



NEW YORK CITY CONFLICTS OF INTEREST BOARD

2023 Annual Report

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Current Board Members

Milton L. Williams Jr.	Partner at Walden Macht & Haran LLP. Appointed to the Board as Chair in September 2022.
Wayne G. Hawley	Former Deputy Executive Director and General Counsel, NYC Conflicts of Interest Board. Appointed to the Board in April 2020.
Ifeoma Ike	Founder and CEO of Pink Cornrows. Appointed to the Board in April 2022.
Amy E. Millard	Of Counsel at Clayman Rosenberg Kirshner & Linder LLP. Appointed to the Board in April 2024.
Georgia M. Pestana	Former Corporation Counsel of the City of New York. Appointed to the Board in April 2022.

Former Board Members

Merrell E. Clark Jr., Chair	January 1989 – September 1990
Sheldon Oliensis, Chair	September 1990 – February 1998
Benito Romano, Acting Chair	March 1998 – June 2002
Steven Rosenfeld, Chair	June 2002 – December 2012
Nicholas Scoppetta, Chair	January 2013 – February 2014
Richard Briffault, Chair	March 2014 – March 2020
Jeffrey D. Friedlander, Chair	April 2020 – March 2022
Fernando A. Bohorquez Jr., Acting Chair	April 2022 – September 2022
Beryl R. Jones	October 1989 – May 1995
Robert J. McGuire	October 1989 – September 1995
Benjamin Gim	September 1990 – September 1994
Shirley Adelson Siegel	September 1990 – April 1998
Benito Romano	September 1994 – 2004
Jane Parver	September 1994 – September 2006
Bruce A. Green	November 1995 – March 2004
Angela Mariana Freyre	October 2002 – May 2011
Monica Blum	August 2004 – March 2013
Andrew Irving	April 2005 – March 2017
Kevin B. Frawley	October 2006 – March 2012
Burton Lehman	July 2009 – March 2014
Erika Thomas	March 2012 – March 2020
Anthony W. Crowell	April 2013 – November 2021
Jeffrey D. Friedlander	April 2017 – March 2022
Nisha Agarwal	April 2020 – March 2022
Fernando A. Bohorquez Jr.	April 2014 – March 2024

Board Staff

Executive

Carolyn Lisa Miller
Executive Director

Administration

Tasnia Karim

Director

Caitlyn Louie

Administrative Coordinator

Annual Disclosure

Katherine J. Miller

Director & Special Counsel
EEO Officer & Disability Rights
Coordinator

Holli R. Hellman

Senior Annual Disclosure
Analyst

Dawnn Anderson

Annual Disclosure Analyst

Jasmine Mack

Annual Disclosure Analyst &
Legal Coordinator

Veronica Martinez Garcia

Administrative Assistant

Education & Engagement

Alex Kipp

Director

Rob Casimir

Senior Education &
Engagement Specialist

Gavin Kendall

Education & Engagement
Specialist

Roy Koshy

Education & Engagement
Specialist

Vacant

Education & Engagement
Specialist

Enforcement

Jeffrey Tremblay

Director

Katherine J. Weall

Deputy Director

Anita Armstrong

Associate Counsel

Vacant

Assistant Counsel

Information Technology

Derick Yu

Director

Legal Advice

Ethan A. Carrier

General Counsel

Christopher M. Hammer

Deputy General Counsel

Maryann White

Associate Counsel

Clare Wiseman

Associate Counsel

Yasong Niu

Assistant Counsel

Florence Watson

Paralegal

Vacant

Paralegal

The New York City Conflicts of Interest Board (“COIB” or “the Board”) has four broad responsibilities:

1. Educating the approximately 300,000 current public servants of the City of New York about the requirements of Chapter 68, the City’s Conflicts of Interest Law;
2. Interpreting Chapter 68, the Lobbyist Gift Law,¹ the Affiliated Not-for-Profits Law,² and the Legal Defense Trust Law,³ through issuing formal advisory opinions, promulgating rules, and responding to requests for advice, both formal and informal, from current and former public servants, lobbyists, and affiliated not-for-profits;
3. Prosecuting violations of Chapter 68, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law in administrative proceedings; and
4. Administering and enforcing the City’s Annual Disclosure Law.⁴

This Annual Report reviews the Board’s accomplishments during 2023, under each of the following headings: (1) Legal Advice; (2) Enforcement; (3) Education & Engagement; and (4) Annual Disclosure.

