

*Ethics lights the
way to good gov-
ernment*

The Ethical Times

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Quinn Haisley, Editor



It's All in the Family

By
Quinn Haisley

The December *Ethical Times* article, *The Small Stuff IS The Big Stuff*, discussed two big picture concepts that can help to explain why good people sometimes do bad things: the ‘Slippery Slope’ and ‘Invisible Victims.’ The ‘Slippery Slope’ concept describes how a small action, though seemingly harmless at the time, can turn into many similar actions, which can eventually snowball into a real issue. The ‘Invisible Victims’ concept demonstrates how people tend to justify an action when they aren’t able to personally see the damage they could be inflicting. When combined, ‘Slippery Slope’ and ‘Invisible Victims’ can lead people to perpetrate serious ethics violations, even without the original intention of doing harm.

In addition to these two concepts, there is a third that can play a significant role in a good person doing a bad thing, all with the intention of doing something good for someone else: nepotism. Nepotism can be defined as showing favoritism to political allies or steering business to relatives. A public servant giving some sort of a benefit, whether monetary or otherwise, to a family member has the potential to damage the public trust.

However, someone who jumps to condemn a municipal employee who gets caught playing favorites with family may very well be the same person who says that he or she would do anything for his or her family. After all, love and loyalty for family are often revered in our society. A public servant, therefore, can end up walking a fine line when it comes to balancing his or her professional and personal life. To help guide City employees through everyday situations that can arise, the conflicts of interest law includes several provisions that apply to public servants and their family members.

First and foremost is the City’s rule prohibiting an employee from using his or her position to obtain a private gain or

advantage for a close family member. Who counts as a ‘close family member’? Under Chapter 68, this group includes spouses, domestic partners, children, parents, and siblings. This misuse of position rule covers a wide variety of actions that I could take to benefit my close family, such as awarding my spouse’s business a contract with my agency, or getting my child out of a speeding ticket by using my City ID.

Second, the conflicts of interest law forbids public servants from disclosing confidential City information. As tempting as it can potentially be for me to tell my sister what is happening with her grant application, until that information is made public, I have to refrain from doing so.

Third, City employees are prohibited from using City resources for any non-City purpose. City resources don’t include just copy machines and computers, but also agency vehicles, personnel, and even time. As a public servant, it would be a violation for me to instruct my subordinate to tutor my child, or to allow my parent to borrow my City parking placard.

When it comes to matters regarding their family members, it’s the best practice for public servants to take a step back and analyze the situation from a less emotional standpoint. While helping our family members can be an instinctual reaction, in the end, if it takes a violation of the conflicts of interest law to do so, no one truly benefits.

If you have any questions about this or any conflicts of interest related topic, you can call the Conflicts of Interest Board at 212-442-1400 and ask for the “attorney of the day.” All calls are free and confidential.

*Quinn Haisley is a Trainer
at the New York City Conflicts of Interest Board

Recent Enforcement Cases

► An Executive Administrative Staff Analyst for NYCERS agreed to pay an \$800 fine for four violations of the City's conflicts of interest law related to her conducting an Avon business in her NYCERS office: first, using City time to receive and repackage Avon deliveries; second, using City resources, including a NYCERS fax machine, to submit and receive Avon orders; third, abusing her City position by soliciting sales from a subordinate; and fourth, entering into a prohibited superior-subordinate financial relationship by selling Avon products to that subordinate.

► The Board imposed a \$2,250 fine on a former Physical Therapist for DOE who, during hours he was required to be performing work for DOE, used a DOE-issued laptop computer to perform work for his private karate studio, such as accessing class schedules and reviewing orders; the Physical Therapist also stored documents relating to his karate studio, such as lease agreements and order forms, on the laptop.

► An Administrative Director for DHS paid a \$750 fine to DHS for directing a subordinate DHS employee to review and edit resumes and cover letters for the Administrative Director and two of her relatives.

► The Board issued warning letters to two Firefighters who accepted roundtrip airfare to New Zealand and three nights of hotel

accommodations to participate in 9/11 memorial events in New Zealand in September 2014. The Firefighters did not have authorization from the Fire Commissioner to attend these events in their official capacities nor did they have authorization from FDNY to accept the free air travel and hotel accommodations. Had the trip had been sanctioned and approved by FDNY prior to their travel, the acceptance of travel expenses would have been considered a permissible gift to the City instead of impermissible gifts to the Firefighters as individuals.

Congratulations! to the winner of the Conflict of Interest Board's January Public Service Puzzler contest:

Karen Cohen, is an employee at the Department of Citywide Administrative Services.

Ms. Cohen's bio and the details for the February Public Service Puzzler will be available soon [here](#).



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*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*

**The New York City
Conflicts of Interest Board
2 Lafayette Street, Suite 1010
NYC 10007**

**Phone: 212-442-1400
Fax: 212-442-1407
TDD: 212-442-1443
www.nyc.gov/ethics**

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