

*New York City
Conflicts of Interest Board*

Annual Report 1997

Sheldon Oliensis
Chair

Bruce A. Green

Jane W. Parver

Benito Romano

Shirley Adelson Siegel

Members

Mark Davies

Executive Director/Counsel



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LETTER TO THE MAYOR

December 31, 1997

Honorable Rudolph W. Giuliani
Mayor of the City of New York
City Hall
New York, New York 10007

Dear Mayor Giuliani:

On behalf of the Conflicts of Interest Board, I am pleased to submit this report of the Board's work for 1997. While the Board's activities in 1997 are set out more fully in the body of the report, the following highlights deserve special mention.

Training and Education

In December 1997 the Board presented its fourth Ethics in City Government seminar, attended, as in the past, by City elected officials, agency heads, agency counsel, inspectors general, disciplinary counsel, community board representatives, and interested members of the Bar. At this seminar the Board was fortunate to have addresses by your Honor and by Council Speaker Peter F. Vallone, as well as the participation of counsel from a number of City agencies. Your office provided funding for the seminar and printed the materials distributed to seminar participants, for which we are most appreciative.

In 1997 the Board conducted 90 training sessions, a three-fold increase over 1996. Despite this increase, however, the Board's training program falls far short of that needed to train all 300,000 City employees, as mandated by the Charter. The Board's training sessions are targeted at public servants who either train or advise other employees about Chapter 68 or who are likely to encounter potential conflicts of interest situations. With the planned addition of another trainer in early 1998, made possible by a modest increase in the Board's fiscal year 1998 personnel budget, the Board, for the first time, will be devoting a full-time staff member to instituting and conducting training and education for the 100,000 employees of the Board of Education.

Equally successful and effective has been the Board's publications program. During 1997 the Board published (entirely in-house) 12 leaflets on various aspects of Chapter 68 and on the financial disclosure law, leaflets which Board staff distribute by the thousands to City employees. In 1997 the Board also initiated a quarterly ethics newsletter, *Ethical Times*, produced entirely in-house. The newsletter is distributed primarily to City employees who deal with Chapter 68 issues. In addition, in 1997 the Board produced two public service announcements, which ran on a number of commercial radio stations. Board staff also participated in half hour interviews on WLTW and WCBS-FM.

Requests from City Employees for Guidance; Administrative Rules

During 1997, the Board received 414 written requests for advice from public

servants as to the propriety, under Chapter 68, of their proposed outside activities or interests. That figure reflects a 13% increase over 1996, a increase attributable to the Board's significantly higher profile, resulting from the expansion of the Board's training, publications, and enforcement programs. The Board also fielded between five and fifteen oral requests for advice each day, over 1,500 for the year.

In 1997, the Board issued 184 staff letters; 114 waiver letters; and 21 Board letters, orders, or advisory opinions. At year end, the Board had pending before it 26 written requests for advice, in contrast to 37 requests pending on December 31, 1996. The Board has arranged for the inclusion of its opinions on LEXIS, one of the nation's two major computerized legal research databases, beginning in March 1998. The Board's opinions already appear on WESTLAW, the other major legal database.

During 1997 the Board issued one new administrative rule, which defined "particular matter" for certain City employees in relation to real estate tax assessments. The Board amended its valuable gift rule to make explicit that separate gifts from a single donor or affiliated donors within a twelve-month period are aggregated for purposes of the \$50 limit. The Board also amended its substantial policy discretion rule to require that agency heads annually notify the Board of changes in their list of those public servants with substantial policy discretion and to make explicit that the Board remains the ultimate arbiter of who has substantial policy discretion and is thus subject to certain Charter restrictions on holding political party office and engaging in political fundraising.

Enforcement

In the closing months of 1997 the Board hired three additional full-time enforcement attorneys and a full-time support person, increasing the enforcement staff from one attorney and one part-time secretary to four attorneys and a full-time secretary. These additions will finally give the Board significant resources to enforce Chapter 68 and, for the first time, the ability to enforce it at the Board of Education, including community school boards.

During 1997, the Board's single enforcement attorney was able to obtain important, albeit limited, enforcement results. For example, in one case the Board fined the President of the Art Commission for inadvertently failing to recuse himself from Commission matters involving his architecture firm and the landscaping of the Hayden Planetarium, in violation of a specific order and advisory opinion of the Board requiring recusal. In another case, the Board concluded its first three-way disposition with the Board of Education, in which an assistant principal admitted violating section 2604(b)(14) of the Charter when she solicited and accepted a \$1,000 loan from a subordinate teacher; as part of the disposition, the respondent paid a \$1,000 fine to the Conflicts of Interest Board.