¹ [Subchapter 3 of Title 2 of the New York City Administrative Code.](#)

² [Chapter 9 of Title 3 of the New York City Administrative Code.](#)

³ [Chapter 11 of Title 3 of the New York City Administrative Code.](#)

⁴ [Section 12-110 of the New York City Administrative Code.](#)

Legal Advice

Informal Advice

When a public servant seeks guidance regarding their compliance with the City's Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trust Law, it is the responsibility of the Legal Advice Unit to ensure that they receive fast and accurate advice. In 2023 the Board's Attorney-of-the-Day service answered 4,074 informal inquiries, a 3% increase from the prior year, nearly all of which were answered the same day as the request was received.

Formal Advice

Requests for formal advice, including waivers related to public servants holding second jobs, increased substantially in 2023, hitting the highest level in the Board's 34-year history, reflecting a 20% increase from 2022. Despite these increased demands, the Board's waiver determination response time improved by an average of 13 days compared to 2022, a 31% improvement, and the number of pending Legal Advice cases was lower than at the end of the prior year.

Ethics Liaison Training

Understanding that one of the best tools to identifying and addressing conflicts of interest is having attorneys across City government well educated in the subject, the Legal Advice Unit continued producing "Friday Fifteen," a weekly live video conference training program aimed at educating City attorneys about the nuts and bolts of the Conflicts of Interest Law and best practices for handling Chapter 68 matters.

Rulemaking

The Legal Advice Unit continued its work to advise on the Board's rulemaking agenda. In 2023, the Board engaged in three rulemakings efforts, holding four open meetings and two public hearings:

- The Board initiated the process of amending Board Rules Section 1-02, which defines those public servants who are designated as having "substantial policy discretion," or "policymakers." The Board considered amendments to the policymaker definition, examining whether City agencies were identifying policymakers in a consistent fashion. In addition, the Board discussed making significant alterations to the rule's reporting and notification requirements. These changes include: (1) changing the reporting date by which City agencies must submit their policymaker lists to the Board; (2) making that reporting semi-annual rather than annual; (3) codifying the Board's current practice of directly notifying policymakers that their agencies have designated them and of their additional restrictions rather than requiring City agencies to do so; (4)

establishing a procedure for agencies to dispute a Board determination to add or remove a policymaker from the agency's list, and (5) requiring that agencies submit their current organizational charts to the Board to aid in making individualized assessments concerning an agency's designations.

- With four years of perspective on how its major 2019 renovation to its Procedural Rules for Enforcement Actions have worked in practice, the Board returned to Board Rules Chapter 2 to clarify and update these procedures, making a number of small changes.
- The Board promulgated a new rule establishing procedures for the enforcement of penalties for late filers of annual disclosure reports. This new rule, codified at Board Rules Section 4-07, provides a penalty schedule and requirements for notification and due process.

Legal Defense Trust Law

While the Legal Defense Trust Law was passed by the City Council in 2019, it was not until 2023 that the first trust registered with the Board under that law. This was the first time the Board had the opportunity to advise on the application of the law, to standup a reporting structure for the law, to ensure that the documentation required under the law was available to members of the public and the press, and otherwise ensure that the goals of the Legal Defense Trust Law as drafted were fulfilled.

By the Numbers:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Staff Letters	55	15	17	35	11
Waivers/(b)(2) Letters*	666	399	340	587	827
Board Letters, Orders, Opinions	22	56	45	44	37
Total Formal Advice	743	470	403	666	875
Total Requests for Formal Advice	825	492	471	787	944
Cases Administratively Closed	76	39	60	92	78
Total Informal Advice	4871	3398	3323	3939	4074
Pending Cases at Year End	105	88	92	119	107
Median Days for Waiver Request Determination	57	53	60	41	28

* A "waiver" is a letter in which, with the written approval of the relevant agency head, the Board authorizes a current or former public servant to engage in conduct that would otherwise violate Chapter 68; most waivers are for second jobs with firms doing business with the City, known as "moonlighting waivers." A "(b)(2) letter" is Board authorization, with the written approval of the relevant agency head, for a public servant to use City time and certain City resources to do work for a non-City purpose, often a not-for-profit organization.

Enforcement

In 2023, for the first time in its history, the Board fined a New York City Mayor for violating the City's conflicts of interest law. Former Mayor Bill de Blasio's violations arose during his 2019 presidential campaign, when he had the City pay the travel expenses for a New York City Police Department security detail to accompany him or his spouse on 31 out-of-state trips in connection with the campaign, despite having been advised by the Board in advance and in writing that the City could not pay for such expenses. The security detail incurred \$319,794.20 in travel costs, excluding salary and overtime, during these trips. After a full hearing at the New York City Office of Administrative Trials and Hearings ("OATH"), the Board issued an Order ordering the former Mayor to repay the City \$319,794.20 and imposing a fine of \$155,000 (COIB Case No. 2019-503).

Mr. de Blasio has challenged the Board's Order in New York State Court by filing an Article 78 petition. That proceeding is pending.

