157	Capetanakis	4,000					
06/25/01	2000-005	Rieue	2,000					
06/07/01	2000-231	Steinhandler	1,500			X		
05/23/01	1999-121	Camarata	1,000					
03/08/01	199173	Peterson	1,500					
02/26/01	1999-199	Finkel	2,250					
10/24/00	1999-200	Hoover	8,500					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
10/16/00	1999-200	Turner	6,500					
08/14/00	1999-511	Paniccia	1,500					
08/07/00	1999-500	Chapin	500					
07/24/00	2000-254	Lizzio	250					
05/24/00	1999-358	Rosenberg	1,000					
04/26/00	1998-169	Marrone	5,000					
03/26/00	1998-288	Sullivan	625			X		
03/10/00	1999-250	Carlin	800			X		
01/06/00	1997-237d	Rene		2,500		X		
11/23/99	1994-082	Davila	500					
11/22/99	1999-334	McGann	3,000			X		
06/29/99	1998-190	Sass	20,000					
02/03/99	1997-247	Ludewig	7,500			X		
10/09/98	1997-247	Morello	6,000				Resigned & forfeited annual leave	93,105
09/17/98	1994-351	Katsorhis	84,000					
07/14/98	1997-394	Weinstein	1,250			X	Annual leave	3,750
06/22/98	1996-404	Fodera	3,000		100 for late FD filing			
06/22/98	1995-045	Wills	1,500					
06/15/98	1998-102	Hahn	1,000			X		
05/22/98	1997-368	Harvey ⁴	200					
05/08/98	1997-247	Cioffi	100					
12/22/97	1997-076	N. Ross	1,000					
12/10/97	1997-225	M. Ross	1,000			X		
06/17/97	1997-060	Quennell	100					
04/03/96	1993-121	Holtzman	7,500					
03/08/96	1994-368	Matos ⁵	1,000/250					
08/04/95	1993-282a	Baer	5,000					
02/11/94	1993-282	Bryson	500					
01/24/94	1991-214	McAuliffe	2,500					
04/27/93	1991-223	Ubinas	500					
TOTALS			357,485	28,338.92				156,263.44

TOTAL: \$544,536.36

¹ The total fine was \$4,750, of which \$500 was paid to the Board upon signing of the Disposition. The remaining \$4,250 of the fine will be forgiven, if, by March 1, 2009, Pratt has fully paid his former subordinate the outstanding portion of the loan (in the amount of \$3,961).

² This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law.

³ The total fine was \$3,000, but was to be forgiven if, by March 1, 2004, Smith had fully paid the foster mother the outstanding portion of the loan (in the amount of \$2,433).

⁴ This fine was forgiven due to extreme financial hardship.

⁵ This fine was reduced to \$250 on proof of financial hardship one year following the settlement of the matter, pursuant to the terms of the settlement.

EXHIBIT 11 FINANCIAL DISCLOSURE REPORTS

Calendar Year ("C.Y.")	Number of Reports Required for C.Y.	Reports Filed for C.Y.	Compliance Rate for C.Y. ¹	Number of Fines Waived for C.Y.	Number of Fines Paid for C.Y.	Amount of Fines Paid for C.Y.	Current Non-Filers for C.Y. <u>Act.</u> <u>Inact.</u> ²	Current Non-Payers for C.Y. <u>Act.</u> <u>Inact.</u>
2001	12,055	11,766	98.7%	531	176	\$19,725	0 152	0 33
2002	13,636	13,233	98.1%	626	230	\$25,525	0 254	0 77
2003	7,827 ³	7,477	96.8%	293	62	\$13,700	0 248	0 30
2004	7,550	7,233	97.1%	945	46	\$17,925	0 219	0 43
2005 ⁴	7,625	7,293	96.3%	221	10	\$2,500	1 219	1 17
2006	7,694	7,330	95.2%	12	1	\$250	157 165	82 62
TOTALS	56,387	54,332	97.0%	2,628	525	\$480,423 ⁵	158 1,257	83 262

¹ Includes those individuals who have appealed their agency's determination that they are required filers and who are thus currently in compliance.

² "Act." indicates current non-filers or non-payers who are current City employees. ("Non-payers" are late filers who have failed to pay their late filing fine.) "Inact." indicates current non-filers or non-payers who are no longer City employees.

³ Local Law 43 of 2003 amended the financial disclosure law, NYC Ad. Code § 12-110, to, among other things, eliminate certain classifications of filers and add others.

⁴ In 2006, virtually all reports were filed electronically for the first time, for calendar year 2005.

⁵ Includes fines collected for calendar years 1989 through 2000, the reports for which have been discarded pursuant to the Board's retention policy.

EXHIBIT 12
FINANCIAL DISCLOSURE BILL

STATE OF NEW YORK

8023--B

2007-2008 Regular Sessions

IN ASSEMBLY

May 2, 2007

Introduced by M. of A. BRENNAN, MILLMAN, YOUNG, COOK, FIELDS, TITUS, CLARK, ROBINSON -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, D. GORDON, TITONE, TOWNS, WEISENBERG -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to annual statements of disclosure for any city with a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 1 of section 811 of the gener-
2 al municipal law, as added by chapter 813 of the laws of 1987, is
3 amended to read as follows:
4 (a) The governing body of each political subdivision may, not later
5 than January first, nineteen hundred ninety-one, and the governing body
6 of any other municipality may at any time subsequent to the effective
7 date of this section, adopt a local law, ordinance, or resolution: (i)
8 wherein it promulgates a form of annual statement of financial disclo-
9 sure which is designed to assure disclosure by municipal officers and
10 employees, which for the purposes of this section, the definition for
11 which shall be modified so as to also include a city with a population
12 of one million or more, and (in the case of a political subdivision or
13 any other county, city, town or village) which is designed to assure
14 disclosure by local elected officials and/or by local political party
15 officials of such financial information as is determined necessary by
16 the governing body, or (ii) wherein it resolves to continue the use of
17 an authorized form of annual statement of financial disclosure in use on
18 the date such local law, ordinance or resolution is adopted. In either
19 event, such local law, ordinance or resolution if and when adopted shall

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

A. 8023--B

2

1 specify by name of office or by title or classification those municipal
 2 officers and employees and (in the case of a political subdivision or
 3 any other county, city, town or village) those local elected officials
 4 and/or those local political party officials which shall be required to
 5 complete and file such annual statement.

6 (a-1) In a city with a population of one million or more, such local
 7 law, ordinance or resolution shall [be at least as stringent in scope
 8 and substance as the provisions of section eight hundred twelve of this
 9 article] require, on two or more types of forms for annual statements of
 10 financial disclosure, disclosure of information that could reveal poten-
 11 tial conflicts of interest as defined by chapter sixty-eight of the New
 12 York city charter.

13 (i) The disclosure required by such law, ordinance or resolution of
 14 such city shall, at a minimum, include information about any non-city
 15 employment or interests that may give rise to a conflict of interest,
 16 including, but not limited to, interests of the filer and his or her
 17 spouse or registered domestic partner, and unemancipated children, in:
 18 (A) real property located in such city, and (B) positions or business
 19 dealings with, financial interests in, or gifts from, any persons or
 20 firms or entities engaged in business dealings with such city.

21 (ii) In any such city, local elected officials and compensated local
 22 officers and employees, as defined in subdivisions two and three,
 23 respectively, of section eight hundred ten of this article, shall, at a
 24 minimum, disclose in addition to the information required by subpara-
 25 graph (i) of this paragraph: (A) interests in a firm where the value of
 26 the interest is ten thousand dollars or more; (B) where the official,
 27 officer, or employee holds a policy-making position with such city,
 28 membership in the national or state committee of a political party or
 29 service as assembly district leader of a political party or service as
 30 the chair or as an officer of the county committee or county executive
 31 committee of a political party; (C) the names and positions of any
 32 spouse or registered domestic partner, child, stepchild, brother,
 33 sister, parent or stepparent holding a position with any such city; (D)
 34 each volunteer office or position held by the filer or his or her spouse
 35 or registered domestic partner with any not-for-profit organization
 36 engaged in business dealings with such city, except where the person
 37 volunteers only in a non-policymaking, non-administrative capacity; and
 38 (E) agreements between the filer and any person or firm or entity
 39 engaged in business dealings with such city for future payment to or
 40 employment of the filer.

41 (iii) For purposes of this paragraph, the term "firm" shall have the
 42 same meaning as set forth in subdivision eleven of section twenty-six
 43 hundred one of the New York city charter.

44 § 2. This act shall take effect immediately and shall apply to annual
 45 statements of financial disclosure required to be filed for the calendar
 46 year 2007.

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A8023B

SPONSOR: Brennan (MS)

TITLE OF BILL:

An act to amend the general municipal law, in relation to annual statements of disclosure for any city with a population of one million or more

SUMMARY OF PROVISIONS:

This bill would amend paragraph (a) of subdivision 1 of General Municipal Law § 811, to authorize the City of New York, through its local ethics board, the Conflicts of Interest Board ("COIB"), to modify the requirements of the City's financial disclosure that are submitted annually by its officers, employees, and, as a result of the Public Authorities Accountability Act of 2005, numerous additional people working for certain City-affiliated entities.

JUSTIFICATION:

General Municipal Law ("GML") §§ 810(1) and 811(1)(a) mandate that every county, city, town, and village with a population of 50,000 or more require the filing of annual financial disclosure statements by certain officers and employees. Of those municipalities, only New York City is required by the statute to have a financial disclosure form "at least as stringent in scope and substance" as the State form set forth in GML § 812. See Gen. Mun. Law § 811(1)(a). Furthermore, in mandating who must file financial disclosure reports, State law makes no distinction between paid and unpaid public servants.

New York City's Financial Disclosure Law, now set forth in Administrative Code § 12-110, has been in existence since 1975, long before the 1987 "Ethics in Government Act" which established the State legislative scheme concerning ethics and financial disclosure, and the City's law has historically been among the most far-reaching laws of this kind in the State. This local law has always exempted from filing unpaid members of boards and commissions, for it has been acknowledged that requiring such volunteers to file the State-mandated 32-page financial disclosure report would devastate efforts to recruit and retain them, and thus threaten the existence of these boards and commissions, many of which play a critical role in the life of the City.

