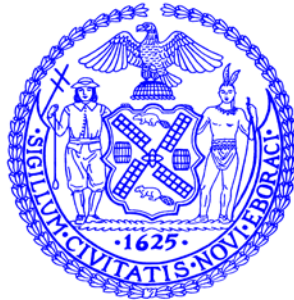


CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD
ANNUAL REPORT
2012



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Chair

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TABLE OF CONTENTS

	<i>Page</i>
Introduction.....	5
1. Members and Staff of the Conflicts of Interest Board.....	5
2. Proposed Amendments to Chapter 68.....	6
3. Training and Education.....	7
4. Requests for Guidance and Advice.....	12
5. Enforcement.....	19
6. Financial Disclosure.....	25
7. Administration and Information Technology.....	32
Exhibits and Appendices.....	33
Exhibit 1: Conflicts of Interest Board: 1993, 2001, 2011, 2012.....	34
Exhibit 2: COIB Members, Staff, and Former Members.....	37
Exhibit 3: Training and Education Classes on Chapter 68.....	39
Exhibit 4: COIB Training Classes by Agency.....	40
Exhibit 5: Recipients of Oliensis & Pierpoint Awards.....	41
Exhibit 6: Legal Advice Summary: 1993 to 2012.....	42
Exhibit 7: Written Requests for Advice on Chapter 68.....	43
Exhibit 8: Written Responses to Requests for Advice on Chapter 68.....	44

	<i>Page</i>
Exhibit 9: Chapter 68 Enforcement Cases.....	45
Exhibit 10: Enforcement Summary: 2004 to 2012.....	46
Exhibit 11: Enforcement Fines Imposed: 1990 to 2012.....	47
Exhibit 12: Financial Disclosure Reports.....	70
Advisory Opinions and Enforcement Cases of the Board – Summaries and Indexes.....	71
Advisory Opinion Summaries (2012).....	72
Cumulative Index to Advisory Opinions by Charter Chapter 68 Section – 1990-2012.....	80
Cumulative Index to Advisory Opinions by Subject – 1990-2012.....	87
Chapter 68 Enforcement Case Summaries (2012).....	94

INTRODUCTION

This Annual Report for 2012 summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board (“COIB” or “the Board”), which is charged with administering, interpreting, and enforcing the City’s Conflicts of Interest Law, Chapter 68 of the City Charter

(http://www.nyc.gov/html/conflicts/downloads/pdf2/books/blu_bk.pdf), the ethics law applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which, together with the Lobbyist Gift Law enacted in 2006 as sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68's ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City's Financial Disclosure Law contained in section 12-110 of the New York City Administrative Code

(http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf).

This Report reviews the Board's accomplishments during 2012, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) the amendments to Chapter 68 proposed by the Board; (3) training and education; (4) requests for guidance and advice; (5) enforcement; (6) financial disclosure; and (7) administration and information technology.

1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

The Board's full complement is five members, appointed by the Mayor with the advice and consent of the City Council to serve staggered six-year terms and eligible for reappointment to one additional six-year term. Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards."

Steven B. Rosenfeld, of counsel to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, who was appointed to the Board in May 2002, served as its Chair from June 2002 until he retired from the Board on December 28, 2012. On that date, Nicholas Scoppetta, of counsel to the law firm of Scoppetta Seiff Kretz & Abercrombie, succeeded Mr. Rosenfeld as Board Chair.

Monica Blum, President of the Lincoln Square Business Improvement District, was appointed to the Board in August 2004 and reappointed in October 2006.

Andrew Irving, Senior Vice President and Area Counsel of Gallagher Fiduciary Advisors, LLC, was appointed to the Board in March 2005.

Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, was appointed to the Board in July 2009.

Erika Thomas-Yuille, Associate General Counsel for The McGraw-Hill Companies, was appointed to the Board in March 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 22 is divided into six units: Training and Education, Legal Advice, Enforcement, Financial Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Mark Davies, who has served in that capacity since 1994.

2. PROPOSED AMENDMENTS TO CHAPTER 68

City Charter § 2603(j) requires that, at least once every five years, the Board “shall review the provisions of this chapter and shall recommend to the council . . . such changes or additions as it may consider appropriate or desirable.” The Board did so in August 2009, when it issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law, which had not been substantively amended since it was enacted almost 20 years earlier. That report reiterated a number of amendments to Chapter 68 that the Board had proposed over the years and

added numerous other significant amendments to the provisions of Chapter 68, as well as many long-overdue technical and language changes needed to make the law internally consistent and intelligible, as well as in harmony with established Board practice and interpretation. All of the proposed amendments, together with comments on each provision and a summary of the amendments, may be found on the Board's home page at <http://www.nyc.gov/html/conflicts/html/home/home.shtml>.

In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: mandating that every City public servant obtain training in the Conflicts of Interest Law, increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and empowering the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. Those provisions are now part of Chapter 68, in sections 2603(b), 2606(b), and 2606(b-1) of the Charter.

In 2012, the Board continued to work with the Administration and the City Council to address many of the remaining proposed changes contained in the August 2009 report. The Board hopes that these proposed amendments will be enacted in 2013.

One of the Board's highest legislative priorities for many years has been a Charter amendment providing the Board with an independent budget. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget. The Board believes that is in itself an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials who are subject to the Board's jurisdiction.

3. TRAINING AND EDUCATION

The Board's Training and Education Unit carries out the mandate of section 2603(b)(1) of the Conflicts of Interest Law that the Board "shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter." That responsibility was greatly magnified by the 2010 Charter amendment, now

embodied in section 2603(b)(2)(b), that “each public servant *shall undergo training* provided by the board in the provisions of this chapter” (emphasis added). The two-person Unit that shouldered this huge training responsibility through July 2012 consisted of Training and Education Director Alex Kipp and Senior Trainer Philip Weitzman. They were joined by Trainers Rob Casimir and Quinn Haisley in late July when the Unit was expanded from two to four.

Training Sessions

In 2012, the Unit conducted 341 classes and undertook several training initiatives. The number of classes taught in 2012 represents a 7% increase over the preceding year, as reflected in Exhibit 3 to this Report.

During 2012, the Unit trained the entire staffs of several agencies, including the Board of Standards & Appeals, City Council, Civil Service Commission, Comptroller’s Office, Department of Health and Mental Hygiene, Financial Information Services Agency, Manhattan Borough President’s Office, Mayor’s Office of Immigrant Affairs, Office of Labor Relations, Police Pension Fund, Queens Borough President’s Office, Richmond County District Attorney’s Office, and Taxi & Limousine Commission. Training at the Department of Education continued, with a total of 34 classes. In all, as summarized in Exhibit 4 to this Report, during 2012 the Unit presented classes at 40 City agencies and offices, reaching approximately 14,305 City employees. Still, that is far below the mandate of the 2010 Charter amendment requiring that all 300,000 public servants of the City receive such training every two years

The Board’s classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board’s attorneys, conducted 19 Continuing Legal Education (“CLE”) classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year,

including a general two-hour course for City attorneys of various agencies; several shorter “Special Topics” classes; one class for new lawyers at the Law Department, continuing a model begun in 2004; one class for new assistant district attorneys in Brooklyn; several classes in Chapter 68 Enforcement geared to the disciplinary counsel of City agencies; one Professional Practice/Chapter 68 class for members of the Asian American Bar Association; one session for attorneys in the Office of the Special Narcotics Prosecutor; and one session for the legal staff of the Richmond County District Attorney’s Office. The Unit also continued to cooperate with the Department of Citywide Administrative Services in offering Citywide CLE classes in Chapter 68, both general and specialized, sponsored by the Citywide Training Center.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, “Ask the City Ethicist,” in *The Chief* and the Board’s own newsletter, *The Ethical Times*. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads. Several agencies have reported that they distribute the newsletter electronically to their entire staff.

The Impact of Mandatory Training

As noted above, in November 2010, the voters of New York City overwhelmingly approved a change to the City Charter making ethics training *mandatory* for all public servants of the City. While the Conflicts of Interest Law had always mandated that the Board *offer* training, there was no reciprocal mandate for public servants to undergo training; Chapter 68 training was largely optional. Now, all 300,000 public servants of the City *must* receive such training every two years.

One way to help meet the mandate of the 2010 mandatory training amendment is to leverage the Board’s own ability to train public servants by training those in City agencies whose responsibilities include ethics training of their colleagues. This longstanding Board program is called “Train the Trainer.” In support of the “Train the Trainer” program, the Training and Education Unit in 2012 continued hosting a Brown Bag Lunch series, a monthly lunchtime discussion group, moderated by Board attorneys, that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants have included agency staff who are involved in teaching ethics,

as well as attorneys who work directly with Chapter 68 issues at their agencies. CLE credit was offered at several of the Brown Bag sessions.

It is anticipated that the great majority of public servants will eventually be trained by some computer-based method, similar to the way many agencies handle other types of mandatory training. The Training and Education Unit continues its research to find the appropriate ethics e-training solution and hopes to have a pilot in place in 2013.

Even with the hoped-for availability of computer-based training, an increased demand on the Training Unit is still anticipated, primarily in the provision of additional live classroom training (particularly for those public servants who do not have easy access to computers) and in the administration of the computer-based training platform for over 300,000 users. Two Trainers, Rob Casimir and Quinn Haisley, were hired in July 2012. After extensive training, they began teaching classes in October. They have proven to be talented, resourceful additions to the team

Website, Publications, and Media Outreach

The Internet remains an essential tool for Chapter 68 outreach. In 2012 the Board's website (<http://nyc.gov/ethics>) had 814,138 page views and 224,515 visits. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links.

The Board continues to post new publications on its website, so that all Board publications, including the texts of Chapter 68, the Board's Rules, the Financial Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available to be downloaded from the website at <http://www.nyc.gov/html/conflicts/html/law/law.shtml>, as well as from CityShare, the City's Intranet. Recent articles by Board attorneys and installments of "Ask the City Ethicist" have also significantly added to the number of publications available online.

With the help of the Department of Information Technology and Telecommunications, the Training and Education Unit wrote and filmed a new video Public Service Announcement, which was aired this year.

Seminar

The Board's Eighteenth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 22, 2012, was a great success. More than 250 public servants attended, representing approximately fifty City agencies. At the Seminar's opening plenary session, Mayor Bloomberg once again gave the keynote address, and Board Chair Steven B. Rosenfeld presented a "State of the Board" report of the Board's work in 2011. The Oliensis Award for Ethics in City Government was presented to Marla Simpson, then the outgoing head of the Mayor's Office of Contract Services. The Pierpoint Award for Outstanding Service to the Board was presented to the Board's General Counsel Wayne Hawley. A list of past recipients may be found in Exhibit 5 to this Report.

The Board solicits nominees for both awards, to be conferred at its Nineteenth Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 21, 2013.

International Visitors and Government Ethics Associations

In 2012, Assistant Counsel for Enforcement Erin Thompson attended the annual conference of the Council on Government Ethics Laws ("COGEL"), the premier government ethics organization in North America. COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board's game show, an interactive ethics quiz, and electronic filing of financial disclosure reports.

Executive Director Mark Davies continues to serve as the Co-Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association's Municipal Law Section, as well as Secretary to the Section; on the Board of Directors of Global Integrity, an independent provider of information on governance and corruption trends around the world; and as an advisor to the American Law Institute's Principles of Government Ethics Project. Deputy General Counsel Sung Mo Kim chaired the Technology Committee of the State Bar's Municipal Law Section and served on the Section's Executive Committee. Deputy Director of Enforcement Bre Injeski served as a member of the Government Ethics Committee of the New York City Bar.

In June 2012, Mark Davies served as co-facilitator of a work group on “Anti-Corruption Policies, Institutions, and Mechanisms at Different Levels of Government” at the United Nations Experts Group Meeting/Capacity-Development Workshop on Preventing Corruption in Public Administration.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in developing and improving their ethics laws. Resources permitting, Board staff members respond to those requests, whenever possible by e-mail, although occasionally in person. In 2012, Board staff met with officials from the Republic of Korea and the People’s Republic of China and a delegation of mayors from the Russian Republic.

Time permitting, Board staff also occasionally assist other jurisdictions seeking to revise their ethics laws. For example, Mr. Davies submitted a statement to the Chicago Ethics Reform Task Force at the request of their counsel outlining the essential components of an effective municipal ethics law. He also continued to answer questions by phone and e-mail from municipal attorneys and reporters on matters of government ethics.

4. REQUESTS FOR GUIDANCE AND ADVICE

The Legal Advice Unit oversees the Board’s responsibility under Charter § 2603(c)(1) to “render advisory opinions with respect to the matters covered by” Chapter 68 “on the request of a public servant or a supervisory official of a public servant.” Complying with written advice obtained from the Board affords public servants a safe harbor against future enforcement action: section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action “shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.” Accordingly, the Board annually receives and responds to hundreds of written, and thousands of telephonic, requests for advice.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years; 2012 was no exception. Exhibits 1 and 6 to this Report summarize the Unit’s work in 2012 and prior years.

As detailed in Exhibit 7 to this Report, the Board in 2012 received 581 written requests for advice. Recognizing that delayed advice is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in Exhibit 6, in 2012 the Board's median response time to written requests for advice was 28 days.

As shown in Exhibit 8 to this Report, in 2012, the Board responded in writing to 471 requests for its advice, consisting of 65 Board letters and orders reflecting Board action, 155 staff advice letters, 246 waiver letters signed by the Chair on behalf of the Board,¹ and five public Advisory Opinions.

In 2012 Board staff also answered 3,213 telephone requests for advice. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities. Such calls, however, consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for advising the Board on advice matters pending before it and drafting written advice and advisory opinions.

The five public Advisory Opinions issued by the Board in 2012 were:

(1) AO 2012-1 – Financial Interests of Deputy Mayor Robert Steel

Robert K. Steel worked in the financial services industry prior to his appointment in July 2010 as Deputy Mayor for Economic Development. In response to his request for advice concerning his outside interests, and as he had previously been advised, the Board determined the following:

1. Mr. Steel is not required to recuse himself from matters involving Goldman Sachs, his former employer.
2. Mr. Steel is required to recuse himself from all matters materially involving Wells Fargo & Co., whose non-transferable options and

¹ Under section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action "otherwise prohibited" by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action "would not be in conflict with the purposes and interests of the city." By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

restricted shares he owns, but he will be permitted to retain these holdings.

3. Mr. Steel is not required to recuse himself from matters involving Citigroup, which is the plaintiff in a lawsuit that names Mr. Steel, among others, as a defendant.
4. Mr. Steel is permitted to continue to serve as a director of Community Bancorp (“Bancorp”) and to hold an ownership interest in Bancorp, a privately held company with no City business dealings that was recently formed to invest in small, distressed banks. Mr. Steel must recuse himself from any City matters involving Bancorp, involving his fellow Bancorp directors, involving any banks acquired by Bancorp, or involving any investment bank providing services to Bancorp in its acquisition of any banks. Mr. Steel must return to the Board if, in the future, his Bancorp responsibilities require any materially greater time than the ten hours per month that he represented to the Board.
5. The blind trusts established by Mr. Steel satisfy Board Rules §1-05. Mr. Steel’s interests in the assets held in these trusts therefore do not violate Chapter 68, provided that he recuses himself from all matters involving those entities listed in Appendix A to the Opinion unless and until the trustee informs him that he is no longer the beneficial owner of any such interest.
6. The mutual fund and hedge fund holdings of Mr. and Mrs. Steel do not violate Chapter 68.
7. With Mr. Steel’s resignation as a trustee of the Steel Family Foundation and with the agreement of Mrs. Steel, a remaining trustee, that the Foundation will not invest in New York City real estate for the duration of Mr. Steel’s City service, the requirements of Chapter 68 as to the Foundation are satisfied.
8. The life insurance trust and the trusts for the benefit of the Steels’ adult children do not violate Chapter 68.
9. Mr. Steel’s uncompensated service on the governing or advisory boards of the Duke Global Health Institute, the Aspen Institute, the Hospital for Special Surgery, and the FDIC Advisory Committee on Economic Inclusion does not violate Chapter 68, provided that he recuses himself from any dealings between the City and any of these not-for-profit entities. Mr. Steel must return to the Board if, in the future, his duties for these entities require any materially greater time than the ten hours per month

in total that he expects them to require. Mr. Steel is not required to recuse himself from matters involving the New York Botanical Garden, the not-for-profit entity on whose governing board Mrs. Steel serves without compensation.

(2) AO 2012-2 – Waivers of the Post-employment Restrictions

Having in Advisory Opinion Number 2008-4 specified the circumstances under which requests for waivers of the Charter’s post-employment restrictions would be analyzed pursuant to the historic “exigent circumstances” test rather than the more permissive “public-private partnership” test, the Board in subsequent years considered a number of applications for such waivers, most of which the Board determined should be analyzed under the more stringent exigent circumstances test. But because those applications exposed some lingering confusion as to what constitutes “exigent circumstances,” and what must be shown in order to meet that test’s four-part standard, the Board issued the instant Opinion. In the Opinion, the Board stated that, in applying the exigent circumstances test, the Board will look for a showing that it is *in the City’s interest* that the former public servant, rather than another employee of his or her new employer, be the person to communicate with the former City agency during the first post-employment year or work on the particular matter. And the Board will scrutinize these applications carefully, to be satisfied that such an exigent need has not been custom-made to fit the particular waiver applicant. Finally, precisely because these applications will be granted sparingly, departing public servants would be well advised to seek a waiver *before* leaving City service to accept a private sector job in which otherwise prohibited conduct is critical to the performance of the position’s duties.

(3) AO 2012-3 – Raffle Prizes

The Board issued Advisory Opinion Number 2012-3 to explain when public servants may be permitted to accept, for their personal use, raffle prizes won at events they attend in their official capacity, a possibility that the Board, at least in dicta, had previously indicated would not be permissible. In this Opinion the Board advised that it would not violate the Conflicts of Interest Law for a City employee to accept for personal use a raffle prize won at an event he attended as a representative of his City agency, where the donor of the prize is not doing, or interested in doing, business with the City, and provided that the public servant purchased the

raffle ticket with personal funds and that the winner is not selected because of his or her City position.

(4) AO 2012-4 – Admission to Sporting and Entertainment Events

The Board received a number of inquiries from public servants as to whether their receipt of gifts of complimentary admission to sporting and entertainment events would violate the prohibition on acceptance of valuable gifts, as well as corresponding inquiries from lobbyists as to whether they might offer to public servants complimentary admission to such events without violating the lobbyist gift ban. The Board advised that receipt by City officials of complimentary attendance to sporting and other entertainment events and the corresponding gift by lobbyists of free admission to these events will be permissible only when *both* of two requirements are satisfied: first, there must be a clear and direct nexus between the public servant's official duties and the event; and second, the public servant must be performing some official function at the event. One example of such an official function is a specific ceremonial role at the event appropriate to the official's City position. But the mere public address announcement of the official's presence at the event and the official's acknowledgement of that announcement is not a ceremonial role sufficient to permit the gift or acceptance of complimentary admission to sporting or other entertainment events.

(5) AO 2012-5 – Campaign-Related Activities

The Board received a number of questions from public servants, including in particular from City elected officials who anticipated being candidates for elective office in the near future, asking whether, consistent with the Conflicts of Interest Law, they and their subordinate City employees might engage in certain campaign-related activities. Because the Board anticipated similar questions in the upcoming Citywide election year, the Board issued this Opinion, which advised as follows:

1. City employees whose duties include scheduling for the official in whose office they work may not use City time or resources to arrange campaign events for that official.
2. It is permissible for City employees to communicate with the campaign of their principal for the purpose of exchanging

scheduling information such as the time and place of campaign and official events.

3. Public servants seeking elective office may not provide their campaigns with direct electronic access to their City-maintained schedules, but it would not violate the Conflicts of Interest Law for the City and campaign staffs both to have read and write access to an online calendar to which the campaign would post campaign events and City staff would post official events, provided that this calendar is not accessible to the public.
4. A City official's daily binder, which contains the official's daily schedule, the text of remarks, background papers, and the like, may not include the text of a campaign speech or other materials prepared by the campaign. Rather, separate official and campaign binders must be kept by the official's City and campaign staffs.
5. If the City office of a candidate for elective office receives communications about campaign matters, such as inquiries about how to contribute time or money to the official's campaign, the City employees who receive these inquiries may respond *only* by providing campaign contact information to the caller or writer; the City employees may not forward the inquiry to the candidate, the campaign, or anyone else in the City office.
6. City press officers, whose City responsibilities include arranging for press attendance at their superiors' official events, may not use City time or resources to arrange for press attendance at campaign events. But a City press officer may respond to press inquiries prompted by remarks made at campaign events when the press inquiry concerns matters within the City portfolio of the press officer's principal.
7. City employees whose duties typically require them to attend official events with the elected official who is their superior, including employees sometimes described as advance persons and "body persons," may attend campaign events on City time only if it can reasonably be anticipated that the City employee will be required to perform *official City* duties at the event and further provided that the only duties they in fact perform at the event are official duties. Because of the different City duties of body persons and advance persons, it ordinarily will not violate the Conflicts of Interest Law for a body person to accompany

the elected official to campaign events on City time, while it normally would violate the Law for the advance person to attend campaign events on City time.

8. Official City photographs may be provided to a campaign, if at all, only on the same terms as such photos are made available to the general public. Furthermore, if official photographs are in fact provided to the general public, they must be provided to the campaign pursuant to the same process by which a member of the general public would obtain them.
9. Just as a City superior may not request his or her subordinates to work for or contribute to a political campaign, including the superior's own campaign, the superior's campaign staff may not request the candidate's City subordinates to work for or contribute to the campaign.
10. While a City official may request his or her subordinates to gather information for use in that official's political campaign where the work requested is related to the subordinate's City duties or responsibilities, campaign staff may not make such a request directly to City staff. The City official may, however, direct his or her City staff to gather information and provide it directly to campaign staff.
11. If a superior and subordinate public servant independently volunteer for a political campaign, including the campaign of the City official who is the superior of both, the City superior may supervise and assign campaign tasks to the City subordinate (and vice versa), whether they are paid or unpaid campaign workers.
12. While an appointed official charged with substantial policy discretion may not solicit funds for a candidate for City elective office or for a current City elected official seeking any elective office, it would not violate the Conflicts of Interest Law for the spouse of such an official to host a fundraiser at the couple's home for such a candidate, even if the public servant were present at the event, where under the totality of the circumstances it is clear that the public servant is not a true host of the event and that the solicitations being made in the official's home are in fact and in appearance made only by the public servant's spouse.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Training and Education Unit, the Legal Advice Unit has developed a large e-mail distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of most City agencies. Working in cooperation with New York Law School's Center for New York City Law, the Board makes its advisory opinions available on-line in full-text searchable form, free of charge to all (www.CityAdmin.org). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help address its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, four law student interns and two volunteer attorneys worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2, contributed substantially to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Sung Mo Kim, Associate Counsel Karrie Ann Sheridan, and Associate Counsel Jessie Beller.

5. ENFORCEMENT

A vigorous enforcement program is at the heart of the Board's efforts to preserve and promote public confidence in City government, to protect the integrity of government decision-making, and to enhance government efficiency. Public servants at all levels occasionally violate the City's Conflicts of Interest Law, either intentionally or inadvertently. Enforcement sends a clear message that Conflicts of Interest Law violations will be discovered and violators punished.

The Board's enforcement powers include the authority to receive complaints, direct the New York City Department of Investigation ("DOI") to investigate matters related to the Board's responsibilities, to obtain a

public record of Conflicts of Interest Law violations, and to impose fines on violators. These functions are discharged by the Board's Enforcement Unit. In 2012, the Board opened 460 new enforcement cases, closed 469 cases, and concluded enforcement actions finding violations in 100 cases, many with public sanctions. Those 100 public findings of violations included 89 dispositions imposing a fine, 11 public warning letters, and two Findings of Fact, Conclusions of Law, and Orders issued following hearings before the New York City Office of Administrative Trials and Hearings ("OATH"). Data on enforcement cases from 1994 through 2012 can be found in Exhibit 9 (Chapter 68 Enforcement Cases).

An integral part of the Board's enforcement power is the ability to obtain monetary penalties and disgorge ill-gotten gains. In November 2010, the City's voters gave the Board the power to order payment to the City of the value of any gain or benefit obtained by a public servant as a result of his or her violation of the Conflicts of Interest Law. The Board exercised this new disgorgement power for the first time in 2012, returning \$34,626.11 to the City through settlements in two cases. Fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain.

The Board's Enforcement Unit reviews complaints of possible violations of the City's Conflicts of Interest Law, initiates investigations at DOI, brings civil charges in administrative proceedings for violations of the law, and negotiates settlements on the Board's behalf. A complete summary of Enforcement activity each year from 2004 to 2012 can be found in Exhibit 10 (Enforcement Summary), but in 2012 alone Enforcement, under the leadership of Director Carolyn Lisa Miller, negotiated 89 settlements by disposition imposing a fine, up 46% from 2011, and collected \$187,323 in disgorgement and fines from violators—the highest amount collected in a single year. As reflected in the Exhibit 11, from 1990, when the Board gained enforcement authority, through 2012, Board fines and disgorgement penalties have totaled \$1,148,406.19. During that same period, fines paid to agencies, restitution, loan repayments, and suspensions without pay in Board cases have accounted for an additional \$1,226,051.80.

A vital component of the Board's enforcement program is carried out by DOI. The City Charter entrusts investigations of possible conflicts of interest violations to DOI and also requires DOI to report the results of all its

investigations involving violations of the Conflicts of Interest Law to the Board so that the Board may determine whether a violation had occurred. In fulfillment of these dual mandates, in 2012, DOI provided the Board with 137 investigative reports—a 13% increase from 2011, as reflected in Exhibit 10. In addition to DOI, the Board relies on the public, City employees and officials, and the media to bring possible violations to its attention. The Board encourages anyone with information of a possible violation to contact Enforcement through the Board’s website (www.nyc.gov/ethics).

After four years of litigation, on February 9, 2012, the New York State Court of Appeals, the State’s highest court, ruled that the Board has independent enforcement power to impose civil fines on tenured teachers and principals for violations of Chapter 68. *Rosenblum v. New York City Conflicts of Interest Board*, 18 N.Y.3d 422, 964 N.E.2d 1010, 941 N.Y.S.2d 543 (2012). In *Rosenblum*, the principals’ union brought an Article 78 proceeding arguing that the New York State Education Law permitted only the New York City Department of Education (“DOE”) to impose fines on tenured DOE staff for such misconduct. The Court of Appeals, reversing two lower court decisions, made clear that, whatever an employee’s agency does or does not do, the Board may independently prosecute an ethics violation. A decision against the Board had the potential to insulate all unionized City workers—roughly 90% of the City workforce—from ethics enforcement, except for employee discipline by their agencies. Throughout this protracted litigation, the Board was ably represented by attorneys from the City’s Law Department, to whom the Board is very grateful.

Enforcement Actions

In 2012, the Board concluded enforcement actions involving a wide range of conduct, from a high-level DOE official who brazenly abused his authority to create a position at DOE specifically for his wife to fill to the dozens of New York City Human Resources Administration employees who misused confidential information from welfare case records for self-serving purposes, which did not generate headlines but threatened the integrity of City government nonetheless. A fuller description of enforcement actions concluded in 2012 can be found in the Appendix to this report (Chapter 68 Enforcement Case Summaries (2012)), but this brief survey conveys the extent and success of the Board’s efforts:

Adjudicated Cases. The vast majority of enforcement actions are resolved by negotiated settlements. In 2012, the Board issued Findings of Facts, Conclusions of Law, and Orders in two cases following hearings before OATH. In one case, the Board imposed a \$9,000 fine after finding a School Secretary violated Chapter 68 when she used her school's credit card to make at least \$3,000 in personal purchases at various places, including gas stations and McDonald's.² In the other case, the Board found a school Custodian used a custodial employee to repair the roof and clean the gutters of a Staten Island home owned by the Custodian and then falsified DOE payroll records to pay the employee for that work with DOE funds.³ As a penalty, the Board fined the now former Custodian \$2,500 for misusing his position as a public servant to arrange for a subordinate to perform private home repairs and \$5,000 for using DOE funds (a City resource) to pay for those repairs.

Settlements: Disgorgement Cases. In November 2010, the City's voters gave the Board a new power to disgorge ill-gotten gains to return funds to the City. The Board exercised this new power for the first time in 2012 in two cases. In the first case, an Assistant to the Chief Engineer in the New York City Department of Sanitation Bureau of Engineering was required to relinquish the gain he received from using his City position for personal financial benefit and from entering into a business or financial relationship with a subordinate City employee—namely, the \$1,696.82 referral fee the now former Assistant received from a private attorney for referring a subordinate Sanitation employee for representation in a personal injury lawsuit.⁴ In the more noteworthy of the two cases, the Board returned to the City over \$30,000 in ill-gotten gains obtained by the former Director of Central Budget in the DOE Division of Finance.⁵ To settle charges that he misused his DOE position to create a DOE job specifically for his wife, the Central Budget Director repaid the total of his wife's net earnings from her employment at DOE (\$32,929.29) plus a \$15,000 fine.

Settlements: Significant Cases. A former Department of Finance Commissioner paid a \$22,000 fine to settle charges she habitually misused

² *COIB v. Vera*, COIB Case No. 2011-750 (2012).

³ *COIB v. Zackria*, COIB Case No. 2010-609 (2012).

⁴ *COIB v. S. Taylor*, COIB Case No. 2011-193 (2012).

⁵ *COIB v. Namnum*, COIB Case No. 2011-860 (2012).

her position as Commissioner to advance her private interests.⁶ In 2005, the then Commissioner sought the Board's advice about serving as a paid officer of Tarragon Realty Investors Inc., a publicly-traded real estate investment company. The Board advised the then Commissioner that such service would be permissible under the Conflicts of Interest Law, provided she refrain from using her office to advantage Tarragon and she not use City resources in connection with her service. In a public disposition of the charges, the then Commissioner admitted that, despite these written instructions, she twice used her position to attempt to get a bank that she dealt with at Finance to grant certain extensions to Tarragon. She also admitted to using her Finance e-mail account on hundreds of occasions to communicate about Tarragon matters and to having her then First Deputy Commissioner and her Executive Assistant perform administrative tasks on Tarragon matters. The then Commissioner further admitted she asked two executives at a residential real estate corporation that dealt extensively with Finance on taxation matters to help her registered domestic partner find an apartment, which resulted in her domestic partner renting an apartment in one of the corporation's luxury buildings. Finally, the then Commissioner admitted she also used her position as Commissioner to try to help her step-sister find a job and to intervene on behalf of her half-brother, who also worked at Finance and was having supervisory and performance issues.

Settlements: Three-Way Settlements. The Board's Enforcement Unit continued to enhance its effectiveness in 2012 by strengthening its coordination with disciplinary counsel at City agencies in cases where Board action would overlap with agency disciplinary charges. Through the so-called "referral back" process, Enforcement resolved Chapter 68 violations simultaneously with related disciplinary charges brought by the agency. In 2012, the Board referred 72 such cases to agencies, including the Administration for Children's Services, the Comptroller's Office, the Department for the Aging, the Department of Citywide Administrative Services, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Housing Preservation and Development, the Housing Authority, and the Human Resources Administration. Settlements reached in conjunction with agencies frequently result in penalties of loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation.

⁶ *COIB v. Stark*, COIB Case No. 2011-480 (2012).