Staffing Challenges:

The Enforcement Unit, a unit of only four attorneys, faced significant staffing challenges in 2023. In March 2023, the Board hired a New Deputy Director of Enforcement, filling a position that had been vacant for over eight months. This was followed by the departure of a junior Enforcement attorney in August 2023. The Board sought, but did not receive, authorization to fill this vacancy, reducing the Unit's staff by 25% and straining the Unit's remaining attorneys.

By the Numbers:

Despite these challenges, the Board was able to hold numerous current and former public servants accountable for violating the conflicts of interest law.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Complaints Received	361	203	256	287	288
DOI/SCI Reports Received	145	107	105	84	77
Public Findings of Violations	86	50	38	37	39
Public Warning Letters	4	6	2	5	2
Fines Collected	\$227,550	\$67,450	\$59,825	\$94,750	\$79,700
Fines Imposed	\$233,050	\$90,750	\$76,075	\$88,725	\$302,350

The \$302,350 in fines imposed by the Board in 2023, which includes the \$155,000 fine imposed on former Mayor Bill de Blasio, represents the highest yearly total in the Board's history. The Board will not seek to collect the fine imposed on Mr. de Blasio until the Article 78 proceeding has been resolved.

Other Notable Cases:

In 2023, several other public servants received substantial fines to address their significant violations of the City's conflicts of interest law.

- Principal at the New York City Department of Education ("DOE")

A Principal applied for her twin children to be enrolled in her school's 3K program for the 2019-2020 school year. Of the 120 applicants for the school's 3K program, DOE's Office of School Enrollment ("OSE") ranked the Principal's children as the 44th and 69th most qualified. Notwithstanding these rankings, the Principal enrolled her children in two of the 15 available seats in her school's 3K program for the 2019-2020 school year, thereby denying this free City educational program to two children who had been offered admission. The Principal agreed to pay a \$15,000 fine (COIB Case No. 2023-001).

- Oiler at the New York City Department of Correction ("DOC")

Over the course of five years, an Oiler who had an outside legal practice represented 18 New York City employees who brought workers' compensation claims against the City in violation of the prohibition against public servants acting as an attorney against the interest of the City in litigation to which the City is a party. These claims were adjudicated before the New York State Workers' Compensation Board ("WCB"). On five occasions, the Oiler attended WCB hearings on behalf of his clients at times he was required to be performing work for DOC. After a full hearing at OATH, the Board imposed a fine of \$59,000—the amount recommended by the OATH Administrative Law Judge—on the now-former Oiler. The \$59,000 fine reflects a fine of \$3,000 each for his 18 violations of Charter Section 2604(b)(7) and \$1,000 each for his five violations of Charter Section 2604(b)(2), pursuant to Board Rules Section 1-13(a). In assessing this penalty, the Board and OATH ALJ both noted that the now-former Oiler "represented multiple claimants, the claims involved substantial sums, and respondent received significant fees for litigating cases against the City's interest" (COIB Case No. 2016-357).

- Director at the New York City Department of Environmental Protection (“DEP”)

On numerous occasions over a three-year period, the Director of the Air and Noise Unit, who was assigned to work in Queens, clocked in at DEP while he was performing work for his outside job, commuting to that outside job in the Bronx, and at his home in Suffolk County. The Director also used his DEP email account to receive and reply to three emails related to his outside job and used his assigned DEP vehicle to drive to his outside job on one occasion. In a settlement, the now-former Director agreed to pay a \$9,000 fine (COIB Case No. 2023-003).

Education & Engagement

If the most important function of a government ethics agency is to give advice, a close second is raising enough awareness of the issues so that public servants know when to ask for it. This is the work of the Board's Education and Engagement Unit.

Education on the City's Conflicts of Interest Law occurs on a biennial basis, either on-site with instructors, virtually in webinars, or through eLearning content created by the Unit and hosted on the Citywide Learning Portal of the Department of Citywide Administrative Service ("DCAS"). These sessions typically last between 40 and 60 minutes. All instructor-led training is customized to the agencies and audiences taught. These classes have consistently won acclaim for their interactive, playful approach and their usefulness to the participants.

2023 saw a significant increase in instructor-led-training, though still below pre-pandemic levels. While the Unit continues to seek opportunities to teach in person, many City agencies opted to fulfill the training mandate using eLearning. The eLearning course is due for an update and "freshening up" in Fiscal Year 2025.

Engagement occurs in the spaces between the biennial sessions. It covers a wide variety of platforms and formats: contests, newsletters, social media, short videos, infographics, emails, and leaflets. The goal here is to provide tiny reminders about the law in formats that are compelling and shareable. The Unit continued this work with the Ethical Times newsletter, the Public Service Puzzler, and "COIB Small Plates: Bite-Sized Pairings from the Conflicts of Interest Board." These are distributed by email to those who seek to be on our distribution list; the Unit regularly solicits additional recipients.