This problem has been compounded by the enactment of the "Public Authorities Accountability Act of 2005" (Chapter 766 of the Laws of 2005). That law ("PAAA") requires board members, officers, and employees of certain municipal-affiliated entities (collectively called "local authorities") to file financial disclosure reports with the local ethics board, which, in the case of New York City, is the COIB. These entities include: (a) public authorities and public benefit

corporations created by or existing under State law, unless the members hold a civil office of the State or are appointed by the Governor not upon the recommendation of local government; (b) not-for-profit corporations affiliated with, sponsored by, or created by a county, city, town, or village government; (c) local industrial development agencies and authorities and other local public benefit corporations; and (d) affiliates of any of those entities. Thus, in New York City, the PAAA requires such persons to file the current 32-page financial disclosure report with the COIB. Moreover, it is apparent that the PAAA intends to require disclosure by volunteer board members of "local authorities." This new law would therefore, beginning in 2007, require that all of these volunteer members of City boards and commissions file a financial disclosure report.

Requiring volunteer board members of City-affiliated not-for-profit entities, such as the Gracie Mansion Conservancy, to file a 32-page financial disclosure report will destroy many of those crucial institutions. Preservation of the City's affiliated not-for-profit institutions and its volunteer boards and commissions necessitates that the scope of the current financial disclosure form be modified. The COIB has indicated that it would not support any reduction in the scope of the financial disclosure form that addresses only volunteers because, as the COIB has repeatedly stated, the scope of the form must also be reduced for certain other City officials and must be tied directly to the City's own conflicts of interest law. See COIB 2005 Annual Report, pp. 22, 43-44, 49-54. Accordingly, GML § 811 (1(a)) should be amended to authorize the COIB to change the scope of the financial disclosure form, not just for volunteers but for other public servants as well.

The proposal would provide that the COIB require, on two or more types of forms for annual statements of financial disclosure, disclosure of the type of information that could reveal potential conflicts of interest as defined by Chapter 68 of the New York City Charter. The disclosure required would include, but not be limited to, information about non-city employment or interests that may give rise to a conflict of interest, including but not limited to interests in real property located in such city, or positions with, financial interests in, gifts from, or business dealings with, persons or firms or entities engaged in business dealings with the City.

This does not mean that the City intends to dilute in any way its financial disclosure law. To the contrary, this authorization by the State Legislature would allow the City to craft a realistic scheme of reporting that is consistent with the ethical considerations embodied in its conflicts of interest law, as set forth in Chapter 68 of the New York City Charter. We note that this ethics code was first enacted as a legislative scheme in 1959, and since that time has been expanded several times, leading to the creation of one of the most comprehensive and well respected of such laws in the nation. In the City's experience, the exceedingly long form of questions mandated in 1987 has undercut the ability of the COIB to focus on those private interests that raise potential for significant conflicts of interest, as defined by Chapter 68 of the City Charter.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS TO STATE AND LOCAL GOVERNMENT:

None.

EFFECTIVE DATE:

Immediately. It applies to forms being filled out for calendar year 2007.

1 **EXHIBIT 13**
2 **NEW YORK CITY CONFLICTS OF INTEREST BOARD**
3 **PROPOSED STATE LEGISLATION**
4 **December 2007**
5

6
7 **AN ACT to amend the charter of the city of New York, in relation to the New**
8 **York City conflicts of interest board**
9

10 *The People of the State of New York, represented in Senate and Assembly, do enact*
11 *as follows:*
12

13 Section 1. Short title. This act shall be known and may be cited at the “ethics
14 empowerment act of 2007.”
15

16 § 2. Declaration of policy and findings of fact. The legislature hereby finds that
17 ethics laws promote both the reality and the perception of integrity in government
18 by preventing conflicts of interest before they occur. The effectiveness of these
19 laws rests largely upon the effectiveness of the agency enforcing them. The city of
20 New York, which first enacted conflicts of interest provisions almost 200 years
21 ago, established an ethics board in 1959, perhaps the first of its kind in the nation,
22 and in 1989 significantly increased that board’s responsibilities, renaming it the
23 conflicts of interest board. New York City is the largest city in the state and
24 nation, with over 300,000 public servants subject to its conflicts of interest law and
25 with a budget greater than that of all but a handful of governments in the country.
26 Although current and former administrations and councils of that city have
27 expressed support for the work of the board, virtually alone among ethics boards in
28 the United States possessing enforcement authority, the conflicts of interest board
29 lacks the power to conduct its own investigations but must instead rely upon other,
30 mayoral agencies to conduct those investigations, undermining the public
31 perception of the board’s independence. Furthermore, the prevention of conflicts
32 of interest necessitates an effective ethics training program. Currently, chapter 68
33 of the charter requires the board to train all public servants in the conflicts of
34 interest law but fails to mandate that public servants receive such training. As a
35 result, many public servants receive no training in that law, resulting in
36 unnecessary ethics violations. So, too, while public enforcement reassures the
37 public and complainants that an enforcement matter is being pursued and would
38 perform an educational function by alerting city employees to the requirements of
39 the conflicts of interest law, the confidentiality restrictions upon the board

40 significantly exceed those imposed upon the state ethics commission, discouraging
41 complainants and generating cynicism about the efficacy of the conflicts of interest
42 law. Moreover, the maximum fine for a violation of chapter 68, currently \$10,000,
43 has not been increased since 1989. Finally, inequity results when a violation of the
44 conflicts of interest law produces a profit to the violator that far exceeds the
45 maximum civil fine. Similarly, many public servants, though subject to the board's
46 jurisdiction, may not be fined at all by the board. It is therefore declared that New
47 York City requires an independent agency with the power and resources to enforce
48 effectively the New York City conflicts of interest law and the related financial
49 disclosure law. In particular, the conflicts of interest board of that city requires a
50 guaranteed budget protected against retribution by the very officials the board
51 regulates; investigative authority and subpoena power; mandated conflicts of
52 interest training and education for all public servants of the city; the power to
53 impose civil fines upon all public servants subject to its jurisdiction who commit
54 conflicts of interest law violations; an increase in the maximum civil fine for a
55 violation of the conflicts of interest law; and the authority to seek civil forfeiture of
56 economic benefits received by anyone in violation of that law.

57

58 § 3. Subdivision (a) of section 2602 of the charter of the city of New York is
59 amended to read as follows:

60

61 (a) There shall be a conflicts of interest board, **which shall be an independent**
62 **non-mayoral agency**, consisting of five members, appointed by the mayor with the
63 advice and consent of the council. The mayor shall designate a chair. **The**
64 **appropriations available to pay for the expenses of the board during each fiscal**
65 **year shall not be less than seven thousandths of one percent of the net total**
66 **expense budget of the city. Not later than three months after the close of each**
67 **fiscal year, the board shall submit to the mayor and the council a public detailed**
68 **accounting of all of its expenditures during such fiscal year.**

69

70 § 4. Paragraph (2) of subdivision (b) of section 2603 of the charter of the city of
71 New York is amended to read as follows:

72

73 (2) **Training as to the provisions of this chapter shall be mandatory for all**
74 **public servants.** The board shall [provide training to all individuals who become
75 public servants to inform them of the provisions of this chapter, shall] assist
76 agencies in conducting ongoing training programs, **as determined by rule of the**
77 **board in consultation with the agencies,** and shall make information concerning
78 this chapter available and known to all public servants, **with such assistance by the**
79 **agency as determined by rule of the board in consultation with the agency.** On or

80 before the tenth day after an individual becomes a public servant, such public servant
81 must **[file] sign** a written statement **[with the board], which shall be maintained in**
82 **his or her personnel file**, that such public servant has read and shall conform with
83 the provisions of this chapter, **provided, however, that the failure of a public**
84 **servant to receive such training or to sign such a statement or to receive a copy**
85 **of this chapter or the failure to maintain the statement on file shall have no**
86 **effect on the duty of compliance with this chapter or on the enforcement of the**
87 **provisions thereof.**
88

89 § 5. Paragraph (2) of subdivision (e) of section 2603 of the charter of the city of
90 New York is amended to read as follows:

- 91
92 (2) Whenever a written complaint is received by the board, it shall:
- 93 (a) dismiss the complaint if it determines that no further action is required by the
94 board; or
 - 95 (b) refer the complaint to the commissioner of investigation if further investigation
96 **by that agency** is required for the board to determine what action is appropriate; or
 - 97 (c) make an initial determination that there is probable cause to believe that a public
98 servant has violated a provision of this chapter; or
 - 99 (d) refer an alleged violation of this chapter to the head of the agency served by the
100 public servant, if the board deems the violation to be minor or if related disciplinary
101 charges are pending against the public servant, **in which event the agency shall**
102 **consult with the board before issuing a final decision; or**
 - 103 **(e) conduct an investigation; or**
 - 104 **(f) refer the complaint to a law enforcement agency.**
- 105

106 § 6. Paragraph (1) of subdivision (f) of section 2603 of the charter of the city of
107 New York is amended to read as follows:

- 108
109 (1) The board shall have the power to **conduct or** direct the department of
110 investigation to conduct an investigation of any matter related to the board's
111 responsibilities under this chapter. The commissioner of investigation shall, within a
112 reasonable time, investigate any such matter and submit a confidential written report
113 of factual findings to the board. **For the purpose of ascertaining facts in**
114 **connection with any investigation authorized by this chapter, any two members**
115 **or the chair of the board shall have full power to compel the attendance of**
116 **witnesses and the production of books, papers, records, documents, and other**
117 **things. Each member of the board or any agent or employee of the board duly**
118 **designated by the board in writing for such purposes may administer oaths or**
119 **affirmations, and examine such persons as he or she may deem necessary,**

120 examine witnesses in a public or private hearing, receive evidence and preside at
121 or conduct any such investigation, but subpoenas issued in connection with an
122 investigation may be issued only by two members or the chair of the board.
123

124 § 7. Subdivision (h) of section 2603 of the charter of the city of New York is
125 amended to read as follows:
126

127 (h) Hearings. (1) If the board makes an initial determination, based on a
128 complaint, investigation or other information available to the board, that there is
129 probable cause to believe that the public servant has violated a provision of this
130 chapter, the board shall notify the public servant of its determination in writing. **This**
131 **notification shall be confidential and shall not be public.** The notice shall contain
132 a statement of the facts upon which the board relied for its determination of probable
133 cause and a statement of the provisions of law allegedly violated. The board shall
134 also inform the public servant of the board's procedural rules. Such public servant
135 shall have a reasonable time to respond, either orally **to board staff** or in writing **to**
136 **the board or, in the board's discretion, orally to the board,** and shall have the
137 right to be represented by counsel or any other person.

