Minutes of the Open Meeting of the New York City Conflicts of Interest Board
November 17, 2010
At the Offices of Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas, 29th Floor
New York, NY 10019

Present were:

Board Members: Angela Mariana Freyre, Monica Blum, Andrew Irving, Burt Lehman, and the Chair, Steven B. Rosenfeld.

Board staff: Mark Davies, Wayne Hawley, Julia Davis, Carolyn Miller, Dinorah Nunez-White, Bre Injeski, Sung Mo Kim, Karrie Ann Sheridan, Vanessa Legagneur, and Jessie Beller.

The meeting was called to order by the Chair at approximately 9:03 a.m. The Chair stated that the meeting was being conducted pursuant to the New York State Open Meetings Law, Public Officers Law Section 100 et seq.

The Chair designated the undersigned as the Recording Secretary for purposes of the meeting.

The Chair stated that the meeting was called to consider a proposed rule on financial disclosure appeals, pursuant to Administrative Code section 120-110 (c)(2), which requires the Board "to promulgate rules establishing procedures whereby any employee may seek review of the agency's determination that he or she is required to report."

The Chair asked for any comments concerning the Staff's Amended Draft of Proposed Financial Disclosure Appeals Rule.

The Board discussed the following provisions:

1-17(a): delete "'COIB' or" and replace "COIB" with "the Board" throughout document.

1-17(b)(2): change text of last sentence to: "Failure to file the Notice of Appeal by the later of the deadline for filing or 21 days after such notification, as the case may be, shall constitute a waiver of the right to appeal and the employee will be required to file a financial disclosure report."

1-17 (d)(5)-(6): Insert paragraph (6) before paragraph (5).

1-17 (d)(5) (new 1-17(d)(6)): change text of first sentence to: "In the event that the Board, in its sole discretion, determines that issues are presented by the written materials filed on the appeal that require an evidentiary hearing, the Board may order such a hearing before the full Board or, in the discretion of the Chair, before a member or members of the Board or before the Executive Director, designated for that purpose, at which hearing the employee and agency may call witnesses to testify under oath, to determine any such issue."

1-17(d)(7): change language to: “The Board or Executive Director, as the case may be, shall review the recommendation and any comments submitted in response thereto and issue a decision and order either upholding or reversing the agency’s determination.”

1-17(d)(9)(b): enclose the phrase “within the time provided by law” with commas.

1-17(e): add a new paragraph (4) that reads as follows: “(4) The Board may, in its discretion for good cause shown, extend any deadline set forth in this rule. A written application for such extension must be made before the expiration of the deadline.” (Subsequent subsections to be renumbered accordingly.)

Upon motion, the Board approved the rule with the changes noted above.

The open meeting was adjourned at approximately 9:18 a.m.

Respectfully submitted,

Julia Davis
Recording Secretary