

“Administering an Effective Ethics Law: The Nuts and Bolts”

by
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Introduction

In my remarks this past June there in Brasilia at the IV Global Forum on Fighting Corruption, I discussed the underpinnings – the bases - of an effective government conflicts of interest law.

Specifically, in June I addressed:

- (1) The purpose and principles of a conflicts of interest system;
- (2) The necessity of adopting a values-based conflicts of interest compliance system grounded upon a code of ethics and based upon the three pillars of an effective conflicts of interest law: a comprehensive conflicts of interest code, sensible disclosure, and effective administration; and
- (3) How such a system promotes both the reality and the perception of integrity in government by preventing conflicts of interest before they occur, thus guiding our honest public servants, reassuring our citizens, and reinforcing the core values upon which the government is founded.

Our website contains a copy of my remarks in June and the accompanying PowerPoint slides and outline, as well as the lengthy article upon which my remarks were based. Our website address is: <http://www.nyc.gov/ethics>. Then click on “International.”

I am not going to repeat my comments from June. Instead, I am going to focus this morning on the practical aspects of administering a conflicts of interest law – what in the United States we call the nuts and bolts of administration. This will be detailed and specific. Unlike my remarks in June, today I am going to draw heavily on the experience of the New York City Conflicts of Interest Board (or “COIB” as we call it), the ethics board for the City of New York, not because it is perfect – in fact, it has many flaws – but because, despite those flaws, it works very, very well and because much of what we do is, I believe, exportable. As I mentioned in my remarks in June, at the Board we have had visitors from 55 nations on six continents; and we often find that we learn more than we teach in those visits. So I am here today probably more as a student than as a teacher. That said, I hope my remarks will prove of some use.

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I have distributed some handouts, beginning with an outline of my remarks.

I will be speaking in terms of a conflicts of interest board or ethics board; and for the reasons I gave in my talk in June, I favor ethics boards over ethics offices, but most of what I have to say will also apply to an ethics office.

Typically, a conflicts of interest board, or ethics board – or office - has four main responsibilities:

- (1) To provide legal advice to public officials at all levels of government on what is and is not permissible under the conflicts of interest law;
- (2) To train all public officials, but particularly those most at risk of conflicts of interest, in what the conflicts of interest law requires of them;
- (3) To administer the financial disclosure system; and
- (4) To enforce the conflicts of interest and financial disclosure laws.

Some ethics boards or offices have other duties not directly related to conflicts of interest, such as enforcement of the government's freedom of information and open meetings laws, protection of whistleblowers, administration of elections or codes of conduct for election campaigns, or campaign finance. I will focus today, however, only on the conflicts of interest duties of an ethics board or office.

COIB Board and Staff

The COIB has jurisdiction over all New York City agencies, about 100, including, for example, the Mayor's Office, the City Council, the Comptroller's Office, the police department, the criminal prosecutors offices, the Department of Education, and the welfare department. At the COIB, we have a five-member volunteer (unpaid) board appointed by the mayor with the advice and consent of the City Council. The Board appoints the Executive Director, who appoints the staff. So, apart from budget, we are independent of both the mayor and the City Council. Here is how our staff are divided to cover the four functions (the details are on page 1 of the handouts):

Executive/administration/information technology	4	
Legal Advice	3	
Ethics Training & Education	2	
Financial Disclosure	5	
Enforcement	5	
	Total	19
	Attorneys	9

We are very short staffed, a result of the mayor and the City Council controlling our budget, so we also rely on interns, especially law school interns, and volunteers.

I should note that, because of a peculiarity in NYC's ethics law, we do not have investigative authority but must instead rely on the NYC Department of Investigation for our investigations, so we have no investigators on staff, unlike most ethics boards and offices. Together with our lack of a guaranteed budget, this lack of investigative authority is the biggest defect in New York City's conflicts of interest law.

Legal Advice

The first function of an ethics board or office is to provide legal advice to public officials at all levels of government on what is and is not permissible under the conflicts of interest law. If the conflicts of interest law is to succeed in preventing conflicts of interest from occurring, then the conflicts of interest board or office must provide quick, confidential answers to questions arising under the conflicts of interest law and easy access to such advice. Indeed, one of the most important functions of our agency is to provide cover for officials unjustly accused of wrongdoing, so that when someone suggests to the official, "Isn't this a conflict of interest," the answer is, "Well, as a matter of fact, here is a letter from the Conflicts of Interest Board that says it is not." End of story. For example, when Mayor Bloomberg was first elected we received dozens of telephone calls from all over the world asking whether it was a conflict for him to own what he owns and be mayor. Those telephone calls stopped the day after we issued our advisory opinion on his finances. An opinion by an ethics board vaccinates the official against the disease of unjust ethics accusations.

