THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD and
THE CITY OF NEW YORK
HUMAN RESOURCES ADMINISTRATION

In the Matter of

JANICE JUDD

Respondent

DISPOSITION

COIB Case No. 2015-102
HRA Case No. 0418325

WHEREAS, the New York City Human Resources Administration ("HRA") served disciplinary charges against Janice Judd ("Respondent"), pursuant to Section 75 of the Civil Service Law, alleging violations of Chapter 68 of the New York City Charter ("Chapter 68") and the HRA Code of Conduct; and

WHEREAS, given that related disciplinary charges were pending at HRA, the New York City Conflicts of Interest Board (the "Board") referred this matter to HRA pursuant to Section 2603(e)(2)(d) of Chapter 68; and

WHEREAS, the Board, HRA, and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED, by and among the parties, as follows:

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

   a. Since September 16, 1996, I have been employed by HRA, most recently as a Community Coordinator. As such, I have been and am a "public servant" within the meaning of and subject to Chapter 68.

   b. As part of my official duties as a Community Coordinator, I have access to the Welfare Management System ("WMS"). WMS is a system maintained by the New York State Office of Temporary Disability Assistance ("OTDA") containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory authority.

c. Since at least 2013, I have assisted my daughter in operating a daycare business of which I am listed as an officer. The daycare business has accepted payments from HRA on behalf of clients whose children attend the daycare business.

d. Between March 15, 2013, and August 15, 2014, I received seventeen (17) emails on my HRA email account from my daughter related to my childcare business. In the emails, my daughter requested that I print or copy multiple attached documents related to the operation of the childcare business using HRA resources.

e. Between November 9, 2010, and January 15, 2013, I sent and received forty-four (44) emails using my HRA email account related to two properties I own and rent out for personal profit.

f. On or about November 18, 2010, I requested that an HRA employee whom I sometimes supervise fill out an affidavit falsely stating that I was the sole survivor of my parents.

g. Between January 21, 2005, and January 10, 2012, I used my WMS identification and password on six (6) dates to view the confidential public assistance records of one of my brothers (Brother A) and his family, with whom I lived. I had no HRA authorization or work-related reason to access Brother A's confidential public assistance records.

h. Between April 7, 2006, and December 18, 2013, I used my WMS identification and password on eleven (11) dates to view the confidential public assistance records of my son. I had no HRA authorization or work-related reason to access my son's confidential public assistance records.

i. Between October 7, 2006, and January 6, 2014, I used my WMS identification and password on thirty-four (34) dates to view the confidential public assistance records of my grandson and to recertify his Medicaid benefits on three (3) dates. I had no HRA authorization or work-related reason to access my grandson's confidential public assistance records or to recertify his Medicaid benefits.

j. Between October 30, 2008, and July 15, 2011: I used my WMS identification and password on nine (9) dates to view the confidential public assistance records of my daughter; and, at my request, an HRA coworker recertified my daughter's Medicaid benefits on three (3) dates. I had no HRA authorization or work-related reason to access my daughter's confidential public assistance records or to recertify her Medicaid benefits.

k. Between January 12, 2009, and May 23, 2012: I used my WMS identification and password on fourteen (14) dates to view the confidential public assistance records of another of my brothers (Brother B); and, at my request, an HRA coworker recertified Brother B's family's Medicaid benefits on two (2) dates. I had no

HRA authorization or work-related reason to access Brother B's confidential public assistance records or to recertify his family's Medicaid benefits.

l. I acknowledge that, by having a position with a private childcare business which received benefits from HRA, I violated Chapter 68, specifically City Charter § 2604(a)(1)(a), which states in relevant part:

> [N]o public servant shall have an interest in a firm which such public servant knows is engaged in business dealing with the agency served by the public servant.

m. I acknowledge that, by using my City computer and City email account to send and receive emails related to a private childcare business of which I was an officer and my private rental properties, I violated Chapter 68, specifically City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which state respectively:

> No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties. [City Charter § 2604(b)(2)]
>
> Except as provided in subdivision (c) of this section, it shall be a violation of City Charter §2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.

n. I acknowledge that, by requesting that a subordinate fill out an affidavit unrelated to her HRA duties as a personal favor for me, by using my WMS login to recertify Medicaid benefits for my grandson, and by asking my HRA coworker to recertify benefits for my daughter and brother, with whom I am "associated" under Chapter 68, I violated City Charter § 2604(b)(3), which states:

> 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.

o. I acknowledge that, by accessing the WMS records of two of my brothers, my son, my grandson, and my sister for personal, non-City purposes, I violated City Charter § 2604(b)(4), which states in relevant part:

> No public servant shall disclose any confidential information concerning the property, affairs, or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such

information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant.

p. On or about January 29, 2015, HRA served upon me disciplinary charges, pursuant to Section 75 of the Civil Service Law, relating to the above-described conduct as well as a number of other charges related to personal use of HRA resources and access to the WMS database. I acknowledge that my conduct, admitted herein, violated HRA Rules and Procedures.

2. In recognition of the foregoing, Respondent agrees to the following:

a. On October 24, 2014, HRA placed me on a thirty (30)-day unpaid suspension pending the filing of related disciplinary charges. This suspension has a value of approximately $4,692 to me.

b. In satisfaction of the HRA disciplinary charges, I agree to accept the thirty-day suspension; to irrevocably resign from HRA with June 1, 2015, as my last date of work; and to never seek employment with HRA in the future. If I rescind my resignation, I shall be deemed terminated from my employment with HRA, effective June 1, 2015.

c. I agree that this Disposition is a public and final resolution of the Board charges against me.

d. 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 or 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 and HRA in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board and HRA or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

e. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and after having been represented by a 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 HRA; and that I fully understand all the terms of this Disposition.

f. I agree that any material misstatement of the facts of this matter, including of the 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.

3. HRA affirmatively states that this Disposition resolves the disciplinary charges that HRA served upon Respondent on January 29, 2015; this Disposition shall not be offered in evidence for any purpose or for any administrative, judicial or other proceeding, except that HRA shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

4. The Board affirmatively states that, other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

5. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: 6/3, 2015

Janice Judd
Respondent

Dated: June 3, 2015

Jean O'Hearn
Kreisberg & Maitland LLP
Attorney for Respondent

Dated: June 3, 2015

Daniel Korenstein
Agency Attorney
NYC Human Resources Administration

Dated: June 25, 2015

Richard Briffault
Chair
NYC Conflicts of Interest Board