THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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In the Matter of

RISA LEVINE

COIB Case No. FD 2010-001

OATH Index No. 956/11

Respondent.

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FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Upon consideration of all the evidence presented in this matter, and of the full record, and all papers submitted to, and rulings of, the Office of Administrative Trials and Hearings ("OATH"), the Conflicts of Interest Board (the "Board") hereby adopts the annexed Report and Recommendation of OATH dated January 28, 2011 (the "Report"), in the above-captioned matter except as set forth below, and the Board hereby makes the following Final Findings of Fact and Conclusions of Law:

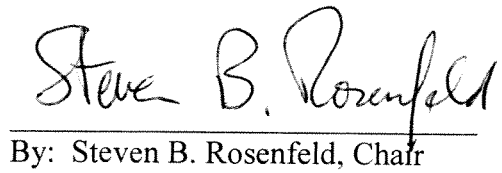
1. Respondent was required by Section 12-110 of the Administrative Code of the City of New York to file financial disclosure reports for 2008 and 2009.
2. Respondent was notified on numerous occasions, both orally and in writing, that she must file these reports but failed to file them.
3. Respondent filed her financial disclosure reports for 2006 and 2007 late and the Board waived the applicable late fees.
4. Despite receiving multiple written notices, Respondent failed to attend a hearing on January 13, 2011, before Administrative Law Judge Alessandra F. Zorgniotti, which proceeded in the absence of her appearance.
5. Respondent's failures to file these reports were intentional and constituted intentional violations of Section 12-110.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 12-110(g)(2) of the Administrative Code of the City of New York and Section 2603 of the New York City Charter, that Respondent be assessed civil penalties in the amount of $5,000, ($2,000 for her first intentional violation of Section 12-110 for calendar year 2008, after the Board waived applicable

late fees in 2006 and 2007, and $3,000 for her second intentional violation of Section 12-110 for calendar year 2009) to be paid to the Conflicts of Interest Board within 30 days of service of this Order. The Report characterizes the recommended $5,000 sum as both a fine and a penalty. Fines, however, are provided for by Section 12-110(g)(1) for the late filing of a report, in contrast with the civil penalties provided for by Section 12-110(g)(2) for, inter alia, the intentional failure to file a report, so that to the extent that the Report references fines it is not adopted.

Respondent has the right to appeal this Order to the Supreme Court of the State of New York by filing a petition pursuant to Article 78 of the Civil Practice Law and Rules.

The Conflicts of Interest Board



By: Steven B. Rosenfeld, Chair

Monica Blum
Angela Mariana Freyre
Andrew Irving
Burton Lehman

Dated: May 23, 2011

Attachment

cc: Risa Levine
435 East 65th Street, #14B
New York, New York 10065

Administrative Law Judge Alessandra F. Zorgniotti
Office of Administrative Trials and Hearings
40 Rector Street
New York, New York 10006