

**THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD**

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In the Matter of

DENISE MUTLU

COIB Case No. FD 2010-003

OATH Index No. 957/11

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 February 2, 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:

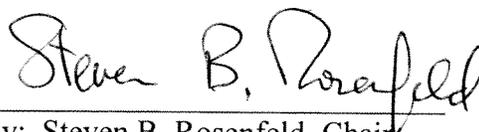
1. Respondent was required by Section 12-110 of the Administrative Code of the City of New York to file financial disclosure reports for 2008, 2009, and 2010.
2. Respondent was notified on numerous occasions, both orally and in writing, that she must file these reports and also conceded her obligation to file such reports and agreed to do so. Nevertheless, she failed to file them.
3. Despite receiving multiple written notices, Respondent failed to attend a hearing on January 20, 2011, before Administrative Law Judge Tynia D. Richard, which proceeded in the absence of her appearance.
4. 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 \$3,500 (\$1,000 for her first intentional violation of Section 12-110 for calendar year 2008, \$1,500 for her second intentional violation of Section 12-110 for calendar year 2009, and \$1,000 for her intentional violation of

Section 12-110 for the terminal City service report due in 2010) to be paid to the Conflicts of Interest Board within 30 days of service of this Order. The Report characterizes the recommended \$3,500 sum as "fines." 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: Denise Mutlu
60 Franklin Avenue
Lynbrook, New York 11563

Administrative Law Judge Tynia D. Richard
Office of Administrative Trials and Hearings
40 Rector Street
New York, New York 10006