138 (2) If, after receipt of the public servant's response **or upon the failure of the public**
139 **servant to respond within the time permitted by rule of the board,** the board
140 determines that there is no probable cause to believe that a violation has occurred, the
141 board shall dismiss the matter and inform the public servant **and the complainant, if**
142 **any,** in writing of its decision. If, after the consideration of the response by the
143 public servant **or the expiration of the time permitted by rule of the board for the**
144 **public servant to respond,** the board determines there remains probable cause to
145 believe that a violation of the provisions of this chapter has occurred, the board shall
146 hold or direct a hearing to be held on the record to determine whether such violation
147 has occurred, or **[shall] may** refer the matter to the appropriate agency if the public
148 servant is subject to the jurisdiction of any state law or collective bargaining
149 agreement which provides for the conduct of disciplinary proceedings, provided that
150 when such a matter is referred to any agency, the agency shall consult with the board
151 before issuing a final decision. **Any notification to the public servant that the**
152 **board has determined there remains probable cause to believe that a violation of**
153 **the provisions of this chapter has occurred shall, upon expiration of the time set**
154 **by rule of the board, be public, except as, and to the extent, otherwise expressly**
155 **provided by the board in its discretion, including upon application by the public**
156 **servant, in the manner and time specified by rule of the board. Any hearing**
157 **conducted by the board or at the direction of the board pursuant to this**
158 **paragraph shall be open to the public, except as, and to the extent, otherwise**

159 expressly provided by the board in its discretion, including upon application of
160 the public servant, in the manner and time specified by rule of the board.

161 (3) If the board determines, after a hearing or the opportunity for a hearing,
162 that a public servant has not violated any of the provisions of this chapter, it
163 shall issue an order to that effect. If the board determines, after a hearing or the
164 opportunity for a hearing, that a public servant has violated provisions of this chapter,
165 it shall, after consultation with the head of the agency served or formerly served by
166 the public servant, or in the case of an agency head, with the mayor, issue an order
167 either imposing such penalties provided for by this chapter as it deems appropriate, or
168 recommending such penalties to the head of the agency served or formerly served by
169 the public servant, or in the case of an agency head, to the mayor; provided, however,
170 that the board shall not impose penalties against members of the council, or public
171 servants employed by the council or by members of the council, but may recommend
172 to the council such penalties as it deems appropriate. ~~[The]~~ An order determining
173 that a violation occurred shall include findings of fact and conclusions of law.
174 When a penalty is recommended, the head of the agency or the mayor, in the case
175 of an agency head, or the council shall report to the board what action was taken;
176 such report shall be public, to the extent permitted by law. Orders issued
177 pursuant to this paragraph, whether or not they determine that a violation of
178 this chapter occurred, shall be public.

179 [(4) Hearings of the board shall not be public unless requested by the public
180 servant. The order and the board's findings and conclusions shall be made
181 public.]

182 [(5)(4) The board shall maintain [an] a public index of all persons found to be in
183 violation of this chapter, by name, office and date of order. ~~[The index and the~~
184 ~~determinations of probable cause and orders in such cases shall be made~~
185 ~~available for public inspection and copying.]~~

186 [(6)(5) Nothing contained in this section shall prohibit the appointing officer of a
187 public servant from terminating or otherwise disciplining such public servant, where
188 such appointing officer is otherwise authorized to do so; provided, however, that such
189 action by the appointing officer shall not preclude the board from exercising its
190 powers and duties under this chapter with respect to the actions of any such public
191 servant. Nothing contained in this section shall prohibit the board from
192 referring any matter to a law enforcement agency at any time.

193 [(7)(6) For the purposes of this subdivision, the term public servant shall include a
194 former public servant.

195
196 § 8. Subdivision (k) of section 2603 of the charter of the city of New York is
197 amended to read as follows:
198

199 (k) **Confidentiality.** Except as otherwise provided in this chapter, the records,
200 reports, memoranda and files of the board shall be confidential and shall not be
201 subject to public scrutiny. **The board may, but need not, release such documents**
202 **if their confidentiality is waived by the public servant. Nothing contained in this**
203 **section shall prohibit the board from releasing records, reports, memoranda or**
204 **files of the board to a law enforcement agency, pursuant to subpoena.**
205
206

207 § 9. Subdivision (b) of section 2606 of the charter of the city of New York is
208 amended and a new subdivision (e) is added to read as follows:
209

210 (b) Upon a determination by the board that a violation of section twenty-six
211 hundred four or twenty-six hundred five of this chapter has occurred, the board, after
212 consultation with the head of the agency involved, or in the case of an agency head,
213 with the mayor, **shall have the power** to impose fines of up to [ten] **twenty-five**
214 thousand dollars, and **if applicable,** to recommend to the appointing authority, or
215 person or body charged by law with responsibility for imposing such penalties,
216 suspension or removal from office or employment.

217 (e) **Any entity or person, whether or not a public servant, which or who**
218 **realizes an economic benefit knowing it to be the result of conduct by a public**
219 **servant that violates section twenty-six hundred four or twenty-six hundred**
220 **five of this chapter shall be liable in a civil action brought by the board in a**
221 **court of appropriate jurisdiction for the value of the benefit.**
222

223 § 10. This act shall take effect immediately.

ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

SUMMARIES AND INDEXES

A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.

ADVISORY OPINION SUMMARY

OPINION NO: 2007-1

DATE: 10/22/07

CHARTER SECTION(S) INTERPRETED:
2604(a)(1)(a)
2604(d)(2)
2604(e)

SUBJECT(S): Community Education Councils
Post-Employment Waivers

OTHER OPINION(S) CITED: 2006-1

SUMMARY: In considering applications for former members of the Community Education Councils of the Department of Education for waivers of the one-year appearance ban of Charter Section 2604(d)(2), the Board will as a general matter consider the “agency served” to be the DOE district on whose CEC the member served. Upon the written application by the DOE Chancellor for such waivers, the Board will typically grant such waivers on the condition that former CEC members may not appear during the first year following the end of their CEC service before the DOE district on whose CEC they served.

ADVISORY OPINION SUMMARY

OPINION NO: 2007-2

DATE: 10/24/07

CHARTER SECTION(S) INTERPRETED:
192(a), (b)
2601(5), (11), (12), (16), (18)
2603
2604(a)(1)(a)
2604(b)(2), (b)(3), (b)(6)
2604(c)(6)
2604(e)

SUBJECT(S): City Planning Commissioners

OTHER OPINION(S) CITED: 99-6

SUMMARY: While a Planning Commissioner may not work at a firm that practices before the Planning Department or the Planning Commission, a Planning Commissioner may, with a waiver from the Board, work for a private entity that owns real property that may be the subject of a land use application to the Department or the Commission. The Board will typically require, as a condition of such a waiver, that the Commissioner recuse himself or herself both at his or her private employer and at the Commission from any involvement in the land use application. The Board will also advise such Commissioners that they must not communicate on behalf of their private employer concerning *any* matter with the City agencies listed in Board Rules Section 1-09.

For Planning Commissioners working at public benefit corporations or their affiliates, and other quasi-government organizations, the Board may, upon written application, not only permit the employing entity to bring

matters before the Commission or the Department, but may also grant a waiver to permit the Commissioner, in his or her work for such an entity, to communicate with the City agencies listed in Board Rules Section 1-09. In evaluating such waiver applications, the Board will consider that Rule 1-09 was aimed, in the main, at communications made on behalf of a *private* firm for which the Commissioner works, but will nevertheless look closely at whether the quasi-public entity employing the Commissioner has a shared purpose with the City.

A Planning Commissioner who is an uncompensated member of the board of directors of a not-for-profit organization with an interest in real property that may be the subject of an application to the Department or the Commission will not violate the Charter, provided that 1) the Commission Chair determines that the board service furthers the purposes and interests of the City; 2) he or she recuses himself or herself at the Commission from all matters involving the Organization, and at the Organization from all matters involving the Commission or the Department; 3) the Commissioner makes no communications on behalf of the not-for-profit that would violate Board Rules Section 1-09; and 4) the Commissioner recuses himself or herself at the not-for-profit from all matters involving the agencies listed in Board Rules Section 1-09(b)(1) or involving any project or matter listed in Board Rules Section 1-09(b)(2).

ADVISORY OPINION SUMMARY

OPINION NO: 2007-3

DATE: 12/12/07

CHARTER SECTION(S) INTERPRETED:
2604(b)(5)

SUBJECT(S):
Gifts
Gifts from Lobbyists

OTHER OPINION(S) CITED: 2000-4

SUMMARY: Organizations required to register as lobbyists may invite and provide free admission for public servants to specific events without violating the City's Lobbyist Gift Law, so long as in each instance the pertinent requirements of Board Rules Section 1-16 are met. More particularly, provided that the Organization is the sponsor of the event and public servants are invited in their official capacities: (1) the Organization may invite and provide free admission to public servants, plus one guest, for fundraising events and, where a nexus exists between additional guests and the nature of the event, may also provide supplementary tickets for family members of the public servants; and (2) the Organization which puts on exhibitions and other special events (a) may invite and provide free admission to public servants, plus one guest, to exhibit openings; (b) may invite and provide free admission during members-only previews and general admission viewing of exhibitions only to that small number of public servants for whom there is a clear and direct nexus between their official duties and attendance at the exhibition; (c) may provide bundles of free admission tickets to an agency head or his or her designee, accepted as gifts to the City and for use, as allotted by the recipient, in furtherance of a City purpose; (d) may provide bundles of free admission tickets to a public servant, provided they are accepted on behalf of

“customers” of the City, for the use of such customers as allotted by the recipient; (e) may invite and provide free admission to public servants, plus one guest, for its Legislative Appreciation Day, but not to additional guests of the public servant; and (f) may invite and provide free admission to public servants for educational symposiums or conferences hosted by the Organization.

