



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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FOR IMMEDIATE RELEASE
August 27, 2014

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Two Supervisors in HPD Code Enforcement Office Fined For Financial Transactions With Subordinates

The New York City Conflicts of Interest Board (the “Board”) and the New York City Department of Housing Preservation and Development (“HPD”) concluded settlements with the now retired Chief of the HPD Code Enforcement in the Bronx and with an Associate Inspector (Housing), who was also a supervisor in that Office.

The Chief admitted that he had paid \$200 to an Inspector who was his subordinate to change the air valves in the radiators in his home and paid that same Inspector \$500 to assist with the removal of the plumbing in the bathroom in the basement of his home. The Associate Inspector admitted that he had paid \$20 to \$40 to an Inspector who was his subordinate to assist him with the renovation of the bathroom in the basement of his home and that he had borrowed the personal vehicle of a second Inspector for one to two weeks, for which he did not pay that Inspector.

The Chief and the Associate Inspector acknowledged that, by asking a subordinate to perform personal repairs or to borrow the subordinate’s personal car, respectively, they had used their City positions to obtain a personal benefit in violation of the City’s conflicts of interest law. The Chief and the Associate Inspector also acknowledged that, by paying a subordinate to perform personal repairs, they had entered into a financial relationship with that subordinate in violation of the City’s conflicts of interest law.

For their violations, the Chief agreed to pay a \$2,500 fine and the Associate Inspector agreed to pay a \$2,000 fine, each split evenly between HPD and the Board. Scroll down or click [here](#) to view the public dispositions in these cases. All of the Board’s dispositions are available free of charge, in full-text searchable form, on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

Visit our home page at <http://nyc.gov/ethics>

Carolyn Lisa Miller, Director of Enforcement, handled this case for the Board. Tonya Morgan, Director of Employee Discipline & Labor Relations, handled this case for HPD. The Board gratefully acknowledges the work of its confidential investigators, the New York City Department of Investigation, DOI Commissioner Mark G. Peters, DOI Inspector General for HPD Gregory Cho, and DOI Deputy Inspector General for HPD Daniel Alejandro. Additionally, the Board thanks Commissioner Vicki Been for the cooperation of HPD.

The Conflicts of Interest Board is the City's ethics board and is charged with interpreting and enforcing the City's the conflicts of interest, annual disclosure, and lobbyist gift laws. For more information about the Board, visit: <http://nyc.gov/ethics>. Anyone with questions about the law is urged to contact the Board through its website or by calling (212) 442-1400.

The Board does not comment on its dispositions, except as set forth above. For additional public information about the Board's enforcement activities—including summaries of all prior enforcement dispositions and fines imposed—visit the Board's website: www.nyc.gov/html/conflicts/html/units/enforcement.shtml.

- e. I acknowledge that, by asking my subordinate to perform repairs and construction work in my home, I violated Chapter 68, specifically City Charter § 2604(b)(3). City Charter § 2604(b)(3) 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.

- f. I acknowledge that, by paying my subordinate for that work, I violated Chapter 68, specifically City 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. In recognition of the foregoing, Respondent agrees to the following:

- a. I agree to:

(1) Pay a fine of One Thousand Two Hundred Fifty Dollars (\$1,250) to the Board by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," at the time of my signing of this Disposition; and

(2) Forfeit One Thousand Two Hundred Fifty Dollars (\$1,250) from my final payment of accrued annual and sick leave subsequent to my retirement on or about June 27, 2014.

- b. I agree that this Disposition is a public and final resolution of the Board's charges and HPD's action against me.
- 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 HPD 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 or HPD, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.
- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having been represented by the attorney or union representative of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers

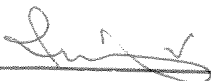
previously made or tendered by any past or present representative of the Board or HPD; and that I fully understand all the terms of this Disposition.