Also, by law, the Board is the only City agency authorized to interpret the City's conflicts of interest law. Lawyers in other City agencies may give advice on the law, but *only* the Board's opinion is binding. So if you want to be protected, you *must* come to us.

Advice on the conflicts of interest law can take many forms. Many conflicts of interest boards/offices, including the COIB, permit officials to call and receive telephone advice. Some boards/offices, like ours, even permit officials to call anonymously; you don't have to give us your name. At the COIB we have an attorney of the day. That is, we assign one of our staff attorneys, on a rotating basis, to take calls every business day during office hours. So any public servant, prospective public servant, or former public servant, regardless of rank or title, may call up the Board, speak with a staff attorney, and request advice as to whether an interest of the public servant or his or her proposed conduct would be permissible under the City's conflicts of interest law. (Questions about past conduct must be treated as a self-reported complaint and handled as an enforcement matter.) In 2004 we received 2,633 telephone calls requesting advice, or about 10 calls per day.

Every call is documented using a "Caller Information Sheet," a sample of which is in the materials at page 5. Then we enter into an Excel spreadsheet the name and agency of the caller, the topic discussed, the attorney, and the date of the call, so that we have a searchable record of every call that public servants make to the office asking for advice. (For technical reasons we do not complete the caller information sheets on the computer, which would make them full text searchable; obviously, if feasible, such a system would be preferable.) In any event, the ability to retrieve records of calls to the office for legal advice becomes very important in enforcement cases because often a public servant who is under investigation will say that he or she called our office and that we approved the conduct being investigated.

If a problem is too complex to answer over the phone, or if the answer is not clear, then the public servant must write in, either by letter or email. In 2004, 535 public servants requested written advice. Every written request receives a written response from the COIB. These written responses fall into one of four categories: (1) staff attorney letters; (2) waivers; (3) Board letters; and (4) formal advisory opinions. Where clear precedent exists, a staff attorney answers the request. Otherwise, the matter must go to the full Board or in some cases to the Chair of the Board.

Where the response has broad application and addresses a novel question under the conflicts of interest law, the Board's response is set forth in formal advisory opinion to guide other public officials. Most of the time, however, the Board issues only a confidential letter to the requester.

The Board also has the power to grant waivers of the conflicts of interest law where the proposed interest or conduct does not in fact conflict with the purposes and interests of the City, even though the interest or conduct is technically in violation of the conflicts of interest law. But before the Board can consider a waiver request, the public servant's agency head must approve it; this approval provides some assurance that the waiver will not hurt the City. The Board has delegated to its Chair the authority to grant routine waivers.

Thus, in 2004, the COIB issued 470 opinions, consisting of 252 staff attorney letters, 157 waivers, 58 Board letters, and 3 formal advisory opinions. A sample waiver and advisory opinion are in the handouts, at pages 6-12.

Of critical importance, all requests for advice, whether oral or written, are confidential. The Board's written response is also confidential, except for waivers and formal advisory opinions. Without a guarantee of confidentiality, persons would hesitate to come to the Board for advice. Waivers are public, to enable supervisors, the media, and the public to assess the accuracy of the bases for the waiver and because the waiver permits an interest or conduct that would otherwise be prohibited by law, a matter that the public has a right to know. Formal advisory opinions, although public, may not reveal the identity of the requester. The Board distributes formal advisory opinions to hundreds of agency counsel and other City employees by email. They are also full-text searchable on the Internet (<http://www.citylaw.org/cityadmin.php>).

To facilitate the advice function, among other things, we encourage City agencies to appoint an ethics liaison. However, a public servant can always come directly to us rather than going to his or her ethics liaison.

Training and Education

The second function of an ethics board/office is training and education. If the primary purpose of a conflicts of interest system lies in preventing conflicts of interest from occurring, then training government officials in the requirements of the conflicts of interest law constitutes the single most important duty of the ethics board/office and its highest priority. So I want to spend most of my time on this topic.

Training Staff and Guidelines for Training

Both of our trainers are outstanding. One is a former teacher, and the other is a professional actor and mime and a graduate of Ecole Internationale de Theatre Jacques Lecoq in Paris. Quite frankly, I wonder if in the future we would be well advised to hire only smart, professional actors as trainers.

