

Ethics lights the way to good government

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Quinn Haisley, Editor



Getting the Word Out and Keeping it Moving

By Alex Kipp

A lot of our articles in Ask the City Ethicist have examined the restrictions under Chapter 68 and how they apply in real life situations. This article is a little different in that it addresses ethics messaging in your organization and how COIB's Training & Education Unit might be able to help you do it. Some of the things mentioned below are things you could be doing and some are things you MUST be doing. Let's start with the MUST part.

Changes to Chapter 68 enacted in 2010 as a part of the Charter reform process make training in Chapter 68 mandatory for all employees of all City agencies every two years. If your agency hasn't had COIB training in the last two years, that probably sounds like bad news. The good news is that COIB has a small team of professional trainers who are willing to go anywhere, any time to get your staff trained. And no agency is too big or small for us. Just this last year, we taught over 500 classes. We trained the entire staffs of ACS, City Council, DFTA, DHS, TRS, the Bronx DA's Office and the Manhattan DA's Office, just to name a few. If your agency needs training, click [here](#) to start that conversation.

An hour of training in Chapter 68 once every two years is the bare minimum that an agency MUST do. In the class, we have the luxury of time to unpack the law and go over the basic restrictions. Moreover, that discussion also weaves in some larger points:

- 1) Public service is a public trust. That trust requires public servants to be mindful of both the reality and perception of integrity in their actions.
- 2) While important, the conflicts of interest law is not supposed to be a trap for public servants. Conflicts of interest can occur even when a public servant has the best of intentions. Therefore asking for advice can be crucial. The Board provides this confidential service free of charge.
- 3) While much of the law is common sense, some of its restrictions are not intuitive. Also, many conflicts questions are about process – how to deal with the conflict, how to disclose it, how to recuse, how to complete the proper paperwork, etc.
- 4) Violations are taken seriously and are prosecuted.

Getting your staff trained is the first important step in building a culture of awareness, but there's plenty more an agency could do to keep the message alive. It is well known that retention of information is enhanced by multiple exposures to that information over time, as opposed to experiencing it in only one long exposure. The goal of supplemental messaging is not to repeat the class, but to provide quick reminders of the class content that reinforce some combination of the above four points. Public servants don't need to become experts in the law. Nor do they need to think about ethics every moment of their workday. They're busy fulfilling your agency's mission. Compared to that, Chapter 68 is the "small stuff." But the busier one gets, the more one tends to "not sweat the small stuff," and that's when accidental violations are the most likely to occur. Supplemental messages are meant to keep Chapter 68 in the frontal lobe just enough to prompt a public servant to remember to ask questions. We think a little can go a long way.

What We Can Offer

In addition to the many plain language publications available on the Board's website, we offer a number of kinds of messages that are distributed on a monthly basis.

-Enforcement Dispositions – A finding of a violation of Chapter 68 usually carries a civil penalty and a public disposition where the respondent admits he or she violated the law. When the disposition is finalized, COIB sends out a press release summarizing the facts along with a copy of the disposition – usually about 6 pages total – by email. These dispositions are a great way to remind public servants about the consequences of violating the law and show the kinds of ways the law gets violated. Click [here](#) to be added to the enforcement disposition distribution list.

-The Ethical Times – The newsletter you're reading right now is published once per month and distributed electronically. It contains an article that examines some facet of the Conflicts of Interest Law and summaries of recent enforcement cases. Click [here](#) to be added to the *Ethical Times* distribution list.

-Video – *Ethics Express: Conflicts of Interest in Five Minutes or Less* – Every month, COIB releases a new 5-minute video clip where two COIB panelists discuss an aspect of Chapter 68. Click [here](#) to be notified when new videos are released. Click [here](#) to see the first installment on political

activities.

-Training Video – *It's All About Ethics* – COIB has a 25-minute training video involving short scenes between two colorful characters, accompanied by commentary. The video can be seen in segments [here](#). If you'd like your very own DVD copy, click [here](#).