The Board reached a three-way settlement with the New York City Department of Information Technology and Telecommunications (“DoITT”) and a Director of Office Services at DoITT who solicited, and received, Yankees tickets and free NHL tickets from DoITT vendors and also had another vendor perform a personal move for him; he also requested that the latter vendor prepare an invoice describing the service as moving City property so DoITT would be billed for the work.⁷ To resolve disciplinary charges alleging violations of the DoITT Code of Conduct and Chapter 68, the Director agreed to pay a \$5,000 fine to the Board, serve a 30 work-day suspension, valued at approximately \$7,144.78, and irrevocably resign his position. Settlements like this save the Board the time and expense of instituting separate proceedings when related discipline is pending at the employing agency and achieve finality for the affected public servant.

In another such case, the New York City Department of Parks and Recreation (“Parks”) informed the Board that the agency planned to institute proceedings pursuant to the New York Civil Service Law against a Construction Project Manager for disclosing confidential engineer and construction pricing estimates for a Parks construction project to a private vendor who was preparing a bid for that project.⁸ In a three-way settlement with the Board and Parks, the Construction Project Manager admitted his conduct violated Chapter 68 and the Parks Standards of Conduct and accepted a 60-day suspension, valued at approximately \$11,478, as a penalty.

Settlements: Former City Employees. As some of the above cited cases reflect, the Board’s jurisdiction to prosecute public servants for violations that occurred while they were public servants continues even after they leave City service.

The Board also prosecutes cases against former public servants for violations that occur after they leave City service. In 2012, the Board concluded enforcement actions it brought against two former public servants for violating the Charter’s “post-employment provisions,” which prohibit former public servants from communicating for compensation with their former City agencies within one year after leaving City service, from

⁷ *COIB v. Sivilich*, COIB Case No. 2012-583 (2012).

⁸ *COIB v. Baksh*, COIB Case No. 2012-021 (2012).

working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not otherwise available to the public.

Summaries of all of the Board’s public enforcement actions from 1990 to the present are available on the Enforcement page of the Board’s website. The full-text of each settlement and order is available free of charge, in searchable form, on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

In addition to public sanctions, the Board may, where appropriate, choose to educate public servants privately about the implications of Chapter 68 on their past conduct. In 2012, the Board sent 88 private warning letters, compared to 81 in 2011. These confidential warnings, which carry no findings of fact or violation by the Board, serve as a formal reminder of the importance of strict compliance with the Conflicts of Interest Law.

For all their hard work, the Board thanks Carolyn Lisa Miller, Director of Enforcement; Bre Injeski, Deputy Director of Enforcement; Ethan Carrier, Associate Counsel for Enforcement; Erin Thompson, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. Ms. Thompson joined the Board in June following the departure of Vanessa Legagneur in February 2012; Mr. Carrier started in November after Dave Jaklevic left in September. The Board also extends its sincere thanks to DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District (“SCI”) Richard J. Condon, and their entire staffs for the invaluable work of DOI and SCI in investigating and reporting on complaints of violations of the Conflicts of Interest Law.

6. FINANCIAL DISCLOSURE

Under section 2603(d) of Chapter 68, the Board receives “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law....” Under the financial disclosure law, set forth in section 12-110 of the New York City Administrative Code (http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf), over 8,000 City public servants are required to file financial disclosure reports with the Board. Since 2005, all such reports are filed with the Board

electronically, which is referred to as Electronic Financial Disclosure (“EFD”).

New Annual Disclosure Law, Local Law 58 of 2012

In 2012, as the culmination of over *seven years* of work by the Board to overhaul New York City’s financial disclosure law, Local Law 58 of 2012 was passed by the City Council on November 27, 2012, and signed into law by the Mayor on December 12, 2012.

The law makes the following changes:

1. Requires the filing of financial disclosure reports by uncompensated members of policymaking City boards and commissions;⁹
2. Enables those uncompensated members of policymaking City boards and commissions to file a new short form, which asks for the following information:
 - (a) Any paid or unpaid positions with any City agency;
 - (b) Outside employers and businesses, *but only if* the employer or business does business with the filer’s entity;
 - (c) Investments of 5% or \$10,000, *but only if* the company does business with the filer’s entity;
 - (d) Gifts, *but only if* the donor does business with the filer’s entity; and
 - (e) Real property the filer owns or rents in the City, *excluding* property where the filer or a family member lives; and
3. Changes the current form as follows:
 - (a) For those questions requiring disclosure concerning relatives, the definition of relative is amended to add brothers and sisters, but would eliminate aunts, uncles and cousins, to reflect state law. The definition also adds dependents and spouses of the listed relatives of the filer;

⁹ Members of City boards and commissions who are entitled to compensation are policymakers and will continue to file the current form.

- (b) As to gifts, the filer is required to disclose gifts above \$50 if the donor had business dealings with the City at sometime between the beginning of the reporting period and the date of filing and gifts above \$1,000 if the donor had no City business. The filer is not required to disclose any gifts in the aggregate value or amount of less than \$50, no matter who the donor is;
- (c) For those questions requiring disclosure of investments in a businesses, securities, and real property, the filer is required to report any such information for any unemancipated child; and
- (d) The filer must disclose the name, title, and position of any relative holding a position in City service.

Each of these changes makes the report consistent with Chapter 68, and ensures that the City's financial disclosure law complies with State law. Finally, under the law, the name "financial disclosure" becomes "annual disclosure."¹⁰

Filing and Review of Financial Disclosure Reports

City employees continue to show an excellent compliance rate in filing their mandated annual financial disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Financial Disclosure Law for the past six years has been 98%.¹¹ This superb record must be attributed in large part to the excellent work of the Financial Disclosure Unit: Julia Davis, Director of Financial Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Financial Disclosure; Sung Mo Kim, EFD Project Manager;¹² Holli Hellman, Associate EFD Project Manager and Supervising Financial Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Garay, Financial Disclosure Analyst and Agency Receptionist.

The electronic financial disclosure application continued to make the filing of financial disclosure easier for filers, not only because the filing may

¹⁰ The *Wall Street Journal* reported on the Board's proposed bill in an article on July 13, 2012, and on the Council unanimously passing the bill in an article on November 28, 2012.

¹¹ The low number of non-filers was discussed in a September 27, 2012, *New York Post* article.

¹² Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

be done remotely from home or other non-work computers during the filing period but also because the electronic reporting form is “pre-populated” with the previous year’s responses. Filers merely review and update their prior year’s report, an effort that for most filers requires only a few minutes.

In 2012, for the first time, there was one four-week filing period for all public servants. During this filing period, the Financial Disclosure Unit responded to 1,105 calls requesting assistance with filing, a decrease of 322 calls, or 22%, from the filing period in 2011.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2012, the Unit conducted 7,596 reviews of the 2011 reports filed by non-terminating public servants. The Unit reviewed financial disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. It also reviewed Board waiver letters, issued pursuant to Charter § 2604(e) that granted permission for second jobs, to insure that these jobs were properly reported on the filer’s financial disclosure report. These reviews resulted in 58 letters sent to filers, 43 of which advised the filer that it was necessary to obtain agency head permission and then a Board waiver pursuant to Charter § 2604(e) in order to retain their second, non-City positions, 7 of which requested the filer to provide the Board with information to confirm a waiver was not required, 4 of which instructed filers to obtain orders for ownership interests pursuant to Charter § 2604(a)(4), 3 of which requested that filers amend their financial disclosure reports, and 1 of which directed a filer to obtain requisite permission from the employing agency.¹³ At year’s end, 12 waivers, advice letters, and orders had been issued, 20 filers had submitted explanations for, or additional information concerning, the second positions reported, 3 filers had departed City service, 1 had resigned the second position, 1 agency approval had been obtained, and 8 requests for waivers were pending. In addition, 20 waivers were issued in 2012 as a result of letters sent concerning filers’ 2010 financial disclosure reports. Finally, 5 public warning letters were issued concerning filers who had ignored the Board’s direction to seek permission for second jobs disclosed on their 2009

¹³ The 58 letters reflect a 29% decrease in the number of letters sent compared to the number sent concerning 2010 financial disclosure reports. The decrease may be attributed to filers correcting their failures to obtain waivers for, or to disclose, non-City jobs.

financial disclosure reports and continued to report these positions on their 2010 financial disclosure reports.¹⁴

The Financial Disclosure Unit receives requests for the certification of compliance that departing City employees are required to obtain pursuant to section 12-110 (b)(3)(b) of the Administrative Code before they can receive their final paychecks and/or any lump sum payments. In 2012, 498 such certifications were issued. Finally, the Unit continued its financial disclosure liaison trainings with eight trainings in 2012.

Financial Disclosure Appeals

In 2011 the Board published Notice of Adoption of Rule 1-17, which set forth a uniform procedure whereby a City employee who has been designated by his or her City agency as a person required to file a financial disclosure report with the Board may appeal that determination. In response to the Board's action, District Council 37 filed an unfair labor practices petition with the City's Office of Collective Bargaining, arguing that financial disclosure appeals were a mandatory subject of collective bargaining. On March 6, 2012, the Board of Collective Bargaining determined that the Board did not have the authority to conduct rulemaking on financial disclosure appeals and struck down the Rule.

Returning to the pilot program in effect before the appeals rule was adopted, the Board issued the following appeals orders:

- In FD Order 2012-1, the Board held that an agency's failure to set forth any reasons for its denial of an employee's appeal is, in effect, a failure to respond within the required time frame requiring the appeal to be granted upon default;
- In FD Order 2012-2, the Board held that an agency must afford an appealing filer the full 14-day period after a notice of appeal is filed to submit written statements, and remanded the appeals before it for the agency to do so; and

¹⁴ *COIB v. Bowen-Allen*, COIB Case No. 2011-785 (2012); *COIB v. Fields*, COIB Case No. 2011-784 (2012); *COIB v. Madu*, COIB Case No. 2011-788 (2012); *COIB v. Manning*, COIB Case No. 2011-783 (2012); and *COIB v. Scaramuzzino*, COIB Case No. 2011-786 (2012).

- In FD Order 2012-3, the Board found that Senior Conciliators in the New York City Department of Finance's Conciliation Bureau perform contracting duties that require them to file financial disclosure reports.

Financial Disclosure Enforcement

Section 12-110(g) of the City's Financial Disclosure Law empowers the Board to impose fines of up to \$10,000 for non-filing or late filing of a financial disclosure report. During 2012, the Board collected \$14,000 in late filing fines, \$11,000 from 2011 late filers, and \$3,000 from late filers for 2010. Since the Board assumed responsibility for financial disclosure in 1990, the Board has collected \$574,698 in financial disclosure fines.

Public Inspection of Financial Disclosure Reports

Section 12-110(e) of the City's Financial Disclosure Law provides that certain information contained in financial disclosure reports shall be made available for public inspection. In 2012 there were 1,170 requests to inspect filed reports. Eight hundred sixty-two of these requests were from the media, which resulted in the following newspaper articles discussing financial disclosure filings:

- A January 2, 2012, *New York Post* article discussing the Comptroller's promotion of a subordinate mentioned the subordinate's financial disclosure reports;
- A May 26, 2012, *Wall Street Journal* article, a May 25, 2012, wnyc.org webpost, and a May 25, 2012, *City and State* article about the Mayor's finances included mention of two real estate properties that first appeared on his 2011 financial disclosure report;
- A July 13, 2012, *New York Post* article discussed what financial disclosure reports revealed about two Council Members who were potential Comptroller candidates, as well as the debts of a third Council Member;
- In light of City Hall's efforts to curb the size of sugary drinks sold in New York, an August 4, 2012, *New York Post* article named

three City officials whose financial disclosure reports indicated they held stock in Pepsi, Coca-Cola, and McDonald's;

- The August 13, 2012, issue of the *Huffington Post* contained an article discussing the Police Commissioner's financial disclosure report, including reimbursements from the Police Foundation for expenses incurred at the Harvard Club; and
- A September 10, 2012, *City and State* article noted a Councilmember's failure to include income on his financial disclosure report. The Councilmember's spokesperson noted correctly that he had amended the report to include the income.

In 2012, the Board implemented a program by which reporters from established media companies can request and receive reports by e-mail. The program, which requires reporters to register for the program in person, furnish an e-mail address at their publication, and provide the necessary signed request forms at the time of the request, enabled the Board to e-mail 400 reports during the media release of 2011 reports.

Public Authorities Accountability Act

The Public Authorities Accountability Act ("PAAA") requires directors, officers, and employees of certain City-affiliated entities to file financial disclosure reports with the Board. Twenty-eight PAAA entities participated in the 2012 filing period, which accounted for 302 directors, officers, and employees being required to file a financial disclosure report for calendar year 2011. One hundred seventeen individuals had previously submitted a financial disclosure form pursuant to their City positions, 37 of whom were required to file by virtue of service on more than one PAAA entity. At year's end, 105 individuals were in the process of submitting to the Board the new short form made possible by the enactment of Local Law 58 of 2012, five of whom were required to file by virtue of service on more than one PAAA entity. Accordingly, 226 individuals were actually required to file pursuant to PAAA.

7. ADMINISTRATION AND INFORMATION TECHNOLOGY

The Board thanks its Director of Administration, Varuni Bhagwant, and Administrative Coordinator, Iris Wright, for their continued perseverance in the face of increasing administrative burdens. The Board's former Director of Administration, Ute O'Malley, retired on January 31, 2012, after more than 16 years of exemplary service. The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running. He has provided the Board with the technical expertise necessary to implement electronic financial disclosure filing and has supervised the implementation of upgrades to the Board's IT infrastructure.

EXHIBITS
AND
APPENDICES

EXHIBIT 1
CONFLICTS OF INTEREST BOARD: 1993, 2001, 2011, 2012

<i>Agencywide</i>	1993	2001	2011	2012
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,118,909 (FY12)	\$2,086,841 (FY13)
Staff (budgeted)	26	23 ^{3/5}	20	22
<i>Legal Advice</i>	1993	2001	2011	2012
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	4 attorneys
Telephone requests for advice	N/A	1,650	3,310	3,213
Written requests for advice	321	539	582	581
Issued opinions, letters, waivers, orders	266	501	523	471
Opinions, etc. per attorney	53	167	131	118
Pending requests at year end	151	40	166	221
Median time to respond to requests	N/A	23 days	29 days	28 days
<i>Enforcement</i>	1993	2001	2011	2012
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
New complaints received	29	124	440	460
Cases closed	38	152	504	469
Dispositions imposing fines	1	9	61	89
Public warning letters	0	2	18	11
Fines imposed	\$500	\$20,450	\$127,769	\$187,322
Referrals to DOI	19	49	65	63
Reports from DOI	N/A	43	121	137

<i>Training and Education</i>	1993	2001	2011	2012
Staff	1	4 ³ / ₅	2	4 ¹
Training sessions	10	190 24 agencies; CLE	318 41 agencies; Brown Bag Lunches; training for all employees of several agencies; new presentation for Citywide seminar	341 40 agencies; Brown Bag Lunches; training for all employees of several agencies; new presentation for Citywide seminar
Dept. of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	21	34
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Continued monthly column in <i>The Chief</i>	Over 50 Continued monthly column in <i>The Chief</i> ; new leaflets for HRA and ACS created
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> continued
Videotapes	None	3 half-hour training films; 2 PSA's	New PSA shot with the assistance of DoITT. Post-production to be completed in 2012.	New PSA completed and posted

¹ In July 2012, the Unit was expanded from two to four.

<i>Training and Education (cont'd)</i>	1993	2001	2011	2012
Electronic training	None	Computer game show; Crosswalks appearances	Researched available third-party platforms for interactive web-based training. COIB to work with DoITT in 2012 to develop application.	Several strategies discussed; research continued
<i>Financial Disclosure</i>	1993	2001	2011	2012
Staff	12	5	5	5
6-year compliance rate	99%	98.6%	97.6%	98%
Fines collected	\$36,051	\$31,700	\$13,750	\$14,000
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	All	All
Reports reviewed for conflicts (mandated by law)	350	38	All	All
Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA	0	0	Filing by 4 PAAA entities; additional entities to file in 2012	28 PAAA entities filed
Electronic filing	None	In development	With limited exceptions (candidates and assessors), all filers file electronically	With limited exceptions (PAAA filers, candidates, and assessors), all filers file electronically

EXHIBIT 2

COIB MEMBERS, STAFF, AND FORMER MEMBERS

Members

Steven B. Rosenfeld, Chair (*until Dec. 2012*)
Nicholas Scoppetta, Chair (*beginning Dec. 2012*)
Monica Blum
Andrew Irving
Burton Lehman
Erika Thomas-Yuille (*beginning March 2012*)

Staff

Executive

Mark Davies, Executive Director

Legal Advice

Wayne G. Hawley, Deputy Executive Director & General Counsel
Sung Mo Kim, Deputy General Counsel
Karrie Ann Sheridan, Associate Counsel
Jessie Beller, Associate Counsel

Enforcement

Carolyn Lisa Miller, Director of Enforcement
Bre Injeski, Deputy Director of Enforcement
Vanessa Legagneur, Associate Counsel (*until Feb. 2012*)
David Jaklevic, Assistant Counsel (*until Sept. 2012*)
Erin Thompson, Assistant Counsel (*beginning June 2012*)
Ethan Carrier, Associate Counsel (*beginning Nov. 2012*)
Maritza Fernandez, Litigation Coordinator

Financial Disclosure

Julia Davis, Director of Financial Disclosure & Special Counsel
Joanne Giura-Else, Deputy Director of Financial Disclosure
Sung Mo Kim, Electronic Financial Disclosure Project Manager^{*}
Holli R. Hellman, Associate EFD Project Manager and Supervising Fin. Discl. Analyst
Veronica Martinez Garcia, Administrative Assistant
Daisy Garay, Financial Disclosure Analyst and Agency Receptionist

Training and Education

Alex Kipp, Director of Training and Education
Philip Weitzman, Senior Trainer
Rob Casimir, Trainer (*beginning July 2012*)
Samantha Quinn Haisley, Trainer (*beginning July 2012*)

Administrative

Ute O'Malley, Director of Administration (*until Jan. 2012*)
Varuni Bhagwant, Director of Administration (*beginning Feb. 2012*)
Iris Wright, Administrative Coordinator (*beginning June 2012*)

Information Technology

Derick Yu, Director of Information Technology

^{*} Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

Interns and Volunteers

Volunteer Attorneys

Cristine Delaney
Brian Roberts

Law School Interns

Cristina Grullon
Elizabeth Schaubert
Katherine Stork
Leonides Viajar

College Interns

Joy Charles
Sunny Hoang
Victoria Steger

Former Members of the Board

Merrill E. Clarke, Jr., Chair	1989
Beryl Jones	1989-1995
Robert J. McGuire	1989-1994
Sheldon Oliensis, Chair	1990-1998
Shirley Adelson Siegel	1990-1998
Benjamin Gim	1990-1994
Benito Romano, Acting Chair (1998-2002)	1994-2004
Jane W. Parver	1994-2006
Bruce A. Green	1995-2005
Angela Mariana Freyre	2002-2011
Steven B. Rosenfeld, Chair	2002-2012
Kevin J. Frawley	2006-2009

EXHIBIT 3

TRAINING AND EDUCATION CLASSES ON CHAPTER 68

1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 ¹	43	139	182
2004	119	169	288
2005	80	162	242
2006 ²	43	151	194
2007	75	341	416
2008	51	484	535
2009 ³	33	253	286
2010 ⁴	9	270	279
2011	21	297	318
2012 ⁵	34	307	341

¹ As a result of mandated layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15 to October 15, 2003.

² From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December 2005 to mid-July 2006, and the new trainer then needed to be trained before he could begin teaching classes.

³ For five months during 2009 the Unit had a staff of only one.

⁴ For eight months during 2010 the Unit had a staff of only one.

⁵ The Unit's compliment was expanded from two to four in July 2012.

EXHIBIT 4

COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in **bold**.

Agencies that held three to nine classes are in *italics*.

Agencies that held one or two classes are not separately listed.

2005	2006 ¹	2007	2008	2009 ³	2010 ⁴	2011	2012 ⁵
Parks Finance DCA DYCD DOB Education <i>DDC</i> <i>HRA</i> <i>TLC</i> <i>DOITT</i> <i>DCAS</i> <i>Community</i> <i>Boards</i> <i>DOITT</i> <i>DCAS</i> <i>Community</i> <i>Boards</i> <i>HHC</i> <i>HPD</i> <i>DOC</i> <i>DOHMH</i> <i>Comptroller</i> Agencies Holding One or Two Classes: 17 Total Classes: 242²	Comptroller DCAS DDC DOB Education Finance Sanitation <i>Community</i> <i>Boards</i> <i>DOC</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>HHC</i> <i>Manhattan</i> <i>Borough Pres</i> <i>TLC</i> Agencies Holding One or Two Classes: 21 Total Classes: 194²	Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA TLC <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCP</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>HPD</i> <i>HRA</i> <i>NYCERS</i> <i>NYPD</i> <i>Parks</i> Agencies Holding One or Two Classes: 39 Total Classes: 416²	Buildings DCAS DDC Education OATH/ECB Health Sanitation TLC <i>ACS</i> <i>Aging</i> <i>City Council</i> <i>Community</i> <i>Boards</i> <i>Correction</i> <i>DoITT</i> <i>EDC</i> <i>Finance</i> <i>Fire Dept.</i> <i>Law</i> <i>MOCS</i> <i>NYCERS</i> <i>NYCHA</i> Agencies Holding One or Two Classes: 23 Total Classes: 535²	Buildings City Council DCAS DoITT Education FISA NYCHA TLC <i>CCHR</i> <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCA</i> <i>DDC</i> <i>DOHMH</i> <i>DOF</i> <i>DOT</i> <i>DPR</i> <i>DSNY</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>NYCERS</i> <i>OATH</i> <i>SBS</i> Agencies Holding One or Two Classes: 24 Total Classes: 286²	Buildings City Council DCAS DOF DOT HRA Not-for-profits Receiving Discretionary Grants <i>Bronx Borough</i> <i>President</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DOHMH</i> <i>DoITT</i> <i>DPR</i> <i>FDNY</i> <i>HHC</i> <i>HPD</i> Agencies Holding One or Two Classes: 20 Total Classes: 279²	Buildings City Council DCAS DDC DOE DOF OATH SCA <i>Community</i> <i>Boards</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>Manhattan BP</i> <i>MOCS</i> <i>NYCERS</i> <i>Not-for-profits</i> <i>Receiving</i> <i>Discretionary</i> <i>Grants</i> OEM SBS Agencies Holding One or Two Classes: 16 Total Classes: 318²	ACS City Council Comptroller DCAS DOE DOHMH DOT HRA NYCERS TLC <i>Borough</i> <i>President (M)</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DEP</i> <i>DOB</i> <i>DOF</i> <i>DoITT</i> <i>DSNY</i> <i>EDC</i> <i>FDNY</i> <i>FISA</i> <i>OLR</i> <i>Police Pension</i> <i>Richmond Cty.</i> <i>DA's Office</i> Agencies Holding One or Two Classes: 17 Total Classes: 341²

¹ From December 2005 to September 2006, the Training and Education Unit had a staff of one.

² These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

³ For five months during 2009 the Unit had a staff of one.

⁴ For eight months during 2010 the Unit had a staff of one.

⁵ The Training Unit's compliment was expanded from two to four in July 2012.

EXHIBIT 5

RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS

Sheldon Oliensis Ethics in City Government Award

2012	Marla Simpson (Mayor's Office of Contract Services)
2010	Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
2009	Ricardo Morales (New York City Housing Authority)
2007	Department of Buildings
2005	The Center for New York City Law at New York Law School
2004	Saphora Lefrak (City Council)
2003	Department of Investigation
2002	Department of Environmental Protection
2001	Department of Transportation
1999	Sheldon Oliensis (Conflicts of Interest Board)

Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board

2012	Wayne Hawley
2011	Angela Mariana Freyre
2009	Mark Davies
2008	Robert Weinstein
2007	Jane Parver
2006	Bruce Green
2005	Benito Romano
2003	Andrea Berger
1999	Shirley Adelson Siegel

EXHIBIT 6
LEGAL ADVICE SUMMARY: 1993 TO 2012

	1993	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)	2012 (Increase v. 2011)
Staff	5 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys
Telephone requests for advice	N/A	3,326 (+15%)	3797 (+14%)	3277 (-14%)	3246 (-1%)	3310 (+2%)	3213
Written requests for advice	321	613 (+8%)	624 (+2%)	557 (-11%)	599 (+8%)	582 (-3%)	581
Issued opinions, letters, waivers, orders	266	605 (+46%)	574 (-5%)	484 (-16%)	523 (+8%)	523	471 (-10%)
Opinions, etc. per attorney	53	151 (-12%)	144 (-5%)	121 (-16%)	131 (+8%)	131	118 (-10%)
Pending written requests at year end	151	178 (-21%)	161 (-10%)	138 (-14%)	162 (+17%)	166 (+2%)	221 (+33%)
Median time to respond to requests	N/A	30 days	26 days	24 days	24 days	29 days	28 days

EXHIBIT 7
WRITTEN REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613
2008	624
2009	557
2010	599
2011	582
2012	581

EXHIBIT 8
WRITTEN RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605
2008	253	226	95	574
2009	170	231	83	484
2010	208	234	81	523
2011	188	250	85	523
2012	155	246	70	471

EXHIBIT 9

CHAPTER 68 ENFORCEMENT CASES

	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
New Complaints	31	29	50	64	63	81	148	124	221	346	307	370	328	465	509	443	523	440	460
Cases Closed	4	33	32	54	76	83	117	152	179	243	266	234	530	429	509	472	522	504	469
Dispositions Imposing Fines	2	1	1	2	9	4	10	9	6	3	6	11	19	61	135	98	76	61	89
Public Warning Letters	0	0	1	0	0	0	2	2	0	0	0	1	7	26	11	21	36	18	11

EXHIBIT 10

ENFORCEMENT SUMMARY: 2004 to 2012

	2004 (Increase v. 2003)	2005 (Increase v. 2004)	2006 (Increase v. 2005)	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)	2012 (Increase v. 2011)
Staff	5 (4 attorneys)	4 (3 attorneys ¹)	4 (2 attorneys ²)	5 (4 attorneys)	5 (4 attorneys ³)	5 (4 attorneys ⁴)	5 (4 attorneys)	5 (4 attorneys ⁵)	5 (4 attorneys ⁶)
New complaints received	307 (-11%)	370 (+21%)	328 (-11%)	465 (+42%)	509 (+9%)	443 (-13%)	523 (+18%)	440 (-16%)	460 (+5%)
Cases closed	266 (+9%)	234 (-12%)	530 (+126%)	429 (-19%)	509 (+19%)	472 (-7%)	522 (+11%)	504 (-3%)	469 (-7%)
Dispositions imposing fines	6	11 (+83%)	19 (+73%)	61 (+221%)	135 (+121%)	98 (-27%)	76 (-22%)	61 (-20%)	89 (+46%)
Public warning letters	0	1	7	26 (+271%)	11 (-58%)	21 (+90%)	36 (+71%)	18 (-50%)	11 (-39%)
Fines imposed	\$8,450	\$37,050	\$30,460	\$87,100	\$155,350	\$161,050	\$145,850	\$127,769	\$187,322
Referrals to DOI	156 (+15%)	110 (-29%)	154 (+40%)	137 (-11%)	108 (-21%)	77 (-29%)	70 (-9%)	65 (-7%)	63 (-3%)
Reports from DOI	93 (+50%)	117 (+26%)	120 (+3%)	143 (+19%)	179 (+25%)	132 (-26%)	132 (0%)	121 (-8%)	137 (+13%)

¹ The Enforcement Unit lacked one attorney for almost 11 months in 2005.

² The Enforcement Unit had only two attorneys for several months in 2006.

³ The Enforcement Unit had one attorney on leave for several months in 2008.

⁴ The Enforcement Unit had one attorney on leave for several months in 2009.

⁵ The Enforcement Unit lacked one attorney for 3½ months in 2011.

⁶ The Enforcement Unit lacked one attorney for 7½ months in 2012.