We have only three requirements for our training classes and materials. They must be accurate. They must be in good taste. And they must be effective, which means they must be fun. Training can be effective only if people pay attention. Nobody sleeps through our training classes.

Who Receives Ethics Training

We focus training on three groups:

- (1) New public servants;
- (2) Public servants who give conflicts advice within government agencies, such as attorneys or personnel officers;
- (3) Public servants most susceptible to conflicts of interest – that is, high level officials and those involved in purchasing, government contracting, issuance of permits, and inspections.

Training for new employees is particularly important, especially if they come from the private sector, where in all likelihood less stringent conflicts rules apply, if any exist at all. By law, on or before the tenth day after an individual becomes a public servant with the City, he or she must file a written statement with the Board stating that the public servant has read and shall conform with the provisions of conflicts of interest law. But that law is lengthy and complex, so the Board is seeking to distribute to all new public servants a plain language version of the law; a copy is in the handouts on pages 13-14.

Some City agencies also send their new employees to an orientation course. As part of that course, trainers from the Board discuss the basic requirements of the conflicts of interest law. The Board is seeking to expand that training to *all* new City officers and employees, but that expansion requires that the law mandate receipt of such training. Such a mandate would also ensure that the Board's plain language version reaches all public servants, particularly those entering City service.

Periodic, preferably annual, training in the conflicts of interest law is critical, and should be mandatory, for all public servants, starting with those public officials most susceptible to conflicts of interest but eventually extending even to low-level public servants with little danger of conflicts of interest. We have found that training *all* public servants within an agency, particularly an agency that has been hit by scandal, helps foster a culture of conflicts-free government and that low-level officials may spot conflicts by their superiors.

In addition, conflicts of interest training should be provided to those persons and firms who regularly deal with the government, namely, government contractors, vendors, and licensees. Indeed, some New York City agencies even write certain minimal conflicts of interest provisions into their contracts, for example, provisions prohibiting such contractors from offering gifts to agency officials, and require basic conflicts of interest training as a condition for contracting with the agency.

Live Training by the COIB

In 2004, the Board's two trainers taught 288 classes to 14,470 City employees in 38 of the approximately 100 City agencies. While targeted at those public servants most at risk of conflicts of interest, the Board trains public servants at all levels, from the mayor to entry-level assistants.

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions are often tailored to the specific agency or employees. Training for public officials who deal extensively with government contractors may differ from training for public servants who perform law enforcement functions. Our training sessions can include games, exercises, and ample opportunities for questions.

For example, in 2004 and again in 2005 the COIB trained virtually every employee of the Department of Buildings (DOB), an agency with significant possibilities (and a history) of corruption and conflicts of interest. Many participants were tradespeople (e.g. plumbers and electricians), so many of the 25 classes the COIB taught there focused specifically on DOB policies regarding outside practice in the trades, as well as specific post-employment questions that arise for such employees. As an enticement to participate in ethics training, the Board offers free continuing legal education credit to attorneys.

Live training, in the form of workshops, seminars, briefings, and conferences, while labor-intensive, remains critical for those public officials most at risk of conflicts of interest, for several reasons. Such officials, including high-level officials and procurement personnel, require the attention that only face-to-face training can give. Live training also provides interaction that videotapes, printed materials, and even interactive computer programs cannot. In live training, attendees can ask questions and clear up misconceptions. In addition, in live training the trainers can spot actual problems and thereby head off conflicts of interest violations before they occur or at least stop them in their tracks. For example, in one training class I taught, a lawyer asked me whether it was a problem for her to be paid by a law school for supervising the school's internship program with her agency – a gross conflict of interest; I told her to contact our office immediately, which she did, and we corrected the problem, before it became an embarrassment for the City.

Live training can also send a powerful message that the government takes the conflicts of interest law and conflicts of interest training seriously. When Mayor Bloomberg in his first month in office required his top deputies to attend a conflicts of interest training session at City Hall that we taught and when he actively participated in that training session, even playing our

ethics game, the Mayor sent a powerful message that he takes conflicts of interest seriously, that he will not tolerate them in his administration, and that he expects every one of his staff to do the same.

Train the Trainer Program

Despite its active training program, the Board cannot possibly reach all 300,000 public servants with live training by COIB staff. The Board has therefore established a “train the trainer” program, including monthly “brown bag lunches,” whereby COIB staff train the training staff of large City agencies – and provide them with training materials – to train their own employees in the City’s ethics law.