City lobbyists should take care to conform their conduct not only to the requirements of the City’s Lobbyist Gift Law, as interpreted in this opinion, but also to the requirements of the State lobbying laws concerning gifts. *See, in particular*, Legislative Law Section 1-m.

ADVISORY OPINION SUMMARY

OPINION NO: 2007-4

DATE: 12/26/07

CHARTER SECTION(S) INTERPRETED:

2601(5), (6), (8), (12), (16)
2603(c)(3)
2604(a)(1)(a), (a)(3), (a)(4),
(a)(5)(a)
2604(b)(2), (b)(3), (b)(4)

SUBJECT(S): Ownership Interests

OTHER OPINION(S) CITED: 2002-1

SUMMARY: So long as Michael R. Bloomberg is Mayor:

1) The proposed investments by Mr. Bloomberg and by the Bloomberg Family Foundation in a wide variety of financial instruments will not violate Chapter 68, provided that it is the investment firm or firms ("Investorco[s]") assisting him with these investments that choose and retain the Managers who will make the specific investments; Mr. Bloomberg's communications with the Investorco[s] are limited to decisions about the allocation of investments among broad classes or sectors, the performance of the categories of investments, and the performance of the Managers; and Mr. Bloomberg does not know either the identities of the Managers or the specific investments they make on his behalf and on behalf of the Foundation. Mr. Bloomberg may make decisions on whether to retain particular Managers - again, provided that he does so based on their performance, without knowing their identities.

2) In response to the Board's concern that Mr. Bloomberg may be considered to have a "financial relationship" with, and therefore may be "associated" within the meaning of Charter Section 2601(5) with, the financial institutions that are involved in financing the distributions to Mr. Bloomberg from Bloomberg L.P. or its affiliates, Mr. Bloomberg has agreed to recuse himself in his official capacity from all matters involving those financial institutions.

3) Mr. Bloomberg must recuse himself in his official capacity from all matters involving each Investorco, whose identity[ies] he will report to the Board upon their selection and which shall be made a matter of public record.

4) Mr. Bloomberg must provide the Board with copies of his written agreement with each Investorco, which will set forth, *inter alia*, the above provisions.

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ENFORCEMENT CASE SUMMARIES

2007

- (1) The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement in which the NYCHA Chief of Support Services was suspended for five days without pay, valued at \$1,105, for submitting her sister’s resume to a NYCHA employee with the objective of finding her sister employment as a consultant at NYCHA. The Chief of Support Services acknowledged that this conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. McLeod*, COIB Case No. 2007-022 (2007).

- (2) The Board fined a Commissioner for the City Planning Commission (“CPC”) \$4,000 for voting in favor of a development plan which would benefit another project in which the Commissioner was an investor. The CPC Commissioner acknowledged that she voted in favor of the Downtown Brooklyn Plan, which development plan included a proposal to modify the definition of “commercial” for certain areas in Brooklyn covered by the plan. One of the areas subject to this modification was located at the intersection of Flatbush and Atlantic Avenues, also known as Site 6A, an area that was also part of the private development plan for the building of a stadium for the Nets basketball team and related real estate development, in which plan the Commissioner was an investor. By voting in favor of the Downtown Brooklyn Plan, the Commissioner conferred a benefit on this private development plan, known as the Atlantic Yards Project, by providing it with the potential ability to use Site 6A for residential as well as commercial use under the modified definition of “commercial.” The CPC Commissioner acknowledged that by voting in favor of the Downtown Brooklyn Plan, she violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm

associated with the public servant. *COIB v. Williams*, COIB Case No. 2004-517 (2007).

- (3) The Board adopted the Report and Recommendation of Administrative Law Judge Alessandra Zoragniotti at the Office of Administrative Trial and Hearings (“OATH”), issued after a full trial of this matter on the merits, that a former Department of Correction (“DOC”) Director of Information Technology accepted personal loans from a DOC subcontractor providing technology services to DOC. The OATH ALJ found, and the Board adopted as its own findings, that while employed at DOC, the former Director of Information Technology received personal loans totaling \$4,100 from the subcontractor with whom the former Director directly worked at DOC. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City’s conflicts of interest law, which prohibits public servants from using their positions to obtain any financial gain for themselves and from engaging in any business or having any financial interest that conflicts with their official duties. The Board fined the former DOC Director of Information Technology \$4,000. *COIB v. Norwood*, COIB Case No. 2005-365 (2007).
- (4) The Board fined an Assistant Commissioner for the New York City Fire Department (“FDNY”) \$2000 for misusing City resources and personnel for private purposes. The Assistant Commissioner, in charge of the FDNY’s Bureau of Fleet and Technical Services, acknowledged that he purchased a motorcycle on-line and then had it delivered to a subordinate in the Fleet Services Division, who repaired the motorcycle on nights and weekends, without compensation, and then asked a second subordinate of the Assistant Commissioner in the Fleet Services Division to assist the first subordinate in transporting the motorcycle from the first subordinate’s house to the New York State Division of Motor Vehicles (“DMV”), handling the DMV inspection, and then transporting the motorcycle to the Assistant Commissioner’s house. The Assistant Commissioner also admitted to asking the second subordinate to repair his motorcycle, without compensation, on two other occasions. The Assistant Commissioner acknowledged that this conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person

- or firm associated with the public servant, and prohibits a public servant from using City personnel for any non-City purpose. *COIB v. Basile*, COIB Case No. 2007-138 (2007).
- (5) The Board fined a former Chief of Staff to a City Council Member \$1000 for using City resources and personnel in connection with that Council Member's reelection campaign. The former Chief of Staff acknowledged that he asked members of the Council Member's District Office staff to volunteer for the Council Member's reelection campaign. The former Chief of Staff further acknowledged that he used City supplies and equipment, including his District Office computer, printer and paper, to work on the reelection campaign. The former Chief of Staff acknowledged that his conduct violated the conflicts of interest law, which provides that public servants are prohibited from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and are prohibited from requesting any subordinate to participate in a political campaign. *COIB v. Speiller*, COIB Case No. 2003-785a (2007).
- (6) The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement in which an HRA Associate Staff Analyst was suspended for 30 days without pay, valued at \$4,550, for using his City computer to do work for his private real estate business during his City work hours. The Associate Staff Analyst acknowledged that, from September through November 2005, he used his HRA office computer to do work for his private real estate business, while on City time. The Associate Staff Analyst acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from using City resources, such as one's City computer, for any non-City purpose. *COIB v. Tulce*, COIB Case No. 2007-039 (2007).
- (7) The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a DOHMH Community Associate, who used his position to promote his mother's business and to make his own sales of child safety equipment, in violation of the City's conflicts of interest law and DOHMH's Standards of Conduct Rules. The Community Associate acknowledged that at DOHMH-sponsored orientation sessions that he conducted, he referred prospective Family Day Care Center ("FDC") providers to a training

program run by a company owned and operated by his mother. On occasion, after these DOHMH-sponsored training sessions, the Community Associate would sell child safety equipment to prospective FDC providers and distribute his equipment supply list to them. Additionally, the Community Associate used his City computer and City e-mail account to send e-mails on City time to promote his mother's company. The Community Associate acknowledged that this conduct violated the City of New York's conflicts of interest law and DOHMH's Standard of Conduct Rules, which prohibit a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and from using City resources or City time for any non-City purpose. Given that the Community Associate had been previously warned that this conduct violated that City's conflicts of interest law, the Board and DOHMH imposed the following penalties: (a) \$2,000 fine; (b) 21-day suspension, valued at \$1,971; (c) reassignment to another position at DOHMH; (d) placement on probation for one year; and (e) agreement that any further violation of the City's conflicts of interest law while at DOHMH will result in immediate termination. *COIB v. Lastique*, COIB Case No. 2003-200 (2007).

- (8) The Board adopted the Report and Recommendation of Administrative Law Judge Alessandra Zorogniotti at the Office of Administrative Trial and Hearings ("OATH"), issued after a full trial of this matter on the merits, that a former Human Resources Administration ("HRA") Captain used an HRA vehicle for personal travel on numerous instances including during his City work hours. The OATH ALJ found, and the Board adopted as its own findings, that between October 2003 and June 2004, the HRA Captain misused a City van on various occasions for personal travel by logging excessive mileage on the van both during and after work hours. The former HRA Captain's misuse of his City van included traveling over 400 miles on personal business, logging excessive mileage for travel between work locations, receiving a ticket while using his City van after work hours, using his City van to travel to Court on City time to defend the ticket he received while not on agency-related business, and being involved in a motor vehicle accident while using his City van on a vacation day. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-

- City purpose and from pursuing non-City business on City time. The Board fined the former HRA Captain \$5,000. *COIB v. Allen*, COIB Case No. 2006-411 (2007).
- (9) The Board fined a former Department of Education (“DOE”) Principal \$3,250 for taking several actions that benefited her husband while he was employed by a DOE vendor, at the Principal’s school as well as other schools in her district, in a program that provided law-related training to DOE students. The former Principal acknowledged that during the 2003-2004 school year, she signed a purchase order on behalf of her school to pay for her husband’s salary, modified the purchase orders of several schools in her district to maintain her husband’s salary, utilized a portion of a legislative grant awarded to her school towards her husband’s salary, and allowed her husband to maintain an office at her school’s annex. The former Principal acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits public servants from using their positions to benefit themselves or associated persons, including, but not limited to, a spouse, domestic partner, child, parent, or sibling or anyone with whom they have a business or financial relationship. *COIB v. Margolin*, COIB Case No. 2004-246 (2007).
- (10) The Board fined Director of Emergency Services for the Department of Housing Preservation and Development (“HPD”) \$700 for using his position to obtain his subordinate’s credit card for his personal use. The Director acknowledged that by purchasing items valued at approximately \$2,000 with his subordinate’s credit card, he violated the City of New York’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Davis*, COIB Case No. 2006-551 (2007).
- (11) The Board issued a public warning letter to a teacher at the New York City Department of Education (“DOE”) for accepting compensation for baby-sitting from the parents of a student at her school. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from having a financial relationship with the parents of students who attend their schools because