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2012

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLE- MENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
<u>2012</u>								
DECEMBER								
12/27/12	2012-568	DiVittorio	1,000			X		
12/27/12	2012-473a	Rodriguez	1,750					
12/26/12	2011-750	Vera*	9,000					
12/26/12	2010-880	Dockery ¹	7,500					
12/13/12	2012-583	Sivilich	5,000		Resign & never return to DoITT employment	X	30	7,144.78
12/13/12	2012-582	Ervin-Turner				X	20	3,780
12/03/12	2012-329	Zerilli	1,750			X		
NOVEMBER								
11/28/12	2011-860	Namnum	15,000 fine + 32,929.29 value of benefit received					
11/26/12	2012-270b	Cohen	3,000					
11/26/12	2012-228	Fogel	2,500					
11/26/12	2012-540	Brennan	500					
OCTOBER								
10/25/12	2012-169	Agius	1,000					
10/24/12	2009-493	Knowlin ²	2,500					
10/24/12	2011-636	Nero	4,000					
10/17/12	2012-328	Scanterbury	4,000					
10/17/12	2012-364	Lim	7,500					
10/04/12	2012-581	Jimenez		498.36		X	7	3,363.94
10/03/12	2012-486	Dance				X	15	3,790
10/03/12	2012-316	Ojudun			Resign & never return to HRA employment	X		
SEPTEMBER								
09/12/12	2009-845	Thompson			9,000 restitution, Resign & never return to DOE employment			

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
09/05/12	2011-193	Taylor	7,500 fine + 1,696.82 value of benefit received					
09/04/12	2012-314	Marinello		7,442.50		X		
09/04/12	2012-367	Williams				X	25	4,686.35
09/04/12	2012-399	Hayes	6,000		No longer use any affiliation in publications other than DOHMH	X		
09/04/12	2011-531	Passarella	3,500					
09/04/12	2012-492a	Perez				X	3	1,316.45
09/04/12	2012-492	Innamorato				X	10	3,000.88
AUGUST								
08/22/12	2012-021	Baksh				X	60	11,478
08/22/12	2011-720	O'Mahoney	4,000			X		
08/22/12	2011-055	Gonzalez	1,250			X	5	1,256
08/22/12	2011-898	Purvis				X	20	3,530
08/22/12	2012-115	Washington				X	5	758
08/08/12	2010-479	Thornton	3,500					
JULY								
07/31/12	2012-230	Hope, K.			Resign & never return to HRA employment	X		
07/31/12	2011-622b	Charbonier			One year probation	X	5	812
07/31/12	2011-622e	Shepard			One year probation	X	5	1,421
07/25/12	2012-187	Balkcom			Nine month probation	X	45	4,757.12
07/25/12	2012-204	Murph				X	8	1,085.97
07/25/12	2012-114	Tomkins				X	5	1,244
07/23/12	2012-339	Cortez				X	12	3,861
07/23/12	2012-246	Paci				X	1 suspension & 4 annual leave	1,967
07/23/12	2010-541	Rodriguez	1,250					
JUNE								
06/28/12	2011-429a	Glover, M.				X	10	1,584
06/28/12	2011-429	Glover, B.					30	4,307
06/26/12	2012-095	Gomez	3,750			X		
06/26/12	2009-598	Shepherd			Demoted, resulting in			

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
					39,003 annual salary reduction			
06/26/12	2010-762	Strauss	2,500			X		
06/26/12	2010-335a	McCrorey	250					
06/26/12	2010-335b	Williams	250					
06/26/12	2010-335c	James	750					
06/26/12	2010-335d	Hill*	500					
06/26/12	2010-335e	Simms ³	250					
06/25/12	2012-162	Stewart	6,500					
06/11/12	2010-015	Neblett	1,000		Resign from DOE & return piano			
06/11/12	2011-478	Mercado	1,000					
06/06/12	2012-326	Mayo			Resign & never return to DoITT employment	X		
06/06/12	2010-672	Silver	1,500			X		
06/04/12	2012-098	Bennett		2,000		X		
06/04/12	2012-150a	Borrero		25,000		X		
06/04/12	2012-231	Thomas				X	20	2,252.11
06/04/12	2011-151	Tirado	1,750					
06/04/12	2012-229	Hope				X	30	5,304.74
06/04/12	2012-045	Gamble				X	12	2,348
06/04/12	2010-276a	Mattern	1,500			X		
APRIL								
04/30/12	2011-445	Shapiro	2,000			X		
04/30/12	2010-836	Connell-Cowell	4,500			X		
04/25/12	2011-591	Nelson	3,500					
04/24/12	2011-480	Stark	22,000					
04/23/12	2011-302	Trezevantte	1,250			X		
04/16/12	2011-868	Perotti			Demoted, resulting in 8,000 salary reduction + 7,900 in loan repayment	X		
MARCH								
03/26/12	2011-544	Fabrikant	2,500					
03/21/12	2012-041	Gibson		1,500		X		
03/12/12	2011-724	Edwards				X	15 suspension & 24 annual leave forfeited	11,774.62

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
03/12/12	2011-456	Wiltshire	3,000					
03/12/12	2012-121	Congo			Resign & never return to City employment	X		
03/06/12	2012-014	Mark		8,000 in forfeited annual leave +	Resign & never return to City employment 1,689.28 restitution	X	20	4,494.20
03/05/12	2011-765	Pawar	1,000					
03/05/12	2011-627	Singleton		2,000		X		
03/05/12	2011-727	Dumeng				X	5	1,000
03/05/12	2011-734	Vasquez				X	15	4,369
FEBRUARY								
02/21/12	2011-664	Hines				X	30	3,926.67
02/08/12	2011-547	Harris				X	4	1,172.20
02/07/12	2010-609	Zackria*	7,500					
02/06/12	2011-473	Vazgryn		4,500		X	30	5,300
02/06/12	2011-768	Taylor-Williamson				X	7	1,743
JANUARY								
01/31/12	2010-842a	Lugo	2,500					
01/26/12	2007-269	James				X	90	25,046.10
01/26/12	2007-269a	Gilbert				X	60	16,697.47
01/26/12	2007-269b	Maurice				X	90	24,425.57
2011								
DECEMBER								
12/20/11	2010-548	Maldonado	2,500					
12/20/11	2010-285a	LaBella	1,500					
12/20/11	2010-285	Zerillo	12,500					
12/15/11	2011-726	Burgos	1,000			X		
12/15/11	2011-663	Williams		2,440		X		
12/08/11	2011-443	Akinoye		700		X		
12/06/11	2011-368	Raab	6,500					
12/05/11	2010-831	Glanz	2,500					
12/01/11	2009-159	Carrion	10,000					
NOVEMBER								
11/14/11	2011-329	Robertson				X	4 annual leave forfeited	596
SEPTEMBER								
09/28/11	2010-258a	Garvin				X	10 suspension & 5 annual	2,118.90

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
							leave forfeited	
09/19/11	2011-361	Udeh	2,000		Demoted, resulting in 8% salary reduction	X		
09/19/11	2011-427	Capellan	2,000					
09/19/11	2011-003	Vielle			Resign & never return to DOHMH employment	X		
AUGUST								
08/29/11	2011-360	Marandi	1,269		1,268.97 restitution	X		
JULY								
07/25/11	2009-700	McNair**	7,500					
07/25/11	2009-181	Markowitz	20,000					
07/25/11	2011-343	Godfrey	1,000					
07/06/11	2008-880	Julien	2,000					
JUNE								
06/30/11	2010-723	Pizarro	600		111.92 restitution	X	3 annual leave forfeited	987.06
06/30/11	2010-276	Ennis	1,250					
06/30/11	2010-430	Mitchell				X	5	799.61
06/30/11	2010-063	Naidu-Walton	2,500			X		
06/30/11	2009-434	Hedrington	1,000					
06/30/11	2009-434a	Barthelemy	1,250					
06/29/11	2011-189	Olsen	4,000			X		
06/28/11	2011-084	Smolkin		5,000	764.03 restitution	X		
06/28/11	2010-406	Garcia				X	10	2,033.60
06/28/11	2010-830	Lee				X	30	3,403
06/28/11	2011-156	Andrews	2,000					
06/27/11	2011-015	Ruiz				X	40	7,616
06/27/11	2010-282	Baez ⁴	500					
06/27/11	2010-156	Belle ⁵			345.02 restitution			
06/23/11	2011-230	Terracciano				X	3 annual leave forfeited	1,371
MAY								
05/25/11	2011-187	Shaffer ⁶	1,000		Demoted & transferred, resulting in 20% salary reduction	X		
05/19/11	2010-873	Arowolo			One year probation	X	10	3,013

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
05/09/11	2010-329	Barrington			277.28 restitution	X	20	2,423
05/09/11	2009-807	Solomon	1,000					
05/04/11	2010-842	Jordan			Transferred, resulting in 15,000 salary reduction			
05/02/11	2010-573	Lowe				X	30	3,352
APRIL								
04/21/11	2010-335	Diggs	1,250					
04/07/11	2009-553	Grant	300					
04/05/11	2009-467	Tatum	20,000					
04/04/11	2011-002	Ginty			Demoted & one year probation	X	30	3,772
MARCH								
03/29/11	2010-439	Paige*	2,500					
03/24/11	2009-436	Szot	3,250		2,500 Criminal restitution			
03/21/11	2008-963a	Concepcion	3,000					
03/10/11	2009-651	Tabaei	3,500					
03/09/11	2010-165	Walker			Resign & never return to DOE employment	X		
03/07/11	2008-503	Armstead	4,000					
03/07/11	2008-747	James	1,500					
FEBRUARY								
02/15/11	2010-657	Lumpkins-Moses		7,500		X		
02/09/11	2010-492	Hall				X	30	3,695
02/09/11	2010-278	Wright				X	60	6,972
02/07/11	2009-849a	Scissura	1,100					
02/07/11	2009-849	Markowitz	2,000					
02/02/11	2010-540	Cadet					10	848.40
02/02/11	2010-742	Padilla	2,000					
02/01/11	2006-773	Koonce ⁷	1,500					
02/01/11	2010-521	Graham			One year probation	X	45	9,079
02/01/11	2010-442	Peruggia	12,500			X		
JANUARY								
01/31/11	2010-874	Mark		4,000		X	20 suspension & 20 annual leave forfeited	8,988.40

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
01/31/11	2010-893	Anderson			Transferred to another unit	X	30	7,303.96
2010								
DECEMBER								
12/27/10	2010-610	Rizzo	14,000					
12/22/10	2010-126	Acevedo			Resign	X		
12/22/10	2010-242	Karim				X	15	3,082
12/21/10	2010-014	Crispiano	1,500					
12/20/10	2010-234a	Angelidakis	2,250			X		
12/20/10	2010-234b	Halpern	1,500			X		
12/20/10	2010-234c	Nussbaum	1,500			X		
12/20/10	2010-768	Vazquez			Resign & never return to DOHMH employment	X		
NOVEMBER								
11/18/10	2010-296	Woods				X	20	2,490
11/18/10	2010-661	Orah				X	60	8,464.44
11/08/10	2009-307	McNeil**	2,000					
11/08/10	2008-397	Mitchell	6,000					
11/08/10	2010-035	Fischetti	20,000					
11/01/10	2010-338	Mendez			Resign & never return to City employment	X		
11/01/10	2010-558	Bradley				X	3	571
11/01/10	2010-446	Bollera			Terminated			
OCTOBER								
10/20/10	2008-602	Jones	2,000					
10/19/10	2009-465	Yung				X	6	2,060
10/14/10	2009-514	Agbaje	1,500					
10/04/10	2010-491	Kayola	2,250					
10/04/10	2010-051	Currie	2,000					
SEPTEMBER								
09/30/10	2010-345	Griffen-Cruz				X	10	1,161
09/23/10	2010-433	Coward			Retire & never return to DSNY employment or City for 5 years	X		
09/01/10	2008-756	John			Resign & never return to City	X	22 suspension & 136 hours of annual	11,313.68

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
					employment		leave forfeited	
AUGUST								
08/26/10	2010-067	Chabot ⁸	900					
08/26/10	2009-466	Holder	2,400			X		
08/26/10	2010-245	Speranza				X	8	1,495
08/23/10	2010-299	King	1,000					
08/23/10	2010-424	Simpkins		2,500		X		
08/23/10	2010-432	Oates			Resign	X	19	2,371
08/09/10	2009-686	Romano	1,750			X		
JULY								
07/19/10	2010-315	Clare			2,938.88 Criminal restitution, resign & never return to DEP employment or City for 5 years	X		
07/13/10	2010-097	Simmons				X	7	1,083
07/12/10	2009-815	Beers				X	30	4,884
07/12/10	2010-005	Duncan	1,750					
07/06/10	2008-547	Reid	2,000					
JUNE								
06/29/10	2009-598b	Williams					75	7,515
06/29/10	2008-759	Macaluso	2,500					
06/29/10	2009-398	Rubin	2,500					
06/29/10	2009-265	Ingram					10	1,357
06/03/10	2007-773a	Gill	950					
06/02/10	2006-772	Kolowski	1,500			X		
06/02/10	2006-772a	Fisher	1,500			X		
06/02/10	2010-103	McKinney	800		801.95 restitution	X		
MAY								
05/19/10	2009-687	Siyanbola			Resign	X		
05/19/10	2009-814	Jamal	250			X	3	903
05/11/10	2009-486	Aponte				X	5	612
05/11/10	2009-099	Tieku ⁹	7,500					
05/11/10	2009-403	Roberts	7,500					
05/04/10	2010-212	Eliopoulos				X	6	1,567.02
05/03/10	2010-077a	Cid	1,250					
05/03/10	2010-077	Piazza	3,000					
05/03/10	2008-648a	Dunn	1,000					
05/03/10	2008-346b	Stewart	1,250					
05/03/10	2010-035a	Eng	1,500					
APRIL								

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
04/15/10	2009-646	Wright	1,000			X	5 suspension & 5 annual leave forfeited	2,095.10
04/15/10	2009-852	Williams				X	20	2,714
04/15/10	2009-261	Hines	400			X	10	2,124.60
04/15/10	2007-695	Colbert ¹⁰	1,500					
04/13/10	2009-542	Velez Rivera	1,250			X		
04/13/10	2009-445	Maliaros	900					
04/08/10	2009-204	Paulk					6	1,144
MARCH								
03/05/10	2008-562	Roberts	1,000					
03/02/10	2009-600	Robinson	1,250					
03/02/10	2008-648	Ricciardi	13,500					
03/02/10	2008-246	Reid	2,500					
03/01/10	2009-723	Baker	1,750					
FEBRUARY								
02/02/10	2007-635	Holchendler	6,000					
02/02/10	2009-053a	Cohen-Brown		3,500		X		
02/01/10	2007-155	Dziedkanowski ¹¹	5,000					
02/01/10	2009-600	Keaney	2,500					
JANUARY								
01/28/10	2009-312	Avinger ¹²	500					
01/11/10	2009-062	Rosa	2,500			X		
01/06/10	2009-226a	Wierson	5,000					
2009								
DECEMBER								
12/22/09	2009-351	Wright ¹³	1,000					
12/22/09	2008-948	Gray ¹⁴	750					
12/22/09	2008-805	Mateo ¹⁵	2,000					
12/16/09	2009-391	Paige			1,500 Loan repayment	X	5	1,136
12/15/09	2009-923a	Jack				X	9	2,412
12/15/09	2008-923	Coward				X	9	2,412
12/14/09	2009-048	Racicot		3,000		X		
12/14/09	2009-085	Hicks		750		X		
12/08/09	2008-861	Smart*	10,000					
12/02/09	2008-792	Bryant	1,250					
12/02/09	2009-381	Watts				X	5	870
12/02/09	2009-082	Winfrey ¹⁶				X	10	1,586
12/01/09	2008-911	Pettinato	6,000	1,500		X		
NOVEMBER								
11/24/09	2008-271	Cuffy	1,500					
11/23/09	2006-045	Williams	1,500					
11/23/09	2008-390	Brewster	3,000					

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
OCTOBER								
10/26/09	2007-588	Fox	1,000					
10/21/09	2004-220	Perez	12,500					
10/21/09	2009-416	Mason-Bell	1,250					
10/20/09	2009-140	Brown	1,500	1,300		X		
10/20/09	2009-024	Beza ¹⁷	7,500					
10/19/09	2009-479	Anthony		1,400		X		
10/15/09	2008-531	Maslin	1,000					
10/15/09	2009-576	King				X	60	6,100.33
SEPTEMBER								
09/29/09	2007-626	Eisenberg	1,000					
09/29/09	2009-482	Pittman				X	5 suspension & 5 annual leave forfeited	1,523
09/29/09	2009-224	McNeil				X	10	1,420.08
09/29/09	2008-274	Proctor	1,000					
09/09/09	2009-481	Patrick				X	2 suspension & 3 annual leave forfeited	549.85
09/29/09	2009-144	DeSanctis				X	15	4,695
09/29/09	2008-303	Kundu	1,000					
09/29/09	2008-802	Baksh				X	15	1,644
09/29/09	2009-480	Ayinde				X	7	1,412.46
09/29/09	2007-847	Sirefman	1,500					
09/08/09	2009-122	Campbell				X	15 suspension & 10 annual leave forfeited	\$4,993
AUGUST								
08/27/09	2008-872	Cora ¹⁸	500					
08/27/09	2009-029	Finkenberg ¹⁹	900					
08/27/09	2008-729	Calvin				X	16	2,491.55
08/27/09	2008-582	Knowles	1,250					
08/27/09	2009-498	Purvis				X	10	1,433
08/10/09	2007-218 2008-530	Dorsinville	3,500					
JULY								
07/28/09	2008-881	Green	15,000					
07/28/09	2008-825	Byrne	1,000					
07/28/09	2008-910	Samuels ²⁰	1,000					
07/23/09	2009-399	Spann				X	10	1,325
07/20/09	2008-348	Hall	2,000	1,500		X		
07/13/09	2007-565	Keeney	1,450					
07/13/09	2009-241	Vazquez				X	44	10,164
07/09/09	2009-227	Miller				X	6	1,597
07/09/09	2008-131	Edwards	2,500		Demoted & reassigned	X		

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
07/08/09	2009-177	Sheiner				X	5	1,274
07/07/09	2009-279	Belenky	2,000					
07/06/09	2008-260	Keene				X	30	2,300
07/06/09	2009-262	Fenves				X	12 annual leave forfeited	6,290
JUNE								
06/09/09	2008-962a	Lucks	1,500					
06/08/09	2008-355	Constantino	1,000					
06/01/09	2008-929	Hahn	600					
06/01/09	2009-192	Gabrielsen				X	7	1,492
MAY								
05/06/09	2008-237a	Core				X	30	7,904
05/05/09	2008-922	Guerrero				X	15	3,822
05/04/09	2008-960	O'Brien	20,000					
05/04/09	2008-527	Richardson	1,500					
05/04/09	2008-687	Purdie	400			X	11	1,671
05/04/09	2008-236	Tharasavat	6,000					
05/04/09	2008-744	Medal			41,035 Criminal restitution			
05/04/09	2008-635	Davey	2,750					
05/04/09	2005-612	Abiodun				X	13	1,466
APRIL								
04/16/09	2008-823	Winfield	2,000					
04/13/09	2007-565a	Horowitz	750					
04/08/09	2009-063	Pottinger				X	5	817
04/08/09	2008-688	Chen	500					
04/07/09	2008-478	Ribowsky	3,250					
04/06/09	2008-192	Forsythe	4,000					
04/06/09	2008-301	Smith	1,200					
04/06/09	2008-387	Candelario				X	21	3,074
04/06/09	2008-555	Borowiec	1,150					
04/06/09	2009-045	Bastawros				X	25	5,000
MARCH								
03/10/09	2007-745	Piscitelli	12,000					
03/05/09	2007-297	Benson	2,000					
03/04/09	2006-462	James ²¹	2,000					
03/03/09	2008-941	McFadzean				X	11	1,472
03/03/09	2008-943	Hayes				X	3	699
03/02/09	2008-006	Henry ²²	6,626.04					
03/02/09	2008-760	Qureshi	1,000					
03/02/09	2008-504	Kwok	500					
FEBRUARY								
02/26/09	2008-326	Burgos				X	60	8,232
02/19/09	2008-681	King				X	3	562

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
02/18/09	2008-581	Alejandro	2,000					
02/10/09	2008-434	Tangredi				X	5	839
02/09/09	2008-368a	Geraghty				X	30	4,826
02/09/09	2008-481	Murrell ²³	1,000					
02/04/09	2008-719	Teriba				X	5 suspension & 10 annual leave forfeited	3,104.55
02/04/09	2008-921	Conton				X	3 suspension & 3 annual leave forfeited	676.62
02/04/09	2004-750	Buccigrossi	2,000					
02/03/09	2006-640	Leigh	500					
JANUARY								
01/29/09	2008-716	Brenner		11,000				
01/29/09	2007-330	Dodson	2,500					
01/12/09	2008-374	Santana	1,000					
2008								
DECEMBER								
12/30/08	2008-267a	Hubert				X	20	2,882
12/22/08	2005-748	Bryan*	7,500					
12/22/08	2008-604	Wiltshire				X	30 & restitution to ACS	3,495 290.80
12/18/08	2008-478b	Shaler	2,500					
12/17/08	2008-423b	Bradley	600					
12/17/08	2005-588	LaBush	750					
12/15/08	2007-813	Miraglia	2,000					
12/15/08	2007-686	Alfred	1,000			X		
12/10/08	2007-479	Valvo	800					
NOVEMBER								
11/24/08	2008-376	Rosado	3,000			X		
11/24/08	2007-431	Ballard	3,000					
11/24/08	2008-706	Bryk	1,800			X		
11/17/08	2008-077	Pittari	1,000					
11/05/08	2005-132	Okanome*	7,000					
11/05/08	2007-627	Ramsami	750					
OCTOBER								
10/30/08	2008-331	Elliott		1,000		X		
10/30/08	2007-442	Bourbeau	3,000		Resign	X		
10/29/08	2008-296	Salgado				X	44	11,020
10/29/08	2008-122	Geddes	250			X	3	561
10/28/08	2008-217	Ng-A-Qui				X	6	1,563
10/27/08	2007-261	Soto ²⁴	1,500					
10/27/08	2007-680	DeFabbia	1,500					
10/22/08	2008-543	Adkins				X	8	1,003.76

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							# OF DAYS	DOLLAR EQUIVALENT
10/21/08	2008-256	Proctor				X	10 suspension & 7 annual leave forfeited	1,499.50 770
10/20/08	2008-609	Grandt	500					
10/20/08	2008-624	Tsarsis	750					
SEPTEMBER								
09/29/08	2005-243	Byrne ²⁵	5,000					
09/24/08	2008-472	Nash-Daniel				X	8	1,496
09/24/08	2008-536	Miller				X	5	550
09/24/08	2008-585	Wordsworth				X	5	623
09/23/08	2008-423	Greco	2,000					
09/22/08	2007-777	Gray	2,500					
09/22/08	2008-421	Mir	11,500					
09/17/08	2007-672	Siegel	1,500					
09/16/08	2008-396	Solo	1,250					
09/16/08	2008-396a	Militano	1,250					
09/11/08	2007-436h	Carmenaty	1,500					
AUGUST								
08/25/08	2007-827	Heaney	1,500			X		
08/14/08	2008-436ss	Stephenson	1,500					
JULY								
07/28/08	2008-207	Berger	1,750					
07/28/08	2008-217	Passaretti				X	30	7,306
07/23/08	2008-295	Lowry				X	30	7,307.10
07/15/08	2007-436	Arzuza				X	5	1,172.09
07/15/08	2007-436a	Baerga				X	5	1,206.09
07/15/08	2007-436b	Baldi				X	20	4,940.40
07/15/08	2007-436c	Barone				X	5	862.50
07/15/08	2007-436d	Bellucci				X	5	1,172.09
07/15/08	2007-436e	Bostic				X	5	1,172.09
07/15/08	2007-436f	Bracone				X	5	1,223.81
07/15/08	2007-436g	Branaccio				X	15	2,587.50
07/15/08	2007-436i	Castro				X	15	3,705.30
07/15/08	2007-436j	Cato				X	5	1,189.33
07/15/08	2007-436k	Colorundo				X	5	1,206.57
07/15/08	2007-436l	Congimi				X	5	1,235.10
07/15/08	2007-436m	Cutrone				X	5	1,252.30
07/15/08	2007-436n	Damers				X	5	1,235.10
07/15/08	2007-436o	Desanctis				X	5	1,189.33
07/15/08	2007-436p	Dixon				X	5	1,252.30
07/15/08	2007-436q	Drogsler				X	5	829.31
07/15/08	2007-436r	Gallo				X	15	3,808.65
07/15/08	2007-436s	Garcia				X	5	1,217.85
07/15/08	2007-436t	Georgios				X	5	821.40
07/15/08	2007-436u	Grey				X	30	7,410.60
07/15/08	2007-436v	Harley				X	5	1,172.09

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							# OF DAYS	DOLLAR EQUIVALENT
07/15/08	2007-436w	Hayden				X	5	1,189.33
07/15/08	2007-436x	Jaouen				X	5	1,252.30
07/15/08	2007-436y	Kane				X	5	1,217.85
07/15/08	2007-436z	Keane				X	5	1,206.57
07/15/08	2007-436aa	Kopczynski				X	4	1,223.81
07/15/08	2007-436bb	Lagalante				X	5	1,206.57
07/15/08	2007-436cc	Lampasona				X	5	959.70
07/15/08	2007-436dd	La Rocca				X	15	3,705.30
07/15/08	2007-436ee	La Salle	1,500					
07/15/08	2007-436ff	MacDonald				X	15	3,705.30
07/15/08	2007-436gg	Mann, A.				X	15	3,757.05
07/15/08	2007-436hh	Mann, C.				X	5	1,189.33
07/15/08	2007-436ii	Mastrocco				X	15	3,808.68
07/15/08	2007-436jj	McDermott				X	5	829.31
07/15/08	2007-436kk	McMahon				X	5	1,172.09
07/15/08	2007-436ll	Morales, A.				X	5	1,252.30
07/15/08	2007-436mm	Morales, J.				X	15	3,705.30
07/15/08	2007-436nn	Moscarelli				X	5	1,217.85
07/15/08	2007-436oo	Prendergrast				X	15	2,587.50
07/15/08	2007-436pp	Puhi				X	5	1,206.57
07/15/08	2007-436qq	Ruocco				X	5	1,269.55
07/15/08	2007-436rr	Smith, M.				X	5	1,217.85
07/15/08	2007-436tt	Sterbenz				X	5	2,217.85
07/15/08	2007-436uu	Taylor				X	4	1,189.33
07/15/08	2007-436vv	Torres				X	5	1,206.57
07/15/08	2007-436ww	Valerio				X	5	1,172.09
07/15/08	2007-436xx	Wallace				X	5	1,217.85
07/15/08	2007-436yy	Williams				X	15	3,705.30
07/15/08	2007-436zz	Zaborsky	1,500					
07/15/08	2007-436ab	Guifre				X	5	821.40

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							# OF DAYS	DOLLAR EQUIVALENT
07/15/08	2007-436ac	Sullivan				X	5	821.40
07/15/08	2007-436ae	Pretakiewicz				X	5	1,252.30
07/08/08	2008-132	Hwang	1,250					
07/08/08	2007-015c	Klein	1,500					
07/08/08	2007-015	Montemarano	2,500					
07/07/08	2008-025	Harmon	7,500					
07/07/08	2007-237	Philemy	2,250			X		
07/07/08	2007-774	Harrington	1,000					
07/07/08	2004-746	Lemkin	500					
07/07/08	2004-746a	Renna	500					
07/07/08	2004746b	Schneider	500					
JUNE								
06/17/08	2002-325	Anderson ²⁶	7,100					
MAY								
05/22/08	2006-559a	Cross	500			X		
05/22/08	2006-559	Richards	500			X		
05/22/08	2007-433	Jafferalli				X	30	4,151
05/22/08	2007-433a	Edwards				X	21	3,872
05/22/08	2007-570	Mouzon		1,279.48		X	10	1,046
05/20/08	2007-636	Blundo	1,000			X		
05/09/08	2006-617	Johnson	300			X		
05/08/08	2008-037	Zigelman	1,500	1,500		X		
05/01/08	2006-775	Childs	500			X	5	1,795
APRIL								
04/30/08	2003-373k	Rider	1,000					
04/29/08	2007-873	Shaler	2,000					
04/29/08	2005-236	Mizrahi	2,000					
04/29/08	2007-744	Deschamps	1,500			X	5	892
MARCH								
03/20/08	2003-373a	Lee	3,000					
03/20/08	2003-373k	Gwiazdzinski	3,000					
03/06/08	2004-530	Murano	1,250					
03/05/08	2007-058	Saigbovo	750					
03/05/08	2007-157	Aldorasi	3,000	1,500		X		
03/04/08	2003-550	Amar	4,500					
03/03/08	2007-723	Namnum	1,250			X		
03/03/08	2005-665	Osindero	500			X	15	2,205.97
03/03/08	2007-825	Namyotova	1,000			X	15	1,952
FEBRUARY								
02/07/08	2001-566d	Moran	1,500			X		
02/07/08	2001-566c	Guarino	1,500			X		
02/07/08	2001-566b	Sender	5,000			X		
02/07/08	2001-566a	Diaz	1,500			X		
02/07/08	2001-566	Ferro	2,500			X		
JANUARY								
01/28/08	2004-610	Riccardi	1,500					

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
01/23/08	2006-350	Schlein	15,000					
2007								
DECEMBER								
12/17/07	2006-632	Blenman	2,000					
12/17/07	2006-233	Osagie	5,000			X		
12/04/07	2004-188	Pratt ²⁷	500		3,961 Restitution			
NOVEMBER								
11/29/07	2007-519	Tamayo	100		900 Loan repayment	X	Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	52,649
11/29/07	2006-562b	McLeod				X	5	1,105.62
11/27/07	2006-618	Hall	1,500					
11/27/07	2004-517	Williams	4,000					
11/05/07	2005-365	Norwood*	4,000					
OCTOBER								
10/29/07	2006-423	S. Fraser	2,000					
10/29/07	2003-785a	Speiller	1,000					
10/29/07	2007-138	Basile	2,000					
10/26/07	2007-039	Tulce				X	30	4,550
10/09/07	2003-200	Lastique	2,000			X	21 plus reassignment & probation	1,971.69
10/02/07	2007-441	Larson	1,000					
10/02/07	2006-423a	Russell	1,000					
SEPTEMBER								
09/26/07	2006-411	Allen*	5,000					
09/18/07	2004-246	Margolin	3,250					
09/12/07	2006-551	Davis	700					
09/04/07	2007-016	Graham					5	896
AUGUST								
08/30/07	2007-362	Lucido	500					
JULY								
07/31/07	2003-785	Gennaro	2,000					
07/23/07	2003-152a	Bergman	1,000					
07/18/07	1999-026	Pentangelo	1,500					
07/16/07	2006-706	Carlson	500	4,820.92		X		
07/12/07	2006-461	Greenidge	500					
07/11/07	2006-098	Barreto	2,500			X		
07/11/07	2005-244	Clair	6,500					
07/10/07	2007-056	Glover				X	30	7,742

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLE- MENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
JUNE								
06/29/07	2005-200	Cetera	2,000			X		
06/05/07	2005-442	Sanders	1,000					
06/04/07	2005-240	Mazer	2,000					
MAY								
05/31/07	2006-383	Ianniello	1,000			X		
05/31/07	2006-684	Cooper	2,500	2,500		X		
05/31/07	2006-684a	Reilly	750	750		X		
05/31/07	2006-460	Amofo-Danquah	3,000			X	5	1,273.25
05/30/07	2007-053	Cammarata	1,500					
05/30/07	2002-678	Murphy	750					
05/30/07	2004-556	Cagadoc	500					
05/02/07	2005-690	Cantwell	1,500					
APRIL								
04/30/07	2006-068	Henry	1,000					
04/30/07	2005-739a	Oquendo	500					
04/25/07	2004-570	Matos	1,000			X		
04/17/07	2006-562a	Wade	500					
MARCH								
03/28/07	2006-554	Bassy	500					
03/27/07	2006-349	Vale	2,250					
03/27/07	2005-240	Sahm	1,250					
FEBRUARY								
02/28/07	2005-505	Martino-Fisher	1,000					
02/28/07	2003-752	Kessock	500					
02/28/07	2006-519	Lepkowski	500					
02/28/07	2002-503	Maith	500					
02/05/07	2002-458	Aquino	500					
02/05/07	2006-064	Tarazona	2,000					
02/05/07	2001-494	Russo	2,000			X		
JANUARY								
01/29/07	2005-031	Marchuk	750					
01/29/07	2006-635	Bayer	1,000		Retire from DDC	X	18	1,000
01/24/07	2005-178	Davis	1,000			X		
01/24/07	2005-098	Rosenfeld	500					
01/05/07	2004-697	Della Monica	1,500					
01/03/07	2004-712	McHugh	2,000					
2006								
DECEMBER								
12/19/06	2005-685	Diaz	500					
12/15/06	2002-140	Fenster	500					
12/11/06	2006-562b	Jefferson				X	25	3,085
12/11/06	2006-562	Nelson				X	25	4,262
NOVEMBER								

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
11/10/06	2003-655	Sorkin	500					
11/10/06	2005-271a	Parlante	460			X		
11/10/06	2005-271	Marchesi	750			X		
AUGUST								
08/24/06	2004-324a	Neira	4,500					
08/24/06	2006-048	Tyner				X	45	6,224
JULY								
07/28/06	2004-700a	L. Golubchick	4,000					
07/28/06	2004-700	J. Golubchick	1,000					
JUNE								
06/30/06	2003-097	Kerik	10,000		206,000 Criminal			
06/20/06	2004-159	Goyol	2,500					
06/06/06	2005-155	Okowitz	1,250			X		
MAY								
05/10/06	2003-423a	Coppola	500					
MARCH								
03/28/06	2005-590	Whitlow		1,818		X		
FEBRUARY								
02/23/06	2005-238	Valsamedis				X	50 w/o pay plus 10 days annual leave	11,267.50
02/15/06	2005-146	Vance	1,500				Annual leave	1,122
02/03/06	2002-716	Green	2,500	1,500		X		
2005								
NOVEMBER								
11/16/05	2004-214	Guttman	2,800					
11/16/05	2004-418	Trica	4,000					
JULY								
07/23/05	2002-677y	Serra ²⁸	10,000					
JUNE								
06/22/05	2005-151	Carroll	3,000			X	Suspension w/out pay	3,000
06/07/05	2004-082a	Romano	4,000					
MAY								
05/25/05	2004-082	Hoffman	4,000					
MARCH								
03/29/05	2003-788	Asemota	500			X	Annual leave	1,000
03/29/05	2004-466	Powery	1,000					
FEBRUARY								
02/28/05	2004-515	Genao	1,000					
02/28/05	2004-321a	Vasquez	1,750			X	Annual leave	1,600
JANUARY								
01/31/05	2003-127	Thomas	2,000				Annual leave	3,915
01/31/05	2002-782	Bonamarte	3,000					

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
2004								
DECEMBER								
12/21/04	2004-180	Berkowitz	3,500					
OCTOBER								
10/30/04	2002-770	W. Fraser	500					
10/21/04	2004-305	McKen	450	450		X		
JUNE								
06/22/04	2003-359	Campbell	2,000					
MAY								
05/20/04	2002-528	Fleishman	1,000	5,000	1,300 Restitution			
MARCH								
03/05/04	2001-618	Andersson	1,000					
2003								
APRIL								
04/03/03	2002-304	Arriaga	1,000	2,500		X	30	
MARCH								
03/25/03	2002-088	Adams	1,500					
JANUARY								
01/07/03	2002-463	Mumford		2,500	5,000 for violation of Reg. C-110			
2002								
JULY								
07/18/02	2002-188	Blake-Reid	4,000				Annual leave	4,000
JUNE								
06/27/02	2001-593	Cottes	500			X		
06/21/02	2000-456	Silverman	500					
MARCH								
03/27/02	2000-192	Smith ²⁹			2,433 Restitution			
FEBRUARY								
02/27/02	2001-569	Kerik	2,500					
02/22/02	2000-407	Loughran	800					
2001								
DECEMBER								
12/13/01	1998-508	King	1,000			X		
NOVEMBER								
11/13/01	2000-581	Hill-Grier	700			X		
SEPTEMBER								
09/25/01	2000-533	Denizac		4,000		X		
AUGUST								
08/15/01	1998-437	Jones				X	5 annual leave	
08/15/01	1999-501	Moran					Annual leave (plus 30 days	2,500

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
							w/out pay and demoted)	
JULY								
07/16/01	1999-157	Capetanakis	4,000					
JUNE								
06/25/01	2000-005	Rieue	2,000					
06/07/01	2000-231	Steinhandler	1,500			X		
MAY								
05/23/01	1999-121	Camarata	1,000					
MARCH								
03/08/01	1991-173	Peterson	1,500					
FEBRUARY								
02/26/01	1999-199	Finkel	2,250					
2000								
OCTOBER								
10/24/00	1999-200	Hoover	8,500					
10/16/00	1999-200	Turner	6,500					
AUGUST								
08/14/00	1999-511	Paniccia	1,500					
08/07/00	1999-500	Chapin	500					
JULY								
07/24/00	2000-254	Lizzio	250					
MAY								
05/24/00	1999-358	Rosenberg	1,000					
APRIL								
04/26/00	1998-169	Marrone	5,000					
MARCH								
03/26/00	1998-288	Sullivan	625			X		
03/10/00	1999-250	Carlin	800			X		
JANUARY								
01/06/00	1997-237d	Rene		2,500		X		
1999								
NOVEMBER								
11/23/99	1994-082	Davila	500					
11/22/99	1999-334	McGann	3,000			X		
JUNE								
06/29/99	1998-190	Sass	20,000					
FEBRUARY								
02/03/99	1997-247	Ludewig	7,500			X		
1998								
OCTOBER								
10/09/98	1997-247	Morello	6,000		Resign		Forfeited annual leave	93,105
SEPTEMBER								
09/17/98	1994-351	Katsorhis	84,000					

DATE	CASE NUMBER	CASE NAME	FINE PAID TO COIB	FINE PAID TO AGENCY	ADDITIONAL PENALTY	3/WAY SETTLE- MENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
JULY								
07/14/98	1997-394	Weinstein	1,250			X	Annual leave	3,750
JUNE								
06/22/98	1996-404	Fodera	3,000					
06/22/98	1995-045	Wills	1,500					
06/15/98	1998-102	Hahn	1,000			X		
MAY								
05/22/98	1997-368	Harvey ³⁰	200					
05/08/98	1997-247	Cioffi	100					
1997								
DECEMBER								
12/22/97	1997-076	N. Ross	1,000					
12/10/97	1997-225	M. Ross	1,000			X		
JUNE								
06/17/97	1997-060	Quennell	100					
1996								
APRIL								
04/03/96	1993-121	Holtzman	7,500					
MARCH								
03/08/96	1994-368	Matos ³¹	1,000/250					
1995								
AUGUST								
08/04/95	1993-282a	Baer	5,000					
1994								
FEBRUARY								
02/11/94	1993-282	Bryson	500					
JANUARY								
01/24/94	1991-214	McAuliffe	2,500					
1993								
APRIL								
04/27/93	1991-223	Ubinas	500					
TOTALS			1,148,406.19	130,649.26	289,726.33			805,676.21

TOTAL: \$2,374,457.99

¹ This fine was forgiven by the Board on proof of financial hardship, including limited income and significant ongoing financial obligations, including being the sole provider of six children, five of whom are eighteen or younger.