The Board also holds an annual four-hour seminar for attorneys and trainers throughout City service, to familiarize them with the conflicts of interest law, to demonstrate effective training techniques, and to discuss specific issues and concerns.

Ethics Officers or Liaisons

At the COIB, we have found that establishing ethics liaisons or officers in a City agency can facilitate conflicts of interest training and the distribution of conflicts of interest materials and information. Such agency officers or liaisons can ensure that conflicts of interest training is in fact given in the agency and can act as a point of contact between the central conflicts of interest board/office and each individual agency. A conflicts of interest compliance program in each agency ensures that the agency employees know and understand the conflicts of interest law.

Other Training Methods

Because of the time and expense of live training and the number of New York City employees (over 300,000), even with the Train the Trainer program discussed above, we have had to find other methods of conflicts of interest training for most public servants. Creativity is critical here. Conflicts of interest training should be not only accurate and in good taste. In order to be effective, the training must also be fun, or at least engaging. Employees will learn little from a lecture or a videotape when they sleep through most of it. For example, one conflicts of interest office used clips from classic movies to illustrate conflicts of interest situations. Other ethics boards have developed ethics games based on a popular comic strip character and on dinosaurs (“ethicsaurus”).

Videotapes and DVD’s offer an inexpensive way of providing basic conflicts of interest training to the majority of public servants. In particular, those joining public service can be required to view such a videotape or DVD as part of their training. The COIB has produced three videotapes, including one especially for employees of the Department of Education, which has some special additional ethics rules.

With the assistance of the City’s Department of Information Technology and Telecommunications (DOITT), the Board is creating training programs for release on DVDs.

The programs will consist of short skits with professional actors; each skit will be followed by commentary on the ethics problems raised in the skit. With DVDs, an agency can show any one or more of the skits, depending on the particular needs of the agency and the time available for training. Some of the DVDs will be targeted at companies doing business with the City, to train them in the City's ethics law. Others will be targeted at specific City agencies with unique ethics problems, such as the Police Department and the Finance Department. Still others will be "generic" programs that any public servant may view.

Short radio or television commercials (public service announcements) can be highly effective in educating not only public servants but also the public and those who deal with the government about the requirements of the conflicts of interest law. We even produced an ethics rap video for TV. It was pretty awful, but effective.

One of the most effective training tools has been the Board's extensive website (<http://www.nyc.gov/ethics>), which includes not only FAQ's, the conflicts of interest law and financial disclosure law, the Board's rules, and all of the Board's publications but also a simple ethics quiz featuring Oscar McFly, the Average City Guy. In 2004, the Board's website had 163,263 visitors.

We will also be working with DOITT to develop a web-based interactive conflicts of interest computer-training program. Such programs can track which employees have completed the course and can even offer a printed certification to each employee upon completion. Every employee with access to a computer, either at work or home, can then take this course.

We have found that a need still exists for print publications. Agencies can be required to hang in every facility a conflicts of interest poster featuring popular characters or classic paintings and a brief summary of the conflicts of interest law. Printed materials include plain language versions of the conflicts of interest law and short leaflets on various conflicts of interest topics (e.g., gifts, moonlighting, post-employment, enforcement, waivers). We are planning to produce anime or graphic (picture) novels on the ethics law. A bookmark summarizing the conflicts of interest law can be distributed with paychecks. Early each December, for example, every New York City public servant receives with his or her paycheck a copy of a letter signed by the Mayor, the Commissioner of Investigation, and the Chair of the Board warning about the ethics law's restrictions on giving and receiving gifts; on the reverse side of the letter is the Board's one-page guide to the City's conflicts of interest law.

In addition, COIB staff publish a monthly ethics column in the local civil service newspaper, which is read by most of the City's unionized employees (and most New York City employees are unionized), and a quarterly newsletter that is circulated widely by email to public servants throughout the City.

The Goal of Training

Conflicts of interest training cannot be expected to make experts of every public servant. The aim is not to create experts but to make public servants aware of potential problems and thus to prevent conflicts of interest before they occur. The written materials (on page 15) contain

our one-page guide to the City's conflicts of interest law. This guide has proven effective in alerting employees to potential conflicts of interest and encouraging them to ask before they act, as shown by the surge in requests for conflicts of advice that follow the distribution of the guide at a City agency. Our single most important message is this: before you do something that even might be a conflict of interest, just call us. And we repeat our telephone number and website address over and over.