In June 1997 the Appellate Division, First Department, unanimously affirmed the Board's decision finding that former City Comptroller Elizabeth Holtzman violated section 2604(b)(2) and (b)(3) of the Charter with respect to her participation in the selection of a Fleet Bank affiliate as a co-manager of a City bond issue when she had a loan from Fleet Bank to her Senate campaign, a loan she had personally guaranteed. That case is now on appeal before the New York State Court of Appeals.

The higher visibility of the Board has substantially increased the Board's enforcement caseload. In 1997 the Board received 64 new complaints, compared to 50 in

1996, 29 in 1995, 31 in 1994, 29 in 1993, 22 in 1992, 20 in 1991, and 8 in 1990. During 1997 the Board disposed of 54 Chapter 68 cases, a 69% increase over 1996.

Financial Disclosure

The Board has achieved a financial disclosure compliance rate exceeding 99% for calendar years 1991 through 1993 and a compliance rate exceeding 98% for calendar years 1994 through 1996. The vast majority of those persons not in compliance are former, not current, City employees. Indeed, the compliance rate for current City employees is 100% for calendar years 1991 through 1994 and over 99% for calendar years 1995 and 1996. With respect to former employees, on February 27, 1997, your Honor issued Executive Order 97-1, which permits final lump sum payments to be made to departing managerial employees only after they have fully complied with their financial disclosure obligations. Once it is fully implemented, this procedure should eliminate some 40% of the Board's financial disclosure enforcement litigation, saving the Board significant time and effort.

For the twelve months ending December 31, 1997, the Board collected \$39,025 in late filing fines. Since assuming responsibility for financial disclosure in 1990, the Board has collected \$269,273 in fines.

To reduce the enormous burden of administering the financial disclosure system, and thus to enable the Board's staff to spend more time on substantive reviews of financial disclosure reports and Chapter 68 enforcement, the Board has undertaken two initiatives. First, in early 1998 the Board will propose to your Honor and the Council legislation to eliminate from the list of required filers those types of public servants for whom, in the experience of the Board, no substantial reason exists for filing financial disclosure reports. Second, the Board continues to work on the development of its electronic filing system ("EFS") for financial disclosure. The latest version of the EFS program will incorporate the Department of Investigation financial disclosure form for those 4,000 City employees who must file both the Board's form and DOI's form, thus providing DOI with a powerful weapon in its enforcement arsenal while, at the same time, eliminating the need for these 4,000 employees to complete two separate financial disclosure reports. The Board anticipates that in 1998 about 1,000 of the Board's 12,000 filers will file electronically and that in 1999 all filers will file electronically, except filers at those few agencies that lack a computer system capable of handling the electronic filing software.

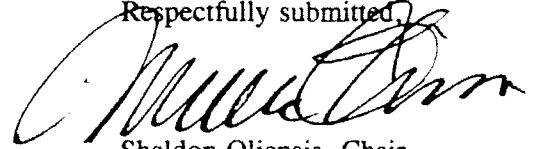
Conclusion

After successive and substantial budget cuts over the past several years, the Board's budget problems were, to an appreciable extent, alleviated in fiscal year 1998, thanks largely to your Honor's intervention on our behalf. Although the Board is still understaffed, particularly in the training and education area, the Board can to a greater degree meet its Charter mandates. We are grateful to your Honor for your efforts in that regard.

On the non-personnel side, the Board's current Other Than Personal Services budget remains inadequate. Despite the \$25,000 increase in the Board's fiscal year 1998 OTPS budget, the Board's OTPS remains less than 40% of what it was in fiscal year 1995. \$80,000 is not enough to run the agency effectively. We have reason to believe that this inadequacy will be, at least in part, addressed in our 1999 fiscal year budget.

In conclusion, may I express my profound gratitude to my fellow Board members for their dedication and support. On behalf of the Board, may I also express our appreciation to you, to your counsel, Dennison Young, your Corporation Counsel, Paul A. Crotty, and your Commissioner of Investigation, Edward J. Kuriansky, for the cooperation and assistance they have provided us. Finally, I would be remiss if I did not acknowledge with gratitude the efforts of the Deputy Mayor for Operations and the Office of Operations in furthering the Board's initiatives.