² This fine was forgiven by the Board on proof of financial hardship.

³ This fine was forgiven by the Board on proof of financial hardship.

⁴ This fine was reduced to \$500 from \$5,000 on proof of financial hardship, including significant outstanding balances on utility and medical bills.

⁵ This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant outstanding balances on utility and credit card bills, but Belle was still required to pay restitution.

⁶ This fine was reduced to \$1,000 from \$7,500 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

⁷ This fine was forgiven by the Board on proof of financial hardship, including unemployment, depletion of savings, accumulation of significant debt, and overdue utility and credit card bills.

⁸ In setting the amount of this fine, the Board took into consideration proof of financial hardship, including exhaustion of savings and accumulation of significant debt, and the fact that for this conduct Chabot was suspended by his agency for thirty days, valued at approximately \$3,890.

⁹ This fine was forgiven by the Board on proof of financial hardship, including unemployment, receipt of public assistance, and significant outstanding balances on utility and credit card bills.

¹⁰ This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant unpaid rent balances.

¹¹ In setting the amount of this fine, the Board took into consideration that for this conduct Dziekanowski was suspended by his agency for thirty days, valued at approximately \$6,747.

¹² This fine was reduced to \$500 from \$3,000 on proof of financial hardship, including unemployment and depletion of savings as a result of court-ordered and voluntary child care expenses.

¹³ This fine was reduced to \$1,000 from \$3,000 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

¹⁴ In reducing this fine from \$1,500 to \$750, the Board took into consideration that for this conduct Gray was suspended by her agency for three days, valued at approximately \$500, and her showing of financial hardship, including her current unemployment and receipt of public assistance.

¹⁵ This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.

¹⁶ In accepting the penalty imposed by the agency of \$1,586, instead of a Board fine of \$3,000, the Board took into consideration Winfrey's showing of financial hardship, including exhaustion of savings and accumulation of significant debt.

¹⁷ This fine was forgiven by the Board on proof of financial hardship, including unemployment, application for and receipt of multiple forms of public assistance, and outstanding rent and utility bills.

¹⁸ After Cora paid \$500, the Board forgave the remainder of the \$2,500 fine on proof of financial hardship, including unemployment, receipt of public assistance, and an outstanding balance on her rent.

¹⁹ After Finkenberg paid \$900, the Board forgave the remainder of the \$1,500 fine on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.

²⁰ In setting the amount of this fine, the Board took into consideration that for this conduct Samuels was suspended by his agency for three days, valued at approximately \$586.

²¹ This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.

²² This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.

²³ This fine was reduced on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

²⁴ This fine was reduced to \$1,500 from \$3,500 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

²⁵ In setting the amount of this fine, the Board took into consideration that Byrne forfeited terminal leave valued at approximately \$37,000 as a result of departmental charges pending against him at the time of his retirement, which charges arose, in part, out of the same facts as in the Board's disposition.

²⁶ This fine was reduced to \$7,100 from \$20,000 on proof of financial hardship, including an injury, extended unemployment, exhaustion of savings, and accumulation of significant debt

²⁷ The total fine was \$4,750, of which \$500 was paid to the Board upon signing of the Disposition. The remaining \$4,250 of this fine was forgiven when, by March 1, 2009, Pratt fully repaid his former subordinate the outstanding portion of the loan (in the amount of \$3,961).

²⁸ This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law.

²⁹ The total fine was \$3,000, but was to be forgiven if, by March 1, 2004, Smith had fully paid the foster mother the outstanding portion of the loan (in the amount of \$2,433).

³⁰ This fine was reduced to \$200 on proof of financial hardship, including unemployment and receipt of public assistance.

³¹ This fine was reduced to \$250 on proof of financial hardship one year following the settlement of the matter, pursuant to the terms of the settlement.

* As the respondent did not appear at the trial of this matter, the fine imposed by the Board has not yet been collected.

**Although the respondent did appear at the trial of this matter, the fine imposed by the Board has not yet been paid.

EXHIBIT 12

FINANCIAL DISCLOSURE REPORTS

Reporting Year ¹ (<u>"R.Y."</u>)	Number of Reports Required for R.Y.	Reports Filed for R.Y.	Compliance Rate for R.Y. ²	Number of Fines Waived for R.Y.	Number of Fines Paid for R.Y.	Amount of Fines Paid for R.Y.	Current Non-Filers for R.Y. Act.Inact. ³		Current Non- Payers for R.Y. Act.Inact.	
2006*	7,695	7,472	97.6%	300 ⁴	57	\$15,550	0	163	0	66
2007*	7,772	7,551	97.5%	93	75	\$21,250	0	154	0	89
2008*	7,866	7,676	97.9%	117	40	\$12,125	0	64	1	44
2009*	7,922	7,761	98.7%	67	59	\$18,300	0	61	1	53
2010*	8,250	8,090	98%	63	49	\$16,000	0	67	0	93
2011	8,238	8,068	98.4%	51	37	\$11,000	4	53	3	66
TOTALS	47,743	46,618	98%	691	317	\$94,225 ⁵	4	562	5	411

¹ The reporting year is the year to which the financial disclosure report pertains; the report is submitted the following calendar year.

² Includes those individuals who have appealed their agency's determination that they were required filers.

³ "Act." indicates active City employees; "inact." indicates inactive City employees.

⁴ Reporting year 2006 was the first time the Department of Investigation EO 91 report was integrated into the electronic filing application.

⁵ The total amount of fines collected since the Board assumed responsibility for financial disclosure in 1990 is \$574,698.

* The numbers reported in this chart have been updated to reflect activity since the 2011 annual report.

ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

SUMMARIES AND INDEXES

A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.

OPINION SUMMARY

OPINION NO: 2012-1

DATE: 2/27/12

CHARTER SECTION(S) INTERPRETED: 1100
2601(5), (6), (8), (12), (16),
2603(c)(3)
2604(a)(1)(b), (a)(3), (a)(4)
2604(b)(2), (b)(3), (b)(4)
2604(c)(6)

SUBJECT(S): Ownership Interests

OTHER OPINION(S) CITED: 94-18, 94-25, 94-26, 2002-1,
2003-7, 2007-4, 2009-2

SUMMARY: In response to a request from Deputy Mayor Robert K. Steel for advice concerning his outside interests, and as he has previously been advised, the Conflicts of Interest Board determined the following:

1. Mr. Steel is not required to recuse himself from matters involving Goldman Sachs, his former employer.
2. Mr. Steel is required to recuse himself from all matters materially involving Wells Fargo & Co., whose non-transferable options and restricted shares he owns, but he will be permitted to retain these holdings.
3. Mr. Steel is not required to recuse himself from matters involving Citigroup, which is the plaintiff in a lawsuit that names Mr. Steel, among others, as a defendant.

4. Mr. Steel is permitted to continue to serve as a director of Community Bancorp (“Bancorp”) and to hold an ownership interest in Bancorp, a privately held company with no City business dealings that was recently formed to invest in small, distressed banks. Mr. Steel must recuse himself from any City matters involving Bancorp, involving his fellow Bancorp directors, involving any banks acquired by Bancorp, or involving any investment bank providing services to Bancorp in its acquisition of any banks. Mr. Steel must return to the Board if, in the future, his Bancorp responsibilities require any materially greater time than the ten hours per month that he represented to the Board.
5. The blind trusts established by Mr. Steel satisfy Board Rules Section 1-05. Mr. Steel’s interests in the assets held in these trusts therefore do not violate Chapter 68, the City’s Conflicts of Interest Law, provided that he recuses himself from all matters involving those entities listed in Appendix A to this Opinion unless and until the trustee informs him that he is no longer the beneficial owner of any such interest.
6. The mutual fund and hedge fund holdings of Mr. and Mrs. Steel do not violate Chapter 68.
7. With Mr. Steel’s resignation as a trustee of the Steel Family Foundation and with the agreement of Mrs. Steel, a remaining trustee, that the Foundation will not invest in New York City real estate for the duration of Mr. Steel’s City service, the requirements of Chapter 68 as to the Foundation are satisfied.
8. The life insurance trust and the trusts for the benefit of the Steels’ adult children do not violate Chapter 68.
9. Mr. Steel’s uncompensated service on the governing or advisory board of the Duke Global Health Institute, the Aspen Institute, the Hospital for Special Surgery, and the FDIC Advisory Committee on Economic Inclusion do not violate Chapter 68, provided that he recuses himself from any dealings between the City and any of these not-for-profit entities. Mr. Steel must return to the Board if, in the future, his duties for these entities require any materially greater time than the ten hours per month in total that he believes they are expected to require. Mr. Steel is not required to recuse himself from matters involving the New York Botanical Garden, the not-for-profit entity on whose governing board Mrs. Steel serves without compensation.

OPINION SUMMARY

OPINION NO: 2012-2

DATE: 6/22/12

CHARTER SECTION(S) INTERPRETED: 2601(4), (15), (17)
2604(d)(2), (d)(4), (d)(6),
2604(e)

SUBJECT(S): Post-Employment Waivers

OTHER OPINION(S) CITED: 91-8, 92-17, 93-8, 94-15, 94-19,
2000-2, 2008-4

SUMMARY: On the written application of the agency head, the Board will consider whether to grant waivers of the post-employment restrictions of Charter Chapter 68, but will continue to grant such waivers sparingly. Unless it is shown that the departing public servant will be taking a position with a not-for-profit organization that can be truly characterized as a “partner” of the City (and few employers are), the Board will continue to require a showing of “exigent circumstances” under its historic four-part standard. In applying the exigent circumstances test, the Board will look for a showing that it is *in the City’s interest* that the former public servant, rather than another employee of his or her new employer, be the person to communicate with the former City agency or work on the particular matter. And the Board will scrutinize these applications carefully, to be satisfied that such an exigent need has not been custom-made to fit the particular waiver applicant. Finally, precisely because these applications will be granted sparingly, departing public servants would be well advised to seek a waiver *before* leaving City service to accept a private sector job in which otherwise prohibited conduct is critical to the performance of the position’s duties.

OPINION SUMMARY

OPINION NO: 2012-3

DATE: 9/27/12

CHARTER SECTION(S) INTERPRETED: 2604(b)(3), (b)(5), (b)(13)

SUBJECT(S): Raffle Prizes

OTHER OPINION(S) CITED: 94-9, 2010-2, 2011-2

SUMMARY: It would not violate the conflicts of interest provisions of Chapter 68 of the City Charter for a City employee to accept for personal use a raffle prize won at an event he attended as a representative of a City agency, so long as the donor of the prize is not doing, or interested in doing, business with the City, and provided that the public servant purchased the raffle tickets with personal funds, or otherwise became eligible to win for reasons unrelated to the employee's City position.

OPINION SUMMARY

OPINION NO: 2012-4

DATE: 11/26/12

CHARTER SECTION(S) INTERPRETED: 2604(b)(5)

SUBJECT(S): Gifts of Admission to Sporting
and Entertainment Events

OTHER OPINION(S) CITED: 2000-4, 2007-3

SUMMARY: The receipt by City officials of complimentary attendance to sporting and other entertainment events and the corresponding gift by lobbyists of free admission to these events will be permissible only when *both* of two requirements are satisfied: first, there must be a clear and direct nexus between the public servant's official duties and the event; and second, the public servant must be performing some official function at the event. One example of such an official function is a specific ceremonial role at the event appropriate to the official's City position. But the mere public address announcement of the official's presence at the event and the official's acknowledgement of that announcement is not a ceremonial role sufficient to permit the gift or acceptance of complimentary admission to sporting or other entertainment events.

OPINION SUMMARY

OPINION NO: 2012-5

DATE: 12/19/12

CHARTER SECTION(S) INTERPRETED: 2604(a)(1)(b)
2604(b)(2), (b)(3), (b)(4), (b)(6),
2604(b)(9), (b)(11), (b)(12),
2604(b)(14)
2604(e)
2606(d)

SUBJECT(S): Political Activities: Campaign
Related Activities

OTHER OPINION(S) CITED: 95-13, 2001-2, 2003-6, 2009-1

SUMMARY:

1. City employees whose duties include scheduling for the official in whose office they work may not use City time or resources to arrange campaign events for that official.
2. It will be permissible for City employees to communicate with the campaign of their principal for the purpose of exchanging scheduling information such as the time and place of campaign and official events.
3. Public servants seeking elective office may not provide their campaigns with direct electronic access to their City-maintained schedules, but it would not violate the conflicts of interest law for the City and campaign staffs both to have read and write access to an online calendar to which the campaign would post

- campaign events and the City staff would post official events, provided that this calendar is not accessible to the public.
4. A City official's daily binder, which contains the daily schedule, the text of remarks, background papers, and the like, may not include the text of a campaign speech or other materials prepared by the campaign. Rather, separate official and campaign binders must be kept by the official's City and campaign staffs.
 5. If the City office of a candidate for elective office receives communications about campaign matters, such as inquiries about how to contribute time or money to the official's campaign, the City employees who receive these inquiries may respond *only* by providing campaign contact information to the caller or writer; the City employees may not forward the inquiry to the candidate, the campaign, or anyone else in the City office.
 6. City press officers, whose City responsibilities include arranging for press attendance at their superiors' official events, may not use City time or resources to arrange for press attendance at campaign events. But a City press officer may respond to press inquiries prompted by remarks made at campaign events when the press inquiry concerns matters within the City portfolio of the press officer's principal.
 7. City employees whose duties typically require them to attend official events with the elected official who is their superior, including employees sometimes described as advance persons and body persons, may attend campaign events on City time only if it can reasonably be anticipated that the City employee will be required to perform *official City* duties at the event and further provided that the only duties they in fact perform at the event are official duties. Because of the different City duties of body persons and advance persons, it ordinarily will not violate the conflicts of interest law for a body person to accompany the elected official to campaign events on City time, while it normally would violate the law for the advance person to attend campaign events on City time.
 8. Official City photographs may be provided to a campaign, if at all, only on the same terms as such photos are made available to the general public. Furthermore, if official photographs are in fact provided to the general public, they must be provided to the campaign pursuant to the same process by which a member of the general public would obtain them.

9. Just as a City superior may not request his or her subordinates to work for or contribute to a political campaign, including the superior's own campaign, the superior's campaign staff may not request the candidate's City subordinates to work for or contribute to the campaign.
10. While a City official may request his or her subordinates to gather information for use in that official's political campaign where the work requested is related to the subordinate's City duties or responsibilities, campaign staff may not make such a request directly to City staff. The City official may, however, direct his or her City staff to gather information and provide it directly to campaign staff.
11. If a superior and subordinate public servant independently volunteer for a political campaign, including the campaign of the City official who is the superior of both, the City superior may supervise and assign campaign tasks to the City subordinate (and vice versa), whether they are paid or unpaid campaign workers.
12. While an appointed official charged with substantial policy discretion may not solicit funds for a candidate for City elective office or for a current City elected official seeking any elective office, it would not violate the conflicts of interest law for the spouse of such an official to host a fundraiser at the couple's home for such a candidate, even if the public servant were present at the event, where under the totality of the circumstances it is clear that the public servant is not a true host of the event and that the solicitations being made in the official's home are in fact and appearance made only by the public servant's spouse.

**CUMULATIVE INDEX TO ADVISORY OPINIONS
BY CHARTER CHAPTER 68 SECTION
1990-2012**

<u>CHARTER §</u>	<u>OPINION #</u>				
2601(1)	03-5	04-1	09-3	09-4	
2601(2)	90-2 03-1	91-3 08-5	91-12 09-3	93-11 09-6	01-2 10-1
2601(3)	90-7 96-1	90-8	91-14	93-11	93-19
2601(4)	91-8 92-38 01-3 08-5	92-13 93-12 03-6 09-5	92-17 93-18 05-2 12-2	92-32 94-5 08-1	92-36 00-2 08-4
2601(5)	90-4 92-4 00-2 07-2 09-1	90-5 92-7 01-3 07-4 09-2	90-6 92-14 02-1 08-2 09-7	91-3 93-21 03-7 08-3 11-1	91-15 98-1 04-2 08-6 12-1
2601(6)	91-3	94-18	03-7	07-4	12-1
2601(8)	90-1 93-7 02-1 12-1	90-2 94-27 03-6	90-3 95-11 03-7	92-5 98-2 05-3	92-7 00-4 07-4
2601(9)	03-1	09-3	09-6		
2601(10)	03-1	09-2			
2601(11)	90-1 93-1 94-6 99-6	91-2 93-3 94-10 05-2	92-11 93-5 94-13 07-2	92-16 93-17 95-26 09-7	92-31 94-1 98-5
2601(12)	90-2 93-3 94-1 95-26 03-2 07-4	92-7 93-7 94-6 98-7 03-7 09-2	92-22 93-17 94-8 99-6 05-2 09-7	92-31 93-22 94-18 01-03 06-1 12-1	92-34 93-29 95-18 02-1 07-2

2601(15)	91-8 92-38 09-5	92-5 93-12 12-2	92-17 94-5	92-32 08-4	92-36 08-5
2601(16)	90-1 92-9 94-10 95-21 02-1 09-7	91-2 93-7 94-13 97-3 03-2 12-1	92-5 93-17 94-18 98-2 03-7	92-6 93-22 95-10 98-3 07-2	92-7 94-3 95-18 98-5 07-4
2601(17)	93-8 12-2	93-12	95-23	00-2	08-4
2601(18)	91-14 92-30 93-22 98-8	92-5 93-5 93-29 99-6	92-6 93-7 94-6 01-3	92-7 93-16 98-5 07-2	92-9 93-17 98-7 09-2
2601(19)	90-7 93-10 (Revised) 98-7 09-6	91-2 03-5 10-1	91-3 93-29 04-1	91-12 94-6 09-3	93-7 98-5 09-4
2601(20)	91-12 01-3	93-7 08-5	94-6 09-2	98-5	98-7
2603	07-2				
2603(a)	09-7				
2603(c)	90-2	92-19			
2603(c)(2)	11-2				
2603(c)(3)	92-6 08-3	92-9 12-1	02-1	03-7	07-4
2603(j)	03-1				
2604(a)	91-2	92-7	92-22		
2604(a)(1)	90-1	91-14	98-8		
2604(a)(1)(a)	91-2 93-3	91-3 93-7	92-5 93-10 (Revised)	92-31	93-2 93-17

	93-19	93-22	93-29	93-32	94-6
	95-8	95-12	95-18	95-26	96-4
	98-5	98-7	01-3	02-1	03-2
	06-1	07-1	07-2	07-1	07-4
	08-2	09-2	10-1		
2604(a)(1)(b)	90-2	91-7	92-6	92-9	92-11
	92-30	92-34	92-35	93-4	
	93-10 (Revised)		93-16	93-20	93-27
	94-1	94-3	94-8	94-10	94-11
	94-13	94-16	94-18	94-20	94-25
	94-26	94-27	95-3	95-8	95-10
	95-11	95-15	95-16	95-17	95-21
	95-25	95-26	96-2	97-3	98-2
	98-3	98-5	98-7	99-2	99-6
	00-1	01-3	03-6	03-7	05-2
	09-2	09-4	09-7	12-1	12-5
2604(a)(3)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-01
	07-4	12-1			
2604(a)(4)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-1
	07-4	12-1			
2604(a)(5)(a)	02-1	07-4			
2604(a)(5)(b)	91-14				
2604(b)(1)(a)	92-22	94-28 (Revised)		05-3	08-3
	09-2				
2604(b)(1)(b)	91-3	93-2	93-3	95-18	96-4
	99-1	03-2	04-1	05-3	08-2
	10-1				
2604(b)(2)	90-2	90-4	90-5	90-7	91-1
	91-3	91-4	91-5	91-6	91-7
	91-10	91-11	91-16	91-18	92-7
	92-8	92-20	92-25	92-28	92-30
	92-34	92-36	93-1	93-5	93-9
	93-12	93-15	93-16	93-17	93-19

	93-21	93-24	93-25	93-26	93-28
	93-31	93-32	94-1	94-8	94-11
	94-13	94-14	94-16	94-24	94-25
	94-26	94-29	95-2	95-3	95-7
	95-9	95-11	95-12	95-16	95-17
	95-19	95-20	95-22	95-24	95-25
	95-26	95-27	95-28	95-29	96-2
	96-5	98-2	98-5	98-6	98-7
	98-8	98-10	98-12	98-13	98-14
	99-2	99-4	99-5	99-6	00-3
	01-2	01-3	02-01	03-1	03-3
	03-4	03-6	03-7	04-2	04-3
	05-1	05-2	06-2	06-3	06-5
	07-2	07-4	08-3	08-6	09-1
	09-2	09-3	09-7	10-1	12-1
	12-5				
2604(b)(3)	90-4	90-5	90-6	90-9	91-1
	91-4	91-5	91-6	91-7	91-11
	91-15	91-16	91-18	92-3	92-4
	92-6	92-7	92-10	92-12	92-14
	92-23	92-25	92-28	92-30	92-31
	92-33	92-36	93-1	93-4	93-9
	93-10 (Revised)		93-12	93-14	93-16
	93-19	93-21	93-23	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-9	94-11
	94-12	94-13	94-16	94-17	94-20
	94-24	94-25	94-26	94-27	
	94-28 (Revised)		94-29	95-3	95-5
	95-9	95-11	95-12	95-14	95-16
	95-17	95-19	95-20	95-21	95-22
	95-24	95-25	95-26	95-27	95-28
	95-29	96-2	97-2	97-3	98-1
	98-2	98-3	98-5	98-7	98-8
	98-10	98-12	98-13	99-2	99-4
	99-5	99-6	00-3	00-4	01-1
	01-2	01-3	02-1	03-1	03-2
	03-3	03-4	03-6	03-7	04-2
	04-3	05-2	05-3	06-2	06-3
	06-4	06-5	07-2	07-4	08-2
	08-3	08-6	09-1	09-2	09-3
	09-7	11-1	11-2	12-1	12-3
	12-5				
2604(b)(4)	91-11	92-30	92-34	92-36	
	93-10 (Revised)		93-16	93-24	93-25

	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-11	94-13
	94-16	94-20	94-25	94-26	94-29
	95-3	95-9	95-12	95-16	95-17
	95-19	95-20	95-21	95-26	95-29
	96-2	97-3	98-1	98-3	98-5
	98-7	98-8	98-10	98-13	99-2
	99-4	99-5	99-6	01-2	01-3
	02-1	03-6	03-7	05-1	05-2
	07-4	11-1	12-1	12-5	
2604(b)(5)	90-3	92-19	92-33	93-10 (Revised)	
	94-4	94-9	94-23	95-28	96-3
	99-4	00-1	00-4	03-4	06-2
	06-3	06-4	06-5	07-3	09-4
	10-2	11-2	12-3	12-4	
2604(b)(6)	91-7	92-7	92-26 (Revised)		92-28
	92-36	93-10 (Revised)		93-32	94-24
	95-6	95-8	95-9	95-15	96-4
	96-5	98-2	98-9	98-10	00-1
	01-3	03-6	05-2	06-1	07-2
	08-1	08-5	11-1	12-5	
2604(b)(7)	90-7	91-7	92-18	92-28	
	93-10 (Revised)		93-23	95-8	98-10
	01-3	08-5			
2604(b)(8)	91-7				
2604(b)(9)	93-24	95-13	95-24	01-1	01-2
	03-1	03-6	12-5		
2604(b)(11)	93-24	95-13	01-1	01-2	03-1
	03-6	12-5			
2604(b)(12)	91-12	92-25	93-6	93-24	95-13
	01-1	01-2	03-1	03-5	03-6
	09-6	12-5			
2604(b)(13)	92-34	93-25	95-28	99-4	99-5
	99-6	00-4	05-1	06-3	06-4
	06-5	09-4	10-2	12-3	
2604(b)(14)	92-28	98-12	01-3	03-6	04-2
	04-3	06-3	08-3	09-3	12-5

2604(b)(15)	91-12	91-17	93-20	03-1	03-5
2604(c)	93-10 (Revised)				
2604(c)(1)	90-6	91-10			
2604(c)(5)	98-4				
2604(c)(6)	92-22 94-18 98-8 07-2	92-24 94-25 99-1 12-1	93-9 94-26 00-1	93-26 95-7 01-3	94-13 95-12 05-2
2604(c)(6)(a)	92-25				
2604(c)(6)(b)	09-2				
2604(c)(7)	91-18				
2604(d)	89-1	90-8	92-37	93-13	
2604(d)(1)	92-37	93-8	93-18	93-31	95-4
2604(d)(1)(ii)	92-16	92-37			
2604(d)(2)	90-8 92-36 93-10 (Revised) 93-30 95-1 97-1 07-1 09-5	91-8 92-37 93-31 95-4 98-11 08-1 12-2	91-19 92-38 93-11 94-7 95-8 99-1 08-4	92-17 93-8 93-12 94-15 96-1 99-3 09-3	92-32 93-18 94-22 96-6 00-2 09-4
2604(d)(3)	92-13	94-19	94-21	98-11	99-1
2604(d)(4)	90-8 93-8 93-30 94-21 96-1 08-4	92-2 93-10 (Revised) 93-31 94-22 96-6 09-4	92-36 94-5 95-1 97-1 12-2	92-37 93-11 94-7 95-4 99-1	92-38 93-12 94-19 95-23 00-2
2604(d)(5)	92-38 95-4	93-8 96-6	93-11 00-2	93-30 08-4	94-5 09-4
2604(d)(6)	93-12	93-13	93-31	94-7	94-21

	95-1 00-2	97-1 05-2	99-1 08-4	99-3 12-2	99-6
2604(d)(7)	93-11	08-4			
2604(e)	90-2 92-17 93-4 93-22 94-6 94-19 95-16 98-5 99-2 00-1 05-2 09-2 12-5	91-8 92-30 93-5 93-26 94-8 94-22 95-17 98-7 99-3 00-2 06-1 09-4	92-5 92-31 93-7 93-27 94-11 95-1 95-26 98-8 99-4 01-3 07-1 10-2	92-6 92-34 93-18 93-30 94-15 95-3 96-1 98-9 99-5 03-6 07-2 11-1	92-9 92-37 93-20 94-1 94-16 95-15 96-2 99-1 99-6 05-1 08-4 12-2
2605	94-28 (Revised)		09-2		
2606(b)	01-02	11-2			
2606(d)	01-2	02-1	04-2	12-5	
2607	09-6				
2700	03-3				
2800	91-3 08-2	03-2	03-3	04-1	
2800(d)(7)	91-12				
2800(c)(9)	92-27				
2800(f)	91-12	92-27	04-3		
2800(g)	04-3				