Help

International organizations comprised of government conflicts of interest offices and boards, such as the Council on Government Ethics Laws (COGEL, at <http://www.cogel.org>), offer extensive resources on conflicts of interest training. Participation in such organizations also provides an opportunity to exchange ideas on training methods.

Disclosure

The third function of the conflicts of interest board/office is regulating disclosure. Annual disclosure by those public servants most at risk of conflicts of interest provides a key component of transparency in New York City government. Every year the Board's staff distributes, collects, files, and makes available to the public about 8,000 financial disclosure reports from 100 City agencies. Five groups of public servants must file these reports:

- (1) Elected officials and candidates for elective City office;
- (2) Agency heads and their deputies and assistants;
- (3) Senior managers;
- (4) Policymakers, including compensated members of all boards and commissions; and
- (5) Those persons involved in the negotiation, authorization, or approval of contracts, licenses, or permits.

Anyone who files a report more than seven days after it is due is subject to a minimum late filing fine of \$250. Failure to file, an intentional failure to include assets or liabilities in a report, or an intentional misstatement of assets or liabilities in a report subjects the filer to a fine up to \$10,000 per violation, to disciplinary action, and to possible criminal penalties. People have gone to jail for lying on their financial disclosure report. Since assuming responsibility for financial disclosure in 1990, the Board has collected \$466,000 in financial disclosure fines, most recently \$5,000 from a City Council member for filing her financial disclosure report five months late. Largely because of this power to fine, the compliance rate for filing exceeds 98%.

The Board retains reports on file for six years. The public, mainly the press, review about 550 reports each year. Public availability of the reports is absolutely critical because it is the public, particularly the media, who most often find conflicts of interest. The COIB is able to review only about 500 reports per year because of lack of staff.

However, beginning in 2006, financial disclosure reports must be filed electronically, which will enable the Board to conduct far more reviews and far more extensive reviews.

Over the past two years, working with DOITT, the COIB has developed a powerful, user-friendly electronic financial disclosure system that we call “EFD.” An electronic financial disclosure system offers enormous advantages over a paper-based system, not only for the conflicts of interest board/office but also for other agencies and particularly for the filers themselves. EFD eliminates the need for the printing, distribution, and collection of thousands of forms and also eliminates the need to photocopy forms provided to the public. By use of off-the-shelf encryption software, e-forms can be made far more secure than paper forms. Of particular advantage to the filer, in the second year, a filer need only spend a few minutes updating the previous year’s form, rather than completing an entirely new form. EFD also eliminates incomplete filings by automatically rejecting incomplete reports. Not only will we now be able to electronically search the entire text of every financial disclosure report, but eventually we will be able to electronically compare those reports against other databases, in particular the database of companies doing business with New York City, to determine if any City employee has an interest in a company doing business with the City. EFD is a powerful tool to reveal conflicts of interest and fight corruption.

New York City requires about 4,000 of the 8,000 officials who file a financial disclosure report with the Board also to file a separate confidential disclosure report with the Department of Investigation. This report is an anti-corruption, rather than a conflicts of interest, tool and aims at the discovery of actual corruption, such as bribes and kickbacks.

Enforcement

The fourth function of a conflicts of interest board is enforcement. As I have repeatedly emphasized, the primary purpose of a conflicts of interest system lies in preventing conflicts of interest from ever occurring. And enforcement remains the single most effective teaching tool. For example, it is one thing for us to stand up and say that it is a conflict of interest for a public servant to seek a job with a company he is dealing with in his City job. It is something else again for us to say, “Oh, and don’t forget Sergio Matos. We fined Mr. Matos \$1,000 for sending his resume to a company he was dealing with in his City job.” “Whoa,” says the audience, “\$1,000 – for sending out a resume. Maybe I’d better listen to this.”

Moreover, lack of effective enforcement authority renders a conflicts of interest board a toothless tiger that raises expectations it cannot meet and increases public cynicism. No one takes a conflicts board seriously unless it has real enforcement power. So, the Board has an aggressive enforcement program that has grown dramatically over the past few years.

Also, proving a violation of our conflicts of interest law is much easier than proving a violation of the state criminal law, which can be difficult and expensive. So sometimes a criminal prosecutor will charge our law in addition to, or even in place of, a state criminal law.

My article discusses in some detail the purposes and principles of ethics enforcement. I won’t repeat that here. Instead, I will just briefly discuss the COIB’s enforcement experience and process.