Respectfully submitted,



Sheldon Oliensis, Chair

INTRODUCTION

This year, 1997, marks the eighth year in the life of the Conflicts of Interest Board, which was created by the revised New York City Charter, effective January 1990. Chapter 68 of the Charter has vested the Board with broad responsibilities. Among its charter-mandated duties, the Board is required to educate City officials and employees about Chapter 68's ethical standards; interpret Chapter 68 through the issuance of formal advisory opinions and promulgation of rules; respond to requests from current and former public servants for advice and guidance; prosecute violators of Chapter 68 in administrative proceedings; and administer and enforce the City's financial disclosure law.

This annual report thus reports on the Board's activities in each of the following areas during 1997: (1) training and education; (2) responses to inquiries from City employees for guidance; (3) administrative rules; (4) enforcement proceedings; (5) financial disclosure; and (6) budget and personnel.

MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

Appointed by the Mayor and confirmed by the City Council, the Board's five members serve six-year staggered terms. Under the Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards." They may not hold public office or political party office while serving on the Board.

Board Chair Sheldon Oliensis was first appointed to the Board in September 1990 and renominated in 1996. He is Special Counsel to the law firm of Kaye, Scholer, Fierman, Hays & Handler.

Bruce A. Green, a professor at Fordham University School of Law, was appointed to the Board in November 1995.

Jane W. Parver, a partner at Kaye, Scholer, Fierman, Hays & Handler, was appointed to the Board in August 1994.

Benito Romano, a partner in the law firm of Willkie, Farr & Gallagher, was also appointed to the Board in August 1994.

Shirley Adelson Siegel, an Adjunct Professor of Urban Planning at Columbia University, has served as a Board member since September 1990. She was reappointed for a six-year term after her first term expired in March 1992.

The Board's 22-member staff is divided into five units: Training and Education, Legal Advice, Enforcement, Financial Disclosure, and Administrative. The staff, listed in Table 1 at the end of this report, is headed by the Executive Director/Counsel, Mark Davies.

1. TRAINING AND EDUCATION

Citywide Seminar

On December 4, 1997, the Board presented its fourth Ethics in City Government seminar, attended, as in the past, by City elected officials, agency heads, agency counsel, inspectors general, disciplinary counsel, community board representatives, and interested members of the Bar. At this seminar the Board was fortunate to have addresses by the Mayor Rudolph W. Giuliani and Speaker Peter F. Vallone and the participation of counsel from a number of City agencies. The seminar was funded by the Mayor's office, which also printed the materials distributed to seminar participants.

Training Sessions

In 1997 the Board conducted 90 training sessions, a three-fold increase over 1996. The majority of the sessions were taught by the Board's Director of Training and Education, Laura Denman. Despite this increase, however, the Board's training program falls far short of that needed to train all 300,000 City employees, as mandated by the Charter.

The Board's training sessions are targeted at public servants who either train or advise other employees about Chapter 68 or who are likely to encounter potential conflicts of interest situations. With the planned addition of another trainer in early 1998, made possible by a modest increase in the Board's fiscal year 1998 personnel budget, the Board, for the first time, will be devoting a full-time staff member to instituting and conducting training and education for the 100,000 employees of the Board of Education.

Educational Materials

Perhaps even more successful than the Board's training program this year has been the Board's publications program. During 1997 the Board's education and publications coordinator, Jay Burstein, wrote and published (entirely in-house) 12 leaflets on various aspects of Chapter 68 and on the financial disclosure law. Board staff distribute these by the thousands to attendees at Chapter 68 training sessions, to City employees who request ethics advice, either orally or in writing, to agency personnel officers and counsel, vendors, the media, and government

ethics agencies throughout New York State and around the country. The Board also provides City agencies with originals from which they can make their own copies.

During 1997 the Board initiated a quarterly ethics newsletter, *Ethical Times*, also produced entirely in-house. The newsletter is distributed primarily to City employees who deal with Chapter 68 issues. In addition, the Board produced in 1997 two public service announcements, which ran on a number of commercial radio stations. The Board's Executive Director, Mark Davies, and Director of Enforcement, Joan Salzman, participated in half hour interviews on WLTW and WCBS-FM.