CUMULATIVE INDEX TO ADVISORY OPINIONS BY SUBJECT 1990-2012

<u>SUBJECT</u>	<u>OPINION #</u>				
Advisory Board	90-9	92-1	98-8		
Agency Charging Fees	94-14				
Agency Heads	90-2 92-15	90-9 98-6	91-13 00-3	92-8	92-12
Agency Served	93-19	95-8			
Appearance Before City Agency	90-8 92-32 93-12 93-32 94-21 95-15	91-8 92-36 93-13 94-5 94-22 96-4	91-19 92-37 93-18 94-7 94-24 98-9	92-13 92-38 93-28 94-15 95-1	92-17 93-11 93-31 94-19 95-6
Appearance of Impropriety	90-3 91-4 91-16 92-10 92-23 93-15 94-28 (Revised) 95-17	90-4 91-5 91-18 92-14 92-25 93-22 98-6	90-5 91-7 92-3 92-15 92-28 94-2 95-7 00-3	90-8 91-10 92-4 92-17 92-33 94-17 95-10	91-1 91-15 92-6 92-21 93-14 95-11
Appearance on Matter Involving Public Servant's City Agency	96-5				
Awards – see Gifts					
Blind Trust	94-18	94-25	94-26		
Brooklyn Public Library	97-1				

Business Dealings with the City	90-1 91-14 92-11 92-26 (Revised) 92-33 93-22 94-16 95-16	90-2 92-5 92-22 92-34 93-27 94-20 95-17	90-3 92-6 92-24 92-28 93-9 94-6 94-29 95-21	91-4 92-7 92-25 92-30 93-16 94-9 95-3 96-2	91-10 92-9 92-31 93-20 94-13 95-15 98-2
Campaign-Related Activities	12-5				
Charitable Fundraising – see Fundraising					
Charter Schools	00-01	05-2			
City Planning Commissioners	07-2				
City Position, Use of	90-6 91-15 92-12 93-23 94-28 (Revised) 97-2	90-9 91-16 92-33 93-25 94-28 (Revised) 98-1	91-1 91-18 92-35 94-2 95-2 08-3	91-5 92-3 93-9 94-12 95-5 09-7	91-10 92-10 93-14 94-17 95-14 11-1
City Vehicles, Use of	09-1				
Commercial Discounts	06-4				
Community Boards	91-3 93-2 96-4 04-3	91-9 93-3 98-9 05-3	91-12 93-21 03-2 08-2	92-27 95-18 03-3 10-1	92-31 95-27 04-1
Community Education Councils	06-1	07-1	10-1		
Community School Boards	90-7	98-10	01-02		
Consulting	91-9 93-24	91-16 95-15	92-2 98-7	93-12	93-19
Contracts	91-2	91-15	92-2		
Cooperative Corporations	92-7	94-25	94-27	95-11	95-22

	95-25				
Council Discretionary Funding	09-2				
Dual City Employment	95-26				
Elected Officials	90-3 92-10 93-21	90-4 92-22 95-20	90-5 92-23 98-14	90-6 93-6 99-1	91-10 93-15
Endorsements	98-6	00-03			
Ex Officio	99-1				
Expert Witness	91-9	96-6			
Family Relationships	90-1 91-15 94-3	90-4 92-4 94-13	90-5 92-14 94-20	90-6 93-21 98-1	91-2 93-28
FOIL	91-19				
Franchises	90-4	90-5			
Frequent Flyer Miles	06-5				
Fundraising	91-10 93-15 98-14	92-15 93-26 01-01	92-25 94-29 01-02	92-29 95-7 03-4	93-6 95-27 08-6
Gifts	91-20 94-4 95-28 06-4 12-4	92-21 94-9 96-3 06-5	92-27 94-12 00-04 07-3	92-29 94-23 06-2 10-2	92-33 94-29 06-3 11-2
Gifts – Sporting Events	12-4				
Gifts-Travel	90-3	92-10	92-19	92-23	11-2
Honoraria	91-4	91-6	94-29		
Labor Union Conventions	06-3				

Lectures	91-6				
Letterhead	90-9				
Lobbyists	07-3				
Local Development Corporation	93-1	93-3	93-13	94-7	
Mayor	90-4				
Ministerial Matters	92-32	92-36	94-5	95-6	
Moonlighting	90-2	91-7	91-9	91-13	91-16
	92-6	92-28	92-30	92-34	92-36
	93-4	93-5	93-24	93-25	94-1
	94-8	94-16	95-6	95-9	95-16
	95-17	95-19	95-20	95-22	96-2
	98-4	98-5	98-7	99-2	99-4
	99-5	99-6	00-1	01-3	06-1
Municipal Bonds, NYC	09-7				
Not-For-Profit Organizations	91-10	91-16	92-8	92-14	92-15
	92-22	92-24	92-25	92-28	92-31
	92-34	92-37	93-1	93-4	93-9
	93-14	93-15	93-26	94-6	94-13
	94-15	94-18	94-19	94-25	94-26
	95-2	95-5	95-7	95-12	98-8
	98-14	99-1			
Orders - see Waivers/Orders					
Outside Practice of Law	91-7	93-23	95-17	01-3	08-5
Ownership Interests	90-1	91-2	91-3	92-5	92-6
	92-7	92-9	92-11	92-26 (Revised)	
	92-30	92-35	93-7	93-16	93-22
	93-27	93-32	94-1	94-3	94-8
	94-10	94-11	94-13	94-20	94-25
	94-26	95-10	95-12	95-18	95-21
	97-3	98-2	98-3	02-01	03-7
	07-4	09-7	12-1		
Particular Matter	92-37	93-8	95-23		

Pension Funds	09-3				
Personnel Order 88/5	91-12	92-25			
Police Officers	97-2	98-4			
Political Activities	91-12	91-17	92-25	93-6	93-20
	93-24	95-13	95-24	03-5	03-6
	12-5				
Political Fundraising	01-1	01-2	03-1	09-6	
Political Endorsements	09-5				
Post-Employment Restrictions	89-1	90-8	91-8	91-19	92-2
	92-13	92-16	92-17	92-32	92-37
	92-38	93-8	93-11	93-12	93-13
	93-18	93-30	93-31	94-5	94-7
	94-15	94-19	94-21	94-22	95-1
	95-4	95-23	96-1	96-6	97-1
	98-11	99-1	99-3	00-2	07-1
	08-1	08-4	09-5	12-2	
Practice of Law – see Outside Practice of Law					
Prizes – see Gifts					
Prohibited Interests	90-1	90-2	91-2	91-3	91-15
	92-5	92-6	92-7	92-9	92-11
	92-26 (Revised)		92-30	92-35	93-1
	93-3	93-4	93-7	93-9	93-16
	93-22	93-27	93-29	93-32	94-1
	94-3	94-5	94-8	94-10	94-11
	94-13	94-16	94-20	94-25	94-26
	95-10	95-12	95-18	95-21	96-2
	98-3	03-2			
Public Benefit Corporation	93-17				
Public Servants	91-14	93-10 (Revised)		93-29	93-32
	94-6	09-4			
Real Property	93-16				

Raffle Prizes	12-3				
Recusal	90-4	90-5	91-3	91-11	91-15
	92-5	92-6	92-8	92-9	92-18
	92-20	92-25	92-26 (Revised)		92-28
	92-30	93-1	93-4	93-7	93-17
	93-19	93-31	94-6	94-11	94-17
	94-18	94-24	96-2	98-1	
Receipt of Prizes and Awards – see Gifts					
Regular Employees	93-10 (Revised)		95-8		
Renting Property to Public					
Assistance Recipients	95-29	98-13			
Salary Supplements	05-1				
Sale of Products	98-12				
Savings Clubs	04-2				
School Boards	93-2				
Separation from City Service	98-11				
Sole Proprietorship	98-7				
Subcontractors	99-2				
Superior-Subordinate Relationship	98-12	04-2	04-3		
Tax Assessors	93-16				
Teaching	90-2	91-5	93-20	94-16	95-3
	96-2	99-4	99-5	99-6	
Temporary Employment	98-5				
Term Limits	08-3				
Tickets	00-4	06-2			
Travel – see Gifts, Travel					

Uncompensated Appearances 98-10

Use of City Position – see City Position, Use of

Use of City Vehicles – see City Vehicles, Use of

Volunteer Activities 98-10

Voting & Chairing Meetings 08-2

Waivers/Orders	90-2	91-8	92-6	92-9	92-13
	92-17	92-37	93-18	93-20	93-22
	93-27	93-30	94-1	94-3	94-6
	94-8	94-11	94-15	94-16	94-19
	94-20	94-22	95-1	95-3	95-16
	95-17	96-1	96-2	98-8	98-9
	99-2	99-4	99-5	99-6	00-2
	06-1	07-1	08-4	12-2	

Water Board 09-6

CHAPTER 68 ENFORCEMENT CASE SUMMARIES

2012

Note: Some of the following summaries include more than one case, and some cases appear in more than one category.

MOONLIGHTING WITH A FIRM ENGAGED IN CITY BUSINESS DEALINGS

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)¹

A Senior Occupational Therapist for the New York City Department of Education (“DOE”) paid a \$2,500 fine to the Board for having an ownership interest in, and a job with, a firm having business dealings with DOE. The Senior Occupational Therapist’s husband owns a firm that contracted with DOE to provide physical therapy services to DOE students. The Senior Occupational Therapist acknowledged that, as such, she had an ownership interest in a firm with business dealings with DOE, which is prohibited by the City’s conflicts of interest law. Additionally, the Senior Occupational Therapist worked for her husband’s firm as a bookkeeper and an editor. The Senior Occupational Therapist acknowledged that, as such, she had a position with a firm having business dealings with DOE, which is also prohibited by the City’s conflicts of interest law. For these violations, the Senior Occupational Therapist paid a \$2,500 fine to the Board. The Senior Occupational Therapist’s husband also directed DOE to transfer all of his firm’s current contracts with DOE to another firm in which neither he nor his wife has any financial interest. *COIB v. Fogel*, COIB Case No. 2012-228 (2012).

The Board settled an enforcement action against a former Technical Inspector for the New York City School Construction Authority (“SCA”) who paid a \$1,000 fine for working full-time for an SCA plumbing contractor while he was on a leave of absence from his SCA position. In a public disposition of the Board’s charges, the former Technical Inspector acknowledged that his position with the plumbing contractor violated the City’s conflicts of interest law, which prohibits public servants from working for any firm that is engaged in business dealings with any agency of the City. *COIB v. Agius*, COIB Case No. 2012-169 (2012).

The Board issued Public Warning Letters to four employees of the New York City Health and Hospitals Corporation and one employee of the New York City Department of Environmental Protection (the “City Employees”) for holding outside positions with firms

¹ City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

engaged in business dealings with the City in violation of City Charter § 2640(a)(1)(b). The City Employees each reported in their 2009 Financial Disclosure Reports that they held outside positions with firms engaged in business dealings with the City. The Board subsequently informed the City Employees in writing that they must either resign their outside positions or obtain waivers from the Board, which none of the City Employees did. The City Employees reported again in their 2010 Financial Disclosure Reports that they continued to maintain their outside positions with firms engaged in business dealings with the City. Upon notice that the Board was pursuing enforcement actions against them, each of the City Employee's promptly sought a waiver from the Board to hold the otherwise prohibited positions, which waivers were granted. The Board took the opportunity of the Public Warning Letters to remind public servants that they must obtain a waiver from the Board *before* accepting any position with a firm engaged in business dealings with the City. *COIB v. Manning*, COIB Case No. 2011-783 (2012); *COIB v. Fields*, COIB Case No. 2011-784 (2012), *COIB v. Bowen-Allen*, COIB Case No. 2011-785 (2012); *COIB v. Scaramuzzino*, COIB Case No. 2011-786 (2012); *COIB v. Ifeanyi Madu*; COIB Case No. 2011-788 (2012).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Public Health Educator II in the DOHMH Division of Administration, Bureau of Human Resources to resolve her violations of the DOHMH Standards of Conduct and Chapter 68, the City's conflicts of interest law. First, the Public Health Educator admitted that she had positions as an adjunct professor at two educational institutions, each with business dealings with the City. The Public Health Educator acknowledged that, by having these positions without the written permission of the DOHMH Commissioner and a waiver from the Board, she violated the City's conflicts of interest law, which prohibits a public servant from having a position with a firm doing business with the City. Second, the Public Health Educator admitted that, at times she was required to be performing work for DOHMH, she used her City computer and DOHMH e-mail account to perform work related to related to her outside employment as an adjunct professor, her outside employment as a Certified Health Educator, and her work for a not-for-profit organization for which she served as Secretary. The Public Health Educator admitted that her use of City resources for her volunteer work was in excess of the *de minimis* amount permitted by the City's Policy on Limited Personal Use of City Office and Technology Resources (also known as the "Acceptable Use Policy"). The Public Health Educator acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. For this misconduct, the Public Health Educator agreed to resign from DOHMH effective February 24, 2012, and never to seek future employment with DOHMH or any other City agency. *COIB v. Congo*, COIB Case No. 2012-121 (2012).

OWNERSHIP INTEREST IN A FIRM
ENGAGED IN BUSINESS DEALINGS WITH THE CITY

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)²

The Board imposed a \$7,500 fine on a former Clerical Associate with the New York City Administration for Children’s Services (“ACS”) for her violations of the City’s conflicts of interest law, and forgave that fine based on her showing of financial hardship. First, the former Clerical Associate admitted that she accessed the New York State Office of Children and Family Services’ confidential database, CONNECTIONS, on multiple occasions over the course of four years to determine if complaints had been filed against various family members, including two of her sisters, her former sister-in-law, and herself. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The former Clerical Associate also admitted that she accessed CONNECTIONS to view confidential information concerning a complaint involving the ex-wife of her then husband and disclosed that access to her then husband. Second, the former Clerical Associate admitted that she owned a group day care center that received money from ACS and that she submitted documentation to ACS in order to receive those monies. The Clerical Associate acknowledged she violated provisions of the City’s conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee; (2) prohibit a City employee from having an interest in a firm that the employee knows, or should know, is engaged in business dealings with any City agency; and (3) prohibit a City employee from “appearing” before any City agency on behalf of a private interest. “Appearing” under the City’s conflicts of interest law includes making telephone calls, sending e-mails, and attending meetings, all for compensation. *COIB v. E. Dockery*, COIB Case No. 2010-880 (2012).

A Senior Occupational Therapist for the New York City Department of Education (“DOE”) paid a \$2,500 fine to the Board for having an ownership interest in, and a job with, a firm having business dealings with DOE. The Senior Occupational Therapist’s husband owns a firm that contracted with DOE to provide physical therapy services to DOE students. The Senior Occupational Therapist acknowledged that, as such, she had an ownership interest in a firm with business dealings with DOE, which is prohibited by the City’s conflicts of interest law. Additionally, the Senior Occupational Therapist worked for her husband’s firm as a bookkeeper and an editor. The Senior Occupational Therapist acknowledged that, as such, she had a position with a firm having business dealings with DOE, which is also prohibited by the City’s conflicts of interest law. For these violations, the Senior Occupational Therapist paid a \$2,500 fine to the

² City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

Board. The Senior Occupational Therapist's husband also directed DOE to transfer all of his firm's current contracts with DOE to another firm in which neither he nor his wife has any financial interest. *COIB v. Fogel*, COIB Case No. 2012-228 (2012).

VOLUNTEERING FOR A NOT-FOR-PROFIT ENGAGED IN BUSINESS DEALINGS WITH THE CITY

- **Relevant Charter Sections:** Charter §§ 2604(a)(1)(a), 2604(a)(1)(b), 2604(c)(6)³

The Board issued a public warning letter to the former Chief of Staff to Council Member James Sanders who, while employed by the City Council, was also involved in an unpaid, volunteer capacity in the day-to-day running of the Federation of African, Caribbean, and American Organization, Inc. ("FACAO"), a not-for-profit organization that he founded in 1999 and had previously served as its paid director. Starting in fiscal year 2003 and continuing through fiscal year 2008, FACAO was awarded discretionary funds, allocated by Council Member Sanders and administered by the New York City Department of Youth and Community Development ("DYCD"), to provide youth, recreational, and immigration services in Council District 31. The former Chief of Staff served as the unpaid Director/Chairperson of FACAO without the permission of the City Council Speaker and signed at least six timesheets for FACAO employees as the Director/Chairperson of FACAO, with the knowledge and understanding that these timesheets would be submitted for payment to DYCD. The Board advised the former Chief of Staff that the safe harbor provision of City Charter § 2604(6) does not apply and his volunteer position with FACAO violated City Charter § 2604(a)(1)(b) because (1) he was directly involved in FACAO's business dealings with DYCD as the signatory on documents submitted for payment to DYCD; and (2) he lacked the City Council Speaker's

³ City Charter § 2604(a)(1)(a) states: "Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board."

City Charter § 2604(a)(1)(b) states: "Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board."

City Charter § 2604(c)(6) states: "This section shall not prohibit a public servant from acting as an attorney, agency, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or any other such entity which operates on a not-for-profit basis, interest in business dealings with the city, provided that:

- (a) such public servant takes no direct or indirect part in such business dealings;
- (b) such not-for-profit entity has no direct or indirect interest in any business dealings with the city agency in which the public servant is employed and is not subject to supervision, regulation or control by such agency, except where it is determined by the head of an agency, or by the mayor where the public servant is an agency head, that such activity is in furtherance of the purposes and interests of the city;
- (c) all such activities by such public servant shall be performed at times during which the public servant is no required to perform services for the city; and
- (d) such public servant receives no salary or other compensation in connection with such activities."

permission to serve as the Director/Chairperson of FACA0 when FACA0 had business dealings with the City Council. *COIB v. M. Duncan*, COIB Case No. 2012-250 (2012).

The Board issued a public warning letter to a former Supervisor of Nurses for the New York City Health and Hospitals Corporation (“HHC”) who, from 2002 through 2006, acted as the paid Executive Director of a not-for-profit organization and, while acting in that capacity, signed and submitted multiple contracts and financial documents to the New York City Department for the Aging (“DFTA”) on behalf of the organization. The Supervisor of Nurses resigned her position as Executive Director of the not-for-profit organization in 2006, but she continued to volunteer for the not-for-profit until her retirement from HHC in 2010; while serving as a volunteer, on behalf of the organization she signed DFTA contracts and acted as the contact person for DFTA audits. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits: (1) public servants from representing any private interest, for compensation, before any City agency, and (2) City employees who volunteer for a not-for-profit organization from participating directly in that organization’s business dealings with the City. *COIB v. Jamoona*, COIB Case No. 2011-649 (2012).

MISUSE OF CITY TIME & CITY RESOURCES

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules §§ 1-13(a), 1-13(b)⁴

The Board reached a settlement with a Director in the Corporate Support Services (“CSS”) Division of the New York City Health and Hospitals Corporation (“HHC”), who paid a \$1,750 fine to the Board. The Director admitted that she paid her subordinate, a CSS Institutional Aide, \$100 to refinish the floors in her personal residence. The Director also admitted that the Institutional Aide and another HHC employee, a CSS Motor Vehicle Operator, delivered a floor stripping machine belonging to HHC to the Director’s apartment during their City work hours for use on the floor refinishing project. The Director acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from entering into a financial relationship with his or her subordinate and from using City resources, such as equipment, for non-City purposes. *COIB v. E. Rodriguez*, COIB Case No. 2012-473a (2012).

The Board and the New York City Department of Education (“DOE”) concluded a joint settlement with an Assistant Principal who paid a \$1,000 fine to the Board. The Assistant

⁴ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(a) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City.”

Board Rules § 1-13(b) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.”

Principal admitted that he wrote a letter on DOE letterhead recommending placement in a private school special education program for “Student A,” a pre-Kindergarten child, for the non-City purpose of furthering the interest of Student A’s parents, who submitted the letter to the Committee on Special Education (“CSE”). CSE administers the process by which DOE decides whether it would be appropriate to place a learning disabled student in a non-public special education program. Student A’s parents were in the process of attempting to obtain a placement for Student A in a private school special education program. The Assistant Principal admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using City resources, such as agency letterhead, for a non-City purpose. *COIB v. DiVittorio*, COIB Case No. 2012-568 (2012).

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a former School Secretary for the New York City Department of Education (“DOE”) \$9,000 for using a DOE procurement credit card, also known as a P-Card, to make at least \$3,000 in personal purchases, such as at gas stations and fast food restaurants, between August 2009 and May 2011. The former School Secretary, as the school’s business manager, had been entrusted with the P-Card for the sole purpose of making purchases for the school. The Board’s Order adopts the Report and Recommendation of New York City Office of Administrative Trials and Hearings (“OATH”) Administrative Law Judge (“ALJ”) Alessandra F. Zorogniotti, issued after a trial. The Board found that the ALJ correctly determined that the former School Secretary misused the school’s P-Card and that, in so doing, violated the City of New York’s conflicts of interest law, which prohibits a public servant from using his or her City position for private financial gain and from using City resources, such as school funds, for any non-City purpose. The former School Secretary resigned during the course of the investigation of this matter and failed to appear at the hearing at OATH; nonetheless, the Board ordered that she pay a fine of \$9,000. *COIB v. Vera*, COIB Case No. 2011-750 (2012).

The Board and the New York City Department of Information Technology and Telecommunications (“DoITT”) concluded a joint settlement with the former Director of Office Services at DoITT who agreed to pay a \$5,000 fine to the Board, serve a 30 work-day work suspension, valued at approximately \$7,144.78, and irrevocably resign his position. First, the former Director of Office Services admitted that he asked the Chief Executive Officer of a DoITT vendor, of whose dealings with DoITT the former Director of Office Services was aware, for four New York Yankees tickets, for which the former Director paid a nominal amount. The former Director of Office Services also admitted that he asked for and received four free tickets to a National Hockey League game from a DoITT vendor whose work with DoITT he oversaw. The former Director of Office Services also admitted that he asked the same DoITT vendor to perform a personal move for him and to prepare an invoice describing the service as moving City property so that the vendor could bill DoITT for his personal move. As a consequence of this request, the vendor performed the move and did not bill him for it. The former Director of Office Services admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from accepting any valuable gift from any firm that such public servant knows is, or intends to become, engaged in business dealings with the City. Second, the former Director of Office Services admitted that he, on a regular basis, ordered his subordinates to deliver City property, namely, jugs of drinking water, to a City vendor. The former Director of Office Services admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using City resources for a non-City purpose. Finally, the former

Director of Office Services admitted that he, on several occasions, ordered his subordinates to either pick him up or drop him off at a car repair shop, after he had dropped off his personal vehicle for repairs. The former Director of Office Services admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his position as a public servant to obtain a personal benefit. *COIB v. Sivilich*, COIB Case No. 2012-583 (2012).

The Board issued a public warning letter to a New York City Department of Education ("DOE") teacher for using her DOE e-mail account to send an email during her DOE work hours to inform DOE employees that she was running for the United Federation of Teachers Chapter Leader position and to seek their vote. The teacher acknowledged that her conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose and from pursuing personal and private activities during times when the public servant is required to perform services for the City. *COIB v. Caggiano*, COIB Case No. 2012-412 (2012).

A Complaint Investigator at the Office of Equal Opportunity ("OEO") for the New York City Department of Education ("DOE") paid a \$500 fine to the Board for using a City car for a personal purpose. The Complaint Investigator was assigned a City vehicle by DOE to travel for his OEO investigative work. He admitted that one night, at 12:30 a.m., he drove the City vehicle from his home in Brooklyn to Manhattan to pick up his girlfriend at her job, which he was not authorized by DOE to do. The Complaint Investigator acknowledged that, in so doing, he violated the City's conflicts of interest law, which prohibits a public servant from using any City resource – which would include a City vehicle in addition to office resources like a computer, telephone, or fax machine – for any non-City purpose. *COIB v. Brennan*, COIB Case No. 2012-540 (2012).

The Board settled an enforcement action it brought against an Assistant Principal who, on thirty-two occasions, left before the end of her regular workday at the New York City Department of Education ("DOE") to work a second job. In a public disposition of the Board's charges, the now former Assistant Principal admitted that, by working for her outside employer during her DOE workday, she violated the City's conflicts of interest law, which prohibits City employees from pursuing personal and private activities during times when they are required to perform services for the City. For this violation, the Board imposed a \$2,500 fine, which it forgave based on the former Assistant Principal's showing of financial hardship. *COIB v. Knowlin*, COIB Case No. 2009-493 (2012).

A former Engineering Auditor at the New York City Economic Development Corporation ("EDC") paid the Board a \$7,500 fine for using City time and resources to perform work for his sneaker business. The former Engineering Auditor admitted that, during hours he was required to be performing work for EDC, he used his EDC computer to (a) complete 106 seller transactions on eBay, totaling \$9,724.99; (b) click on a sneaker-related website, link to a sneaker-related website, or refresh a sneaker-related website at least 9,530 times, or approximately 159 times each workday during a three-month period; and (c) hit the bidding websites bid.openx.net 41,453 times and eBay 6,595 times, or, combined, approximately 802 times during each workday during a three-month period. The former Engineering Auditor acknowledged that, in so doing, he violated the provisions of the City's conflicts of interest law

that prohibit City employees from using City time or City resources for any non-City purpose, especially for any private business purpose. *COIB v. Lim*, COIB Case No. 2012-364 (2012).

An Electrical Engineer for the New York City Department of Environmental Protection (“DEP”) agreed to serve a fifteen-day suspension, worth approximately \$3,790, for using his DEP email account and DEP office equipment to do work for his private employers. In a joint settlement of an agency disciplinary action and a Board enforcement action, the DEP Electrical Engineer admitted his conduct violated the DEP Uniform Code of Discipline and the City’s conflicts of interest law, which prohibits using City resources for any non-City purpose. *COIB v. Dance*, COIB Case No. 2012-486 (2012).

A former Principal for the New York City Department of Education (“DOE”) violated the City’s conflicts of interest law by using a DOE-issued credit card—known as a Procurement Card or P-Card—to make approximately \$9,000 of personal purchases. In a public disposition of the Board’s charges, the former Principal admitted that he understood DOE issued him the P-Card to pay for educational and school-related expenses only and acknowledged that, by using the P-Card for personal purchases, he violated the City’s conflicts of interest law. In a January 2010 settlement with the DOE, the then-Principal agreed to pay \$9,000 to DOE, to irrevocably resign his position, and to never seek future employment with DOE. The Board imposed no additional penalty in its case. *COIB v. Thompson*, COIB Case No. 2009-845 (2012).

A former Assistant to the Chief Engineer in the Bureau of Engineering at the New York City Department of Sanitation (“DSNY”) paid the Board a \$7,500 fine for his multiple violations the City of New York’s conflicts of interest law. Also, in the first case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result a violation of the conflicts of interest law, the former Assistant paid the Board, in addition to the fine, the value of the benefit he received as a result of his violations. First, the former Assistant admitted that he referred a DSNY subordinate to an attorney to represent her in a personal injury lawsuit, for which referral the former Assistant received a fee, in the amount of \$1,696.82. The former Assistant acknowledged that, in so doing, he violated the provisions of the City’s conflicts of interest law that prohibit City employees from using their City positions to obtain a personal financial benefit and from entering into a business or financial relationship with a City superior or subordinate. Second, the former Assistant admitted that he performed work on his subordinate’s personal injury lawsuit and on another compensated legal matter on City time and using City resources, including his DSNY office for meetings and his DSNY computer, telephone, and e-mail account. The former Assistant acknowledged that, in so doing, he violated the provisions of the City’s conflicts of interest law that prohibit City employees from using City time or City resources for any non-City purpose, especially for any private business purpose. Finally, the former Assistant admitted that he provided to a private law firm, for a personal, non-City purpose, disciplinary complaints concerning a DSNY employee, which complaints included the employee’s home address, date of birth, and Social Security number. The former Assistant acknowledged that, in so doing, he violated the provision of the City’s conflicts of interest law that prohibits City employees from using information that is not otherwise available to the public for the public servant’s own personal benefit or for the benefit of any person or firm associated with the public servant (including a parent, child, sibling, spouse, domestic partner, employer, or

business associate) or to disclose confidential information obtained as a result of the public servant's official duties for any reason. For these violations, the former Assistant paid the Board a \$7,500 fine as well as the value of the benefit he received as a result of the violations, namely the referral fee, in the amount of \$1,696.82. *COIB v. S. Taylor*, COIB Case No. 2011-193 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Scientist in the Office of Radiological Health in the DOHMH Bureau of Environmental Sciences and Engineering agreed to pay a \$6,000 fine to the Board. In a joint settlement of an agency disciplinary action and a Board enforcement action, the Scientist acknowledged that, in a public disposition in January 2009, he admitted that he had identified himself as a DOHMH employee by his DOHMH title, address, telephone number, and e-mail address in a scholarly article without submitting the article through the DOHMH vetting process and that, for this conduct, he paid a fine to DOHMH equal to three days' pay, valued at \$699. The Scientist admitted that, within one month of signing that agreement, he began submitting articles for publication in a different journal, still without DOHMH approval, but instead of identifying himself by his DOHMH title and work address, he identified himself as if he were affiliated with Brooklyn Hospital Center, which he was not. This course of action was suggested to him by a physician at Brooklyn Hospital Center with whom the Scientist deals as part of his official DOHMH duties. The Scientist continued to use his DOHMH e-mail address, phone number, and fax number in connection with these submissions and publications. He also used, without permission, the staff at the DOHMH Health Library to do research for his private publications and used his City computer and e-mail account, at times he was required to be performing work for DOHMH, to research and write the articles. This conduct violated the DOHMH Standards of Conduct and the City's conflicts of interest law, specifically the provisions that prohibit City employees from using their City positions to advance a private or personal interest and prohibit City employees from using City time or City resources for any non-City purpose. *COIB v. Hayes*, COIB Case No. 2012-399 (2012).

The Board and the New York City Comptroller's Office concluded settlements with two Comptroller's Office employees – a Telecommunications Associate in the Bureau of Information Services and the manager of the Help Desk in the Bureau of Information Services – who used their City computers and e-mail accounts to perform work for their private jobs as real estate agents during hours they were required to be performing work for the Comptroller's Office. This conduct violated the Comptroller's Office Rules and Procedures and the City's conflicts of interest law. As a penalty, the Telecommunications Associate agreed to pay a ten-day pay fine, valued at \$3,008.88, and the Help Desk Manager agreed to pay a three-day pay fine, valued at \$1,316.45. *COIB v. Innamorato*, COIB Case No. 2012-492 (2012); *COIB v. A. Perez*, COIB Case No. 2012-492a (2012).

The Board and the New York City Department of Citywide Administrative Services ("DCAS") concluded a settlement with a Supervisory Elevator Mechanic who sold scrap metal that he had removed from three DCAS-operated buildings for personal profit. In a joint settlement of an agency disciplinary action and a Board enforcement action, the Elevator Mechanic acknowledged that, because the City sells scrap metal for profit, his actions resulted in lost revenue to the City. The Elevator Mechanic erroneously believed he had obtained

authorization to take the scrap metal. Nonetheless, his conduct violated the DCAS Code of Conduct and the City's conflicts of interest law, which prohibits City employees from selling City resources for personal profit or from using them for any non-City purpose. As a penalty, the Elevator Mechanic agreed to pay DCAS \$7,442.50, an amount equal to half of what he earned selling the scrap metal. *COIB v. Marinello*, COIB Case No. 2012-314 (2012).

