

*Ethics lights the way
to good government*

THE ETHICAL TIMES

A publication of the New York City Conflicts of Interest Board

Alex Kipp, Editor



The City's Resources

by
Karrie Ann Sheridan

Question: *My cousin recently moved to a new apartment, and the post office has not forwarded her benefit checks to her new address. I am a City employee working at a social services agency. May I update my agency's database to correct my cousin's address?*

Answer: No. You may not access your agency's database to help your cousin, unless updating benefit recipients' addresses is part of your City job and your cousin's request has reached you through the proper channels that all benefit recipients follow to change their address. You may not access or utilize a confidential City database for **any** non-City purpose, not even browsing out of curiosity. You should only access a City database if your official job duties require you to do so and you have agency authorization. Also, as a City employee, you may not use or disclose any confidential information.

Question: *I am the Director of Human Resources at a City agency. May I write a letter of recommendation on City letterhead for one of my subordinates who has applied for a job at another City agency? A friend working in the private sector has also asked me to write a reference letter attesting to her good character for her application to purchase a cooperative apartment. May I write this letter on City letterhead?*

Answer: As the Director of Human Resources, it is appropriate and most likely part of your official duties to provide outside parties with details and an evaluation of the work performance of employees of your agency. Thus, you may write such recommendation letters on City letterhead.

Concerning other types of letters, such as a reference letter for a neighbor or for a City employee who is not your subordinate, City letterhead may **not** be used. These types of recommendation letters are for non-City purposes and may not be written on City letterhead.

Question: *I was planning to go on a family vacation next week but must change my travel plans due to an important meeting that my City agency just scheduled. May I have my assistant go to the travel agent's office to pick up my new plane tickets?*

Answer: City personnel may not be utilized for non-City purposes. Requiring your City subordinate to perform errands to further your private interests is a misuse of City time and City resources.

Question: *On the weekends I volunteer as a member of the Board of Directors of my neighborhood civic association in Nassau County. The association is organizing a holiday party and plans to distribute a flyer announcing the party that will list the party planning committee including names and professional titles. May I include my name, profession, and City title on the party announcement flyer?*

Answer: You may include your name and profession on the party announcement flyer but not your City title. The conflicts of interest law prohibits using your City title for a non-City purpose. Instead of including your City title, you could include your name and an appro-

priate generic career title or description, for example, Public-Sector Accountant, Municipal Analyst, Government Employee, or Attorney in New York City.

Question: *A co-worker told me that our City agency adopted a policy called the AUP which allows City employees to use office technology, such as the photocopying machine and fax machine for personal matters.*

Answer: The AUP, or Acceptable Use Policy, is a policy that has been approved by the Department of Information Technology & Telecommunications, the Department of Investigation, the Conflicts of Interest Board, and the Law Department. The AUP permits City employees to use City technology for personal use in certain limited circumstances. For example, you may photocopy a doctor's bill, call home from your City telephone to speak with your kids, and check the Metro-North train schedule on the internet at your City computer. Of course, this personal use of the City's office and technology resources may occur only after all your City work has been completed, may take only a minimal amount of your time, and may involve only a minimal additional expense to the City. You may never use City resources for a private business or for political purposes. And remember that you do not have a right of privacy when you are using the City's office and technology resources. Many City agencies have adopted the AUP as part of their agency rules and regulations. You may want to ask your agency ethics officer or general counsel if your agency has adopted the AUP. To read the AUP, visit the COIB website at <http://www.nyc.gov/ethics>.

Question: *I recently started working as a sales agent on weekends for a real estate broker that does not engage in business with the City. My agency's rules permit me to work in this type of moonlighting position. May I check my real estate firm's e-mail account on my office computer and return telephone calls to real estate clients from my City office telephone?*

Answer: No. You may not use City technology, resources, or time to further a private compensated interest, such as your moonlighting job as a real estate broker. The AUP does not allow **any** use of City technology for any paid position or any type of political activities. Doing so would violate the conflicts of interest law and constitute a misuse of City resources for a non-City purpose and improper use of City time. You may work on your real estate pursuits during your lunch hour, authorized breaks, and when you are not on City time, using your personal cell phone, however.

If you questions about use of City resources, 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.□

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is Associate Counsel at the
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Leader.)*

Recent Enforcement Cases

► The Board issued a public warning letter to a former DEP Research Scientist for submitting her resume to a firm that served as a subconsultant to company that she dealt with at DEP.

► The Board issued a public warning letter to a Chief of Engineering at DEP for submitting his resume to multiple private firms with which he had dealings at DEP. The Board took no further action, taking into consideration that the Chief self-reported this conduct.