During 1997 Board attorneys and other staff continued to publish a monthly column in the *Chief-Leader* on an Ethics Myth of the Month. That column seeks to address, in plain language, common misconceptions about the City's ethics law.

International Contacts

As in the past, Board staff participated in the annual conference of the international Council on Governmental Ethics Laws, where the four Board attendees, with the able assistance of the staff of the Rhode Island Ethics Commission, conducted a mock trial of a Chapter 68 case. The presentation was so well received that the Board reprised it at the December 4 annual seminar. Over the course of the year, at the request of the Department of Investigation and the United States Information Agency, Board staff also met on several occasions with legislators and other representatives from Australia, Tanzania, China, Kyrgystan, and seven Central American countries to discuss the City's conflicts of interest law.

2. REQUESTS FROM CITY EMPLOYEES FOR GUIDANCE

During 1997, the Board received 414 written requests for advice from public servants as to the propriety of their proposed outside activities or interests under Chapter 68. That figure reflects a 13% increase over 1996, a increase attributable to the Board's significantly higher profile, resulting from the expansion of the Board's training, publications, and enforcement programs. The Board also fielded between five and fifteen oral requests for advice each day, over 1,500 for the year.

Written requests for advice which present issues that are clear-cut under the Charter, or which involve issues that have been decided by the Board in prior opinions or rules, are handled by the Board's staff through the issuance of staff letters. Those cases that present novel issues, or that are particularly complex or

sensitive, are considered and determined by the full Board and may result in a Board letter or, when the Board's decision will provide guidance to public servants generally, a formal advisory opinion. The Board also grants waivers under Charter section 2604(e) and orders under section 2604(a). Most requests for waivers, however, do not require the attention of the full Board and are thus handled by the Chair, by delegation of the Board pursuant to Charter section 2602(g).

In 1997, the Board issued 184 staff letters; 114 waiver letters; and 21 Board letters, orders, or advisory opinions.

At year end, the Board had pending before it 26 written requests for advice, in contrast to 37 requests pending on December 31, 1996. The number of pending requests would have been lower, but for a vacancy in the Board's Legal Advice Unit during much of the year. That vacancy was filled in October 1997.

The Board continues to distribute its formal advisory opinions to public servants and the public. The opinions also appear in the *City Record*. In addition, the Board has arranged for the inclusion of its opinions on LEXIS, one of the nation's two major computerized legal research databases, beginning in March 1998. The Board's opinions already appear on WESTLAW, the other major legal database. The Board is also exploring the possibility of placing its advisory opinions and educational materials on a home page on the Internet.

3. ADMINISTRATIVE RULES

In 1997 the Board issued one new rule and amended two others.

Newly promulgated Board Rule 1-12 defines "particular matter," in the post-employment context, for tax commissioners and certain other public servants in the Tax Commission, Department of Finance, Comptroller's Office, and Law Department in relation to real estate tax assessments.

The Board amended its valuable gift rule - Board Rule 1-01 - to make explicit what the Board has long held: that separate gifts from a single donor or affiliated donors within a twelve-month period are aggregated for purposes of the \$50 limit.

The Board also amended its substantial policy discretion rule - Board Rule 1-02 - to require that agency heads annually notify the Board of changes in their list of those public servants with substantial policy discretion; under the former rule such changes had to be reported to the Board within 30 days of the change, an unnecessarily onerous burden on agencies. This amendment also makes explicit

that the Board remains the ultimate arbiter of who has substantial policy discretion and is thus subject to certain Charter restrictions on holding political party office and engaging in political fundraising.

The Board will conduct a public hearing early in 1998 on a new rule identifying some forms of conduct prohibited by Charter section 2604(b)(2). Under the Charter, the Board may not impose civil fines for a violation of that provision unless the violation involves conduct thus identified by a rule of the Board.

Finally, as required by the Charter, the Board is reviewing the provisions of Chapter 68 and in 1998 will recommend to the Council the Board's proposed changes.

4. ENFORCEMENT

During the past two months the Board has hired three additional full-time enforcement attorneys and a full-time support person. Previously, because of budget limitations, the Enforcement Unit consisted of one attorney and a part-time secretary, a staffing level that severely restricted the Board's enforcement efforts, particularly at the Board of Education. The additions to the enforcement staff will finally give the Board significant resources to enforce Chapter 68 and, for the first time, the ability to enforce it at the Board of Education, including community school boards.

