

*Ethics lights the way  
to good government*

# THE ETHICAL TIMES

A publication of the New York City Conflicts of Interest Board

Alex Kipp, Editor



## **Negotiating Friendships & Chapter 68**

*Question: I have a friendship with a co-worker who was recently promoted and is now my supervisor. She is looking for someone to repair the roof of her house, and I used to do roofing. Can I do the repairs for her as long as I don't receive any payment?*

Friendships and conflicts of interest can intersect in a number of ways, and certainly would in the above-mentioned situation. As a City employee, you are prohibited by Chapter 68 of the City Charter (the "Ethics Law") from engaging in financial relationships with a superior or subordinate. This means that a personal friendship with your supervisor is no defense to violating this restriction. Even if you volunteer your services, the time and labor that you donate constitutes an impermissible gift. (Consider the cost that you saved your friend from having to hire a professional.)

No one should be made to feel that he or she is required to do favors for a supervisor. On the other hand, Chapter 68 does not prohibit financial relationships among co-workers. Therefore, it would not have violated Chapter 68 if you had fixed your friend's roof, when you were only co-workers.

When it comes to doing favors for friends (whether they work for the City or not), you should also know that you may not:

- Use City resources for any non-City purpose.
- Use your position to obtain any private or personal advantage for yourself or your spouse, domestic partner, child, parent, or sibling; anyone with whom you have a business or other financial relationship; or any firm in which you have a present or potential interest.
- Disclose any confidential City information—information that is not publicly available—or use this information for private or personal gain.

Cases involving the misuse of City resources to help friends come before the Board from time to time. Recently, for example, a City investigator gave a photocopy of his shield and identification to a friend for the friend's use in the event that he was arrested. The Board found that public servants are prohibited from abusing the powers that are vested in them as part of their official duties and may not use the symbols of those powers, such as a shield and identification issued by the City, for any non-City purpose. The Board fined the investigator for this violation of Chapter 68.

Now, what about friends in the private sector who want to give you gifts? Generally you're *not* allowed to accept gifts from people who are doing business with the City. There is a small "social exception" carve-out for accepting customary gifts on social occasions from old friends. But, be aware, public servants who accept a *valuable* gift—a gift worth \$50 or more—because they believe the donors qualify as close personal friends do so at their peril. It is always the better practice to seek the advice of the Board in such circumstances.

Under Chapter 68, you may not accept gifts whose total value is equal to \$50 or more in any 12-month period from any single firm that has business with the City. If you are considering accepting a gift from a friend who is engaged in business dealings with the City, then you should know that the Board will look at several factors to determine whether you: (i) used your office for private gain; (ii) gave preferential treatment to any person or entity; (iii) lost your independence or impartiality; or (iv) accepted the gift or favor for performing official duties.

Faced with this restriction on accepting gifts, you might well ask, "How do I know if my buddy is engaged in business dealings with the City?" Well, under the law, public servants have a duty to conduct a *reasonable inquiry*. This means that you must do what you can. At the very least, you must ask your buddy whether he or she has business dealings with the City. However, you may also use City resources, including those within your own agency and the Con-

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flicts of Interest Board, to find the answer. If you are a high-level public servant, then you are *required* to do more than simply ask the donor, or you risk violating Chapter 68.

Public servants who face disciplinary proceedings at their agencies for violating the City's conflicts of interest law are encouraged to contact the Board's enforcement staff to resolve the conflicts of interest issues. Leaving City service does not mean that public servants can walk away from the consequences of their conduct. For more information, please contact the Board at 212-442-1400.

All calls and emails are confidential, and you may contact us anonymously. □

—Vanessa Legagneur  
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## **Recent Enforcement Cases**

1) The Board and the New York City Human Resources Administration ("HRA") have concluded a three-way settlement of a case involving an HRA contracts manager who asked a vendor whose contract-payment requests he reviewed to help the manager's son find employment. The vendor interviewed the manager's son

and offered him employment working on a contract that the vendor had with HRA. After learning that his father would have to change some of his official duties in order for him to accept the job offer, the son declined. The Board fined the manager \$1,250.

2) The Board concluded a settlement with a New York City Health and Hospitals ("HHC") Psychiatric Technician who had an ownership interest in two companies which had business dealings with her agency, HHC. The HHC Psychiatric Technician acknowledged that she was the registered owner of her husband's two companies and that these companies each bid on a contract with HHC. At least one company was awarded a contract with HHC; the other was disqualified when HHC became aware that one of its employees was part owner. The Board fined the Psychiatric Technician \$2,500. □

*Interested in more information?  
Contact COIB's Training &  
Education Unit to arrange a class in  
Chapter 68 for you and/or your staff.*

*Contact Alex Kipp, Director of  
Training at 212.442.1421 or  
email at kipp@coib.nyc.gov*

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