-Poster – A full-color cartoon poster, approximately 14"x22", with basic information about the Board included. Click [here](#) to order your own copy. Please specify the number you'd like.

AND, if you'd like to subscribe to the whole package, click [here](#).

None of these materials is meant to make for a big time commitment. But just a few minutes a week might make a big difference between a regular conflicts question and a big conflicts problem. So help us maintain awareness. You can sign yourself up for any or all of these. And if you're a supervisor, you can push it out to your team. Integrity in City government is everyone's business.

Alex Kipp is Director of Training and Education at the New York City Conflicts of Interest Board

Recent Enforcement Cases

▶ The Board and DOE reached a joint settlement with an Assistant Principal at PS 33 in the Bronx who used a subordinate to babysit his children at PS 33 for nearly the entire 2011-2012 academic year. The Assistant Principal further admitted that he allowed his daughter to attend PS 33 without enrolling her, thus avoiding the necessity to pay tuition since he was not a resident in the area served by the school. In addition, the Assistant Principal admitted that he signed a lease for an apartment owned by his subordinate. For these violations, the Assistant Principal agreed to pay a \$6,000 fine to the Board.

▶ The Board and the New York City Comptroller's Office concluded a settlement with an Economist in the Bureau of Audits who, from March 2009 through July 2013, during hours she was required to be performing work for the Comptroller's Office, used her City computer and e-mail account to engage in political activities related to her work as the founder and president of the Great Alliance Democratic Club, the District Leader for the 86th Assembly District, and her campaign for New York City Council. The Economist also attended a hearing at the New York City Campaign Finance Board related to her campaign for City Council during which time she was required to be performing work for the Comptroller's Office. As a penalty, the Economist agreed to pay a fine equal to twenty days' pay, valued at \$4,480.

▶ The Board and ACS concluded a joint settlement with an ACS employee to address violations related to his long-term role on the Board of Trabajamos Community Head Start, Inc., a not-for-profit with business dealings with ACS. In addition to failing to receive agency head permission to serve in a leadership role at the not-for-profit, the employee also attended a meeting at ACS on behalf of Trabajamos, and from at least September 2005 through August 2013, during times he was required to be performing work for ACS, used his City computer and e-mail account to send, receive, and store a number of e-mails related to Trabajamos. Finally, the ACS employee used his City position to obtain a criminal background check on Trabajamos employees and asked another ACS employee to run a license plate for him and then used the confidential information he thereby obtained for a personal, non-City purpose. For these violations, ACS reassigned the employee from his prior position as the Director of Field Operations to his underlying civil service title of Child Protective Specialist Supervisor II; in connection with that reassignment, his annual salary was reduced from \$111,753 to \$77,478. The Board imposed no additional penalty.

▶ The Board and DOHMH concluded

a settlement with a Computer Aide in the Bureau of Child Care who agreed to resign from DOHMH to resolve violations of the DOHMH Standards of Conduct plus violations of the City's conflicts of interest law. The Computer Aide admitted that he asked a child care facility license applicant, to whose case he was assigned to work, to provide him with the contact information of a physician that the applicant knew in the Dominican Republic for the purpose of enabling the Computer Aide to sell medical supplies from India in the Dominican Republic. The Computer Aide also used his City computer to store advertisements related to his work for Primerica, a multi-level marketing company.

▶ **The Conflicts of Interest Board is excited to announce a new video series, Ethics Express: Conflicts of Interest Explained in Five Minutes or Less! The video series takes a thoughtful, talk-show-style approach to explaining basic principles of the City's Conflicts of Interest Law. You can watch the first installment [here](#). If you'd like to be notified when new videos get posted, click [here](#).**

*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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A searchable index of all the COIB Enforcement Dispositions and Advisory Opinions is available courtesy of New York Law School here:

<http://www.nyls.edu/cityadmin>

