

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

In the Matter of

MICHAEL MICHEL

Respondent.

DISPOSITION

COIB Case No. 2014-317

WHEREAS, pursuant to Section 2603(h)(1) of Chapter 68 of the New York City Charter, the New York City Conflicts of Interest Board (the “Board”) commenced an enforcement action against Michael Michel (“Respondent”) alleging violations of provisions of the City of New York’s conflicts of interest law, Chapter 68 of the New York City Charter (“Chapter 68”); and

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

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

1. Respondent admits to the following:
 - a. I have been the Queens Republican Commissioner for the New York City Board of Elections (“BOE”) since January 27, 2013. As such, I am and was at all times stated herein a “public servant” within the meaning of and subject to Chapter 68.
 - b. The Election Law provides the Commissioners of Election with the authority to hire, promote, and terminate BOE employees. *See* Election Law § 3-300. The full Board of Commissioners votes to approve appointments to positions in the Executive Office. *See* Election Law § 3-212(2). Borough Commissioners decide appointments to positions in their respective borough offices.
 - c. Sometime around April 2013, I submitted the resume of Joseph Cintron to the BOE Executive Office for consideration for a temporary position in that office. At that time, Cintron was living with my daughter and their son in an apartment in Middle Village, New York.
 - d. On May 6, 2013, Cintron started working for BOE in a temporary position, earning \$24.00 per hour.
 - e. At the November 12, 2013, meeting of the Commissioners of Election, I voted along with the other Commissioners to appoint Cintron to the permanent title

of Administrative Assistant in the Queens Voting Machine Facility (“VMF”), effective that day. At that time, Cintron was living with my daughter and their son in an apartment in a two-family home that I own and where I also reside in Middle Village, New York.

- f. I acknowledge that, by voting with the Commissioners of Election to appoint Cintron to the title Administrative Assistant, I violated Section 2604(b)(3) of Chapter 68, which provides:

No public servant shall use or attempt to use his 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.

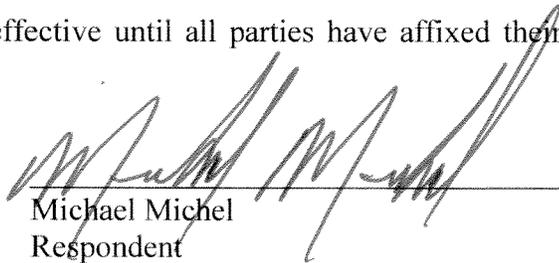
I understand that, because of the financial relationship between my daughter and Cintron, any financial gains to Cintron indirectly accrued to my daughter, a person “associated” with me under Chapter 68. City Charter § 2601(5) defines a “person or firm associated with the public servant” as “a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest.”

- g. On or about January 10, 2014, I voted with the BOE Queens Democratic Commissioner to promote Cintron from Administrative Assistant to Administrative Associate, a supervisory position in the Queens VMF, effective that day. This promotion included a salary increase to \$48,289. At that time, Cintron and my daughter were registered as domestic partners and continued to reside together in an apartment in my home.
- h. I acknowledge that, by voting with the other Queens Borough Commissioner to promote Cintron to the title Administrative Associate, I obtained an indirect financial gain for my daughter and violated City Charter § 2604(b)(3).
2. In recognition of the foregoing, Respondent agrees to pay a fine of Ten Thousand Dollars (\$10,000.00) to the New York City Conflicts of Interest Board, due upon signing this disposition by money order or by cashier, bank or certified check, made payable to the “New York City Conflicts of Interest Board.”
3. Respondent agrees to the following:
- a. This disposition is a public and final resolution of the Board’s charges against me.
- b. 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 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 any members or employees thereof relating to, or arising out of this disposition or the matters recited therein.

- c. I confirm that I have had the opportunity to be represented by an attorney of my choice in this proceeding; that I have entered into this disposition freely, knowingly, and intentionally, without coercion or duress; 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; and that I fully understand all the terms of this disposition.
 - d. 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.
4. The Board accepts this disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively states that 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.

Date: 7/9/15



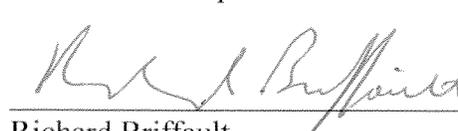
Michael Michel
Respondent

Date: 7/14/15



Arnold N. Kriss
Counsel for Respondent

Date: 8/19/15



Richard Briffault
Chair
NYC Conflicts of Interest Board