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

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

Dated: 5/28/2014, 2014



Vincent Ruiz
Respondent

Dated: MAY 28, 2014



Jonathan D. Factor
Law Offices of Stuart Salles
Attorney for Respondent

Dated: 6/4/2014, 2014



Joshua Cucchiaro
Assistant Commissioner, Administration
NYC Department of Housing Preservation and
Development

Dated: AUGUST 20, 2014



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 HOUSING PRESERVATION AND DEVELOPMENT

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In the Matter of : **DISPOSITION**
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NELSON MAS : COIB Case No. 2014-188a
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:
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Respondent. :
:
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WHEREAS, the New York City Conflicts of Interest Board (the “Board”) commenced an enforcement action pursuant to Section 2603(h)(1) of Chapter 68 of the New York City Charter (“Chapter 68”) against Nelson Mas (“Respondent”); and

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

WHEREAS, Respondent wishes to make his employer, the New York City Department of Housing Preservation and Development (“HPD”) a party to this resolution; and

WHEREAS, HPD agrees to be a party to and bound by this resolution;

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

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:
 - a. I have been employed by HPD since June 28, 1985, currently as an Associate Inspector (Housing) in the HPD Code Enforcement Office in the Bronx. As such, I have been and continue to be a “public servant” within the meaning of and subject to Chapter 68.
 - b. In 2008, I was renovating the bathroom in the basement of my home. An Inspector in the HPD Code Enforcement Office in the Bronx, who was my subordinate within the meaning of Chapter 68, came to my home to assist me with that work, after which I gave him between \$20 and \$40. I represent that I provided this payment to the Inspector in part because I was trying to help him.
 - c. I acknowledge that, by paying my subordinate for performing work in my home, I violated Chapter 68, specifically City 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.

- d. In April or May 2012, I borrowed the personal vehicle of a second Inspector in the HPD Code Enforcement Office in the Bronx, who was my subordinate within the meaning of Chapter 68, for approximately one to two weeks, for which use I did not compensate the Inspector. I represent that I used the vehicle primarily for commuting to and from work.
- e. I acknowledge that, by borrowing a car from my subordinate, I violated Chapter 68, specifically City Charter § 2604(b)(3). City Charter § 2604(b)(3) 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.

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

a. I agree to:

- i. Pay a fine of One Thousand Dollars (\$1,000.00) to the Board by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," as follows: Two Hundred Fifty Dollars (\$250.00) on or before July 1, 2014; Two Hundred Fifty Dollars (\$250.00) on or before August 1, 2014; Two Hundred Fifty Dollars (\$250.00) on or before September 1, 2014; and Two Hundred Fifty Dollars (\$250.00) on or before October 1, 2014.
- ii. Pay a fine of One Thousand Dollars (\$1,000.00) to HPD to be deducted by HPD from my paycheck at regular intervals to be determined by HPD.

b. I agree that this Disposition is a public and final resolution of the Board's charges and HPD's action against me.

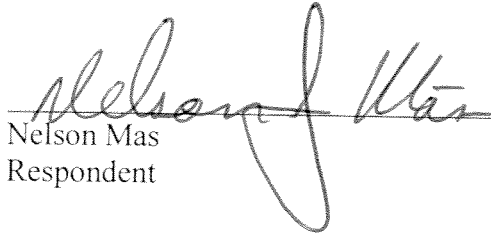
c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or HPD 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 or HPD, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having been represented by the attorney 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 HPD; and that I fully understand all the terms of this Disposition.
- e. 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. The Board and HPD accept this Disposition and the terms contained herein as a final disposition of the above captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or HPD against Respondent based upon all facts and circumstances set forth in the above captioned matter, except that the Board and HPD shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

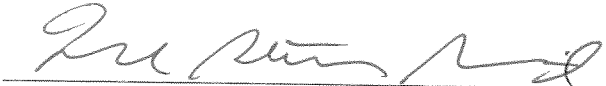
4. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: 6/23, 2014



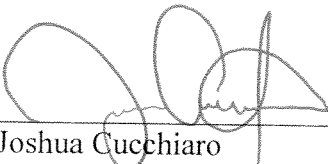
Nelson Mas
Respondent

Dated: 6/23, 2014




Mark Steven Soroka
Taubman Kimelman & Soroka, LLP
Attorney for Respondent

Dated: 7/2, 2014



Joshua Cucchiaro
Assistant Commissioner, Administration
NYC Department of Housing Preservation and
Development

Dated: AUGUST 20, 2014



Richard Briffault
Chair
NYC Conflicts of Interest Board