- it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Hy*, COIB Case No. 2006-638 (2007).
- (12) The Board issued a public warning letter to a teacher at the New York City Department of Education (“DOE”) for accepting compensation from the parents of two students from her school whom she tutored for several months. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from having a financial relationship with the parents of students who attend their schools because it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Arrufat-Hale*, COIB Case No. 2006-424 (2007).
- (13) The Board and the New York City Administration for Children’s Services (“ACS”) concluded a three-way settlement in which an ACS Community Coordinator was suspended for 5 days without pay, valued at \$896, for using an ACS conference room to hold a meeting on behalf of his private business. The Community Coordinator acknowledged that, in or around November 9, 2006, he used an ACS conference room to hold a meeting concerning his private business. The Community Coordinator acknowledged that this conduct violated the City of New York’s conflicts of interest law, which, among other things, prohibits a public servant from using City resources, such as an agency’s conference room, for any non-City purpose. *COIB v. Graham*, COIB Case No. 2007-016 (2007).
- (14) The Board fined a New York City Housing Authority (“NYCHA”) Administrative Housing Superintendent \$500 for writing a letter on NYCHA letterhead to the New York City Police Department (“NYPD”) in support of the application of a fellow NYCHA employee to annul the revocation by the NYPD of the fellow employee’s pistol license and rifle/shotgun permit. The Administrative Housing Superintendent acknowledged that his use of City letterhead violated the City of New York’s conflicts of interest law, which prohibits a public servant for using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose, and prohibits a City employee from representing private interests before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City. *COIB v. Lucido*, COIB Case No. 2007-362 (2007).

- (15) The Board issued public warning letters to 17 employees of the New York City Department of Sanitation (“DSNY”), the majority of whom are supervisors, and one Nurse with the New York City Department of Education (“DOE”), who used City letterhead to write personal letters in support of a DSNY District Superintendent who was scheduled to be sentenced for a felony drug charge. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 of the City Charter prohibits a public servant from using any City resource, including City letterhead, personnel, equipment, or supplies, for any non-City purpose. *COIB v. Cala*, COIB Case No. 2007-187 (2007); *COIB v. Delfino*, COIB Case No. 2007-187a (2007); *COIB v. Herbst*, COIB Case No. 2007-187b (2007); *COIB v. McNatt*, COIB Case No. 2007-187d (2007); *COIB v. Priester*, COIB Case No. 2007-187d (2007); *COIB v. Romeo*, COIB Case No. 2007-187e (2007); *COIB v. Corbett*, COIB Case No. 2007-187f (2007); *COIB v. Grasso*, COIB Case No. 2007-187g (2007); *COIB v. Lanni*, COIB Case No. 2007-187h (2007); *COIB v. Murray*, COIB Case No. 2007-187i (2007); *COIB v. Pugliese*, COIB Case No. 2007-187j (2007); *COIB v. Walz*, COIB Case No. 2007-187k (2007); *COIB v. D’Angelo*, COIB Case No. 2007-187l (2007); *COIB v. Green*, COIB Case No. 2007-187m (2007); *COIB v. Lorenzo*, COIB Case No. 2007-187n (2007); *COIB v. Portee*, COIB Case No. 2007-187o (2007); *COIB v. Quinn*, COIB Case No. 2007-187p (2007); and *COIB v. Mallette*, COIB Case No. 2007-188 (2007).
- (16) The Board issued a public letter to the First Deputy Commissioner at the Department of Finance (“DOF”) who, when she was an Assistant Commissioner at DOF in 2001, became involved in some aspects of efforts by the Chief Administrative Law Judge to create new policies (that DOF advises were never adopted) that would comply with the DOF Commissioner’s instruction to develop objective criteria that would lead to an increase in the number of ALJs eligible to receive senior assignments, a process that had the potential to affect numerous ALJs, including her husband, an ALJ in DOF’s Parking Violations Operations. Prior to this involvement, the public servant had asked for the Board’s advice as to whether it would be appropriate for her husband to serve as an ALJ given her role as the liaison between the DOF Commissioner and the DOF Assistant Commissioner for Parking Violations Operations and the Chief Administrative Law Judge. The Board had advised her that this

would not be a violation provided that she did not become involved in any matters involving her husband. The Board took the opportunity of this public letter to advise the First Deputy Commissioner that it viewed her involvement in the process to be inconsistent with the Board's earlier advice, although the Board recognized that her interpretation of that advice as permitting the involvement was not unreasonable, and thus concluded that no enforcement action shall be taken. The Board took the opportunity of this public letter to remind public servants that the City Charter prohibits the use of one's position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which would include one's spouse. *COIB v. Patricof*, COIB Case No. 2002-131 (2007).

- (17) The Board fined a member of Community Board 2 in Manhattan ("CB 2") \$1000 for voting in favor of a proposal submitted by a developer with which he was associated. The CB 2 Member acknowledged that he was a member of CB 2's Waterfront Committee and in that capacity evaluated proposals for the development of Pier 40 in Manhattan. The CB 2 Member voted on a development proposal submitted by a developer that paid monies to the non-profit organization of which he served as the paid president, which monies constituted 25% of the non-profit organization's annual budget. The CB 2 Member acknowledged that he was "associated" with the developer within the meaning of the City of New York's conflicts of interest law and that, by voting in favor of the developer's proposal, he violated the City's conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Bergman*, COIB Case No. 2003-153a (2007).
- (18) The Board fined an HRA Staff Analyst \$500 for conducting his private business on City time. The Staff Analyst acknowledged that by selling a co-worker a plane ticket, providing her with a trip itinerary, and making calls to an outside tour company on City time, he violated the City of New York's conflicts of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City. *COIB v. Greenidge*, COIB Case No. 2006-462 (2007).

- (19) The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement in which an HRA Administrative Staff Analyst was fined 30-days’ pay, valued at \$7,742, for using her City computer and telephone to do work for her private real estate business during her City work hours. The Administrative Staff Analyst acknowledged that, from September 2005 through September 2006, she used her HRA office computer and telephone to do work for her private real estate business, while on City time. The Administrative Staff Analyst acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from pursuing private activities during times when that public servant is required to perform services for the City and from using City resources, such as one’s City computer, for any non-City purpose. *COIB v. Glover*, COIB Case No. 2007-056 (2007).
- (20) The Board and the New York City Department of Design and Construction (“DDC”) concluded a three-way settlement with a DDC Administrative Architect for using City time and resources to perform work for his private architectural business, in violation of Chapter 68 of the New York City Charter and DDC Rules and Procedures. The DDC Administrative Architect acknowledged that, from June 1997 though June 2004, he used his City telephone while on City time to make over 2,000 calls related to a private architectural practice that he owned and operated. The DDC Administrative Architect acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from pursuing personal activities while on City time and from using City letterhead, personnel, equipment, or supplies for any non-City purpose. The Board and DDC fined the DDC Administrative Architect \$2000, and he agreed to retire from City and DDC employment effective July 31, 2007. *COIB v. Cetera*, COIB Case No. 2005-200 (2007).
- (21) The Board fined the former Director of Nursing for Bellevue Hospital Center, part of the New York City Health and Hospitals Corporation (“HHC”), \$500 for using her position to obtain a temporary position for her husband with HHC. The former Director of Nursing acknowledged that she recommended her husband for a position as a Clinical Instructor for the hospital’s Patient Care Associates training program after the hired instructor withdrew at the last minute. The former Director of Nursing

- also signed the purchase order for the payment of her husband's services through his employment agency and signed her husband's verification of hours of employment forms five times during the course of his employment at HHC. The former Director of Nursing acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which includes one's husband. *COIB v. Cagadoc*, COIB Case No. 2004-556 (2007).
- (22) The Board concluded a settlement with a City Council Member who expressly allowed his administrative assistant, a City Council employee, to type a poem for his daughter, while on City time and using a City computer, and who asked his administrative assistant, while on City time and using a City telephone, to make calls on a number of occasions to the parents of his daughter's soccer team regarding the scheduling of practices or games. The Council Member acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City personnel for any non-City purpose. In recognition of the limited nature of the violation, and under the particular and limited circumstances of this case, the Board agreed not to seek the imposition of a fine for the violation and further, pursuant to City Charter § 2603(h)(3), recommended to the City Council that the Council impose no penalty for the violation. *COIB v. McMahan*, COIB Case No. 2007-098 (2007).
- (23) The Board concluded a settlement with a City Council Member's Chief of Staff who asked the office's administrative assistant, a City Council employee, to make photocopies and paper cut outs related to the preparation of materials for school lesson plans of his girlfriend, a teacher for the New York City Department of Education, while on City time and using City resources. The Chief of Staff acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits a public servant from using City personnel for any non-City purpose. In

- recognition of the limited nature of the violation, and under the particular and limited circumstances of this case, the Board agreed not to seek the imposition of a fine for the violation and further, pursuant to City Charter § 2603(h)(3), recommended to the City Council that the Council impose no penalty for the violation. *COIB v. Mitchell*, COIB Case No. 2007-098a (2007).
- (24) The Board fined a former New York City Housing Authority (“NYCHA”) Community Service Aide \$500 for accepting compensation from both NYCHA and a Resident Advisory Board for performing her City job. The former Community Service Aide acknowledged that she had accepted approximately \$430 from the Resident Advisory Board for supervising rentals and that she was paid by NYCHA for supervising the same rentals. She acknowledged that her conduct violated the New York City’s conflicts of interest law, which prohibits public servants from using their position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for themselves or any person or firm associated with them, and from accepting compensation except from the City for performing their official duties. *COIB v. Wade*, COIB Case No. 2006-562a (2007).
- (25) The Board issued a public warning letter to an Assistant Principal for the Department of Education (“DOE”) who submitted a proposal for universal pre-kindergarten services to the DOE in response to a DOE Request for Proposals in her capacity as pastor for a private ministry, and listed her DOE e-mail address as part of her contact information. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 of the City Charter prohibits a public servant from submitting a contract proposal on behalf of a private interest, including a ministry, to any City agency, and also prohibits a public servant from using his or her City e-mail address on behalf of any private interest. *COIB v. Layne*, COIB Case No. 2006-065 (2007).
- (26) The Board fined a Custodial Supervisor for the New York City Human Resources Administration (“HRA”) \$500 for having multiple items of electronic equipment that he had purchased for personal use delivered to his HRA office, stored those items in his HRA office, and had HRA employees carry the electronic equipment to and from his HRA office while on City time. He acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant

from using City time or City resources such as letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Bassy*, COIB Case No. 2006-554 (2007).

