

THE CITY OF NEW YORK
 CONFLICTS OF INTEREST BOARD and
 THE CITY OF NEW YORK
 DEPARTMENT OF HOMELESS SERVICES

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	:	
<i>In the Matter of</i>	:	STIPULATION &
	:	<u>DISPOSITION</u>
	:	
JANE ETIENNE,	:	COIB Case No. 2015-587
	:	DHS Case No. 018-15
	:	
Respondent.	:	
	:	
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WHEREAS, pursuant to Section 75 of the Civil Service Law, the New York City Department of Homeless Services (“DHS”) brought disciplinary charges against Jane Etienne (“Respondent”); and

WHEREAS, given that related disciplinary charges alleging violations of Chapter 68 of the New York City Charter (“Chapter 68”) were pending against Respondent at DHS, the New York City Conflicts of Interest Board (the “Board”) referred this matter to DHS pursuant to Section 2603(e)(2)(d) of Chapter 68; and

WHEREAS, the Board, DHS, and Respondent wish to resolve these matters on the following terms,

IT IS HEREBY AGREED by and between the parties as follows:

1. In full satisfaction of the above-captioned matters, Respondent admits to the following:
 - a. I have been employed by DHS since December 17, 2007. As such, I am a “public servant” within the meaning of Chapter 68.
 - b. I am assigned to the 30th Street Men’s Shelter as an Assistant Superintendent of Welfare Shelters. Robert Valles is a Community Assistant also assigned to the 30th Street Men’s Shelter. From June 10, 2013, until my shift was changed on or about August 13, 2014, Mr. Valles was a subordinate in my command. During that time, Mr. Valles and I lived together.
 - c. I acknowledge that directly supervising a person who is “associated” with me violates the DHS Code of Conduct Chapter IV, Section 4.1, and Chapter 68, Charter Section 2604(b)(3), which provides:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

Charter § 2601(5) defines a person "associated" with a public servant as "a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship." I understand that, by living with Mr. Valles, I entered into a financial relationship with him and, therefore, was "associated" with him for the purposes of Charter Section 2604(b)(3).

- d. I acknowledge that entering into an ongoing financial relationship with a subordinate DHS employee violates DHS Code of Conduct Chapter IV, Section 4.1, and Chapter 68, Charter § 2604(b)(14), which states: "No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant."

2. Respondent admits to Charges II-VIII in the Charges and Specifications, DHS Case No. 018-15, relating to misconduct and/or incompetence that does not implicate Chapter 68.

3. As penalty for the foregoing, including the misconduct and/or incompetence that does not implicate Chapter 68, Respondent agrees to accept seven (7) suspension days without pay, to be imposed by DHS. The suspension has a value of approximately \$1,715.00.

4. Respondent agrees to the following:

- a. I agree that this Stipulation and Disposition is a public and final resolution of the above-captioned matter only.
- b. I hereby waive any and all rights, including any right to a disciplinary hearing pursuant to Sections 75 and 76 of the Civil Service Law and any applicable collective bargaining agreement.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or DHS in imposing the penalty which is embodied in this Stipulation and Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or DHS, or any members or employees thereof relating to or arising out of this Stipulation and Disposition or the matters recited therein.
- d. I confirm that I have entered into this Stipulation and Disposition freely, knowingly, and intentionally, without coercion or duress, and after having had the opportunity to be represented by an attorney or other representative of my choice;

that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board or DHS; and that I fully understand all the terms of this Stipulation and Disposition.

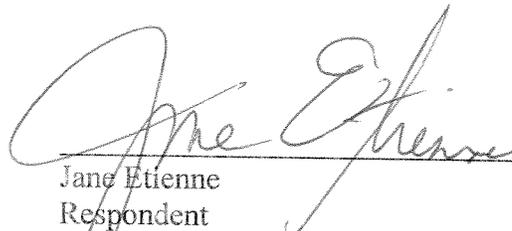
e. I agree that any material misstatement of the facts of this matter, including of the Stipulation and Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

5. Respondent and DHS consent to making the Board a party to this Stipulation and Disposition.

6. The Board and DHS accept this Stipulation and Disposition and the terms contained herein as a final disposition of the above-captioned matters only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or DHS against Respondent based upon the facts and circumstances set forth herein, except that the Board and DHS shall be entitled to take any and all actions necessary to enforce the terms of this Stipulation and Disposition.