By the Numbers:

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Live Classes Conducted (in person and webinar)	186	258	249	346
People Trained	10,652	13,461	14,113	18,306
Agencies Visited	31	38	37	55
eLearning Class Completions	10,503	28,526	42,833	33,029
Agencies Participating in eLearning	54	53	46	78
Social Media Views	2,103,900	1,782,114	1,256,167	490,128
Website Page Views	155,000	156,000	127,205	172,231

2023 saw a reduction in views on social media, as the Unit decided to take a break from its use of Twitter/X, and the use of TikTok was banned on City government computers, phones, and networks. The Unit is exploring other platforms to pivot to in 2024.

The Unit's Director, Alex Kipp, currently serves on the Board of Directors of the Council on Governmental Ethics Laws (COGEL). He led and participated in a number of panel sessions at the 2023 COGEL conference in Kansas City in December.

<u>Outreach Media and Other Projects</u>	
Monthly Messaging	Ethical Times Newsletter, Public Service Puzzler, COIB Small Plates
Social Platforms	YouTube, Facebook, Instagram, LinkedIn
Media Placements	WNYE 91.5 FM
Professional Organizations	Council on Governmental Ethics Laws – Member of the Board, Chair of the Communications Committee

Annual Disclosure

In 2023, the Annual Disclosure filing period ran from March 27 to April 21. With the assistance and diligence of over 100 agency liaisons, the Board's Annual Disclosure Unit ensured that over 10,000 individuals filed their 2022 annual disclosure reports with the Board as required by the City's Annual Disclosure Law. During 2023, the AD Unit reviewed almost all those reports for completeness and potential conflicts of interest. Using information from available sources, including press reports, waivers granted by the Board, and informal advice provided by the Board's Legal Advice Unit, the AD Unit identified information about filers' positions or financial interests that was not accurately reported and contacted filers to amend their reports. The Unit assisted over 800 filers to amend their reports for completeness and accuracy.

By the Numbers:

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Reports Filed¹	9,807	10,306	9,996	10,079
Filing Compliance Rate	98.5%	98.6%	98%	98.5%
Reports Reviewed²	760	10,711³	8,800	9,022
Filers Advised of Potential Conflicts	79	131	240	339
Late Fines Collected	\$250	\$43,500	\$24,500	\$41,200
Certifications of Compliance Issued for Filers Leaving City Service	546	755	981	432
AD Reports Released	309	415	399	533

¹ Each year, filers are required to file a report covering the prior calendar year. Thus, during 2023, filers were required to file reports for calendar year 2022. The numbers in this row reflect the total number of reports filed (which cover the prior calendar year) as of the time of the Board's annual report for that year.

² Final reports submitted by filers leaving City service are not reviewed.

³ Because the 2020 filing period was delayed due to the COVID-19 pandemic, the review of 2019 reports extended into 2021; 1,938 of the reports reviewed were 2019 reports.

<u>2023 Filers</u>	
Electronic Financial Disclosure Filers	9,355
Uncompensated Policymaking Boards and Commissions Filers	233
Public Authorities Accountability Act Filers	287
Tax Assessor Filers	136
Candidate Filers in General Elections¹	122²
Candidate Filers in Special Elections³	0

¹ This includes candidates for New York City Council, Bronx County District Attorney, Queens County District Attorney, and Richmond County District Attorney.

² Of the 122 Candidate Filers, 54 were already Electronic Financial Disclosure Filers.

³ During 2023, there were no special elections for City elective office.

City Council Elections & Matching Public Funds:

During 2023, New York City held a general election for the 51 seats of the City Council. All candidates for City elective office are required to file an annual disclosure report with the Board, and the filing of a report is a prerequisite for City Council candidates to receive matching public funds from the New York City Campaign Finance Board ("CFB"). The Unit worked closely with CFB to ensure that City Council candidates seeking matching funds were in compliance with Board Rules § 4-05, which specifies the deadlines by which candidates must submit annual disclosure reports in order to receive matching public funds in February, March, or April of an election year.

<u>2023 General Election</u>	
City Council	131 Candidates (117 filed)

New Board Rules § 4-07

(Procedures for the Enforcement of Penalties Against Late Filers):

The City's Annual Disclosure Law provides that penalties be imposed against required filers who file their reports more than seven calendar days after the date set by the Board. In 2023, the Board held two open meetings and a public hearing to promulgate [Board Rules § 4-07](#) (effective August 5, 2023) regarding procedures for the enforcement of penalties against late filers. The rule establishes a fine schedule and sets forth the Board's procedures for the enforcement of those fines, ensuring that late filers are provided notice and an opportunity to challenge the assessment of a fine before the Board issues a public order imposing a fine.