- (27) The Board fined a former Housing Assistant in the Housing Applications Department of the New York City Housing Authority (“NYCHA”) \$2250 for using his position to attempt to obtain a NYCHA apartment for his wife. The former Housing Assistant acknowledged that he interviewed his wife as part of the application process for a NYCHA apartment, and processed the initial application for an apartment to be shared by his wife and her brother, without disclosing at any time their marital status. The former Housing Assistant then repeatedly contacted a number of NYCHA personnel along the process to expedite his wife’s application ahead of a significant backlog of other applications. The Housing Assistant acknowledged that this conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which would include the public servant’s wife. *COIB v. Vale*, COIB Case No. 2006-349 (2007).
- (28) The Board fined a Construction Project Manager for the New York City Department of Design and Construction (“DDC”) \$1250 for recommending his sister for a job with a DDC vendor. The Construction Project Manager acknowledged that he suggested his sister in response to a question from a DDC vendor, whose company the Construction Project Manager supervised on behalf of DDC, concerning possible photographers for the vendor’s upcoming wedding. The Construction Project Manager later learned that the vendor hired his sister to take site photographs at the DDC site that the Manager supervised. The Construction Project Manager acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which would include the public servant’s brother or sister. *COIB v. Sahm*, COIB Case No. 2005-240 (2007).

- (29) The Board fined a Senior Crew Chief in the Pest Control Unit of the New York City Department of Health and Mental Hygiene (“DOHMH”) \$500 for approaching the director of a facility whose clean-up he was responsible for overseeing on behalf of DOHMH, proposing to arrange for a private clean-up of the facility which would obviate the need for the DOHMH clean-up. The facility paid the Senior Crew Chief \$450.00 to arrange for the private clean-up, but the Senior Crew Chief later supervised a DOHMH clean-up at the same facility, for which DOHMH billed the facility over \$22,000. The Senior Crew Chief acknowledged that his conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Maith*, COIB Case No. 2002-503 (2007).
- (30) The Board issued a \$1000 fine to the District Manager for Community Board No. 13 in Queens (“CB 13”), who acknowledged that she recommended her son-in-law for a custodial position at CB 13’s offices, that her son-in-law was hired based upon her recommendation, and that she authorized payment to her son-in-law for these custodial services. The District Manager further acknowledged that this conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. Since the son-in-law was married to and living with the District Manager’s daughter at the time of his hiring, by benefiting her son-in-law the District Manager benefited her daughter, an associated person within the meaning of the City Charter. *COIB v. Martino-Fisher*, COIB Case No. 2005-505 (2007).
- (31) The Board issued a \$500 fine to the former Executive Director for the New York City Teachers’ Retirement System (“TRS”) who, over an eleven-month period, allowed his daughter to use his TRS-issued cell phone, resulting in overage costs to TRS in the aggregate amount of approximately \$450. When these overage costs were brought to his attention, the Executive Director reimbursed TRS in full. The former Executive Director acknowledged that his conduct violated the City of

- New York's conflict of interest law, which prohibits a public servant from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Kessock*, COIB Case No. 2003-752 (2007).
- (32) The Board issued a \$500 fine to an Associate Staff Analyst for the New York City Department of Correction ("DOC") who was employed, without DOC authorization, by a company owned by his wife. The Associate Staff Analyst sold Polaroid film on behalf of his wife's company to a sales representative whom he met through his DOC position, and used DOC fax machines and telephones to place orders for Polaroid film on behalf of his wife's company. The Associate Staff Analyst acknowledged that his conduct violated the City of New York's conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Lepkowski*, COIB Case No. 2006-519 (2007).
- (33) The Board and the New York City Department of Sanitation ("DSNY") concluded a three-way settlement with a former DSNY Assistant Commissioner for running a private travel agency and for working on the 2001 Hevesi for Mayor campaign, both on City time and both involving the Assistant Commissioner's subordinates. The former DSNY Assistant Commissioner acknowledged that while he was Assistant Commissioner, he owned a travel agency and sold airline tickets to at least 30 DSNY employees while on City time, including to his superiors and subordinates, and also distributed promotional materials for his travel agency to DSNY employees, including to his superiors and subordinates, while on City time, in violation of the City of New York's conflict of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City and prohibits a public servant from entering into a financial relationship with his superior or subordinate. The former DSNY Assistant Commissioner further acknowledged that he made campaign-related telephone calls for and recruited subordinates to work on the Hevesi for Mayor Campaign in 2001, in violation of the City of New

York's conflict of interest law, which prohibits a public servant from pursuing private activities on City time and from using City resources, such as the telephone, for a non-City purpose, and also prohibits a public servant from even requesting any subordinate public servant to participate in a political campaign. The Board fined the former Assistant Commissioner \$2000. *COIB v. Russo*, Case No. 2001-494 (2007).

- (33) The Board fined with a former Administrative Staff Analyst for the New York City Housing Authority ("NYCHA") \$2000 for using City time and resources to perform work for several not-for-profit organizations unrelated to her NYCHA employment. The former Administrative Staff Analyst acknowledged that, over a six-month period, she made and received over 1,500 telephone calls on her NYCHA telephone, during City time, and, over a four-month period, sent and received over 380 e-mails using her NYCHA e-mail account, also during City time, connected with her work for a number of not-for-profit organizations unrelated to her City employment. She acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits a public servant from pursuing personal activities while on City time and from using City letterhead, personnel, equipment, or supplies for any non-City purpose. *COIB v. Tarazona*, COIB Case No. 2006-064 (2007).
- (34) The Board and the New York City Department of Design and Construction ("DDC") concluded a three-way settlement with a DDC Project Manager for performing work for a private employer while on City time and for making false entries on DDC timesheets and expense reports. The DDC Project Manager acknowledged that he held a part-time job for a private employer, for which he had not obtained DDC permission, and acknowledged that he performed work for that private employer while on City time, in violation of the City of New York's conflict of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City. The DDC Project Manager further acknowledged that he had made false entries onto DDC timesheets and DDC monthly personal expense forms, for the purpose of obtaining reimbursement for travel expenses which he did not incur, in violation of DDC Rules and Procedures. The Board and DDC fined the DDC Project Manager 18 days of annual leave, valued at approximately \$1000, an additional \$1000, and he agreed to retire from City and DDC

employment no later than February 28, 2007. *COIB v. Bayer*, COIB Case No. 2006-635 (2007).

- (35) The Board fined a former Manhattan Borough Administrator for the New York City Housing Authority (“NYCHA”) \$500 for using her position as the Manhattan Borough Administrator for the Polo Grounds Community Center to obtain private exercise sessions from a physical fitness consultant hired by NYCHA at the gym located in the Community Center at hours when the Center’s gym was not otherwise open. She acknowledged that this conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Aquino*, COIB Case No. 2002-458 (2007).
- (36) The Board issued a public warning letter to a member of Community Board 2 in the Bronx (“CB 2”) who was also employed as a consultant for a private company, and chaired a meeting of the CB 2 Health and Human Services/Environmental Committee, before which Committee matters involving her private employer regularly appeared, and were on the agenda on the date that the CB 2 member chaired the Committee meeting, although none of those matters were in fact discussed. While not pursuing further enforcement action, the Board took the opportunity to remind community board members that they must comply with City’s conflicts of interest law, particularly the prohibition against chairing committees which are likely to consider matters that concern the community board member’s private interests or employment. *COIB v. Alvarado-Sorin*, COIB Case No. 2003-775 (2007).
- (37) The Board fined the District Manager of Community Board 17 in Brooklyn \$2000 for accepting valuable gifts of four mattress and box spring sets from a hotel owner who was doing business with the City. The District Manager acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. S. Fraser*, COIB Case No. 2006-423 (2007).