In a joint disposition with the Board and the New York City Administration for Children's Services, a Supervisor of Mechanical Installations was fined \$1,250, payable to the Board, and five days' pay, valued at approximately \$1,256, payable to ACS, for using a subordinate ACS employee to serve divorce papers on his wife during their City work hours. As part of his official duties, the Supervisor of Mechanical Installations was responsible for supervising Maintenance Workers at the Crossroads Juvenile Center in Brooklyn ("Crossroads"). The Supervisor of Mechanical Installations admitted that on October 22, 2010, from approximately 7:20 a.m. until 9:40 a.m., he traveled with a subordinate ACS Maintenance Worker from the Crossroads facility to his wife's work location in downtown Manhattan so that the Maintenance Worker could serve the Supervisor's wife with divorce papers. The Supervisor of Mechanical Installations and the Maintenance Worker were required to be performing work for the City during the time they traveled to Manhattan. The Supervisor of Mechanical Installations admitted that: (1) by using a subordinate employee to avoid the personal expense of hiring a process server, he violated City Charter § 2604(b)(3), which prohibits any public servant from using his or her position to obtain any financial gain or personal advantage; (2) by serving divorce papers on his wife during his City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which prohibits any public servant from pursuing personal activities during times the public servant is required to perform services for the City; (3) by using a subordinate employee to serve divorce papers on the Supervisor's wife during the subordinate's City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits any public servant from using City resources, including City personnel, for any non-City purpose; and (4) by using a subordinate employee to serve divorce papers on his wife during the subordinate employee's City work hours, he caused the subordinate employee to violate Chapter 68, thereby violating City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(d), which prohibits any public servant from causing another public servant to violate the conflicts of interest law. *COIB v. R. Gonzalez*, COIB Case No. 2011-055 (2012).

The Board and the New York City Housing Authority ("NYCHA") concluded settlements with two NYCHA employees – a Housing Stock Worker and the Assistant Chief of the General Services Department's Fleet Administration – who used City personnel to perform repairs on their personal vehicles. In joint settlements of agency disciplinary actions and Board enforcement actions, both employees admitted to using City personnel in NYCHA's Fleet Administration to install in their personal vehicles car parts that they had purchased: an air pump for the Housing Stock Worker and brakes for the Assistant Chief. This conduct violated the NYCHA Human Resources Manual and the City's conflicts of interest law, which prohibits the use of City personnel for any non-City purpose. As a penalty, the Housing Stock Worker and the Assistant Chief each agreed to serve five work-day suspensions, valued at \$812 for the Housing Stock Worker and \$1,421 for the Assistant Chief. *COIB v. Charbonier*, COIB Case No. 2011-622b (2012); *COIB v. Shepard*, COIB Case No. 2011-622e (2012).

In a joint settlement with the Board and the New York City Department for the Aging (“DFTA”), a Secretary in the DFTA Bureau of Human Resources admitted that she created four DFTA identification cards in addition to her official ID card, three with different photographs of her and different signatures and one with a different name, and that she stamped plain white envelopes with DFTA pre-paid metered postage, all for her personal use. This conduct violated the DFTA Code of Conduct and the City’s conflicts of interest law, which prohibits the use of City resources for any non-City purpose. As a penalty for this and for other, unrelated conduct, the Secretary agreed to serve a forty-five calendar-day suspension, valued at \$4,757.12. *COIB v. Balkcom*, COIB Case No. 2011-187 (2012).

A Supervisor of Mechanics for the New York City Department of Environmental Protection (“DEP”) was penalized for misusing his position at DEP and City resources for personal purposes. In a joint settlement of an agency disciplinary action and a Board enforcement action, the DEP Supervisor admitted he directed a Machinist whom he supervised to use a DEP lathe to determine whether a car part the Supervisor owned was salvageable, which conduct violated the DEP Uniform Code of Discipline and the City’s conflicts of interest law, which prohibits City employees from using their City positions for personal advantage and from using City resources for personal purposes. As a penalty, the Supervisor served a one-day suspension and lost four vacation days, the approximate value of which amounted to \$1,967. *COIB v. Paci*, COIB Case No. 2012-246 (2012).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with an HRA Executive Regional Manager who paid a \$3,750 fine to the Board for using his assigned City vehicle for personal travel and to run personal errands, despite two prior warnings from HRA that such use was prohibited. In 2007, the Executive Regional Manager was authorized full-time use of a City vehicle to travel to and between HRA facilities, and to commute between his residence in Manhattan and HRA facilities, or between his personal friend’s residence in Long Island City, Queens, and HRA facilities. The Executive Regional Manager was not authorized to use the assigned City vehicle for any other purposes, and on at least two occasions, HRA specifically informed him that he could not use the assigned City vehicle for personal travel. Despite the two prior warnings, the Executive Regional Manager admitted that, on more than one occasion, he used his assigned City vehicle to travel between his residence and his personal friend’s residence and to transport his personal friend to work. The Executive Regional Director also admitted that he used his assigned City vehicle to travel with his mother to the grocery store on one occasion. The Executive Regional Manager admitted that his conduct violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits City employees from using City resources, including a City vehicle, for personal purposes. *COIB v. Gomez*, COIB Case No. 2012-095 (2012).

A former City Planner at the New York City Department of City Planning (“DCP”) paid a \$6,500 fine to the Board for using City resources and her City position for her personal benefit. The former City Planner admitted that in 2007 she created a fake City parking placard and, from 2007 to 2011, displayed it in her private vehicle to avoid receiving parking tickets for parking in otherwise prohibited spaces. The fake City parking placard fraudulently utilized the logo of the City of New York and fraudulently stated that it was issued by DCP. The former City Planner admitted that, on three occasions, she used the fake City parking placard to have parking

summons dismissed at the New York City Department of Finance Parking Violations Operations (“PVO”) hearings. At each PVO hearing, the former City planner presented the fake City parking placard as if it were legitimate and represented herself as a DCP employee; as a result, each time, the summons was dismissed. The former City Planner acknowledged she violated the City’s conflicts of interest law by using her DCP position to obtain a personal benefit and by using a City resource for a non-City purpose. *COIB v. K. Stewart*, COIB Case No. 2012-162 (2012).

A Principal for the New York City Department of Education (“DOE”) paid a \$1,000 fine to the Board for using his City position and a City resource for his personal benefit. The Principal admitted that, in July 2007, he accepted the donation of a grand piano to his school. In Spring 2009, the Principal hired a private moving company to move the piano from his school to his residence for his personal use; he did not seek permission from anyone senior to himself at DOE prior to making this move. The Principal acknowledged that he violated the City’s conflicts of interest law by using his DOE position to take a City resource home for his personal use. In setting the \$1,000 fine, the Board took into account that, in resolution of disciplinary proceedings that were brought by DOE arising out of the same conduct, the Principal resigned from DOE in March 2010 and returned the piano. *COIB v. Neblett*, COIB Case No. 2010-015 (2012).

A Teacher for the New York City Department of Education (“DOE”) paid a \$1,000 fine to the Board for using her City position and a City resource for her personal benefit. The Teacher admitted that her school was provided with 11 official City parking placards, to be used by the school’s principal and the school staff on a first-come, first-served basis. The Teacher made an unauthorized photocopy of one of these official City parking placards and then used it for her personal use to park near the school without receiving parking tickets. The Teacher acknowledged she violated the City’s conflicts of interest law by using her DOE position to obtain a personal benefit and by using a City resource for a non-City purpose. *COIB v. Mercado*, COIB Case No. 2011-478 (2012).

In a joint settlement with the Board and the New York City Department of Information Technology and Telecommunications (“DoITT”), a Senior Administrative Coordinator agreed to resign in resolution of her violations of the City’s conflicts of interest law and separate violations of the DoITT Code of Conduct. The Senior Administrative Coordinator acknowledged that she used an agency-owned Blackberry to make 19,857 minutes of personal, non-City calls over the course of ten months, incurring \$3,316.10 in charges, which charges she knowingly failed to repay to DoITT. The Senior Administrative Coordinator admitted that this use of City resources was in excess of the *de minimis* amount permitted by the City’s Policy on Limited Personal Use of City Office and Technology Resources (also known as the “Acceptable Use Policy”). The Senior Administrative Coordinator acknowledged that her conduct violated the City’s conflicts of interest law provisions that prohibit a public servant from using City resources to pursue private, non-City activities. *COIB v. Mayo*, COIB Case No. 2012-326 (2012).

In a joint settlement with the Board and the New York City Department of Education (“DOE”), an Assistant Principal paid a \$25,000 fine to DOE for using City resources for a personal, non-City purpose. The Assistant Principal admitted that, in June 2011, he was given 75 Great

Adventure tickets that had been donated to the school. Although he understood that these tickets were to be used by the school, the Assistant Principal instead gave some to his friend's Cub Scout troop, some to his family visiting from Puerto Rico, and twenty-five to his brother, who is not a DOE employee and who attempted to sell the tickets on eBay. The Assistant Principal acknowledged that, by using the donated Great Adventure tickets, a City resource, for the non-City purpose of giving them to his brother and his friend's Cub Scout troop, he violated the City's conflicts of interest law provision prohibiting public servants from using City resources for any non-City purpose. *COIB v. Borrero*, COIB Case No. 2012-150a (2012).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a City Research Scientist IV in the Division of Informatics and Information Technology agreed to pay a \$2,000 fine for using her City computer and DOHMH e-mail account to perform work for the American Public Health Association, a not-for-profit organization that she served as Secretary of the Public Health Nursing Section, which position was not part of her DOHMH duties. The City Research Scientist admitted that her use of City resources for her volunteer work was in excess of the *de minimis* amount permitted by the City's Policy on Limited Personal Use of City Office and Technology Resources (also known as the "Acceptable Use Policy"), including sending and receiving thousands of APHA e-mails and storing over 100 APHA documents on her City computer. The City Research Scientist acknowledged that her conduct violated the City's conflicts of interest law provisions that prohibit a public servant from using City time or City resources to pursue private, non-City activities. *COIB v. Bennett*, COIB Case No. 2012-098 (2012).

The Board fined a former Locksmith for the New York City Health and Hospitals Corporation ("HHC") \$1,750 for hiring a subordinate employee to perform work for his private business and for using a City computer to store documents related to the private business. The former Locksmith, who was also the owner of Custom Lock and Alarm, acknowledged that, on approximately ten occasions between November 9, 2008, and November 9, 2011, he hired a subordinate HHC Locksmith whom he supervised to perform work for Custom Lock and Alarm, for which work he paid the subordinate. The former Locksmith also admitted that, between April, 17, 2007, and May 18, 2011, he used an HHC computer to store seven business proposals for Custom Lock and Alarm. The former Locksmith admitted that his conduct violated City Charter § 2604(b)(14), which prohibits public servants from entering into financial relationships with subordinate public servants, and City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits City employees from using City resources for non-City activities, in particular any private business or outside employment. *COIB v. Tirado*, COIB Case No. 2012-151 (2012).

The Board fined a former Master Electrician for the New York City Department of Education ("DOE") \$3,500 for performing work for his private business during his DOE work hours and for using a DOE vehicle in connection with the private business. The former Master Electrician, who was also the owner of Lenlite Electrical Contractors, Inc., acknowledged that, while he was employed by DOE, he traveled to Lenlite jobsites and purchased tools, supplies, and other materials for Lenlite at times he was required to be performing work for DOE. The former Master Electrician also admitted that, while he was employed by DOE, he transported Lenlite employees to Lenlite jobsites using a DOE-assigned vehicle. The former Master

Electrician acknowledged that his conduct violated City Charter § 2604(b)(2), pursuant to Board Rules §§ 1-13(a) and 1-13(b), which prohibits City employees from using City time and resources for non-City activities, in particular any private business or outside employment. *COIB v. L. Nelson*, COIB Case No. 2011-591 (2012).

The Board fined the former Commissioner of the New York City Department of Finance \$22,000 for her multiple violations of the City's conflicts of interest law. The former Finance Commissioner acknowledged that, in February 2005, advice was sought from the Board on her behalf as to whether, in light of her position as Finance Commissioner, she could serve as a paid independent member of the Board of Directors of Tarragon Realty Investors Inc., a publicly-traded real estate investment company with no real estate in New York City. The Board advised, in writing, that she could serve as a Tarragon Board Member, provided that, among other things, she not use her City position to obtain any advantage for Tarragon or its officers or directors and she not use any City equipment, letterhead, personnel, or resources in connection with her Board service. Despite these written instructions from the Board, the former Finance Commissioner proceeded to engage in such prohibited conduct. First, the Finance Commissioner admitted that, from March 2005 through April 2009, she used her City computer and City e-mail account to send and receive approximately 300 e-mails related to Tarragon. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits any public servant from using City equipment or resources for any non-City purpose. Second, the former Finance Commissioner admitted that, in August 2007, she sent two e-mails in particular from her Finance e-mail account on behalf of Tarragon. The first was to a Senior Client Manager at a bank, with whom and with which bank she had dealt in her official capacity as Finance Commissioner, inquiring about the time frame for the bank's decision to extend loan commitments and provide additional financing to Tarragon on some of its properties for which the bank held mortgages and about whether that time frame might be extended. The second was to a Senior Program Analyst in the Governmental Liaison Office of the Internal Revenue Service inquiring about the issuance of a federal tax refund owed to Tarragon and the IRS's then current timeframe for issuing refund checks and when the refund might be issued in light of the major liquidity issues being faced by Tarragon. In both e-mails, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. As a paid independent director of Tarragon, the former Finance Commissioner was "associated" with Tarragon within the meaning of the City's conflicts of interest law. Third, the former Finance Commissioner admitted that she asked the First Deputy Commissioner at Finance and the former Commissioner's Executive Assistant at Finance to perform administrative tasks for her on Tarragon-related matters, which tasks these subordinates performed. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits any public servant from using City personnel for any non-City purpose. Separately, the former Finance Commissioner admitted that she sent an e-mail from her Finance e-mail account to the Vice President and General Counsel at a corporation that owns approximately twenty luxury rental apartment buildings in the City, with whom and with which owner she had dealt in her official capacity as Finance Commissioner, asking the Vice President to assist her registered domestic partner in looking for an apartment, which ultimately resulted in her renting an apartment in one of the corporation's buildings. In this e-mail, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated

the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance Commissioner acknowledged that she was "associated" with her domestic partner within the meaning of the City's conflicts of interest law. The former Finance Commissioner also admitted that she sent an e-mail from her Finance e-mail account to the Senior Vice President of a trade association representing real estate interests in New York State, with whom and with which entity she had dealt in her official capacity as Finance Commissioner, and who was also a personal friend, for assistance for her recently laid off step-sister in finding a new job. In this e-mail, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance Commissioner acknowledged that she was "associated" with her step-sister within the meaning of the City's conflicts of interest law. Finally, the former Finance Commissioner admitted that, in June and July 2008, she was personally and directly involved in the employment of her half-brother, who was employed at Finance as a paid summer and part-time college aide, including intervening with her half-brother's supervisor concerning supervisory and performance issues. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance Commissioner acknowledged that she was "associated" with her half-brother within the meaning of the City's conflicts of interest law. *COIB v. Stark*, COIB Case No. 2011-480 (2012).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Motor Vehicle Operator in the DOHMH Bureau of Facilities, Planning and Administrative Service who, from January 3, 2011, to March 11, 2011, during approximately 99 hours of time she was required to be performing work for DOHMH, used a City computer to engage in online trading. The Motor Vehicle Operator acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities and agreed to pay a \$1,500 fine to DOHMH. *COIB v. Gibson*, COIB Case No. 2012-041 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), an Associate Public Health Sanitarian in the DOHMH Bureau of Food Safety and Community Sanitation agreed to the imposition of multiple financial penalties, including his resignation from DOHMH, for using a City vehicle for his private business. In addition to his City employment, the Associate Public Health Sanitarian also owns and runs a private entertainment business. In December 2010, the Associate Public Health Sanitarian admitted that, from at least July 2006 through November 2010, he had, during hours he was required to be performing work for DOHMH, used his City computer and e-mail account to perform work for his private entertainment business. For these violations, the Associate Public Health Sanitarian agreed to a term of suspension, the forfeiture of annual leave, and the payment of a fine, penalties totaling approximately \$12,988. One year later, on December 30, 2011, the Associate Public Health Sanitarian took a DOHMH vehicle without permission to use in connection with a pre-New Year's Eve party hosted by his private entertainment company. At 5:00 a.m. on December 31, 2011, the Associate Public Health Sanitarian got into a car accident with the DOHMH vehicle; he did not report this accident to any DOHMH supervisor until

January 4, 2012. The Associate Public Health Sanitarian acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources to pursue private, non-City activities. For this misconduct, the Associate Public Health Sanitarian agreed to (a) be suspended for 20 work days, valued at approximately \$4,494; (b) resign from DOHMH; (c) never seek future employment with DOHMH or any other City agency; (d) forfeit \$8,000 of his accrued annual leave; and (e) forfeit an additional \$1,689 of his accrued annual leave to pay for the cost of repairing the damage to the DOHMH vehicle as a result of the car accident in which he was involved on December 31, 2011. *COIB v. Mark*, COIB Case No. 2012-014 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Supervising Public Health Advisor in the DOHMH Bureau of Health Insurance Services paid a \$2,000 fine to DOHMH for, throughout 2010, at times he was required to be performing work for DOHMH, using a City computer and his DOHMH e-mail account to promote the sales of "bootlegged" DVDs. The Supervising Public Health Advisor acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. *COIB v. W. Singleton*, COIB Case No. 2011-627 (2012).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with a Supervising Special Officer I for the ACS Division of Youth and Family Justice who had a second job working as a representative for Primerica, a multi-level marketing company that sells primarily life insurance, along with other financial products. The Supervising Special Officer admitted that, at times when she was required to be performing work for the City, she attempted to sell and sold life insurance and other financial investments to her City subordinates and to fellow Sergeants, for which sales she earned a commission. The Supervising Special Officer acknowledged that her conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from (a) using his or her City position for any personal benefit; (b) entering into a business or financial relationship with his or her City superior or subordinate; and (c) using City time for any non-City purpose. For this misconduct, the Supervising Special Officer agreed to be suspended for thirty calendar days without pay, valued at \$3,926.67. *COIB v. C. Hines*, COIB Case No. 2011-664 (2012).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with a Child Protective Specialist Supervisor II who agreed to be suspended for four days, valued at \$1,172.20, for making a color photocopy of a City parking placard and then using it to avoid receiving parking tickets while parking her personal vehicle over a three-month period. The parking placard was issued by the New York City Department of Transportation to ACS for ACS employees to use only when their performing official ACS duties. The Child Protective Specialist Supervisor acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position for any personal benefit and from using City resources for any non-City purpose. *COIB v. Harris*, COIB Case No. 2011-547 (2012).

The Board issued its Findings of Facts, Conclusions of Law, and Order detailing its determination that a New York City Department of Education ("DOE") Custodian violated the

City's conflicts of interest law when he used a custodial employee to repair the roof and clean the gutters of a house he owns in Staten Island and then falsified DOE payroll records to pay the employee for that work with DOE funds. The Board found the Custodian violated two provisions of the City's conflicts of interest law, which prohibits public servants from using their positions with the City for financial gain and from using City resources for any non-City purpose. As a penalty, the Board fined the now former Custodian \$2,500 for misusing his position as a public servant to arrange for a subordinate to perform private home repairs and \$5,000 for using DOE funds (a City resource) to pay for those repairs. The Board's Order adopts the Report and Recommendation of New York City Office of Administrative Trials and Hearings Administrative Law Judge Kevin F. Casey, issued after a hearing on the merits. *COIB v. Zackria*, COIB Case No. 2010-609 (2012).

The Board and the New York City Department of Design and Construction ("DDC") entered into a three-way settlement with a DDC Computer Associate who agreed to be suspended for seven days, valued at \$1,743, for using City time and resources for non-City purposes by: sending several faxes from a City fax machine and storing several documents on her City computer related to her private business as a landlord; providing her DDC contact information to her tenant and to several other businesses; and, on ten occasions between February 28, 2011, and June 8, 2011, failing to return to her office on time after lunch despite falsely indicating on her timesheets that she had. The DDC Computer Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and resources to pursue non-City activities. *COIB v. Taylor-Williamson*, COIB Case No. 2011-002 (2012).

The Board and the New York City Department of Parks and Recreation ("Parks") entered into a three-way settlement with a Parks Computer Operations Manager who agreed to be suspended by Parks for thirty days without pay, valued at \$5,300, and to pay a \$4,500 fine to Parks, for a total financial penalty of \$9,800. The Computer Operations Manager admitted that, between January 2007 and April 2011, he spent approximately one hour each day on his City computer, during times when he was required to be working for Parks, searching the internet for vehicles to be salvaged and sold through his private business. The Computer Operations Manager also admitted that he used City office resources to send approximately fifteen faxes concerning his private business. The Computer Operations Manager acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and resources to pursue private, non-City activities. *COIB v. Vazgryn*, COIB Case No. 2011-473 (2012).

The Board and the New York City Department of Sanitation ("DSNY") concluded three-way settlements with three DSNY Sanitation Workers who, while in the course of conducting their regular collection routes, used a Sanitation truck to collect commercial waste, also known as "trade waste," from multiple restaurants in Brooklyn. Trade waste is not collected by DSNY, and the collection of trade waste is an impermissible use of a Sanitation truck. Each Sanitation Worker acknowledged that his conduct also violated the City's conflicts of interest law, which prohibits a public servant from using any City resource, such as a City vehicle, for any non-City purpose. The conduct at issue occurred in 2005, but these matters were not resolved until 2012 because the Sanitation Workers challenged the authority of DSNY to bring actions against them on the ground that the misconduct alleged was beyond the eighteen-month statute of limitations applicable to Sanitation Workers. This challenge was pursued by the Sanitation Workers at the New York City Office of Administrative

Trials and Hearings, the New York State Supreme Court through an Article 78 petition, and eventually in an appeal to the Appellate Division, First Department. By decision dated June 23, 2011, the Appellate Division affirmed the authority of DSNY to bring these disciplinary actions, finding that the conduct charged – namely, violations of the City’s conflicts of interest law – can be considered a crime, and thus constitutes an exception to the eighteen-month statute of limitations. *James v. Doherty*, 85 A.D.3d 640, 925 N.Y.S.2d 818 (1st Dep’t 2011). The first Sanitation Worker was suspended for 90 work days, valued at \$25,046.10; the second Sanitation Worker was suspended for 60 work days, valued at \$16,697.47; the third Sanitation Workers was suspended for 90 work days, valued at \$24,425.57. *COIB v. M. James*, COIB Case No. 2007-269 (2012); *COIB v. Gilbert*, COIB Case No. 2007-269a (2012); *COIB v. Maurice*, COIB Case No. 2007-269b (2012).

AIDING OR INDUCING A VIOLATION OF THE CONFLICTS OF INTEREST LAW

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(d)⁵

In a joint disposition with the Board and the New York City Administration for Children’s Services, a Supervisor of Mechanical Installations was fined \$1,250, payable to the Board, and five days’ pay, valued at approximately \$1,256, payable to ACS, for using a subordinate ACS employee to serve divorce papers on his wife during their City work hours. As part of his official duties, the Supervisor of Mechanical Installations was responsible for supervising Maintenance Workers at the Crossroads Juvenile Center in Brooklyn (“Crossroads”). The Supervisor of Mechanical Installations admitted that on October 22, 2010, from approximately 7:20 a.m. until 9:40 a.m., he traveled with a subordinate ACS Maintenance Worker from the Crossroads facility to his wife’s work location in downtown Manhattan so that the Maintenance Worker could serve the Supervisor’s wife with divorce papers. The Supervisor of Mechanical Installations and the Maintenance Worker were required to be performing work for the City during the time they traveled to Manhattan. The Supervisor of Mechanical Installations admitted that: (1) by using a subordinate employee to avoid the personal expense of hiring a process server, he violated City Charter § 2604(b)(3), which prohibits any public servant from using his or her position to obtain any financial gain or personal advantage; (2) by serving divorce papers on his wife during his City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which prohibits any public servant from pursuing personal activities during times the public servant is required to perform services for the City; (3) by using a subordinate employee to serve divorce papers on the Supervisor’s wife during the subordinate’s City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits any public servant from using City resources, including City personnel, for any non-City purpose; and (4) by using a subordinate employee to serve divorce papers on his wife during the subordinate employee’s City work hours, he caused the subordinate employee

⁵ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(d)(1) states in relevant part: “It shall be a violation of City Charter § 2604(b)(2) for any public servant to intentionally or knowingly solicit, request, command, importune, aid, induce or cause another public servant to engage in conduct that violates any provision of City Charter § 2604.”

to violate Chapter 68, thereby violating City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(d), which prohibits any public servant from causing another public servant to violate the conflicts of interest law. *COIB v. R. Gonzalez*, COIB Case No. 2011-055 (2012).

MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)⁶

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a former School Secretary for the New York City Department of Education (“DOE”) \$9,000 for using a DOE procurement credit card, also known as a P-Card, to make at least \$3,000 in personal purchases, such as at gas stations and fast food restaurants, between August 2009 and May 2011. The former School Secretary, as the school’s business manager, had been entrusted with the P-Card for the sole purpose of making purchases for the school. The Board’s Order adopts the Report and Recommendation of New York City Office of Administrative Trials and Hearings (“OATH”) Administrative Law Judge (“ALJ”) Alessandra F. Zorogniotti, issued after a trial. The Board found that the ALJ correctly determined that the former School Secretary misused the school’s P-Card and that, in so doing, violated the City of New York’s conflicts of interest law, which prohibits a public servant from using his or her City position for private financial gain and from using City resources, such as school funds, for any non-City purpose. The former School Secretary resigned during the course of the investigation of this matter and failed to appear at the hearing at OATH; nonetheless, the Board ordered that she pay a fine of \$9,000. *COIB v. Vera*, COIB Case No. 2011-750 (2012).

The Board and the New York City Department of Information Technology and Telecommunications (“DoITT”) concluded a joint settlement with the former Director of Office Services at DoITT who agreed to pay a \$5,000 fine to the Board, serve a 30 work-day work suspension, valued at approximately \$7,144.78, and irrevocably resign his position. First, the former Director of Office Services admitted that he asked the Chief Executive Officer of a DoITT vendor, of whose dealings with DoITT the former Director of Office Services was aware, for four New York Yankees tickets, for which the former Director paid a nominal amount. The former Director of Office Services also admitted that he asked for and received four free tickets to a National Hockey League game from a DoITT vendor whose work with DoITT he oversaw. The former Director of Office Services also admitted that he asked the same DoITT vendor to perform a personal move for him and to prepare an invoice describing the service as moving City property so that the vendor could bill DoITT for his personal move. As a consequence of this request, the vendor performed the move and did not bill him for it. The former Director of Office Services admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from accepting any valuable gift from any firm that such public servant knows is, or intends to become, engaged in business dealings with the City. Second, the

⁶ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

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.”

former Director of Office Services admitted that he, on a regular basis, ordered his subordinates to deliver City property, namely, jugs of drinking water, to a City vendor. The former Director of Office Services admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using City resources for a non-City purpose. Finally, the former Director of Office Services admitted that he, on several occasions, ordered his subordinates to either pick him up or drop him off at a car repair shop, after he had dropped off his personal vehicle for repairs. The former Director of Office Services admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his position as a public servant to obtain a personal benefit. *COIB v. Sivilich*, COIB Case No. 2012-583 (2012).

A New York City Department of Parks and Recreation ("Parks") District Manager paid the Board a \$1,750 fine for selling points for a Disney timeshare program and electronic equipment to subordinate Parks employees, in violation of the City's conflict of interest law provisions prohibiting City employees from misusing their positions for personal financial gain and from entering into financial relationships with their subordinates. In a public disposition of the Board's charges, the District Manager for Staten Island Parks admitted to selling points that he had accumulated from his membership in the Disney Vacation Club to three subordinate Parks Department employees. The subordinates each paid between \$600 and \$1,800 for the points, which they could use to stay at Disney properties. The District Manager also sold electronic items, including a camera, X-box, and GPS devices, to two subordinates. *COIB v. Zerilli*, COIB Case No. 2012-329 (2012).

The former Director of Central Budget in the Division of Finance in the New York City Department of Education ("DOE") paid the Board a \$15,000 fine for his violations of the City's conflicts of interest law by taking official action to obtain a DOE job for his wife. Also, in only the second case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result of a violation of the conflicts of interest law, the former Director of Central Budget paid the Board, in addition to the fine, the value of the benefit he received as a result of his violations, namely the total of his wife's net earnings from her employment at DOE, in the amount of \$32,929.29, for a total financial penalty of \$49,929.29. The former Director of Central Budget admitted that, in 2011, while he was the DOE Director of Business for the Bronx, he approached his subordinate and asked her to create a budget line, at the title and pay scale he indicated, for a new Community Coordinator position in the Bronx. The pay the Director indicated was higher than the usual pay scale for that position, and his wife did not meet all the requirements for the position. Nonetheless, the Director asked another DOE employee to staff his wife to the position, and he asked a third DOE employee to contact his wife and ask his wife to send her resume for the position. Finally, the Director gave his wife's resume to the DOE employee in charge of Human Resources for the DOE Office of School Support and directed that employee to contact his wife and set her up for processing for the job. During this entire process, there was no job posting for the position, there were no interviews, and none of the DOE employees involved met with the Director's wife prior to her receiving the job offer. The former Director of Central Budget acknowledged that, by directing DOE employees, some of whom were at the time or had recently been his subordinates, to take official actions to benefit his wife, he violated the City's conflicts of interest law, which prohibits City employees from using their City positions to benefit themselves or someone with whom they are associated, which would include a spouse, sibling, parent, child, or a individual with whom or firm with which the City

employee has a business or financial relationship. *COIB v. Namnum*, COIB Case No. 2011-860 (2012).

The Board settled an enforcement action against a former New York City Department of Education (“DOE”) Human Resources Director for a Children First Network who paid a \$4,000 fine for misusing her position with DOE to give her two adult children an advantage in getting jobs at DOE schools in her Network. In a public disposition of the Board’s charges, the now former DOE employee admitted that, while working as the Human Resources Director for Children First Network #106, she recommended her daughter be hired for a position at a school in her Network and later attempted to prevent her daughter from being terminated. She also admitted to giving her son an advantage in being considered for a position at another school by passing his resume along to that school’s principal. The former HR Director acknowledged her actions on her children’s behalf violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any private or personal advantage for the public servant or for any person associated with the public servant. *COIB v. Nero*, COIB Case No. 2011-636 (2012).

A Teacher for the New York City Department of Education (“DOE”) paid the Board a \$4,000 fine for selling bars of soap to his students and for incentivizing those sales by offering ten Character Incentive Program “keys” and then a “no homework pass” in exchange for each purchase. The Teacher admitted that, during the 2011-2012 school year, his school held a Character Incentive Program, designed to help students improve social skills and academics and build good character. As part of the program, teachers would give students “keys” which could later be redeemed for small items. In November 2011, during class, the Teacher told his students that he was selling soap for \$3.00 or \$4.00 a bar and, with each purchase, he would give the student 10 “keys.” In January 2012, during class, the Teacher told his students that, for each bar of soap purchase, the student would also receive one “no homework pass.” At least three students purchased one bar of soap each, receiving 10 “keys” each; one student purchased three bars of soap and received 30 “keys”; and at least one student received a “no homework pass.” The Teacher acknowledged that, in so doing, he violated the City’s conflicts of interest law provisions prohibiting public servants from using their City positions to benefit themselves and from using City time for a non-City purpose. *COIB v. Scanterbury*, COIB Case No. 2012-328 (2012).

