

Summaries of Enforcement Cases Involving Chapter 68 and Community Board Members

The Board fined the District Manager for Bronx Community Board 9 \$7,500 for operating the private Bronx Puerto Rican Day Parade, of which the District Manager is the President, out of the CB 9 office during times he was required to be performing work for CB 9 and using CB 9 resources, including its personnel, office, conference room, copier, fax machine, phones, and computers. *COIB v. Gonzalez*, COIB Case No. 2011-145 (2013).

The Board fined a current member, and former Chair, of Community Board 17 in Brooklyn (“CB 17”) \$1,000 for accepting valuable gifts of two mattress and box spring sets from a hotel owner who was doing business with the City. The former CB 17 Chair acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. Russell*, COIB Case No. 2006-423a (2007).

The Board issued a public warning letter to a member of Community Board 2 in the Bronx (“CB 2”) who was also employed as a consultant for a private company, and chaired a meeting of the CB 2 Health and Human Services/Environmental Committee, before which Committee matters involving her private employer regularly appeared, and were on the agenda on the date that the CB 2 member chaired the Committee meeting, although none of those matters were in fact discussed. While not pursuing further enforcement action, the Board took the opportunity to remind community board members that they must comply with City’s conflicts of interest law, particularly the prohibition against chairing committees which are likely to consider matters that concern the community board member’s private interests or employment. *COIB v. Alvarado-Sorin*, COIB Case No. 2003-775 (2007).

The Board fined a member of Community Board 2 in Manhattan (“CB 2”) \$1,000 for voting in favor of a proposal submitted by a developer with which he was associated. The CB 2 Member acknowledged that he was a member of CB 2’s Waterfront Committee and in that capacity evaluated proposals for the development of Pier 40 in Manhattan. The CB 2 Member voted on a development proposal submitted by a developer that paid monies to the non-profit organization of which he served as the paid president, which monies constituted 25% of the non-profit organization’s annual budget. The CB 2 Member acknowledged that he was “associated” with the developer within the meaning of the City’s conflicts of interest law and that, by voting in favor of the developer’s proposal, he violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting 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. *COIB v. Bergman*, COIB Case No. 2003-153a (2007).

The Board issued a \$1,000 fine to the District Manager for Community Board No. 13 in Queens (“CB 13”), who acknowledged that she recommended her son-in-law for a custodial position at CB 13’s offices, that her son-in-law was hired based upon her recommendation, and that she authorized payment to her son-in-law for these custodial services. The District Manager further acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting 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. Since the

son-in-law was married to and living with the District Manager's daughter at the time of his hiring, by benefiting her son-in-law the District Manager benefited her daughter, an associated person within the meaning of the City Charter. *COIB v. Martino-Fisher*, COIB Case No. 2005-505 (2007).

In a summary judgment based upon stipulated facts and the Report and Recommendation of an Administrative Law Judge of the Office of Administrative Trials and Hearings, the Board fined a community board member \$4,000 for voting on a matter involving real property which he and his siblings owned. Because a vote expressing the community's preference for land use "may

result” in a personal and direct economic gain to the community board member, such votes are not permitted. The Board ruled that the language “may result” in the relevant City Charter provision means any possibility greater than zero. The member may even retain the financial interest and discuss the matter, but is not allowed to vote. This case was the first one in the Board’s history that resulted in a summary judgment (eliminating the need for trial in the absence of any genuine issues of material fact). *COIB v. Capetanakis*, COIB Case No. 99-157 (2001).

The Board fined a former community board member \$200 for soliciting money from a church that was interested in acquiring land in the community board’s area. Local community boards are set up to discuss and solve problems affecting their local areas. Their normal procedures do not involve the payment of money to community boards or their members for the acquisition of land. The fine would have been higher had the community board member not been under a severe financial hardship. *COIB v. Harvey*, COIB Case No. 1997-368 (1998).

The Board fined the District Manager of Community Board 17 in Brooklyn \$2,000 for accepting valuable gifts of four mattress and box spring sets from a hotel owner who was doing business with the City. The District Manager acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. S. Fraser*, COIB Case No. 2006-423 (2007).

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