- (38) The Board fined a current member, and former Chair, of Community Board 17 in Brooklyn (“CB 17”) \$1000 for accepting valuable gifts of two mattress and box spring sets from a hotel owner who was doing business with the City. The former CB 17 Chair acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. Russell*, COIB Case No. 2006-423a (2007).
- (39) The Board imposed a \$6,500 fine on a former Assistant Commissioner for the New York City Fire Department (“FDNY”) Office of Medical Affairs who accepted valuable gifts from a firm doing business with FDNY, a firm whose work he evaluated in his capacity as the Assistant Commissioner in the FDNY Office of Medical Affairs. The former FDNY Assistant Commissioner acknowledged that, in late 2000 or early 2001, he introduced an automated coding and billing product to FDNY personnel produced by ScanHealth, an information technology company in the emergency medical service and home health care fields. FDNY eventually selected ScanHealth as a preferred vendor in 2003 and entered into a \$4.3 million contract with ScanHealth in 2004. The former FDNY Assistant Commissioner served on the Evaluation Committee to monitor and evaluate the ScanHealth contract. The former FDNY Assistant Commissioner acknowledged that, while he served on the ScanHealth Evaluation Committee, he accepted reimbursement of travel expenses from ScanHealth for trips to Hawaii (in the amount of \$2,592.00), Minnesota (in the amount of \$199.76) and Atlanta (in the amount of \$1,129.00); three or four dinners (each in excess of \$50.00); and tickets to the Broadway production of “Mamma Mia.” The former FDNY Assistant Commissioner acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits: (a) using one’s City position for personal gain; (b) accepting a valuable gift from a firm doing business with the City; and (c) accepting compensation for any official duty or accepting or receiving a gratuity from a firm whose interests may be affected by the City employee’s actions. *COIB v. Clair*, COIB Case No. 2005-244 (2007).
- (40) The Board and the New York City Department of Education (“DOE”) fined the DOE Deputy Executive Director of Recruitment \$1000 for accepting two US Open tickets and four Ringling Bros. & Barnum &

Bailey Circus tickets, which had the total approximate value of between \$144 and \$270, from *The New York Times*. The DOE Deputy Executive Director acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits any public servant from accepting gifts valued in the aggregate at \$50 or more from any firm doing business with the City within any twelve-month period. *COIB v. Ianniello*, Case No. 2006-383 (2007).

- (41) The Board issued a public warning letter to a former teacher at the New York City Department of Education ("DOE") for making uncompensated appearances on behalf of the parents of three different children at impartial hearings to determine whether the children were entitled to special education services. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from representing private interests before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City, whether or not they are compensated for this work. The Board advised the former DOE teacher that it would not have violated Chapter 68 if she had appeared at the impartial hearings as an unpaid fact witness, rather than as advocate on behalf of the children's parents. *COIB v. Burgos*, COIB Case No. 2006-380 (2007).
- (42) The Board fined a former New York City Department of Education ("DOE") teacher \$750 for having an interest in a firm that did business with DOE. The former teacher admitted that when he was still employed by DOE, he entered into a contract with DOE on behalf of a private company, of which he was President, to become a Supplemental Educational Services ("SES") provider for DOE, and then submitted forms to DOE in accordance with the terms of that contract. The former teacher acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits a public servant from having an interest in a firm which the public servant knows does business with his agency, and also prohibits a public servant from appearing for compensation before any City agency. *COIB v. Marchuk*, COIB Case No. 2005-031 (2007).
- (43) In a settlement with the Board and the New York City Department of Education ("DOE"), a DOE teacher was fined \$1000 for appearing as an attorney against the interests of DOE at a suspension hearing on behalf of

- two DOE students. The DOE teacher acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits any public servant from appearing as attorney or counsel against the interests of the City in any proceeding in which the City is the complainant. *COIB v. Davis*, COIB Case No. 2005-178 (2007).
- (44) The Board fined an Administration for Children's Services Child Protective Specialist Supervisor \$2,000 for moonlighting with a firm doing business with the City. The Child Protective Specialist Supervisor acknowledged that from July 2, 1990, to November 20, 2006, he also worked, without a waiver from the Board, with a firm that did business with the City. The Child Protective Specialist Supervisor acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a regular employee from having an interest in a firm which such regular employee knows, or should know, is engaged in business dealings with the City. *COIB v. Blenman*, COIB Case No. 2006-632 (2007).
- (45) The Board imposed a \$1500 fine on a former Associate Executive Director of the Human Resources Department at Coney Island Hospital ("CIH")—a New York City Health and Hospitals Corporation ("HHC") hospital—who, without a waiver from the Board, simultaneously worked for HHC and two private employers that did business with HHC. This private employment conflicted with the proper discharge of the Associate Executive Director's HHC duties. One private employer was a college that did business with the City and HHC. The other private employer was a union that represented HHC employees, including several CIH employees. He admitted that, as Associate Executive Director of the Human Resources Department, he dealt with that union on a day-to-day basis. He acknowledged that his conduct violated the City of New York's conflict of interest law, which prohibits a public servant from having a position with a firm that the public servant knows does business with his or her agency or the City, and also prohibits a public servant from having any private employment in conflict with the proper discharge of his or her official duties. *COIB v. Cammarata*, COIB Case No. 2007-053 (2007).
- (46) The Board fined a former Bridge Painter for the New York City Department of Transportation ("DOT") \$750 who, while he was on leave from, but still employed by, DOT, took a second job working as a bridge painter for a private company which had painting contracts with DOT. The Bridge Painter acknowledged that this conduct violated the City of

- New York's conflicts of interest law, which prohibits a public servant from having an interest in a firm which the public servant knows does business with his agency. *COIB v. Murphy*, COIB Case No. 2002-678 (2007).
- (47) The Board fined a former New York City Administration for Children's Services ("ACS") Child Protective Manager \$1000 who, as a Child Protective Specialist, moonlighted, without a waiver from the Board, with a foster care agency that did business with ACS. After she was promoted to Manager, she supervised two ACS investigations into foster parents she had previously recommended for licensure at the foster care agency. The former Child Protective Manager acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from having a position with a firm which the public servant knows does business with her agency, and also prohibits a public servant from having private employment in conflict with the proper discharge of her official duties. *COIB v. Henry*, COIB Case No. 2006-068 (2007).
- (48) The Board and the Department of Education ("DOE") concluded a three-way settlement with a DOE Electrical Inspector for being employed by a firm engaged in business dealings with the City from 2002 through the present. The Electrical Inspector acknowledged that he failed to seek written approval from the DOE Chancellor and the Board to obtain this outside employment in violation of the City of New York's conflicts of interest law, which prohibits a public servant from holding or negotiating for a position with a firm that has City business dealings without first obtaining written approval from the Board. The Board fined the electrical inspector \$1,000. *COIB v. Matos*, COIB Case No. 2004-570 (2007).
- (49) The Board fined a former New York City Department of Housing Preservation and Development ("HPD") Housing Development Specialist and Project Manager in the Office of Development, New Construction Finance, \$1000 for negotiating for and accepting a position with a bank that was a co-lender with HPD on a project for which the public servant served as the Project Manager. In his capacity as Project Manager, the public servant was personally dealing with the bank and/or issues involving the bank. The former Project Manager acknowledged that this conduct violated the City of New York's conflicts of interest

- law, which prohibits a public servant from soliciting for, negotiating for, or accepting any position with a firm involved in a particular matter with the City while the public servant is directly concerned or personally participating with that particular matter. *COIB v. Larson*, COIB Case No. 2007-441 (2007).
- (50) The Board adopted the Report and Recommendation of Administrative Law Judge Kevin F. Casey at the Office of Administrative Trial and Hearings (“OATH”), issued after a full trial of this matter on the merits, that a former Director of Engineering with the New York City Department of Transportation (“DOT”) applied for and accepted a position with a vendor whose invoices he approved as part of his DOT job. The Board found that, during July and August 1998, the DOT Director of Engineering certified and signed ten invoices which verified that City-owned parking garages were properly managed and operated by a City vendor, Kinney Systems, Inc., and authorized DOT’s payment of over \$290,000 in management fees to Kinney. During this same period when he was certifying and signing these Kinney invoices, the DOT Director of Engineering was actively negotiating for, and ultimately accepted, a position with Central Parking Corporation, which he knew was the parent corporation of Kinney. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from soliciting, negotiating for, or accepting any position with a firm involved in a particular matter with the City while the public servant is directly concerned or personally participating with that particular matter. The Board fined the former DOT Director of Engineering \$1500. *COIB v. Pentangelo*, COIB Case No. 1999-026 (2007).
- (51) The Board issued a public warning letter to a former Director in the Bureau of Support Services for the New York City Department of Sanitation (“DSNY”) who, as the Director of U.S. Operations of a private company, contacted DSNY within one year of his resignation from City service to provide factual information concerning the private company’s bid for a DSNY contract. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that the City Charter prohibits former City employees from appearing before their City agency within one year of the termination of their City employment. *COIB v. Bilder*, COIB Case No. 2005-636 (2007).

- (52) The Board fined a former New York City Employees' Retirement System ("NYCERS") Deputy Director of the Retirement Benefit Unit \$500 for appearing before NYCERS as a paid private pension consultant seeking legal opinions from NYCERS on behalf of members of the Transport Workers Union within one year of his resignation from NYCERS. The former Deputy Director acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits any former public servant from appearing before his or her former City agency within one year of the termination of employment with the City. *COIB v. Rosenfeld*, COIB Case No. 2006-098 (2007).
- (53) The Board fined a former New York City Department of Transportation ("DOT") Bronx Director of Operations/Borough Planner \$2000 for regularly appearing before DOT on behalf of a private employer as the Resident Engineer to coordinate with DOT which streets should be milled and resurfaced and to ensure that the process complied with DOT rules and regulations. He acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits any former public servant from appearing before his or her former City agency within one year of the termination of employment with the City. *COIB v. McHugh*, COIB Case No. 2004-712 (2007).
- (54) The Board fined a former Associate Juvenile Counselor for the Department of Juvenile Justice ("DJJ") \$4,750 for using his position to obtain a loan from his subordinate for his personal use. The former Associate Juvenile Counselor acknowledged that in or around September 2003, he borrowed approximately \$4,250 from his subordinate, which he failed to repay in full. The former Associate Juvenile Counselor acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and from entering into any business or financial relationship with a superior or subordinate. Of the \$4,750 fine, the Board will forgive \$4,250 upon the condition that the former Associate Juvenile Counselor repays his former subordinate the outstanding balance of the loan. *COIB v. Pratt*, COIB Case No. 2004-188 (2007).

