

Ethics lights the
way to good gov-
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The Ethical Times

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Quinn Haisley, Editor



Gifts

by
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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. This means that a “thank you” gift from a member of the public in any amount cannot be accepted.

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

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:

- The gift should be placed in a common area for everyone’s enjoyment or consumption, and
- You must notify agency leadership.

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 \$5-\$10 holiday grab-bag or “Secret Santa.” But watch out for larger gifts, especially between supervisors and subordinates. Supervisors should exercise caution before accepting any gift from a subordinate. Supervisors may accept only token holiday gifts from their subordinates. On special occasions, such as a wedding or the birth of a child, a supervisor may accept a gift from a subordinate that is of the type and value customary to the 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 is worth \$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 special occasions, such as weddings, are generally okay. This includes gifts among City employees as well as gifts between City employees and friends who work at companies doing business with the City, so long as the gift is not significantly more extravagant than a customary wedding gift.

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 prior to your travel, the vendor may pay for your reasonable travel expenses, that is, it can pay for expenses that the City could cover. This means flying coach, and standard business accommodations and meals, but no steak-and-scotch dinners or tickets to ballgames. It also means that, just like the City won’t, the vendor can’t pay for you to spend a couple of extra days lying by the pool.

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 and DDC concluded a settlement with a Deputy Budget Director who owns a private firm that owns a 10-unit apartment building in Manhattan for which he sought and received a construction loan from HPD and which receives payment from HPD and NYCHA for low income housing units. In the course of seeking this loan, the Deputy Budget Director represented his firm before HPD, DOB, and DOF. Between March 2006 and April 2013, the Deputy Budget Director used his City email address and City telephone to conduct non-City business related to the firm and building, including sending or receiving over 1,000 emails related to his firm. For these violations, the Deputy Budget Director agreed to pay \$2,170 fine to the Board, be suspended for seven days (valued at approximately \$2,170), forfeit seven days of annual leave (valued at approximately \$2,170), and be placed on an indefinite employment probation for his violations.

► The Board and HRA concluded a settlement with a Job Opportunity Specialist who admitted that he accessed the Welfare Management System to view the confidential records of an HRA client to obtain the HRA client's telephone number. The Job Opportunity Specialist then used the confidential information he obtained to call and send text messages to the HRA client on a personal matter without authorization from HRA or the HRA client. For this violation, the Job Opportunity Specialist agreed to serve a thirty-day suspension, valued at \$3,164.

► The Board and NYCHA concluded a joint settlement with a NYCHA Housing Assistant who engaged in a financial relationship with a NYCHA resident on whose tenancy matters she continued to work. Specifically, the Housing Assistant co-signed a retail installment contract to purchase a vehi-

cle with a resident of a NYCHA property. The Housing Assistant served as the "annual reviewer" for the resident, reviewing his financial paperwork as part of the process of determining how much rent each resident must pay to NYCHA. When the resident could no longer make payments on the vehicle, the Housing Assistant took possession of the vehicle, on which the resident had made a \$3,000 down payment. As a penalty, the Housing Assistant agreed to serve a twenty-workday suspension without pay, valued at approximately \$4,194.

► A Deputy Director for Operations in the Brooklyn Field Office of ACS paid a \$2,500 fine to the Board for using her ACS position to intervene in an ACS investigation involving her sister's family.

► In a joint disposition with the Board and DOHMH, a Computer Aide in the Bureau of Operations paid a \$1,350 fine -- \$1,100 to DOHMH and \$250 to the Board -- for doing work, using the DOHMH wireless network, related to her outside employment as a travel rewards sales representative during her City work hours on 51 days over a 57-work-day period.

► In a joint disposition with the Board and HPD, a Community Associate in the HPD Tenants Resources Unit paid a \$750 fine -- \$500 to the Board and \$250 to HPD -- for accessing her own confidential case records in HPD's Section 8 case management database on 40 occasions to learn whether her Section 8 benefits had been recertified.

► A teacher for the DOE paid a \$2,000 fine to the Board for living with and purchasing a home with her supervisor, the school's principal.

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

Michael Siller, a Deputy General Council for the Department of Investigation.

You can read Mr. Siller's bio and get the details for the December Public Service Puzzler by clicking [here](#).

Please note, Mr. Siller did not accept any prizes for his win.



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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*

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