

*Ethics lights the
way to good gov-
ernment*

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Quinn Haisley, Editor



Romantic Relationships and Conflicts of Interest

By
Bre Injeski

Question: *My boyfriend is considering applying for an open position at my City agency. Can I recommend him for the job?*

Answer: If you and your boyfriend live together, then definitely not. Although nothing in the City's conflicts of interest law specifically addresses boyfriends—or girlfriends, fiancés, or casual dates, for that matter—applicable definitions and provisions of that law expressly apply to persons in a dating relationship. One provision prohibits any public servant from using his or her City position to give anyone with whom the public servant is “associated” a private or personal advantage. Parents, spouses, siblings, and children are definitively associated with a public servant, as is anyone with whom the public servant has a business or other financial relationship. Within the context of a dating relationship, sharing a household or having a child together are common examples of financial relationships.

If your boyfriend is associated with you, even if he has outstanding qualifications, you may not recommend him for the position and you must completely “recuse” or insulate yourself from anything to do with the hiring process. Moreover, should he get the job, you may not supervise him because it would place you in the position of being able to use your City position to further benefit him. It would also place you in violation of *another* provision of the conflicts of interest law—the one prohibiting public servants from having a business or financial relationship with any superior or subordinate.

Question: *I've been dating one of my subordinates for a while. On Valentine's Day we got into an argument about the City's conflicts of interest law. I said it prohibits us from entering into a financial relationship, so it would have been illegal for me to get her a gift. She said I was wrong. Can you settle this for us?*

Answer: You are both right. You're right that the City's conflicts of interest law prohibits public servants from entering into a financial or business relationship with a superior or subordinate public servant. But she's right that the acceptance of a Valentine's Day gift would not necessarily create a financial relationship between the giver and the recipient.

Question: *I work for a large City agency and have lots of talented subordinates. I want to do something special for my anniversary with my wife, so I was thinking that I would take her to the Brooklyn Bridge and then have my subordinates “spontaneously” serenade us with her namesake song. Of course, I want it to be impressive, so I'm going to have them rehearse a lot at work. Good idea, right?*

Answer: We don't have to pass judgment on whether your idea is good to know that it would violate the conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. City resources include personnel, and serenading your wife wouldn't serve any City purpose. If you had planned this little surprise to take place on City time, know that your “good idea” would further violate the conflicts of interest law, which also prohibits public servants from pursuing personal or private activities during their City work hours. Also, remember that you would violate the law even if you offered to pay your subordinates to perform, as no public servant may enter into a financial relationship with his or her superior or subordinate.

If you have any doubt at all about whether your action would create a conflict of interest, call the Conflicts of Interest Board at 212-442-1400 and ask for the “attorney of the day.” You can also e-mail us through our website (<http://www.nyc.gov/ethics>) by clicking on “Contact COIB.” All calls and e-mails are confidential, and you may contact us anonymously.

*Bre Injeski is the Deputy Director of Enforcement at the
New York City Conflicts of Interest Board*

This article originally appeared in The Chief Leader

Recent Enforcement Cases

► The Board reached a settlement with an HRA Secretary who improperly used public assistance records to obtain confidential information concerning her own public assistance case to advance her own personal financial interests. The Secretary agreed, in a separate settlement with HRA, to serve an eight-day suspension without pay. The Board imposed no additional penalties in this case.

► The Board fined a DOE Children First Network Leader \$7,500 for meeting with principals whose schools were supported by his Children First Network and informing them that he would be taking a position at the Center for Educational Innovation - Public Education Association, after which all of the principals elected CEI-PEA as their school support organization.

► A Secretary for the DOE agreed to pay the Board a \$6,500 fine for using her DOE position to benefit her husband's company. After marrying in December 2010, she began ordering school supplies from her husband's company, which had not been an approved DOE vendor previously, for a total of 12 purchase orders between December 2010 and October 2011.

► In a joint disposition with the Board and ACS, a Child Protective Specialist was issued a public warning letter for accessing confidential information concerning a complaint filed against the mother of a child for whom she intended to file an application of guardianship if needed.

► The Board issued three public warning letters to a DOE Assistant Principal, Teacher and School Aide, for entering in to prohibited superior-subordinate financial relationships. Between October 2010 and April 2012 the Assistant Principal loaned the Teacher and School Aide \$500 and \$1,500, respectively.

► The Board issued two public warning letters to DOE Teachers who used

the DOE e-mail system to distribute e-mails in support of their campaigns for a position as Chapter Leader with the United Federation of Teachers.

► The Board and HRA reached a joint settlement with an Associate Job Opportunity Specialist who obtained confidential information from the public assistance records of her niece, an HRA client, and then disclosed this information, although solely to her niece. The Associate Job Opportunity Specialist agreed to pay HRA a fine equal to two days' pay, or \$280.

► The Board and HRA reached a settlement with an Associate Job Opportunity Specialist who accepted a 60-day suspension without pay, which has the approximate value of \$9,972, to resolve charges that he misused his position in the Rental Assistance Unit to issue a \$4,074 rental assistance check from HRA to his stepdaughter and for repeatedly misusing confidential information from public assistance records to help his stepdaughter resolve a personal dispute with her landlord.

► The Board and DHS reached a joint settlement with an Administrative Director of Social Services who misused an agency vehicle for unauthorized personal purposes. The Administrative Director had been authorized by DHS to use an agency vehicle only for her daily commute from her residence to her DHS workplace and to respond to emergencies at DHS facilities on a 24-hour basis as needed. The Administrative Director admitted to using the vehicle to travel outside of City limits and to take her daughter to and from school and agreed to pay a \$3,750 fine to DHS to resolve the charges.

► The Board and DCAS concluded a settlement with a Borough Supervisor who violated the conflicts of interest law by misusing her position over DCAS employees who reported to her. Specifically, she regularly asked two subordinates to buy her lunch, borrowed at least \$600 from six sub-

ordinates, and arranged for three subordinates to come to her home on the weekends to paint a bedroom, repair a leak in her sink, and clean her carpets using DCAS-owned equipment. She also admitted to misusing City resources by taking her grandchild to school in a DCAS vehicle. As a penalty, the Borough Supervisor agreed to irrevocably resign from DCAS, to never seek employment with any City agency in the future, and to forfeit \$1,000 of accrued annual leave.

► The Board and DDC reached a joint settlement with a Construction Project Manager who misused DDC office and technology resources to manage his private rental properties on City time. As a penalty for these violations of the City of New York's conflicts of interest law and for unrelated misconduct that violated agency rules, the Construction Project Manager served a 30-day suspension without pay, worth \$5,195, and agreed to forfeit thirteen days of annual leave, valued at \$3,376.

*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**

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/centers/
harlan_scholar_centers/
center_for_new_york_city_law/
cityadmin_library](http://www.nyls.edu/centers/harlan_scholar_centers/center_for_new_york_city_law/cityadmin_library)**