- (55) The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement in which a DOE Principal was fined \$1,000 by the Board and was required by DOE to (a) immediately resign her position as Principal; (b) be reinstated as a teacher, resulting in a \$52,649 reduction in her annual salary; and (c) irrevocably resign from DOE by August 31, 2008, for using her City position to solicit and obtain monies from subordinates and using DOE funds to partially pay back one of the loans. The Principal acknowledged that she used her position to obtain \$900 from a subordinate to pay half the cost of an unauthorized DOE activity. The Principal further acknowledged that she asked a second subordinate to solicit and obtain a \$350 loan from a third subordinate on her behalf and that she then used DOE funds and money from other subordinates to pay the third subordinate back the \$350 loan. The Principal acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into a financial relationship with a superior or subordinate, including soliciting or obtaining loans from a superior or subordinate. *COIB v. Tamayo*, COIB Case No. 2007-519 (2007).
- (56) The Board fined the Deputy Director of Personnel, Benefits & Leaves at the New York City Department of Homeless Services (“DHS”) \$1,500 for renting an apartment for six months to a subordinate, collecting between \$850 and \$910 from the subordinate per month. The Deputy Director of Personnel acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and also prohibits a public servant from entering into a financial relationship with his superior or subordinate. *COIB v. Hall*, COIB Case No. 2006-618 (2007).
- (57) The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with a DOE Principal for entering into a financial relationship with a subordinate. The DOE Principal acknowledged that by selling her car to her subordinate for \$1,800 and later loaning the same subordinate \$1,500, she violated the City’s conflicts of interest law, which prohibits any public servant from entering into a financial relationship with a superior or subordinate. The Board

fined the DOE Principal \$2,500. *COIB v. Barreto*, COIB Case No. 2006-098 (2007).

- (58) The Board fined a New York City Council Member \$1,000 who, having married his Chief of Staff, continued to employ her in that capacity, as his subordinate, for eight months after their marriage. The Council Member acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, such as a spouse, and also prohibits a public servant from entering into a financial relationship with his superior or subordinate. The Board took the occasion of the publication of the disposition to remind public servants that a marriage is a "financial relationship" within the meaning of the City's conflicts of interest law, and that such a financial relationship between superiors and subordinates is prohibited even if the superior-subordinate relationship precedes the marriage. *COIB v. Sanders*, COIB Case No. 2005-442 (2007).
- (59) The Board and the New York City Department of Homeless Services ("DHS") suspended a DHS Administrative Director of Social Services for five days, valued at \$1,273.25, and fined her \$3000, for making multiple sales of consumer goods, such as clothing, shoes, pocketbooks, cosmetics, and household items, to her DHS subordinates for a profit, while on City time and out of her DHS office. The Administrative Director acknowledged that this conduct violated the City of New York's conflicts of interest law, which, among other things: (a) prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant; (b) prohibits a public servant from entering into a financial relationship with his/her superior or subordinate; (c) prohibits a public servant from pursuing private activities during times when that public servant is required to perform services for the City; and (d) prohibits a public servant from using City resources, such as one's City office, for any non-City purpose. *COIB v. Amofo-Danquah*, COIB Case No. 2006-460 (2007).

- (60) The Board concluded a settlement with a former New York City Department of Education (“DOE”) Supervisor of Roofers in the Division of School Facilities who recommended two subordinates for a private roofing job, for which the Supervisor accepted a \$200 commission, and then recommended a third subordinate for a private roofing job, for which the Supervisor accepted a \$50 commission. The Supervisor of Roofers acknowledged that his conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and also prohibits a public servant from entering into a financial relationship with his superior or subordinate. The Board fined the former Supervisor of Roofers \$1500. *COIB v. Della Monica*, COIB Case No. 2004-697 (2007).
- (61) The Board fined a City Council Member \$2000 for using City resources and personnel in connection with his 2003 City Council reelection campaign. The Council Member acknowledged that on at least one occasion, he asked a member of his District Office staff to volunteer for his 2003 City Council reelection campaign. The Council Member further acknowledged that City supplies and equipment, including a District Office computer, printer and paper, were used in his District Office for work on his 2003 City Council re-election campaign, and that he should have been aware of this use of City resources for the non-City purpose of his reelection campaign. The Council Member acknowledged that his conduct violated the conflicts of interest law, which prohibits public servants from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and from requesting any subordinate to participate in a political campaign. The Board took the occasion of this Disposition to remind public servants that they are prohibited from using City resources, of any kind and of any amount, on campaigns for public office, and that coercing participation of any public servant in a campaign, or even just requesting the assistance of a subordinate, for any amount of time and in any fashion, on campaign-related matters violates the City’s conflicts of interest law. *COIB v. Gennaro*, COIB Case No. 2003-785 (2007).
- (62) The Board and the New York City Department of Education (“DOE”) fined a DOE Principal \$5000, with \$2500 payable to the Board and

- \$2500 payable to DOE, who sent a letter to the parents of the students at his school thanking a Council Member and a State Senator for their support of the school, and asking the parents to endorse and support these candidates in the future. The Principal acknowledged that he asked his DOE secretary to prepare this letter on DOE time, using DOE letterhead, and then directed that this letter be distributed to teachers to provide to students to bring home to their parents. The Principal admitted that this conduct violated the City of New York's conflicts of interest law, which prohibits any public servant from asking a subordinate to participate in a political campaign, and prohibits the use of City resources, such as City personnel and letterhead, for any non-City purpose. *COIB v. Cooper*, COIB Case No. 2006-684 (2007).
- (63) The Board and the New York City Department of Education ("DOE") fined a DOE Parent Coordinator \$1500, with \$750 payable to the Board and \$750 payable to DOE, who sent an e-mail from her DOE e-mail address to the parents of the students at her school, which e-mail was seeking volunteers to hand out flyers on behalf of the campaign of a State Senator. The Parent Coordinator acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits the use of City resources, such as a City e-mail address, for any non-City purpose. *COIB v. Reilly*, COIB Case No. 2006-684a (2007).
- (64) The Board fined a former Vice President of Information Technology for the New York City School Construction Authority ("SCA") \$1500 who used City resources and personnel in connection with his political campaign. The former Vice President acknowledged that in 2005 he ran for election to a position as a member to the Town Board of Smithtown, New York, and that in connection with his campaign he used an SCA photocopier and SCA printer to photocopy and print campaign materials and that he requested a subordinate to review and correct an electronic file containing his signature for use on a campaign mailing. Prior to his campaign, in response to his request for advice, the former Vice President had been advised by the Board that such conduct was prohibited by the City Charter. The former Vice President acknowledged that his conduct violated the conflicts of interest law, which provides that public servants are prohibited from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and are prohibited from requesting any subordinate to participate in a political campaign. The Board took the opportunity to remind public servants that they are

- absolutely prohibited from using City resources, of any kind and of any amount, on campaigns for public office and that requesting the assistance of a subordinate, for any amount of time and in any fashion, on campaign related matters violates the City Charter. *COIB v. Cantwell*, COIB Case No. 2005-690 (2007).
- (65) The Board and the Department of Probation (“DOP”) concluded a three-way settlement with a DOP Probation Officer who owned and operated a firm that he personally caused to engage in business dealings with the City. The DOP Probation Officer admitted that he owned and operated a private security services firm and that he entered that firm into a contract with the New York City Health and Hospitals Corporation (“HHC”) and communicated with HHC regarding that contract. He further admitted that his firm contracted with private construction firms to provide subcontracted security guard services at various City agency construction sites. The Probation Officer acknowledged that his firm was engaged in business dealings with the City through both the HHC contract and through the subcontracts with City agencies, in violation of the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows is engaged in business dealings with the City and also prohibits a public servant from appearing for compensation before any City agency. The DOP Probation Officer paid a \$5,000 fine to the Board. *COIB v. Osagie*, COIB Case No. 2006-233 (2007).
- (66) The Board and the Department of Education (“DOE”) concluded a three-way settlement with a DOE Teacher who worked for and held a position on the Board of Directors of a private organization that contracted with the DOE. The DOE Teacher did not follow the Board’s written advice that, without a written waiver from the Board and corresponding written approval from the DOE Chancellor, it would violate the Chapter 68 for him to have a position with and to be compensated by an organization that sought contracts with the DOE. The DOE Teacher subsequently helped the organization obtain contracts with the DOE. DOE and the organization paid the DOE Teacher for work related to a contract between his organization and his school. The DOE Teacher acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having a position with an organization that the public servant knows does business with his agency and also prohibits a public servant from being compensated to represent a

- private organization before a City agency. The DOE Teacher will pay \$4,820.92 to the DOE in restitution and a \$500 fine to the Board, for a total financial penalty of \$5,320.92. *COIB v. Carlson*, COIB Case No. 2006-706 (2007).
- (67) The Board fined a New York City Department of Education (“DOE”) School Aide \$500 who entered into two contracts with DOE on behalf of a not-for-profit organization, of which he served as Chairperson, to provide a computer skills course to parents of local schoolchildren. The School Aide acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from having an interest in a firm which the public servant knows does business with his agency. *COIB v. Oquendo*, COIB Case No. 2005-739a (2007).
- (68) The Board fined the former General Counsel and Deputy Commissioner for Legal Affairs for the New York City Taxi and Limousine Commission (“TLC”) \$2000 for disclosing, after he left City service, confidential information he gained while at the TLC. The former General Counsel admitted that after he left City service, he prepared and executed an affidavit in which he revealed that he had expressed disagreement with and to TLC’s First Deputy Commissioner concerning TLC’s application of the rules regarding alternative fuel medallions that were bid at an October 2004 auction. The former General Counsel admitted that this internal TLC disagreement was not public at the time the affidavit was prepared, and that his disclosure of these internal, non-public agency discussions violated the City of New York’s conflicts of interest law, which prohibits a former City employee from disclosing or using for private advantage any confidential information gained from City service. *COIB v. Mazer*, COIB Case No. 2005-467 (2007).
- (69) The Board issued a public warning letter to a former Vice Principal at the New York City Department of Education (“DOE”) for entering into financial relationships with two of his DOE subordinates at his school. The two subordinates charged to their personal credit cards expenses in the amounts of \$525 and \$845, respectively, to enable the Vice Principal to attend a DOE-related function. The Vice Principal should have incurred these expenses personally, for which expenses he could have been reimbursed by the DOE. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a

public servant from having any financial relationship with a subordinate because it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Anderson*, COIB Case No. 2007-002 (2007).