► The Board fined a former OCME Director of Forensic Biology \$2,000 for using City personnel and resources to write & edit a book that was to be commercially published.

► The Board and NYCHA concluded a 3-way settlement with a NYCHA Principal Administrative Associate for using her City position to solicit & obtain free computer services from a NYCHA job applicant. She received a total financial penalty of \$2,392.

► The Board fined a former HPD Director of Information Services \$2,000 for accepting a position with a private firm on whose project he was working at HPD and for appearing before HPD on behalf of the firm within one year of leaving HPD.

► The Board fined a Supervisory Engineer at DEP \$1,000 for performing work for his private engineering practice on City time.

► The Board and HRA concluded a 3-way settlement with an HRA Computer Specialist who used City time and resources to attempt to further his career as a professional singer. He was fined a total of \$2,295.

► The Board issued a public warning letter to DOE Guidance Counselor who, while on sabbatical, represented the interests of the guardian of a DOE student before the DOE. The Board took no further action, in consideration of the fact that the representation was not compensated.

► The Board & the DOE concluded a 3-way settlement with a DOE Principal for having three DOE teachers whom she supervised tutor her daughter. The Principal was fined \$3,000.

► The Board & the DOE concluded a 3-way settlement in which a DOE Parent Coordinator was fined \$300 for borrowing \$100 from the legal guardian of child in the school where she worked.

► The Board & the DOE concluded a 3-way settlement fining the Executive Director of Human Resources Connect at DOE \$1,000 for using City time and resources to execute his duties as Mayor of a township in New Jersey.

► The Board & the DOE concluded a 3-way settlement fining a DOE Principal and Assistant Principal \$500 each for jointly owning a timeshare unit.

► The Board and ACS concluded two 3-way settlements in which an ACS Child Protective Specialist Supervisor and a Child Protective Specialist were fined \$3,872 & \$4,151, respectively, for starting a business together and using City time and resources to pursue activities related to that business.

► The Board and ACS concluded a 3-way settlement with an ACS Community Assistant who misappropriated ACS funds for her personal use. She was suspended for 10 days, valued at \$1,046, and required to pay full restitution, valued at \$1,279.48.

► The Board issued a public warning letter to a DOE attorney who represented private interests before DOE while on unpaid leave.

► The Board fined a former HHC Tumor Registrar \$7,100 for using her HHC position to benefit a private company where she was a manager and for indirectly appearing before HHC on behalf the company.

► The Board fined two NYPD Lieutenants and one retired NYPD Officer \$500 each for buying and selling cars to each other.

► The Board fined a DEP Architect \$1,000 for using DEP computer, email, and telephone to communicate with the Parks Department, and for meeting with the Parks employees on behalf of a not-for-profit.

► The Board & the DOE concluded a 3-way settlement in fining a DOE Principal \$2,250 for soliciting contributions from subordinates on behalf of a not-for-profit for which he served as President.

► The Board fined a former DOHMH Call Center Director \$7,500 for multiple violations related to her outside work as a Vice-Chair of a not-for-profit that did business with DOHMH, including partaking in the organization's City-related business, hiring a subordinate to work at the not-for-profit, directing the subordinate to work for the not-for-profit on City time, and misusing City time and resources to pursue activities related to the not-for-profit.

► The Board fined a former DOE Principal \$2,500 for supervising her live-in boyfriend and using three subordinates to help her move. The live-in boyfriend, a DOE Technology Coordinator, was fined \$1,500.

► The Board fined a former DOB Assistant Plans Examiner \$1,250 for misusing his City position to get special consideration from the Department of Consumer Affairs for a personal complaint.

► The Board and the Dept. of Sanitation concluded 3-way settlements with 52 DSNY employees who misused City time and vehicles to collect and sell scrap metal for profit. The violators were suspended for between 5 and 30 days, valued at \$829 to \$7,410 each. The Board also fined two former DSNY employees \$1,500 each.

► The Board and the Dept. of Sanitation concluded a 3-way settlement with a DSNY employee who worked for a private security company on City time and misused a DSNY vehicle for the private work. He received a 30-day workday fine, valued at \$7,307.

► The Board and DSNY concluded a 3-way settlement with a DSNY employee who worked for a private employer as a "mystery shopper" while on City time, wearing his DSNY uniform. He was suspended without pay for 4 days and received a 26-day workday fine, for a total financial penalty of \$7,306.

► The Board fined a Director of System and Administrative Resources at the DCAS Central Warehouse \$1,750 for misusing his City position to obtain free services on his home from his subordinate, and seeking a loan from another City employee below him in the chain of command. □

*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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<http://www.citylaw.org/cityadmin.php>