A former Assistant to the Chief Engineer in the Bureau of Engineering at the New York City Department of Sanitation (“DSNY”) paid the Board a \$7,500 fine for his multiple violations the City of New York’s conflicts of interest law. Also, in the first case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result a violation of the conflicts of interest law, the former Assistant paid the Board, in addition to the fine, the value of the benefit he received as a result of his violations. First, the former Assistant admitted that he referred a DSNY subordinate to an attorney to represent her in a personal injury lawsuit, for which referral the former Assistant received a fee, in the amount of \$1,696.82. The former Assistant acknowledged that, in so doing, he violated the provisions of the City’s conflicts of interest law that prohibit City employees from using their City positions to obtain a personal financial benefit and from entering into a business or financial relationship with a City superior

or subordinate. Second, the former Assistant admitted that he performed work on his subordinate's personal injury lawsuit and on another compensated legal matter on City time and using City resources, including his DSNY office for meetings and his DSNY computer, telephone, and e-mail account. The former Assistant acknowledged that, in so doing, he violated the provisions of the City's conflicts of interest law that prohibit City employees from using City time or City resources for any non-City purpose, especially for any private business purpose. Finally, the former Assistant admitted that he provided to a private law firm, for a personal, non-City purpose, disciplinary complaints concerning a DSNY employee, which complaints included the employee's home address, date of birth, and Social Security number. The former Assistant acknowledged that, in so doing, he violated the provision of the City's conflicts of interest law that prohibits City employees from using information that is not otherwise available to the public for the public servant's own personal benefit or for the benefit of any person or firm associated with the public servant (including a parent, child, sibling, spouse, domestic partner, employer, or business associate) or to disclose confidential information obtained as a result of the public servant's official duties for any reason. For these violations, the former Assistant paid the Board a \$7,500 fine as well as the value of the benefit he received as a result of the violations, namely the referral fee, in the amount of \$1,696.82. *COIB v. S. Taylor*, COIB Case No. 2011-193 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Scientist in the Office of Radiological Health in the DOHMH Bureau of Environmental Sciences and Engineering agreed to pay a \$6,000 fine to the Board. In a joint settlement of an agency disciplinary action and a Board enforcement action, the Scientist acknowledged that, in a public disposition in January 2009, he admitted that he had identified himself as a DOHMH employee by his DOHMH title, address, telephone number, and e-mail address in a scholarly article without submitting the article through the DOHMH vetting process and that, for this conduct, he paid a fine to DOHMH equal to three days' pay, valued at \$699. The Scientist admitted that, within one month of signing that agreement, he began submitting articles for publication in a different journal, still without DOHMH approval, but instead of identifying himself by his DOHMH title and work address, he identified himself as if he were affiliated with Brooklyn Hospital Center, which he was not. This course of action was suggested to him by a physician at Brooklyn Hospital Center with whom the Scientist deals as part of his official DOHMH duties. The Scientist continued to use his DOHMH e-mail address, phone number, and fax number in connection with these submissions and publications. He also used, without permission, the staff at the DOHMH Health Library to do research for his private publications and used his City computer and e-mail account, at times he was required to be performing work for DOHMH, to research and write the articles. This conduct violated the DOHMH Standards of Conduct and the City's conflicts of interest law, specifically the provisions that prohibit City employees from using their City positions to advance a private or personal interest and prohibit City employees from using City time or City resources for any non-City purpose. *COIB v. Hayes*, COIB Case No. 2012-399 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Principal Administrative Associate in the DOHMH Office of Vital Records agreed to serve a twenty-five work-day suspension, valued at \$4,686.35, for accessing the Electronic Vital Events Registration System ("EVERS") to view confidential

information concerning his deceased brother, although he had signed a confidentiality agreement just a few months earlier affirming that he would not access the system for any unauthorized purpose. EVERS is a confidential system used by medical facilities and funeral directors pre-authorized by DOHMH to report births and deaths to DOHMH; upon receipt of all required information, DOHMH is able to certify a birth or death. Using EVERS the Principal Administrative Associate discovered that the required information for processing his brother's death certificate had not been completed by the funeral director. He then disclosed that confidential information to his sister with instructions to contact the funeral director, which she did. The Principal Administrative Associate acknowledged he violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee and (2) prohibit a City employee from using his or her City position to obtain any financial gain or other private or personal advantage. *COIB v. B. Williams*, COIB Case No. 2012-367 (2012).

A Principal for the New York City Department of Education ("DOE") paid a \$3,500 fine for three violations of the City's conflicts of interest law. First, the Principal admitted that, in 2007, she met with the Director of a firm that had business dealings with her school to discuss expanding that firm's involvement at her school. The Principal recommended her sister for a position coordinating that firm's new program at the Principal's school. The Principal's sister was hired by the firm. The Principal acknowledged that, by recommending her sister for a position with a vendor to her school, she violated the City's conflicts of interest law provision prohibiting public servants from using their City positions to benefit themselves or a person or firm with which the public servant is "associated." The Principal was "associated" with her sister within the meaning of the City's conflicts of interest law. The Principal also admitted that, in December 2008, she paid a subordinate DOE employee \$60 to prepare food on the subordinate's own time for a school Christmas party that the Principal hosted in her home. The Principal acknowledged that, by having her City subordinate prepare food for a party that she was hosting, she used her City position to obtain a private benefit, and by paying her subordinate, she entered into a financial relationship with her, both in violation of the City's conflicts of interest law. *COIB v. Passarella*, COIB Case No. 2011-531 (2012).

In a joint disposition with the Board and the New York City Administration for Children's Services, a Supervisor of Mechanical Installations was fined \$1,250, payable to the Board, and five days' pay, valued at approximately \$1,256, payable to ACS, for using a subordinate ACS employee to serve divorce papers on his wife during their City work hours. As part of his official duties, the Supervisor of Mechanical Installations was responsible for supervising Maintenance Workers at the Crossroads Juvenile Center in Brooklyn ("Crossroads"). The Supervisor of Mechanical Installations admitted that on October 22, 2010, from approximately 7:20 a.m. until 9:40 a.m., he traveled with a subordinate ACS Maintenance Worker from the Crossroads facility to his wife's work location in downtown Manhattan so that the Maintenance Worker could serve the Supervisor's wife with divorce papers. The Supervisor of Mechanical Installations and the Maintenance Worker were required to be performing work for the City during the time they traveled to Manhattan. The Supervisor of Mechanical Installations admitted that: (1) by using a subordinate employee to avoid the personal expense of hiring a process server, he violated City Charter § 2604(b)(3), which prohibits any public servant

from using his or her position to obtain any financial gain or personal advantage; (2) by serving divorce papers on his wife during his City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which prohibits any public servant from pursuing personal activities during times the public servant is required to perform services for the City; (3) by using a subordinate employee to serve divorce papers on the Supervisor's wife during the subordinate's City work hours, he violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits any public servant from using City resources, including City personnel, for any non-City purpose; and (4) by using a subordinate employee to serve divorce papers on his wife during the subordinate employee's City work hours, he caused the subordinate employee to violate Chapter 68, thereby violating City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(d), which prohibits any public servant from causing another public servant to violate the conflicts of interest law. *COIB v. R. Gonzalez*, COIB Case No. 2011-055 (2012).

In a joint disposition with the Board and the New York City Department of Education ("DOE"), a former Network Leader for the Children First Network #208 ("CFN #208") was fined \$4,000 for causing his wife to be hired for an open teaching position and for subsequently attempting to prevent his wife's position from being excessed. As part of his official DOE duties, the Network Leader was responsible for providing instructional and operational support to DOE principals within his network. In or around February 2011, while preparing a Principal for a state audit, the Network Leader discussed his wife's qualifications for an open teaching position with the Principal, for which teaching position the Network Leader's wife was hired. Subsequently, in or around June 2011, upon learning that his wife's teaching position would be excessed as a result of budgetary constraints, the Network Leader directed a subordinate employee to contact the Principal and to instruct her that his wife's teaching position could not be excessed. The former Network Leader admitted that he violated City Charter § 2604(b)(3) by intending to cause the Principal to hire his wife and subsequently intending to cause the DOE Principal to retain his wife's position at the school. *COIB v. O'Mahoney*, COIB Case No. 2011-720 (2012).

The Board issued a Public Warning Letter to a former Assistant Director of Nursing for the New York City Health and Hospitals Corporation ("HHC") for soliciting two subordinate HHC nurses to purchase life insurance from her son, one of whom actually purchased the life insurance. In or around July 2011, the Assistant Director of Nursing contacted a nurse whom she supervised at Elmhurst Hospital Center and asked her to purchase life insurance from her son. The Assistant Director of Nursing subsequently accompanied her son on a visit to the nurse's home, during which visit the Assistant Director of Nursing's son solicited the nurse to purchase life insurance. On at least one other occasion, the Assistant Director of Nursing referred another HHC nurse whom she supervised to her son to purchase life insurance. While not pursuing further enforcement action, the Board took the opportunity of this Public Warning Letter to remind public servants that the City's conflicts of interest law prohibits public servants from using or attempting to use their City positions to obtain any financial gain or personal advantage for the public servant or any person associated with the public servant. *COIB v. E. Morales*, COIB Case No. 2012-172 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with a Job Opportunity Specialist who agreed to irrevocably resign his position with HRA and not seek future employment with HRA for, among other conduct, asking an HRA

client to care for his pet ferret in exchange for a sum of money. As part of his official HRA duties, the Job Opportunity Specialist was responsible for conducting home visits to HRA clients who receive public benefits. The Job Opportunity Specialist admitted that, during the course of a home visit to an HRA client, he asked the client to care for his pet ferret in exchange for a sum of money. The Job Opportunity Specialist admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his or her position to obtain any personal or private advantage. *COIB v. K. Hope*, COIB Case No. 2012-230 (2012).

In a joint disposition with the Board and the New York City Administration for Children's Services ("ACS"), the Program Manager of Family Permanency Operations agreed to serve a twelve work-day suspension, valued at \$3,861, for accessing the New York State Central Register's confidential database, CONNECTIONS, on three occasions to view information about her adult daughter. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Program Manager then used that confidential information she obtained to contact the ACS attorney assigned to handle her adult daughter's case in Family Court. In her conversation with the ACS attorney, the Program Manager identified herself by her ACS title and sought to discuss the substance of her adult daughter's case. The Program Manager acknowledged she violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee and (2) prohibit a City employee from using his or her City position to obtain any financial gain or other personal advantage. *COIB v. Cortez*, COIB Case No. 2012-339 (2012).

The Board issued a public warning letter to the Director of Human Resources for the New York City Department for the Aging ("DFTA") who asked his subordinate, a Secretary, to prepare a letter from him to the New Jersey Motor Vehicle Commissioner concerning a complaint of insurance fraud the Director was handling for his elderly father arising from a car accident in which he was involved. The Director asked his subordinate to perform this purely personal task for him during hours she was required to be performing work for DFTA. The Board advised that, by using his position as the Director of Human Resources to have his subordinate perform a purely personal task on his behalf during hours she should have been performing work for DFTA, he used his City position to obtain a personal benefit and used City personnel for a non-City purpose, both in violation of the City's conflicts of interest law. *COIB v. R. Lorenzo*, COIB Case No. 2011-825a (2012).

A Principal for the New York City Department of Education ("DOE") paid the Board a \$2,500 fine for violating the City's conflicts of interest law by discussing his two sons' employment prospects with a company whose work he evaluates as part of his official duties as a Principal. In a joint settlement with the Board and DOE, the Principal admitted that he twice called the Vice President of the company that contracts to clean his school and asked if his sons could apply for positions with the company. The Vice President hired one son, but not the other. *COIB v. Strauss*, COIB Case No. 2010-762 (2012).

A former Principal for the New York City Department of Education ("DOE") admitted in a public disposition that he violated the City's conflicts of interest law by failing to account for

\$1,860 that he collected from two snack machine vendors as commission payments from vending machines in his school. The Principal asked the vendors to pay the snack machine commissions in cash and he could not account for any of \$1,860 they paid him. In settlement of related disciplinary charges that were brought against him by DOE, the then-Principal agreed to be demoted to the position of Teacher, resulting in a \$39,003 reduction in his annual salary. The Board imposed no additional penalty in its case. *COIB v. Shepherd*, COIB Case No. 2009-598 (2012).

A former City Planner at the New York City Department of City Planning (“DCP”) paid a \$6,500 fine to the Board for using City resources and her City position for her personal benefit. The former City Planner admitted that in 2007 she created a fake City parking placard and, from 2007 to 2011, displayed it in her private vehicle to avoid receiving parking tickets for parking in otherwise prohibited spaces. The fake City parking placard fraudulently utilized the logo of the City of New York and fraudulently stated that it was issued by DCP. The former City Planner admitted that, on three occasions, she used the fake City parking placard to have parking summons dismissed at the New York City Department of Finance Parking Violations Operations (“PVO”) hearings. At each PVO hearing, the former City planner presented the fake City parking placard as if it were legitimate and represented herself as a DCP employee; as a result, each time, the summons was dismissed. The former City Planner acknowledged she violated the City’s conflicts of interest law by using her DCP position to obtain a personal benefit and by using a City resource for a non-City purpose. *COIB v. K. Stewart*, COIB Case No. 2012-162 (2012).

The Board issued a public warning letter to an English as a Second Language (“ESL”) Teacher. In addition to his job working for the New York City Department of Education (“DOE”), the ESL Teacher also worked as a lead teacher at Perfect Score Tutoring, a provider of Supplemental Educational Services (“SES”) to eligible DOE students. In October 2010, the ESL Teacher directed a student in his ESL class to write “Perfect Score Tutoring” on each of fifteen incomplete enrollment forms he received from the parents of students in his ESL class, instead of returning them to the parents to complete as required by DOE. The Board advised the ESL Teacher that, by enrolling fifteen of his ESL students in Perfect Score’s SES program, he used his City position to obtain a financial benefit for his outside employer in violation of City Charter § 2604(b)(3). *COIB v. Portes*, COIB Case No. 2011-337 (2012).

A Principal for the New York City Department of Education (“DOE”) paid a \$1,000 fine to the Board for using his City position and a City resource for his personal benefit. The Principal admitted that, in July 2007, he accepted the donation of a grand piano to his school. In Spring 2009, the Principal hired a private moving company to move the piano from his school to his residence for his personal use; he did not seek permission from anyone senior to himself at DOE prior to making this move. The Principal acknowledged that he violated the City’s conflicts of interest law by using his DOE position to take a City resource home for his personal use. In setting the \$1,000 fine, the Board took into account that, in resolution of disciplinary proceedings that were brought by DOE arising out of the same conduct, the Principal resigned from DOE in March 2010 and returned the piano. *COIB v. Neblett*, COIB Case No. 2010-015 (2012).

A Teacher for the New York City Department of Education (“DOE”) paid a \$1,000 fine to the Board for using her City position and a City resource for her personal benefit. The Teacher admitted that her school was provided with 11 official City parking placards, to be used by the school’s principal and the school staff on a first-come, first-served basis. The Teacher made an unauthorized photocopy of one of these official City parking placards and then used it for her personal use to park near the school without receiving parking tickets. The Teacher acknowledged she violated the City’s conflicts of interest law by using her DOE position to obtain a personal benefit and by using a City resource for a non-City purpose. *COIB v. Mercado*, COIB Case No. 2011-478 (2012).

A Principal for the New York City Department of Education (“DOE”) paid a \$1,500 fine to the Board for using her City position to benefit her brother. In a joint settlement with the Board and DOE, the Principal admitted that, in 2007, the Chief Executive Officer of a firm with business dealings with her school told her that the firm was looking for a data entry person. The Principal provided the CEO with the names of several parents of students at her school as well as the name of her brother, who has a different last name than the Principal and who she only identified as a “relative.” The Principal’s brother was hired by the firm and worked there for close to two years. The Principal acknowledged that, by providing her brother’s name for an open position with a vendor to her school, she violated the City’s conflicts of interest law provision prohibiting public servants from using their City positions to benefit themselves or a person or firm with which the public servant is “associated.” The Principal was “associated” with her brother within the meaning of the City’s conflicts of interest law. *COIB v. Silver*, COIB Case No. 2010-672 (2012).

A Child Protective Specialist II for the New York City Administration for Children. In her e-mail to the foster care agency, the Child Protective Specialist identified herself by her ACS title, even though she had no official responsibility for her niece’s case. The Child Protective Specialist acknowledged she violated provisions of the City’s Services (“ACS”) agreed to be suspended for twelve work days, valued at approximately \$2,348, for misusing confidential information and her ACS position. In a joint settlement with the Board and ACS, the Child Protective Specialist admitted that she accessed the New York State Central Registrar’s confidential database, CONNECTIONS, on one occasion to view information about her niece. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist then used that confidential information she obtained to send an e-mail to the foster care agency responsible for her niece, requesting that her niece be placed in her home. Conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee and from disclosing that information for any purpose and (2) prohibit a City employee from using his or her City position to obtain any financial gain or other personal advantage. *COIB v. Gamble*, COIB Case No. 2012-045 (2012).

In a joint disposition with the Board and the New York City Department of Education (“DOE”), the Principal of P.S. 382X acknowledged that, on approximately 10 occasions in September and October 2010, she asked her subordinate, a teacher at P.S. 382X, to babysit her

brother's son at times when the teacher was required to be teaching her regular students; the teacher babysat the Principal's nephew on each of those occasions. Second, the Principal acknowledged that, in December 2009, her sister was hired to be a Family Worker at P.S. 386X, which is housed in the same building at P.S. 382X. After her sister was hired, the Principal became her direct supervisor and the Principal wrote her sister's 2011 evaluation, which was signed by the Principal of P.S. 386X. The Principal of P.S. 382X acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The Principal was "associated" with her brother and with her sister within the meaning of the City's conflicts of interest law. For this misconduct, the Principal agreed to pay a \$4,500 fine to the Board and to have the disposition constitute a formal reprimand by DOE. *COIB v. Connell-Cowell*, COIB Case No. 2010-836 (2012).

In a joint disposition with the Board and the New York City Department of Education ("DOE"), the Principal of The Bay School PS/MS 105 acknowledged that on November 10, 2010, her son, who was not a Bay School student, visited the school and, while there, was approached by a Bay School math teacher about how he was doing in college. The Principal's son responded that he was struggling in calculus; the Bay School math teacher offered to help him, which the teacher did during his lunch break. In order to give Bay School math teacher more time to tutor her son, the Principal cancelled the math teacher's next class and directed the affected students to the school's auditorium to join another class watching "The Karate Kid." The Principal acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The Principal was "associated" with her son within the meaning of the City's conflicts of interest law. For this misconduct, the Principal agreed to pay a \$2,000 fine to the Board and to have the disposition constitute a formal reprimand by DOE. *COIB v. L. Shapiro*, COIB Case No. 2011-445 (2012).

The Board fined the former Commissioner of the New York City Department of Finance \$22,000 for her multiple violations of the City's conflicts of interest law. The former Finance Commissioner acknowledged that, in February 2005, advice was sought from the Board on her behalf as to whether, in light of her position as Finance Commissioner, she could serve as a paid independent member of the Board of Directors of Tarragon Realty Investors Inc., a publicly-traded real estate investment company with no real estate in New York City. The Board advised, in writing, that she could serve as a Tarragon Board Member, provided that, among other things, she not use her City position to obtain any advantage for Tarragon or its officers or directors and she not use any City equipment, letterhead, personnel, or resources in connection with her Board service. Despite these written instructions from the Board, the former Finance Commissioner proceeded to engage in such prohibited conduct. First, the Finance Commissioner admitted that, from March 2005 through April 2009, she used her City computer and City e-mail account to send and receive approximately 300 e-mails related to Tarragon. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits any public servant from using City equipment or resources for any non-City purpose. Second, the former Finance Commissioner admitted that, in August 2007, she sent two e-mails in particular from her Finance e-mail account on behalf of Tarragon. The first was to a Senior Client Manager at a bank, with whom and with which bank she had dealt in her official capacity

as Finance Commissioner, inquiring about the time frame for the bank's decision to extend loan commitments and provide additional financing to Tarragon on some of its properties for which the bank held mortgages and about whether that time frame might be extended. The second was to a Senior Program Analyst in the Governmental Liaison Office of the Internal Revenue Service inquiring about the issuance of a federal tax refund owed to Tarragon and the IRS's then current timeframe for issuing refund checks and when the refund might be issued in light of the major liquidity issues being faced by Tarragon. In both e-mails, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. As a paid independent director of Tarragon, the former Finance Commissioner was "associated" with Tarragon within the meaning of the City's conflicts of interest law. Third, the former Finance Commissioner admitted that she asked the First Deputy Commissioner at Finance and the former Commissioner's Executive Assistant at Finance to perform administrative tasks for her on Tarragon-related matters, which tasks these subordinates performed. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits any public servant from using City personnel for any non-City purpose. Separately, the former Finance Commissioner admitted that she sent an e-mail from her Finance e-mail account to the Vice President and General Counsel at a corporation that owns approximately twenty luxury rental apartment buildings in the City, with whom and with which owner she had dealt in her official capacity as Finance Commissioner, asking the Vice President to assist her registered domestic partner in looking for an apartment, which ultimately resulted in her renting an apartment in one of the corporation's buildings. In this e-mail, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance Commissioner acknowledged that she was "associated" with her domestic partner within the meaning of the City's conflicts of interest law. The former Finance Commissioner also admitted that she sent an e-mail from her Finance e-mail account to the Senior Vice President of a trade association representing real estate interests in New York State, with whom and with which entity she had dealt in her official capacity as Finance Commissioner, and who was also a personal friend, for assistance for her recently laid off step-sister in finding a new job. In this e-mail, the former Finance Commissioner identified herself as the Finance Commissioner. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance Commissioner acknowledged that she was "associated" with her step-sister within the meaning of the City's conflicts of interest law. Finally, the former Finance Commissioner admitted that, in June and July 2008, she was personally and directly involved in the employment of her half-brother, who was employed at Finance as a paid summer and part-time college aide, including intervening with her half-brother's supervisor concerning supervisory and performance issues. The former Finance Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or a person or firm with which he or she is associated. The former Finance

Commissioner acknowledged that she was “associated” with her half-brother within the meaning of the City’s conflicts of interest law. *COIB v. Stark*, COIB Case No. 2011-480 (2012).

The Board and the New York City Department of Education concluded a joint settlement with the Principal of P.S. 102 in the Bronx who paid a \$1,250 fine to the Board for twice approaching her subordinate, a School Aide at P.S. 102, to ask her to clean and organize the Principal’s apartment: once in Summer 2009, for which work the Principal paid the School Aide \$100, and again in August 2010, when the Principal paid the School Aide \$50. The Principal acknowledged that her conduct violated the City of New York’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 *and* prohibits a public servant from entering into a business or financial relationship with a superior or subordinate of the public servant. *COIB v. Trezevantte*, COIB Case No. 2011-302 (2012).

The Board issued a public warning letter jointly with the New York City Department of Sanitation (“DSNY”) to a DSNY District Superintendent assigned to DSNY Garage number BK-17 who accepted \$800 from her subordinates at BK-17. The money had been collected by the BK-17 Shop Stewards for the purpose of enabling her to repair her personal vehicle, which had been scratched while at the BK-17 Garage; the District Superintendent did not initiate the collection or solicit the \$800, and she agreed to return the \$800. In the warning letter, the Board advised her that, by accepting an \$800 gift from her subordinates, even a gift that was unsolicited, she used her City position as a supervisor to obtain a personal financial benefit in violation of City Charter § 2604(b)(3). *COIB v. Mooney*, COIB Case No. 2012-201 (2012).

The Board and the New York City Department of Finance, concluded a joint settlement with a Department of Finance employee who borrowed a total of \$26,600 from several City colleagues, including \$600 from a Sales Tax Auditor whom he indirectly supervised in the Sales Tax Unit where he worked as an Assistant Director. The loans, including the \$600 to the subordinate, have, for the most part, been repaid. In a public disposition, the Assistant Director acknowledged that his conduct violated the Department of Finance Code of Conduct and that his receipt of a loan from a subordinate City employee also violated the City’s conflicts of interest law. As part of the settlement, the Assistant Director agreed to a demotion, resulting in an \$8,000 reduction in annual salary. He also agreed to repay the amounts he still owes three of his Finance colleagues. *COIB v. Perotti*, COIB Case No. 2011-868 (2012).

A New York City Administration for Children’s Services (“ACS”) employee paid a \$3,000 fine to the Board for using her position as an ACS Transportation Dispatcher to have an ACS transportation vendor drive her home multiple times for free. ACS paid the vendor to provide standby car service to transport children in the agency’s care and their caseworkers. In a public disposition, the Transportation Dispatcher admitted that she repeatedly asked two standby drivers to drive her home from ACS while they were on-duty waiting to respond to the emergency and non-emergency needs of ACS. The drivers obliged on approximately eight to ten occasions and drove her home even though the trips were not authorized by ACS and diverted resources from their intended purpose of safely and efficiently transporting children in the agency’s care. The Transportation Dispatcher acknowledged that her conduct violated City’s conflicts of interest law, which prohibits public servants from using City resources for non-City

purposes and from using their City positions for financial gain. *COIB v. Wiltshire*, COIB Case No. 2011-456 (2012).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with a Supervising Special Officer I for the ACS Division of Youth and Family Justice who had a second job working as a representative for Primerica, a multi-level marketing company that sells primarily life insurance, along with other financial products. The Supervising Special Officer admitted that, at times when she was required to be performing work for the City, she attempted to sell and sold life insurance and other financial investments to her City subordinates and to fellow Sergeants, for which sales she earned a commission. The Supervising Special Officer acknowledged that her conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from (a) using his or her City position for any personal benefit; (b) entering into a business or financial relationship with his or her City superior or subordinate; and (c) using City time for any non-City purpose. For this misconduct, the Supervising Special Officer agreed to be suspended for thirty calendar days without pay, valued at \$3,926.67. *COIB v. C. Hines*, COIB Case No. 2011-664 (2012).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with a Child Protective Specialist Supervisor II who agreed to be suspended for four days, valued at \$1,172.20, for making a color photocopy of a City parking placard and then using it to avoid receiving parking tickets while parking her personal vehicle over a three-month period. The parking placard was issued by the New York City Department of Transportation to ACS for ACS employees to use only when their performing official ACS duties. The Child Protective Specialist Supervisor acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position for any personal benefit and from using City resources for any non-City purpose. *COIB v. Harris*, COIB Case No. 2011-547 (2012).

The Board issued its Findings of Facts, Conclusions of Law, and Order detailing its determination that a New York City Department of Education ("DOE") Custodian violated the City's conflicts of interest law when he used a custodial employee to repair the roof and clean the gutters of a house he owns in Staten Island and then falsified DOE payroll records to pay the employee for that work with DOE funds. The Board found the Custodian violated two provisions of the City's conflicts of interest law, which prohibits public servants from using their positions with the City for financial gain and from using City resources for any non-City purpose. As a penalty, the Board fined the now former Custodian \$2,500 for misusing his position as a public servant to arrange for a subordinate to perform private home repairs and \$5,000 for using DOE funds (a City resource) to pay for those repairs. The Board's Order adopts the Report and Recommendation of New York City Office of Administrative Trials and Hearings Administrative Law Judge Kevin F. Casey, issued after a hearing on the merits. *COIB v. Zackria*, COIB Case No. 2010-609 (2012).

USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

- **Relevant Charter Sections:** City Charter § 2604(b)(4)⁷

The Board imposed a \$7,500 fine on a former Clerical Associate with the New York City Administration for Children's Services ("ACS") for her violations of the City's conflicts of interest law, and forgave that fine based on her showing of financial hardship. First, the former Clerical Associate admitted that she accessed the New York State Office of Children and Family Services' confidential database, CONNECTIONS, on multiple occasions over the course of four years to determine if complaints had been filed against various family members, including two of her sisters, her former sister-in-law, and herself. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The former Clerical Associate also admitted that she accessed CONNECTIONS to view confidential information concerning a complaint involving the ex-wife of her then husband and disclosed that access to her then husband. Second, the former Clerical Associate admitted that she owned a group day care center that received money from ACS and that she submitted documentation to ACS in order to receive those monies. The Clerical Associate acknowledged she violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee; (2) prohibit a City employee from having an interest in a firm that the employee knows, or should know, is engaged in business dealings with any City agency; and (3) prohibit a City employee from "appearing" before any City agency on behalf of a private interest. "Appearing" under the City's conflicts of interest law includes making telephone calls, sending e-mails, and attending meetings, all for compensation. *COIB v. E. Dockery*, COIB Case No. 2010-880 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with an Associate Job Opportunity Specialist who agreed to pay HRA a fine equivalent to twenty days' pay, valued at approximately \$3,780, for accessing the Welfare Management System ("WMS") to view the public assistance records of her goddaughter, to whom she rents a living space, for the Associate Job Opportunity Specialist's personal use. The Associate Job Opportunity Specialist admitted that on 88 occasions, without authorization from HRA, she accessed her goddaughter's public assistance records on WMS to ascertain when her goddaughter would receive her shelter benefits since the Associate Job Opportunity Specialist had been receiving rent payments from HRA on behalf of her goddaughter. The Associate Job Opportunity Specialist also admitted that, on multiple occasions, she accessed HRA's Paperless Office System software program to take unauthorized action on her goddaughter's public assistance case, including uploading documents to her goddaughter's public assistance records.

⁷ City Charter § 2604(b)(4) states: "No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest."

The Associate Job Opportunity Specialist admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her and from disclosing that information for any purpose. *COIB v. Ervin-Turner*, COIB Case No. 2012-582 (2012).

An Associate Job Opportunity Specialist with the New York City Human Resources Administration ("HRA") was suspended for seven days, valued at approximately \$3,363, and fined one day's pay, approximately \$498, for accessing the confidential public assistance records of an HRA client who was also a prospective tenant without authorization from HRA, in violation of City Charter § 2604(b)(4), which prohibits public servants from using confidential information to advance any personal or financial interest. In a public disposition of the City's conflicts of interest violations and the related agency disciplinary charges, the Job Opportunity Specialist admitted to using confidential information from the public assistance records to complete a form that she was required to submit to HRA to rent a living space to an HRA client. The Board imposed no additional penalties in this case. *COIB v. Jimenez*, COIB Case No. 2012-581 (2012).

A Caseworker for the New York City Human Resources Administration ("HRA") agreed to irrevocably resign for improperly disclosing confidential public assistance records, in violation of City Charter § 2604(b)(4), which prohibits public servants from disclosing confidential City information. In a public disposition of the City's conflicts of interest law violations and the related agency disciplinary charges, the Caseworker admitted that she was engaged in a personal dispute with an HRA client and, as a result, mailed a copy of the HRA client's confidential public assistance records to the client's wife. The Board imposed no additional penalties in this case. *COIB v. Ojudun*, COIB Case No. 2012-316 (2012).

The Board issued a public warning letter to a former New York City Department of Education ("DOE") teacher for directing students in her class to make holiday greeting cards for her friend, who was an inmate at the Groveland Correctional Facility, and disclosing her students' names and home addresses on the cards by mailing them to the prison. The teacher acknowledged that her conduct violated the City's conflicts of interest law, which prohibits public servants from disclosing, for any reason, confidential information obtained as a result of their official duties. In deciding to issue a public warning letter, the Board took into consideration that the teacher agreed to resign in connection with DOE disciplinary charges arising from the same conduct. *COIB v. Dean*, COIB Case No. 2012-127 (2012).