7. This Stipulation and Disposition shall not be effective until all parties have affixed their signatures below.

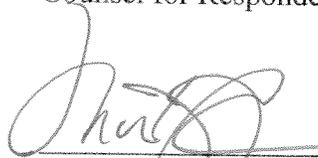
Dated: 9/24, 2015


Jane Etienne
Respondent

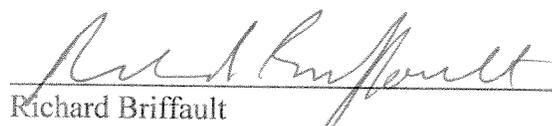
Dated: 9/24, 2015


Counsel for Respondent

Dated: 10/11, 2015


Mark Neal
General Counsel
NYC Department of Homeless Services

Dated: 10/21, 2015


Richard Briffault
Chair
NYC Conflicts of Interest Board

THE CITY OF NEW YORK
 CONFLICTS OF INTEREST BOARD and
 THE CITY OF NEW YORK
 DEPARTMENT OF HOMELESS SERVICES

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	:	
<i>In the Matter of</i>	:	STIPULATION &
	:	<u>DISPOSITION</u>
	:	
ROBERT VALLES,	:	COIB Case No. 2015-587a
	:	DHS Case No. 110-14
	:	
Respondent.	:	
	:	
-----	x	

WHEREAS, pursuant to Section 75 of the Civil Service Law, the New York City Department of Homeless Services (“DHS”) brought disciplinary charges against Robert Valles (“Respondent”); and

WHEREAS, given that related disciplinary charges alleging violations of Chapter 68 of the New York City Charter (“Chapter 68”) were pending against Respondent at DHS, the New York City Conflicts of Interest Board (the “Board”) referred this matter to DHS pursuant to Section 2603(e)(2)(d) of Chapter 68; and

WHEREAS, the Board, DHS, and Respondent wish to resolve these matters on the following terms,

IT IS HEREBY AGREED by and between the parties as follows:

1. In full satisfaction of the above-captioned matters, Respondent admits to the following:

- a. I have been employed by DHS since June 10, 2013. As such, I am a “public servant” within the meaning of Chapter 68.
- b. I am assigned to the 30th Street Men’s Shelter as a Community Assistant. Jane Etienne is an Assistant Superintendent of Welfare Shelters also assigned to the 30th Street Men’s Shelter and is my superior. From approximately June 10, 2013, to August 13, 2014, Ms. Etienne was my direct supervisor. During that time, Ms. Etienne and I lived together.
- c. I acknowledge that entering into an ongoing financial relationship with a superior DHS employee violates DHS Code of Conduct Chapter IV, Section 4.1, and Chapter 68, Charter § 2604(b)(14), which states: “No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.”

2. As penalty for the foregoing, Respondent agrees to accept a three (3) day suspension without pay to be imposed by DHS. This suspension has a value of approximately \$329.64.

3. Respondent agrees to the following:

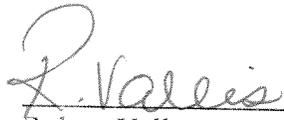
- a. I agree that this Stipulation and Disposition is a public and final resolution of the above captioned matter only.
- b. I hereby waive any and all rights, including any right to a disciplinary hearing pursuant to Sections 75 and 76 of the Civil Service Law and any applicable collective bargaining agreement.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or DHS in imposing the penalty which is embodied in this Stipulation and Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or DHS, or any members or employees thereof relating to or arising out of this Stipulation and Disposition or the matters recited therein.
- d. I confirm that I have entered into this Stipulation and Disposition freely, knowingly, and intentionally, without coercion or duress, and after having had the opportunity to be represented by an attorney or other representative of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board or DHS; and that I fully understand all the terms of this Stipulation and Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Stipulation and Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

4. Respondent and DHS consent to making the Board a party to this Stipulation and Disposition.

5. The Board and DHS accept this Stipulation and Disposition and the terms contained herein as a final disposition of the above-captioned matters only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or DHS against Respondent based upon the facts and circumstances set forth herein, except that the Board and DHS shall be entitled to take any and all actions necessary to enforce the terms of this Stipulation and Disposition.

6. This Stipulation and Disposition shall not be effective until all parties have affixed their signatures below.

Dated: 9/24/15, 2015



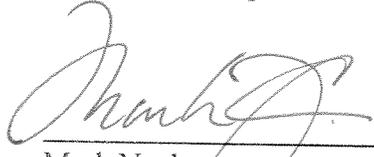
Robert Valles
Respondent

Dated: 9/24, 2015



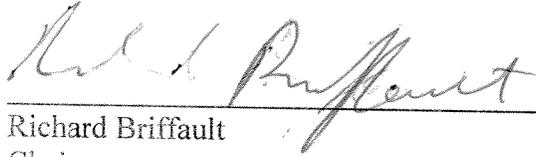
Counsel for Respondent

Dated: 9/30/, 2015



Mark Neal
General Counsel
NYC Department of Homeless Services

Dated: 10/21, 2015



Richard Briffault
Chair
NYC Conflicts of Interest Board