During 1997, the Board's single enforcement attorney was able to obtain important, albeit limited, enforcement results. For example, in the case of *COIB v. Quennell*, No. 97-60 (1997), the Board fined the President of the Art Commission for inadvertently failing to recuse himself from Commission matters involving his architecture firm and the landscaping of the Hayden Planetarium, in violation of a specific order and advisory opinion of the Board requiring recusal. With that case the Board sought to ensure more careful recusal by high-level officials where required under the Charter.

In *COIB v. Holtzman*, No. 93-121 (1996), the Appellate Division, First Department, unanimously affirmed the Board's decision finding that former City Comptroller Elizabeth Holtzman violated section 2604(b)(2) and (b)(3) of the Charter with respect to her participation in the selection of a Fleet Bank affiliate as a co-manager of a City bond issue when she had a loan from Fleet Bank to her Senate campaign, a loan she had personally guaranteed. The state's highest court, the New York State Court of Appeals, has granted leave for Ms. Holtzman to appeal to that court; a decision is expected in early 1998. The Board continues to benefit in that case from the assistance of superb *pro bono* counsel.

In addition, in the matter of *COIB v. Marilyn Ross*, No. 97-225 (1997), the Board concluded its first three-way disposition with the Board of Education. Ms. Ross, an assistant principal at Community Intermediate School 147 in the Bronx, admitted violating section 2604(b)(14) of the Charter when she solicited and accepted a \$1,000 loan from a subordinate teacher. As part of the disposition, Ms. Ross agreed to pay a \$1,000 fine to the Conflicts of Interest Board. The significance of this case lies not only in its dramatic demonstration to other City employees of the prohibition against superiors and subordinates in City service entering into business or financial relationships but also in its precedent setting nature as the first three-way disposition involving the Conflicts of Interest Board, the Board of Education, and a Board of Education employee.

The higher visibility of the Board has substantially increased the Board's enforcement caseload. In 1997 the Board received 64 new complaints, compared to 50 in 1996, 29 in 1995, 31 in 1994, 29 in 1993, 22 in 1992, 20 in 1991, and 8 in 1990. During 1997 the Board disposed of 54 Chapter 68 cases, a 69% increase over 1996.

It must be emphasized, however, that the primary purpose of enforcement lies not in punishing public servants but in preventing future Chapter 68 violations. The Board views its enforcement mandate as both educational and preventive.

5. FINANCIAL DISCLOSURE

The Board has an excellent compliance record in financial disclosure. As detailed in Table 2, for calendar years 1991 through 1993, the Board achieved a compliance rate exceeding 99%. For calendar years 1994 through 1996, the compliance rate exceeded 98%.

As demonstrated in Table 2, over 95% of the non-filers are former public servants, about half of whom are managers. Tracking these former City employees down and securing their compliance with the financial disclosure law imposes an enormous and wholly unnecessary burden on the Board's staff. Therefore, on February 27, 1997, at the request of the Board, the Mayor issued Executive Order 97-1, which permits final lump sum payments to be made to those departing managerial employees required to file a disclosure report only after they have fully complied with their financial disclosure obligations. Once it is fully implemented, this procedure should eliminate some 40% of the Board's financial disclosure enforcement litigation, saving the Board significant time and effort.

With respect to active City employees, as Table 2 shows, 100% of them

have filed for calendar years 1991 through 1994. Less than 1% have failed to file for 1995 and for 1996. The Board has already commenced litigation against 21 non-filing candidates for office in the fall of 1997 and in early 1998 will commence litigation against the 1995 and 1996 active non-filers and "non-payers," that is, those public servants who filed their financial disclosure reports late but failed to pay a late filing fine.

For the twelve months ending December 31, 1997, the Board collected \$39,025 in late filing fines. Since assuming responsibility for financial disclosure in 1990, the Board has collected \$269,273 in fines.

Redefining Required Filers

As the Board has previously noted, the City's financial disclosure law far exceeds the state mandate, requiring many persons to file who have little or no likelihood of conflicts of interest. Requiring filing by public servants who are in positions unlikely to involve conflicts of interest wastes time, both of the filers and of the Conflicts Board, and robs the Board of money and resources it needs to conduct substantive reviews of targeted reports filed by officials facing significant potential conflicts of interest. Therefore, in early 1998 the Board will propose to the Mayor and the Council legislation to eliminate from the list of required filers those types of public servants for whom, in the experience of the Board, no substantial reason exists for filing financial disclosure reports.