A former Assistant to the Chief Engineer in the Bureau of Engineering at the New York City Department of Sanitation ("DSNY") paid the Board a \$7,500 fine for his multiple violations of the City of New York's conflicts of interest law. Also, in the first case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result of a violation of the conflicts of interest law, the former Assistant paid the Board, in addition to the fine, the value of the benefit he received as a result of his violations. First, the former Assistant admitted that he referred a DSNY subordinate to an attorney to represent her in a personal injury lawsuit, for which referral the former Assistant received a fee, in the amount of \$1,696.82. The former

Assistant acknowledged that, in so doing, he violated the provisions of the City's conflicts of interest law that prohibit City employees from using their City positions to obtain a personal financial benefit and from entering into a business or financial relationship with a City superior or subordinate. Second, the former Assistant admitted that he performed work on his subordinate's personal injury lawsuit and on another compensated legal matter on City time and using City resources, including his DSNY office for meetings and his DSNY computer, telephone, and e-mail account. The former Assistant acknowledged that, in so doing, he violated the provisions of the City's conflicts of interest law that prohibit City employees from using City time or City resources for any non-City purpose, especially for any private business purpose. Finally, the former Assistant admitted that he provided to a private law firm, for a personal, non-City purpose, disciplinary complaints concerning a DSNY employee, which complaints included the employee's home address, date of birth, and Social Security number. The former Assistant acknowledged that, in so doing, he violated the provision of the City's conflicts of interest law that prohibits City employees from using information that is not otherwise available to the public for the public servant's own personal benefit or for the benefit of any person or firm associated with the public servant (including a parent, child, sibling, spouse, domestic partner, employer, or business associate) or to disclose confidential information obtained as a result of the public servant's official duties for any reason. For these violations, the former Assistant paid the Board a \$7,500 fine as well as the value of the benefit he received as a result of the violations, namely the referral fee, in the amount of \$1,696.82. *COIB v. S. Taylor*, COIB Case No. 2011-193 (2012).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Principal Administrative Associate in the DOHMH Office of Vital Records agreed to serve a twenty-five work-day suspension, valued at \$4,686.35, for accessing the Electronic Vital Events Registration System ("EVERS") to view confidential information concerning his deceased brother, although he had signed a confidentiality agreement just a few months earlier affirming that he would not access the system for any unauthorized purpose. EVERS is a confidential system used by medical facilities and funeral directors pre-authorized by DOHMH to report births and deaths to DOHMH; upon receipt of all required information, DOHMH is able to certify a birth or death. Using EVERS the Principal Administrative Associate discovered that the required information for processing his brother's death certificate had not been completed by the funeral director. He then disclosed that confidential information to his sister with instructions to contact the funeral director, which she did. The Principal Administrative Associate acknowledged he violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee and (2) prohibit a City employee from using his or her City position to obtain any financial gain or other private or personal advantage. *COIB v. B. Williams*, COIB Case No. 2012-367 (2012).

The Board and the New York City Department of Parks and Recreation ("Parks") concluded a joint settlement with a Parks Construction Project Manager who was suspended for sixty days, valued at approximately \$11,478, for disclosing confidential Parks information to a private vendor. As part of his official Parks duties, the Construction Project Manager had access to confidential Parks information, including confidential engineer and construction pricing

estimates. The Construction Project Manager admitted that, in or around March or April 2009, without authorization from Parks, he provided Parks engineer and construction pricing estimates to a private vendor who was in the process of preparing a bid for a Parks construction project. The Construction Project Manager also admitted that, at the time he disclosed the information, the vendor was completing construction on a residence owned by the Construction Project Manager's sister, in which residence the Construction Project Manager currently resides. The Construction Project manager admitted that his conduct violated City Charter § 2604(b)(4), which prohibits public servants from using any confidential information obtained as a result of their official duties to advance any personal or financial interest. *COIB v. Baksh*, COIB Case No. 2012-021 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with a Principal Administrative Associate who agreed to pay HRA a fine equivalent to twenty days' pay, valued at approximately \$3,530, for accessing the Welfare Management System ("WMS") to view the public assistance records of two HRA clients, one of whom is her daughter. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance ("OTDA") containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Principal Administrative Associate admitted that, between January 5, 2009, and April 8, 2011, without authorization from HRA, she accessed her daughter's public assistance records on WMS 44 times to determine if her daughter would receive her shelter benefits on time. The Principal Administrative Assistant also admitted that, on two occasions, she accessed WMS to view the public assistance records of an HRA client to determine the HRA client's contact information so that she could contact the HRA client to seek her assistance in resolving a personal dispute. The Principal Administrative Associate admitted that her conduct violated City Charter § 2604(b)(4), which prohibits public servants from using any confidential information obtained as a result of their official duties to advance any personal or financial interest. *COIB v. D. Purvis*, COIB Case No. 2011-898 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with an HRA Eligibility Specialist who agreed to pay HRA a fine equivalent to five days' pay, valued at approximately \$758, for accessing the Welfare Management System ("WMS") to view the public assistance records of her cousin. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance ("OTDA") containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Eligibility Specialist admitted that, from May 5, 2010, through February 7, 2011, without authorization from HRA, she accessed her cousin's public assistance records on WMS on eighteen dates to determine if her cousin's shelter benefits check was available. At the time of her misconduct, the Eligibility Specialist rented a living space to her cousin for a monthly rent of \$215, which was paid in full by HRA in the form of shelter benefits. The Eligibility Specialist admitted that her conduct violated City Charter § 2604(b)(4), which prohibits public servants from using any confidential information obtained as a result of their official duties to advance any personal or financial interest. *COIB v. Washington*, COIB Case No. 2012-115 (2012).

The Board and the New York City Human Resources Administration (“HRA”) concluded a joint settlement with an Associate Job Opportunity Specialist who agreed to pay HRA a fine equivalent to five days’ pay, valued at approximately \$1,244.72, for accessing the Welfare Management System (“WMS”) to view the public assistance records of her goddaughter, to whom she rents a living space, for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Associate Job Opportunity Specialist admitted that on one occasion, without authorization from HRA, she accessed her goddaughter’s public assistance records on WMS to ascertain when her goddaughter would receive her shelter benefits since the Associate Job Opportunity Specialist had been receiving rent payments from HRA on behalf of her goddaughter. The Associate Job Opportunity Specialist admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her and from disclosing that information for any purpose. *COIB v. Tomkins*, COIB Case No. 2012-114 (2012).

The Board and the New York City Human Resources Administration (“HRA”) concluded a joint settlement with a Clerical Associate who agreed to pay HRA a fine equivalent to eight days’ pay, valued at approximately \$1,085.97, for accessing the Welfare Management System (“WMS”) to view the public assistance records of her niece, to whom she rents a living space, for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Clerical Associate admitted that on two occasions, without authorization from HRA, she accessed her niece’s public assistance records on WMS to ascertain when her niece would receive her shelter benefits since the Clerical Associate had been receiving rent payments from HRA on behalf of her niece. The Clerical Associate admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her and from disclosing that information for any purpose. *COIB v. Murph*, COIB Case No. 2012-204 (2012).

The Board reached settlements with a husband and wife, both of whom work for the New York City Human Resources Administration (“HRA”), who together violated the City’s conflicts of interest law. In a public disposition of the Board’s charges, the wife, a Principal Administrative Associate II, admitted to calling her husband, a Job Opportunity Specialist, at his HRA office and asking him to provide her with personal information from a public assistance case involving his goddaughter. The wife knew her husband did not have permission or authorization from HRA to give her this confidential information, which she then provided to an outside party. In a joint settlement with the Board and HRA, the husband acknowledged his conduct violated the provision of the City’s conflicts of interest law that prohibits City employees from disclosing confidential information they obtain from performing their official duties for the City. The husband agreed to pay HRA a fine equal to ten day’s pay

(approximately \$1,584). The wife acknowledged that her role in causing her husband's violation was itself a violation of the conflicts of interest law. In settlement of related HRA disciplinary charges, the wife served a 30-day suspension without pay, valued at approximately \$4,307. The Board imposed no additional penalties in either case. *COIB v. B. Glover*, COIB Case No. 2011-429 (2012); *COIB v. M. Glover*, COIB Case No. 2011-429a (2012).

A Child Protective Specialist II for the New York City Administration for Children Services ("ACS") agreed to be suspended for twelve work days, valued at approximately \$2,348, for misusing confidential information and her ACS position. In a joint settlement with the Board and ACS, the Child Protective Specialist admitted that she accessed the New York State Central Registrar's confidential database, CONNECTIONS, on one occasion to view information about her niece. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist then used that confidential information she obtained to send an e-mail to the foster care agency responsible for her niece, requesting that her niece be placed in her home. In her e-mail to the foster care agency, the Child Protective Specialist identified herself by her ACS title, even though she had no official responsibility for her niece's case. The Child Protective Specialist acknowledged she violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee and from disclosing that information for any purpose and (2) prohibit a City employee from using his or her City position to obtain any financial gain or other personal advantage. *COIB v. Gamble*, COIB Case No. 2012-045 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with an Associate Fraud Investigator who agreed to pay HRA a fine equivalent to thirty days' pay, valued at \$5,304.74, for accessing the Welfare Management System ("WMS") to view the public assistance records of his tenant. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance ("OTDA") containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Associate Fraud Investigator acknowledged that from March 3, 2010, through July 18, 2011, without authorization from HRA, he accessed his tenant's public assistance records on WMS on 85 occasions to ascertain when his tenant would receive his rent benefits since the Associate Fraud Investigator had been receiving rent payments from HRA on behalf of his tenant. The Associate Fraud Investigator admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her and from disclosing that information for any purpose. *COIB v. Hope*, COIB Case No. 2012-229 (2012).

The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with an Associate Job Opportunity Specialist who agreed to pay HRA a fine equivalent to twenty days' pay, valued at \$2,252.11, for accessing the Welfare Management System ("WMS") to view the public assistance records of her nephew, to whom she rented living space, for her personal use. WMS is a system maintained by the New York State Office of

Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Associate Job Opportunity Specialist acknowledged that from January 6, 2009, through December 9, 2009, without authorization from HRA, she accessed her nephew’s public assistance records on WMS on 48 occasions to ascertain when her nephew would receive his shelter benefits since the Associate Job Opportunity Specialist had been receiving rent payments from HRA on behalf of her nephew. The Associate Job Opportunity Specialist admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her and from disclosing that information for any purpose. *COIB v. C. Thomas*, COIB Case No. 2012-231 (2012).

In a joint disposition with the Board and the New York City Department of Correction, a Correction Captain who disclosed confidential information from an ongoing investigation into an inmate assault incident agreed to serve a three-week suspension (valued at \$4,539) and to forfeit 24 days of annual leave (valued at \$7,235) for violating the DOC Rules and Regulations and the City’s conflicts of interest law, both of which strictly bar the unauthorized disclosure of confidential City information. In a public disposition, the Correction Captain admitted to knowing that her friend’s daughter was a personal acquaintance of one of the inmates allegedly involved in the assault. The Captain intentionally provided her friend with details from the investigation, and then her friend’s daughter imparted those confidential details to the inmate. *COIB v. Sh. Edwards*, COIB Case No. 2011-724 (2012).

In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist Supervisor agreed to be suspended for fifteen work days without pay, valued at \$4,369, for accessing the New York State Central Registrar’s confidential database, CONNECTIONS, on one occasion to view confidential information about the father of her niece’s child and then sharing that information with her niece. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist Supervisor admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her. *COIB v. Vasquez*, COIB Case No. 2011-734 (2012).

In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist agreed to be suspended for five work days without pay, valued at \$1,000, for accessing the New York State Central Registrar’s confidential database, CONNECTIONS, on one occasion to view information about a complaint filed against her son, who lives with her, with respect to her son’s treatment of his child. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist admitted that her conduct violated the City’s conflicts of interest law, which

prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her. *COIB v. Dumeng*, COIB Case No. 2011-727 (2012).

GIFTS

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)⁸

The Board and the New York City Department of Information Technology and Telecommunications (“DoITT”) concluded a joint settlement with the former Director of Office Services at DoITT who agreed to pay a \$5,000 fine to the Board, serve a 30 work-day work suspension, valued at approximately \$7,144.78, and irrevocably resign his position. First, the former Director of Office Services admitted that he asked the Chief Executive Officer of a DoITT vendor, of whose dealings with DoITT the former Director of Office Services was aware, for four New York Yankees tickets, for which the former Director paid a nominal amount. The former Director of Office Services also admitted that he asked for and received four free tickets to a National Hockey League game from a DoITT vendor whose work with DoITT he oversaw. The former Director of Office Services also admitted that he asked the same DoITT vendor to perform a personal move for him and to prepare an invoice describing the service as moving City property so that the vendor could bill DoITT for his personal move. As a consequence of this request, the vendor performed the move and did not bill him for it. The former Director of Office Services admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from accepting any valuable gift from any firm that such public servant knows is, or intends to become, engaged in business dealings with the City. Second, the former Director of Office Services admitted that he, on a regular basis, ordered his subordinates to deliver City property, namely, jugs of drinking water, to a City vendor. The former Director of Office Services admitted that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using City resources for a non-City purpose. Finally, the former Director of Office Services admitted that he, on several occasions, ordered his subordinates to either pick him up or drop him off at a car repair shop, after he had dropped off his personal

⁸ City Charter § 2604(b)(5) states: “No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.”

Board Rules § 1-01(a) defines “valuable gift” to mean “any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. Two or more gifts to a public servant shall be deemed to be a single gift for the purposes of this subdivision and Charter § 2604(b)(5) if they are given to the public servant within a twelve-month period under one or more of the following circumstances (1) they are given by the same person; and/or (2) they are given by persons who the public servant knows or should have know are (i) relatives or domestic partners of one another; or (ii) are directors, trustees, or employees of the same firm or affiliated firm.”

vehicle for repairs. The former Director of Office Services admitted that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his position as a public servant to obtain a personal benefit. *COIB v. Sivilich*, COIB Case No. 2012-583 (2012).

A former Assistant Deputy Commissioner from the New York City Human Resources Administration ("HRA") paid a \$3,000 fine to the Board for accepting valuable gifts from a City vendor, in violation of the City's "Valuable Gifts Rule." In a public disposition of the Board's charges, the now former Assistant Deputy Commissioner for Management Information Systems admitted that, while working for HRA, he accepted two luxury suite tickets to an August 2009 Yankees-Red Sox game at Yankee Stadium – valued at approximately \$713 per person – from an IT services firm that was actively bidding on HRA contracts. *COIB v. S. Cohen*, COIB Case No. 2012-270b (2012).

APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(6)⁹

The Board imposed a \$7,500 fine on a former Clerical Associate with the New York City Administration for Children's Services ("ACS") for her violations of the City's conflicts of interest law, and forgave that fine based on her showing of financial hardship. First, the former Clerical Associate admitted that she accessed the New York State Office of Children and Family Services' confidential database, CONNECTIONS, on multiple occasions over the course of four years to determine if complaints had been filed against various family members, including two of her sisters, her former sister-in-law, and herself. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The former Clerical Associate also admitted that she accessed CONNECTIONS to view confidential information concerning a complaint involving the ex-wife of her then husband and disclosed that access to her then husband. Second, the former Clerical Associate admitted that she owned a group day care center that received money from ACS and that she submitted documentation to ACS in order to receive those monies. The Clerical Associate acknowledged she violated provisions of the City's conflicts of interest law that (1) prohibit a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee; (2) prohibit a City employee from having an interest in a firm that the employee knows, or should know, is engaged in business dealings with any City agency; and (3) prohibit a City employee from "appearing" before any City agency on behalf of a private interest. "Appearing" under the City's conflicts of interest law includes making telephone calls,

⁹ City Charter § 2604(b)(2) states: "No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties."

City Charter § 2604(b)(6) states: "No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant."

sending e-mails, and attending meetings, all for compensation. *COIB v. E. Dockery*, COIB Case No. 2010-880 (2012).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) Guidance Counselor for appearing before DOE in connection with the application to obtain a universal pre-kindergarten contract from DOE submitted to DOE by a company in which she held an ownership interest. The Guidance Counselor admitted that she filled out a VENDEX questionnaire as part of the company’s application for a DOE contract. The submission of the VENDEX questionnaire was a form of communication, was not merely ministerial, and thus constituted an “appearance” before DOE within the meaning of City Charter § 2604(b)(6). The appearance was “for compensation” because it was intended to benefit the Guidance Counselor’s private company. The Guidance Counselor acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits public servants from representing private interests before any City agency or appear directly or indirectly on behalf of private interests in matters involving the City. *COIB v. Liu*, COIB Case No. 2012-234 (2012).

The Board issued a public warning letter to a former Supervisor of Nurses for the New York City Health and Hospitals Corporation (“HHC”) who, from 2002 through 2006, acted as the paid Executive Director of a not-for-profit organization and, while acting in that capacity, signed and submitted multiple contracts and financial documents to the New York City Department for the Aging (“DFTA”) on behalf of the organization. The Supervisor of Nurses resigned her position as Executive Director of the not-for-profit organization in 2006, but she continued to volunteer for the not-for-profit until her retirement from HHC in 2010; while serving as a volunteer, on behalf of the organization she signed DFTA contracts and acted as the contact person for DFTA audits. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits: (1) public servants from representing any private interest, for compensation, before any City agency, and (2) City employees who volunteer for a not-for-profit organization from participating directly in that organization’s business dealings with the City. *COIB v. Jamoona*, COIB Case No. 2011-649 (2012).

SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

- **Relevant Charter Sections:** City Charter § 2604(b)(14)¹⁰

The Board reached a settlement with a Director in the Corporate Support Services (“CSS”) Division of the New York City Health and Hospitals Corporation (“HHC”), who paid a \$1,750 fine to the Board. The Director admitted that she paid her subordinate, a CSS Institutional Aide, \$100 to refinish the floors in her personal residence. The Director also admitted that the Institutional Aide and another HHC employee, a CSS Motor Vehicle Operator, delivered a floor stripping machine belonging to HHC to the Director’s apartment during their City work hours for use on the floor refinishing project. The Director acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from entering into a financial

¹⁰ City Charter § 2604(b)(14) 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.”

relationship with his or her subordinate and from using City resources, such as equipment, for non-City purposes. *COIB v. E. Rodriguez*, COIB Case No. 2012-473a (2012).

A New York City Department of Parks and Recreation (“Parks”) District Manager paid the Board a \$1,750 fine for selling points for a Disney timeshare program and electronic equipment to subordinate Parks employees, in violation of the City’s conflict of interest law provisions prohibiting City employees from misusing their positions for personal financial gain and from entering into financial relationships with their subordinates. In a public disposition of the Board’s charges, the District Manager for Staten Island Parks admitted to selling points that he had accumulated from his membership in the Disney Vacation Club to three subordinate Parks Department employees. The subordinates each paid between \$600 and \$1,800 for the points, which they could use to stay at Disney properties. The District Manager also sold electronic items, including a camera, X-box, and GPS devices, to two subordinates. *COIB v. Zerilli*, COIB Case No. 2012-329 (2012).

A former Assistant to the Chief Engineer in the Bureau of Engineering at the New York City Department of Sanitation (“DSNY”) paid the Board a \$7,500 fine for his multiple violations the City of New York’s conflicts of interest law. Also, in the first case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result a violation of the conflicts of interest law, the former Assistant paid the Board, in addition to the fine, the value of the benefit he received as a result of his violations. First, the former Assistant admitted that he referred a DSNY subordinate to an attorney to represent her in a personal injury lawsuit, for which referral the former Assistant received a fee, in the amount of \$1,696.82. The former Assistant acknowledged that, in so doing, he violated the provisions of the City’s conflicts of interest law that prohibit City employees from using their City positions to obtain a personal financial benefit and from entering into a business or financial relationship with a City superior or subordinate. Second, the former Assistant admitted that he performed work on his subordinate’s personal injury lawsuit and on another compensated legal matter on City time and using City resources, including his DSNY office for meetings and his DSNY computer, telephone, and e-mail account. The former Assistant acknowledged that, in so doing, he violated the provisions of the City’s conflicts of interest law that prohibit City employees from using City time or City resources for any non-City purpose, especially for any private business purpose. Finally, the former Assistant admitted that he provided to a private law firm, for a personal, non-City purpose, disciplinary complaints concerning a DSNY employee, which complaints included the employee’s home address, date of birth, and Social Security number. The former Assistant acknowledged that, in so doing, he violated the provision of the City’s conflicts of interest law that prohibits City employees from using information that is not otherwise available to the public for the public servant’s own personal benefit or for the benefit of any person or firm associated with the public servant (including a parent, child, sibling, spouse, domestic partner, employer, or business associate) or to disclose confidential information obtained as a result of the public servant’s official duties for any reason. For these violations, the former Assistant paid the Board a \$7,500 fine as well as the value of the benefit he received as a result of the violations, namely the referral fee, in the amount of \$1,696.82. *COIB v. S. Taylor*, COIB Case No. 2011-193 (2012).

A Principal for the New York City Department of Education (“DOE”) paid a \$3,500 fine for three violations of the City’s conflicts of interest law. First, the Principal admitted that, in 2007, she met with the Director of a firm that had business dealings with her school to discuss expanding that firm’s involvement at her school. The Principal recommended her sister for a position coordinating that firm’s new program at the Principal’s school. The Principal’s sister was hired by the firm. The Principal acknowledged that, by recommending her sister for a position with a vendor to her school, she violated the City’s conflicts of interest law provision prohibiting public servants from using their City positions to benefit themselves or a person or firm with which the public servant is “associated.” The Principal was “associated” with her sister within the meaning of the City’s conflicts of interest law. The Principal also admitted that, in December 2008, she paid a subordinate DOE employee \$60 to prepare food on the subordinate’s own time for a school Christmas party that the Principal hosted in her home. The Principal acknowledged that, by having her City subordinate prepare food for a party that she was hosting, she used her City position to obtain a private benefit, and by paying her subordinate, she entered into a financial relationship with her, both in violation of the City’s conflicts of interest law. *COIB v. Passarella*, COIB Case No. 2011-531 (2012).

An Assistant Principal for the New York City Department of Education paid the Board a \$3,500 fine for entering into multiple financial relationships with a subordinate teacher. In a public disposition, the Assistant Principal admitted to buying a house from a teacher he supervised and then renting the house back to her and to borrowing a total of \$7,000 from the same teacher. The Assistant Principal acknowledged that each of these financial dealings violated the City’s conflicts of interest law provision prohibiting public servants from entering into a financial relationship with a subordinate. *COIB v. Thornton*, COIB Case No. 2010-479 (2012).

A Supervisor of Housekeeping for the New York City Health and Hospitals Corporation paid a \$1,250 fine for running an informal savings and loan club, commonly known as a “sou sou,” among the housekeeping staff she supervised at Elmhurst Hospital Center. Each member of a sou-sou is, at one time or another, borrowing from or lending money to the other members. The City’s conflicts of interest law prohibits City employees from having such a financial relationship with a superior or a subordinate. *COIB v. Rodriguez*, COIB Case No. 2010-541 (2012).

The Board concluded enforcement actions involving an informal savings and loan club, commonly known as a “sou sou,” among multiple workers at St. John’s Recreation Center, a New York City Department of Parks and Recreation (“Parks”) facility. The sou-sou here involved the Recreation Center’s Manager, Deputy Manager, and several subordinate Parks employees. Each member of a sou-sou is, at one time or another, borrowing from or lending money to the other members. The City’s conflicts of interest law prohibits City employees from having such a financial relationship with a superior or a subordinate. The Manager of the Recreation Center settled with the Board with her payment of a \$1,250 fine and an admission, in a public disposition, to violating the City’s conflicts of interest law. *COIB v. Diggs*, COIB Case No. 2010-335 (2011). Seven subordinate-level Parks employees accepted public warning letters (public admissions of a violation involving no fine) in resolution of the enforcement actions brought against them. *COIB v. A. Williams*, COIB Case No. 2010-335f (2011); *COIB v. Ricketts*,

COIB Case No. 2010-335g (2011); *COIB v. Dockery*, COIB Case No. 2010-335h (2011); *COIB v. Serrano*, COIB Case No. 2010-335i (2011); *COIB v. Llopiz*, COIB Case No. 2010-335k (2011); *COIB v. Britt*, COIB Case No. 2010-335l (2011); *COIB v. Alston*, COIB Case No. 2010-335m (2011). After initiating formal proceedings at the New York City Office of Administrative Trials and Hearings (“OATH”), the Board entered into public settlements with four members of the sou-sou, including the Deputy Manager, who paid a \$750 fine, and three subordinate Parks employees, each of whom accepted the imposition of a \$250 fine. *COIB v. Llody McCrorey*, COIB Case No. 2010-335a (2011); *COIB v. Andrea Williams*, COIB Case No. 2010-335b (2012); *COIB v. James* Case No. 2010-335c (2012); *COIB v. Simms*, COIB Case No. 2010-335e (2012). The Board issued its Findings of Facts, Conclusions of Law, and Order imposing a \$500 fine on a subordinate-level Parks employee following a full trial before OATH. Regarding the difference in the fines, in the Order the Board stated its position that the adjudicated case “required a full hearing at OATH and the consequent expenditure of scarce government resources. To impose a fine on those who decline to settle that is only marginally higher than the fine imposed on a settling party in a comparable position would be contrary to the Board’s policy of encouraging settlements.” *COIB v. Hill*, COIB Case No. 2010-335d (2012).

The Board fined a former Locksmith for the New York City Health and Hospitals Corporation (“HHC”) \$1,750 for hiring a subordinate employee to perform work for his private business and for using a City computer to store documents related to the private business. The former Locksmith, who was also the owner of Custom Lock and Alarm, acknowledged that, on approximately ten occasions between November 9, 2008, and November 9, 2011, he hired a subordinate HHC Locksmith whom he supervised to perform work for Custom Lock and Alarm, for which work he paid the subordinate. The former Locksmith also admitted that, between April, 17, 2007, and May 18, 2011, he used an HHC computer to store seven business proposals for Custom Lock and Alarm. The former Locksmith admitted that his conduct violated City Charter § 2604(b)(14), which prohibits public servants from entering into financial relationships with subordinate public servants, and City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which prohibits City employees from using City resources for non-City activities, in particular any private business or outside employment. *COIB v. Tirado*, COIB Case No. 2012-151 (2012).

A Principal for the New York City Department of Education paid the Board a \$1,500 fine for entering into a financial relationship with a subordinate City employee. In a joint settlement with the Board and DOE, the Principal admitted that, for four years, he paid \$250 each year to a paraprofessional at his school to prepare the Principal’s tax returns. The Principal acknowledged this practice violated the City’s conflicts of interest law provision prohibiting public servants from entering into a financial relationship with a subordinate. *COIB v. Mattern*, COIB Case No. 2010-276 (2012).

The Board issued a public warning letter jointly with the New York City Department of Sanitation (“DSNY”) to a DSNY District Superintendent assigned to DSNY Garage number BK-17 who accepted \$800 from her subordinates at BK-17. The money had been collected by the BK-17 Shop Stewards for the purpose of enabling her to repair her personal vehicle, which had been scratched while at the BK-17 Garage; the District Superintendent did not initiate the collection or solicit the \$800, and she agreed to return the \$800. In the warning letter, the Board

advised her that, by accepting an \$800 gift from her subordinates, even a gift that was unsolicited, she used her City position as a supervisor to obtain a personal financial benefit in violation of City Charter § 2604(b)(3). *COIB v. Mooney*, COIB Case No. 2012-201 (2012).

The Board and the New York City Department of Finance, concluded a joint settlement with a Department of Finance employee who borrowed a total of \$26,600 from several City colleagues, including \$600 from a Sales Tax Auditor whom he indirectly supervised in the Sales Tax Unit where he worked as an Assistant Director. The loans, including the \$600 to the subordinate, have, for the most part, been repaid. In a public disposition, the Assistant Director acknowledged that his conduct violated the Department of Finance Code of Conduct and that his receipt of a loan from a subordinate City employee also violated the City's conflicts of interest law. As part of the settlement, the Assistant Director agreed to a demotion, resulting in an \$8,000 reduction in annual salary. He also agreed to repay the amounts he still owes three of his Finance colleagues. *COIB v. Perotti*, COIB Case No. 2011-868 (2012).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with a Supervising Special Officer I for the ACS Division of Youth and Family Justice who had a second job working as a representative for Primerica, a multi-level marketing company that sells primarily life insurance, along with other financial products. The Supervising Special Officer admitted that, at times when she was required to be performing work for the City, she attempted to sell and sold life insurance and other financial investments to her City subordinates and to fellow Sergeants, for which sales she earned a commission. The Supervising Special Officer acknowledged that her conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from (a) using his or her City position for any personal benefit; (b) entering into a business or financial relationship with his or her City superior or subordinate; and (c) using City time for any non-City purpose. For this misconduct, the Supervising Special Officer agreed to be suspended for thirty calendar days without pay, valued at \$3,926.67. *COIB v. C. Hines*, COIB Case No. 2011-664 (2012).

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a Confidential Investigator for the New York City Department of Investigation ("DOI") \$2,500 for, in 2009, selling his supervisor a laptop computer for \$300. The Board's Order adopts the Report and Recommendation of New York City Office of Administrative Trials and Hearings ("OATH") Administrative Law Judge ("ALJ") Alessandra Zorngiotti, issued after a full trial on the merits. The Board found that the ALJ correctly determined that the Confidential Investigator sold his superior a laptop for \$300 and that, in so doing, the Confidential Investigator violated the City of New York's conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. The purchase or sale of a computer is such a financial relationship prohibited by the conflicts of interest law. For this violation, the ALJ recommended, and the Board ordered, that the Confidential Investigator pay a fine of \$2,500, which fine was set in consideration of two issues: first that, because of the Confidential Investigator's "employment and duties at DOI, he 'should be held to a higher standard because his job is to investigate conflicts of interest by City employees'"; and second that, during his testimony at OATH, the Confidential Investigator "made meritless assertions that his superiors lied and falsified documents in a conspiracy against him." *COIB v. Lugo*, COIB Case No. 2010-842 (2012).

ONE-YEAR POST-EMPLOYMENT APPEARANCES

- **Relevant Charter Sections:** City Charter § 2604(d)(2)¹¹

The Board fined a former Principal \$2,500 for appearing before the New York City Department of Education (“DOE”) within one year of the end of her DOE employment. The former Principal acknowledged that, after leaving DOE in June 2010, she began working at a firm that does business with DOE, specifically by operating a public school in Brooklyn. Throughout the 2010-2011 school year, the former Principal regularly communicated with DOE staff at that public school to provide technical assistance and program development support on behalf of her firm, and communicated with the DOE Office of Portfolio Development about her firm’s proposal to open a second school, which proposal was later withdrawn. The former Principal admitted that her conduct violated the City’s conflicts of interest law, which prohibits a former public servant from appearing before that public servant’s former agency within one year of terminating employment with the agency. In setting the amount of the fine, the Board took into account that the former Principal had reported her own conduct to the Board. Without the Principal’s affirmative and voluntary act in reporting her own violations, the fine imposed upon her would have been significantly higher. *COIB v. Fabrikant*, COIB Case No. 2011-544 (2012).

The Board fined a former Agency Attorney for the New York City Police Department (“NYPD”) \$1,000 for appearing before NYPD within one year of the termination of his NYPD employment. The former Agency Attorney acknowledged that, within one year after leaving NYPD, he sent a letter on behalf of a client of his private law practice to the New York City Office of Payroll Management, on which letter he copied the Director of the Payroll Section at NYPD. The Agency Attorney’s letter sought an evaluation of his client’s claim that the City of New York had wrongfully taken out tax deductions from his paycheck. The former Agency Attorney admitted that his conduct violated the City’s conflicts of interest law, which prohibits a former public servant from appearing before that public servant’s former agency within one year of terminating employment with the agency. *COIB v. Pawar*, COIB Case No. 2011-765 (2012).

¹¹ City Charter § 2604(d)(2) states: “No former public servant shall, within a period of one year after termination of such person’s service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant’s service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.”