In 2001 to 2004, the complaints received by the Board mushroomed from 124 to 307, a 2.5-fold increase in just four years. And in the first ten months of 2005, the Board received 329 complaints, a 29% increase over 2004.

The reason for the surge in complaints lies not in increased conflicts of interest but in increased visibility for the Board. The more visible the Board becomes, through training and enforcement, the more requests for advice and the more complaints the Board receives – and the more conflicts of interest we avoid.

In terms of disposition of complaints, from 2001 to 2004, our dispositions grew from 154 to 266, with no increase in staff. Those dispositions can include dismissals without action by the Board, private warning letters to the public servant, referrals to the public servant's agency for discipline, public warning letters, or fines. Six cases in 2004 resulted in fines and a public disposition. In the first ten months of this year, the Board imposed 10 fines and issued one public warning letter. The highest fine imposed by the Board thus far is \$84,000, against a former City sheriff who ran a private law practice out of the Sheriff's Office. Statistics on the Board's enforcement program are in the handouts (page 3).

The Board has successfully brought enforcement cases against two former police commissioners, a former City Comptroller, and the heads of the City's welfare agency and cultural affairs agency, as well as against dozens of other public servants. All of the Board's public dispositions may be found on the Internet at <http://www.citylaw.org/cityadmin.php> in full-text searchable form. Summaries of the Board's enforcement cases may be found on the Board's website at http://www.nyc.gov/html/conflicts/downloads/pdf2/enf_summary.pdf.

A COIB enforcement proceeding involves four stages:

- Investigation
- Accusatory notice and response
- Hearing
- Imposition of penalty.

Public settlement may occur at any stage of the proceeding.

More specifically, the stages of a COIB enforcement proceeding are:

- (1) Receipt of a complaint (oral or written; identified or anonymous) or other information showing a possible violation (for example, from a newspaper article);
- (2) Determination if a violation of the conflicts of interest law may have occurred;
- (3) Investigation;
- (4) A determination by the Board the probable cause exists to believe that the public servant has violated the conflicts of interest law, notification of the public servant of that determination, and receipt of the official's answer to the charges;
- (5) A determination by the Board, after review of the official's answer to the probable cause notice, to believe that there remains probable cause to believe that the official violated

- the law, service upon the official of a formal petition charging the violation, and receipt of the official's answer to the petition;
- (6) A hearing on the charges before an independent tribunal (the New York City Office of Administrative Trials and Hearings ("OATH"));
 - (7) A report and recommendation by the OATH judge;
 - (8) A final finding of a violation by the Board and the imposition of a penalty, which may include a civil fine, a recommendation to the public servant's agency of a disciplinary penalty, such as termination of employment, and/or the voiding of any contract involved in a violation of the conflicts of interest law.

At any stage of the proceeding the Board may dismiss the matter, issue a private warning letter or (with the consent of the respondent) public warning letter, settle the case, or refer it to the official's agency for disciplinary action. All cases involving unionized employees must be referred to the official's agency, although the Board retains jurisdiction to proceed with the case once the agency disciplinary proceedings are over. As noted, the Board may impose a civil fine up to \$10,000 per violation.

The Board's enforcement process thus provides substantial due process guarantees to public servants accused of violations of the conflicts of interest law. The steps in this process are summarized in the handouts (page 16).

Of particular importance are the confidentiality provisions. By law, the entire enforcement process remains confidential unless and until the Board makes a final finding of violation, thus protecting the career of a public servant unjustly accused of ethical impropriety. Indeed, the Board has successfully opposed all attempts to obtain its confidential documents in civil (non-criminal) proceedings. At the same time, by law, the Board's final finding of a violation of the ethics law must be public. A settlement in which the public servant admits a violation must also be public – and if they don't admit the violation, we don't settle the case; we go to trial. Making violations public assures the public that the Board is vigilantly prosecuting conflicts of interest violations and educates public servants on the scope of the conflicts of interest law.

Conclusion

New York City government has a budget of \$50 billion and a work force of over 300,000 officers and employees. The COIB has a budget of \$1.5 million and a staff of 19. To really do the job, we should have a budget double the size and a staff 50% larger. But even with the budget and staff as they are now, the ethics system in the City of New York works extremely well. Companies and the public generally view the City and its public servants as basically honest and trustworthy, with very little corruption. This perception is born out in reality. I believe that both the perception and the reality result in large part from the effectiveness of the New York City Conflicts of Interest Board.

Thank you.

[Training: Brazil Nov 2005: Nuts and Bolts Speech Delivered Final]