Electronic Filing System

The Board continues to work on the development of its electronic filing system for financial disclosure. Although this program was in hiatus during the first six months of 1997 while additional funding was under review, capital technology funds were allocated in mid-1997. The latest version of the software package will be completed by the end of January 1998. That new version contains several innovations, perhaps the most significant of which is the incorporation of the Department of Investigation form for those 4,000 City employees who must file both the Board's form and DOI's form.

In 1998, about 1,000 of the Board's 12,000 filers will file electronically. In 1999, the Board anticipates that all filers will file electronically, except filers at those agencies that lack a computer system capable of handling the electronic filing software.

6. BUDGET AND PERSONNEL

After successive and substantial budget cuts over the past several years, the

Board's budget problems were somewhat alleviated in fiscal year 1998. Although the Board is still understaffed, particularly in the training and education area, the Board can to a greater extent, although by no means entirely, meet its Charter mandates. At this point, the Board's most pressing personnel issue lies in the sharp discrepancy between the salaries of Board staff and those of other City agencies. In December 1997 alone the Board lost three of its most effective and most important staff members for this reason. While the Board has been able to hire superb staff, it has been unable to pay enough to keep them. This problem represents a serious threat to the long term viability of the Board.

On the non-personnel side, the Board's Other Than Personal Services budget remains inadequate in fiscal year 1998. Despite the \$25,000 increase in the Board's fiscal year 1998 OTPS budget, the Board's OTPS remains less than 40% of what it was in fiscal year 1995. \$80,000 is not enough to run the agency effectively.

Nonetheless, the Board is grateful to the Mayor and the Council for partially rectifying the crippling budget cuts of past years. If the Board has not been made whole, it will at least be able to move closer toward meeting its Charter mandates.

CONCLUSION

Outlined above are some of the highlights of the Board's activities during 1997. As a result of the infusion of some added funds for fiscal year 1998, the Board has been able to increase significantly its education and enforcement efforts. A modest additional increase in its budget is required, however, if the Board is to maintain the high quality of its staff and fully meet its Charter mandates under Chapter 68.

**TABLE 1
MEMBERS AND STAFF
OF THE
CONFLICTS OF INTEREST BOARD
1997**

Members

	Sheldon Oliensis, Chair	
Bruce A. Green		Benito Romano
Jane W. Parver		Shirley Adelson Siegel

*Staff***Executive*

Mark Davies, Executive Director/Counsel

Administrative

Jo-Ann Frey, Deputy Director

Ute O'Malley, Director of Administration

Myrna Mateo, Purchasing and Personnel Coordinator

Legal Advice

Hugh B. Weinberg, Deputy Counsel

David B. Schacher, Associate Counsel

Jennifer K. Siegel, Assistant Counsel

Patricia E. Green, Legal Secretary

Enforcement

Joan R. Salzman, Director of Enforcement

Peter M. Nadler, Associate Counsel

Ann Nielsen, Associate Counsel

Isabeth Ann Gluck, Assistant Counsel

Edith Hearn Walker, Legal Secretary

Training and Education

Laura Denman, Director of Training and Education

Jay Burstein, Education and Publications Coordinator

Maria Rosas, Secretary

Financial Disclosure

Jerry Rachnowitz, Director of Financial Disclosure

Joanne Giura-Else, Deputy Director of Financial Disclosure

Gina Miller, Senior Investigator

John Sotomayor, MIS Coordinator/Senior Investigator

Peggy Kilfoyle, Investigator

Veronica Martinez Garcia, Legal Secretary

* Many staff members hold multiple positions within the agency.

