

Ethics lights the way to good government

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Quinn Haisley, Editor



Gifts

By
Wayne G. Hawley

Question: *What are the rules about gifts to City employees?*

Answer: There are two important rules:

Rule 1. You may not take a tip or gratuity of any value for doing your City job.

Rule 2. You may not accept any sort of gift worth \$50.00 or more from any person or company doing business with any City agency. The \$50.00 amount is cumulative. This means that you may not accept over any 12-month period a series of gifts from the same source worth \$50.00 in total. So, five lunches worth \$10.00 each over a year's time, from the same City vendor, will violate the law.

Also, be very careful even of taking gifts worth less than \$50.00 from a vendor you are personally dealing with in your City job. If there is any hint that you are getting the gift because of your work with the vendor, you could be in trouble.

Question: *OK, I understand those rules, but what about the flowers or chocolates that some vendors deliver to the office during the holidays?*

Answer: Where returning a gift is impractical, as it may be for perishable items, and where its value appears not to be excessive, you may accept it as a gift to the City, with two conditions:

1. The gift should be placed in a common area for everyone's enjoyment or consumption, and
2. You must notify agency leadership and the agency's inspector general.

Also, if you get a gift from a vendor at home, even if it is "just" flowers, watch out! This is not an innocent publicly offered gift. You should return it and should also immediately notify your supervisor and the Department of Investigation ("DOI").

Question: *Speaking of the holidays, how about gifts exchanged between co-workers?*

Answer: Token gifts are fine, like the \$20 holiday grab-bag or "Secret Santa." But watch out for larger gifts, especially between supervisors and subordinates. How "voluntary" is a \$50.00 scarf or necktie for the boss? What if I give the boss an expensive tie, but you don't give anything, and I am the one promoted? *Superiors should exercise caution before accepting a gift from a subordinate, especially when offered outside of a particular gift-giving occasion.*

Question: *What about holiday parties? One of the firms that works*

with my City agency invites everyone in my office to its holiday party. It is a pretty nice event. I think it is important for me to attend.

Answer: It may be important for you to attend, but that is not your call to make. In fact, if the party costs the host \$50.00 or more per person (as most nice events will be), you will be in violation of the law if you attend, **unless** your agency head certifies in writing that it is in City's interest for you to be there. So, your Commissioner decides who from your agency, if anyone, should attend.

Question: *Are wedding gifts okay?*

Answer: Gifts that are customary on social occasions, such as weddings, are generally okay. This includes gifts between co-workers and gifts between City employees and friends at companies doing business with the City, so long as the gift is not significantly more extravagant than other gifts for that wedding. But if you are inviting your City subordinates or friends from a vendor firm to your wedding, the better practice may be to tell them "no gifts, please."

Question: *As part of my job, I need to travel to inspect the equipment that a vendor is trying to sell to my City agency. Can the vendor pay for my travel expenses?*

Answer: With the approval of your agency head, the vendor may pay for your reasonable travel expenses, that is, it can pay for expenses that the City would cover. This means flying coach, and standard business accommodations and meals, but no lobster dinners or tickets to ballgames. It also means that, just like the City wouldn't, the vendor can't pay for you to spend a couple of extra days lying by the pool. If the City wouldn't pay for something, you can't take it from the vendor either.

Question: *What if I have any more questions about accepting a gift?*

Answer: If you have any doubt at all about accepting a gift, call the Conflicts of Interest Board at 212-442-1400 and ask for the attorney of the day. You can also email us through our website (<http://www.nyc.gov/ethics>) by clicking on "Contact COIB." All calls and emails are confidential, and you may contact us anonymously.

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Recent Enforcement Cases

► The Board fined a Department of Parks and Recreation District Manager \$1,750 for selling points for a Disney timeshare program and electronic equipment to his subordinates. The subordinates each paid between \$600 and \$1,800 for the points, which they could use to stay at Disney properties. The District Manager also sold electronic items, including a camera, X-box, and GPS devices, to two subordinates.

► The Board issued a public warning letter to a DOE teacher for using her DOE email account to send a message, during her DOE work hours, seeking votes for a United Federation of Teachers Chapter Leader position.

► In a joint settlement with the Board and HRA, an Associate Job Opportunity Specialist was fined \$3,780 for obtaining confidential information from the public assistance records of an HRA client to whom she rents a living space. She also admitted that she took unauthorized action on her tenant's public assistance case, including uploading documents to her tenant's public assistance records.

► In a joint settlement with the Board and DoITT, a former Director of Office Services agreed to pay a \$5,000 fine to the Board, serve a 30 work-day suspension, valued at approximately \$7,144.78, and resign his position for violating the conflicts of interest law. The Director of Office Services asked for and paid only a nominal price for four New York Yankees tickets from the Chief Executive Officer of a City vendor. The Director of Office Services also received four free tickets to a National Hockey League game from a City vendor, and asked the same City vendor to perform a personal move for him and to prepare an invoice describing the service as moving City property so that the vendor could bill DoITT for this personal move.

► A former ACS Clerical Associate admitted to violating the conflicts of interest law by accessing the New York State Office of Children and Family Services' confidential database, CONNECTIONS, on multiple occasions to look up confidential information on family members, herself, and her then husband's ex-wife. She also admitted to having owned a group day care center that received money from ACS and to submitting documentation to ACS in order to receive those monies. The Board forgave the \$7,500 fine she received based on her showing of financial hardship.

► The Board fined a former School Secretary for the DOE \$9,000 for using a DOE procurement credit card, also known as a P-Card, to make at least \$3,000 in personal purchases, including at gas stations and fast food restaurants, between August 2009 and May 2011.

► In a joint settlement with the Board and the DOE, an Assistant Principal was fined \$1,000 for writing a letter on DOE letterhead recommending placement in a private school special education program for "Student A," a pre-Kindergarten child, for the non-City purpose of furthering the interest of Student A's parents.

► The Board fined a Director in the Corporate Support Services Division of HHC \$1,750 for paying her subordinate \$100 to refinish the floors in her personal residence. The Director also admitted that the subordinate and another HHC employee delivered a floor stripping machine belonging to HHC to the Director's apartment during their City work hours for use on the floor refinishing project.

Exciting COIB News

The Conflicts of Interest Board welcomes new Board Chair Nicholas Scoppetta, who was appointed on December 28, 2012, following the retirement of outgoing Chair Steven

Rosenfeld, who joined the Board in May 2002.

Mr. Scoppetta serves as counsel to Scoppetta Seiff Kretz & Abercrombie, the law firm that he co-founded in 1980. Beyond his many civic activities, Mr. Scoppetta has also served in numerous City positions beginning in 1972, when Mayor Lindsay appointed him as Commissioner of Investigation. These have included Deputy Mayor for Criminal Justice, Chair of the Mayor's Criminal Justice Coordinating Council, Chair of the Commission to Combat Police Corruption, Commissioner of the Administration for Children's Services, and Fire Commissioner.

In addition to welcoming Mr. Scoppetta, the Board and its staff would like to extend their gratitude to Steven Rosenfeld for his many outstanding years of service.

*Interested in more information?
Get in touch with COIB's Training & Education Unit to arrange a class in Chapter 68 for you and your staff.
Contact Alex Kipp, Director of Training, at kipp@coib.nyc.gov*

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