



Members of Boards and Commissions

Q. As a member of a City board or commission, am I covered by the City's conflicts of interest law?

A. Almost certainly, yes. Even members of unpaid boards and commissions (such as the TLC) are subject to the conflicts law, except where the board or commission is *purely advisory*, with no authority to make decisions, to hire or fire employees, or to spend City money, such as an ad hoc group set up by an elected official to review a proposed project. So, unless your board or commission is one of these purely advisory bodies, you are subject to the provisions of the City's conflicts of interest law. Chapter 68 of the City Charter sets forth that law.

Q. How can I confirm whether or not I'm subject to the City's conflicts of interest law?

A. You can call the Conflicts of Interest Board at (212) 442-1400 about this and about any other aspect of the conflicts of interest law. Your call is confidential.

Q. As a member of a board or commission, must I file an annual financial disclosure report?

A. Only if you are a member of a board or commission whose members are entitled to compensation, such as a per diem. If you are entitled to compensation, you have to file even if you choose not accept it. You will file one annual report with the Conflicts of Interest Board, a report due on or about May 1 of each year. Staff from your agency will give you more precise instructions.

Q. What restrictions apply to me as a member of a City board or commission?

A. You are subject to restrictions on:

- The acceptance of gifts and honoraria
- Your private employment
- Your ownership interests in firms doing business with your City agency
- Your political and volunteer activities
- Financial relationships between you and staff of your agency
- Use of City resources or confidential City information
- Your activities after leaving your position at the board or commission.

Q. What is the restriction on accepting a gift?

A. No member of a board of commission may accept a gift, or a succession of gifts in any twelve month period from the same donor, valued at \$50 or more, from any person or firm doing business with ANY agency of the City.

Q. What are the restrictions on the private employment of members of boards and commissions?

A. There are two primary categories of restrictions on the private sector work of members of boards and commissions:

(1) YOUR EMPLOYER must not have business dealings with your City agency.

(2) YOU, YOUR PARTNERS, AND YOUR EMPLOYEES must not represent private parties before your City agency.

Q. My firm from time-to-time handles matters at my commission. Can't I get permission for this work to continue, or must I leave the commission?

A. You may be able to get permission from the Conflicts of Interest Board. To request this permission you must first obtain the written approval of the head of your agency, who is likely the chair of your commission. If

the Board does grant permission, it will almost certainly require that you have nothing to do with your firm's matters before your commission, both at the commission and at your firm, and also that you do not share in the firm's profit from this work.

Q. May I own a business that deals with other City agencies, but not with my own commission?

A. Yes. As a part-time public servant, you are only restricted from having an ownership interest in a firm that does business with *your own* City agency. However, you may not use your City position to advance your business dealings with other City agencies. So, for example, you may not use your commission's letterhead in your private dealings with another City agency, and you may not invoke your City position in those dealings.

Q. I perform a lot of volunteer work for not-for-profits, such as sitting on boards of directors. Is that a conflict of interest with my position on my City commission?

A. You may work for or serve on the board of directors of a not-for-profit that has no business dealings with your own City commission. If the not-for-profit has business dealings with your own commission, you will need the approval of the head of your commission to work for or serve on that not-for-profit board. Even with that approval, you may not be involved, either at the not-for-profit or at your commission, in the not-for-profit's business with your commission.

Q. A staff member at my commission moonlights as an interior decorator. May I hire her to design the interiors of my home?

A. No. There is a prohibition against a superior and a subordinate having a financial relationship. This includes loaning money, other than a nominal amount, owning a business together, and employing one another to provide goods or services.

Q. I have been politically active for many years before joining the commission. May I involve commission staff members

in working with me in the campaign of my local Councilmember?

A. No. You may not even ask a subordinate to get involved in any political campaign. This is also true for involvement in a not-for-profit activity. There should not be any possibility of the feeling of coercion, or the expectation of a payback, good or bad, in the future.

Q. What else? For example, I have heard that there are some significant restrictions on the political activities of members of City boards and commissions. Is this true?

A. There are two major restrictions on the political activities of members of boards and commissions: one on fundraising and one on holding political party office. First, you may not ask ANYONE to make a contribution to a candidate for elective City office or to an elected City official running for any office. Second, you may not serve as a district leader, as a member of the national or state committee of a political party, or as the chair or other officer of the county committee of a political party. Of course, as with any other outside activity, you may not use City letterhead, personnel, resources, equipment, or supplies for any political activity.

Q. My commission is seeking a replacement for a retiring member of the staff. May I refer my just-graduated daughter?

A. Absolutely not. You are prohibited from using your official position to obtain a personal advantage, including a job or a contract, for a close family member, or for anyone with whom you may have a financial relationship.

Q. This is my last year on the commission. What are the restrictions on what I may do after leaving the commission?

A.

- You may not communicate with the commission on any business matters for one year after leaving the commission.**
- You may never work on a particular matter with which**

you were personally and substantially involved in your work as a commission member.

- You may not divulge or use confidential City information.

Q. Anything else?

A. There are a few special rules for some boards and commissions. For example, members of the City Planning Commission are subject to stricter rules regarding their private practices. And members of the board of the Housing Development Corporation must file financial disclosure reports even though they are not entitled to compensation. You should consult with counsel to your commission, or with the Conflicts of Interest Board, to determine whether there are special rules for your board or commission.

THESE MATERIALS ARE INTENDED AS A GENERAL GUIDE. FOR MORE INFORMATION ON THE BOARD OR ON THE CONFLICTS OF INTEREST LAW, CALL OR WRITE THE BOARD.

**NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)**

OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>

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