TABLE 2
FINANCIAL DISCLOSURE REPORTS
AS OF
DECEMBER 31, 1997

Calendar Year ("C.Y.")	Number of Reports Required for C.Y.	Reports Filed for C.Y.	Compliance Rate for C.Y.	Number of Fines Waived for C.Y.	Number of Fines Paid for C.Y.	Amount of Fines Paid for C.Y.	Current Non-Filers for C.Y. Act. Inact.*	Current Non-Payers for C.Y. Act. Inact.*
1991	11,856	11,836	99.8%	549	319	\$35,063	0 20	0 5
1992	11,959	11,940	99.8%	552	359	\$38,125	0 19	0 15
1993	11,873	11,853	99.8%	495	319	\$32,980	0 20	0 67
1994	11,900	11,704	98.4%	396	370	\$37,800	0 196	0 64
1995	11,465	11,321	98.7%	312	295	\$29,415	5 139	3 30
1996	11,822	11,660	98.6%	322	333	\$33,225	21 141	16 59
TOTALS:	70,875	70,314	99.2%	2,626	1,995	\$269,273**	26 535	19 240

* "Act." indicates current non-filers or non-payers who are current City employees. ("Non-payers" are late filers who have failed to pay their late filing fine.) "Inact." indicates current non-filers or non-payers who are no longer City employees.

** Includes fines collected for calendar years 1989 and 1990, the reports for which have been discarded pursuant to the Board's retention policy.

**ADVISORY OPINIONS OF
THE BOARD**

SUMMARIES

OPINION SUMMARY

OPINION NO: 97-1

DATE: 3/17/97

CHARTER SECTION(S) INTERPRETED: 2604(d)(2), (d)(4), (d)(6)

SUBJECT(S): Brooklyn Public Library
Post-Employment Restrictions

OTHER OPINION(S) CITED: 94-21, 94-7, 93-13

SUMMARY: For the purposes of Charter Section 2604(d)(6), the Brooklyn Public Library is an arm of local government, and a former public servant therefore may accept employment with the Library and, in carrying out his duties, he may appear before his former City agency within one year after leaving his current City agency and work on particular matters in which he was involved while employed by the City. This opinion is limited specifically on the virtually complete governmental control of the Brooklyn Public Library, and does not confer approval for other not-for-profit organizations, including other public library systems, to be treated as arms of local government for the purposes of the conflicts of interest law.

OPINION SUMMARY

OPINION NO: 97-2

DATE: 9/22/97

CHARTER SECTION(S) INTERPRETED: 2604(b)(3)

SUBJECT(S): City Position, Use of
Police Officers

OTHER OPINION(S) CITED: 92-3

SUMMARY: Police officers employed by the New York City Police Department (the "NYPD") may, for the reasons discussed in the opinion, be given special consideration for residency in public housing developments, as part of the New York City Housing Authority's proposed Resident Police Program (the "Program"). First, Federal law encourages programs such as these, which are intended to increase the security of public housing developments where crime has been a problem. Second, the police officers would not be seeking to use their positions for private gain; rather, both the NYPD and the NYCHA have actively solicited and encouraged these officers to participate in the Program. Third, officials from both agencies have approved, in writing, the officers' participation in the Program. The officers' participation in the Program would be conditioned on their performing several hours of community service each month.

OPINION SUMMARY

OPINION NO: 97-3

DATE: 12/31/97

CHARTER SECTION(S) INTERPRETED: 2601(16)
2604(a)(1)(b), (a)(3), (a)(4)
2604(b)(3), (b)(4)

SUBJECT(S): Ownership Interests (Spouse)

OTHER OPINION(S) CITED: N/A

SUMMARY: A public servant may retain his imputed ownership in his spouse's business, which intends to engage in business dealings with the City, under the particular circumstances of the case. In making that determination, the Board considered the nature and type of the ownership interest; the length of time the public servant's spouse has maintained the ownership interest; the extent to which the public servant's official responsibilities could affect the ownership interest; whether and to what extent the public servant has any involvement with his or her spouse's ownership interest; and the manner in which the City business will be awarded to the public servant's spouse's firm.

**CUMULATIVE INDEX TO ADVISORY OPINIONS
BY CHARTER SECTION
1990-1997**

<u>CHARTER §</u>	<u>OPINION #</u>				
2601(2)	90-2	91-3	91-12	93-11	
2601(3)	90-7	90-8	91-14	93-11	93-19
	96-1				
2601(4)	91-8	92-13	92-17	92-32	92-36
	92-38	93-12	93-18	94-5	
2601(5)	90-4	90-5	90-6	91-3	91-15
	92-4	92-7	92-14	93-21	
2601(6)	91-3	94-18			
2601(8)	90-1	90-2	90-3	92-5	92-7
	93-7	94-27	95-11		
2601(11)	90-1	91-2	92-11	92-16	92-31
	93-1	93-3	93-5	93-17	94-1
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