

The Ethical Times

Roy Koshy, Editor

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Annoying, but Legal...



By Alex Kipp

Remember back in the day when there was an “Election Year.” Not me. An intense combination of having young kids with spending too much time on the Internet has broken any sense of time I once had. Now, it seems like every year is an election year, every day another dump of text messages into my phone from candidates across the country, addressing me by first name and begging me for money in what is, always, the most important election in the history of this country.

If you’re a public servant who engages in sending such text messages for a political campaign, I would like you to stop. Not because it’s against the law, but because it’s annoying. Stop beginning your texts with “Hey,” like we’re in the same drumline in the marching band. Stop telling me your candidate is great because they’ve raised so much money. Then what do you need me for???? And please stop sending texts that have loooooong paragraphs. If your text is longer than “running late” or “get milk,” I do not have the time or energy to read it.

There oughta be a law against this sort of thing, but those pesky free speech rights kinda get in the way. So, if you think annoying me with your text blasts is the best way to support democracy, you may continue to do so, but please do so in compliance with the City’s Conflicts of Interest Law. That’s the law the helps NYC public servants keep their public duties and private interests (such as annoying me with imprecations for campaign donations via text) separate. Here’s a speedy review about how to stay in compliance when it comes to campaign-related activities:

City Time and City Resources: can’t be used for a non-City purpose, like an outside job or a political campaign. The phone you’re using to annoy me and countless others can’t be a City cell phone or City cell phone number. Even with your own phone, you can’t send those texts while clocked in on your City job. You also can’t send those texts on the WiFi network of a City office. (LinkNYC WiFi kiosks would be fine. Those

are public kiosks, and your annoying texts are probably more uplifting than most of the other traffic they're getting.) And if you like to get fancy and EXTRA annoying with those electioneering texts by including graphics, remember that you can't use City seals or logos either.

Your City Subordinates: cannot be the target of your annoying electioneering texts. You're the boss, so you're probably annoying enough already! More importantly, superiors cannot make any electioneering requests to anyone below them in the chain of command, not just their direct reports. Merely asking a subordinate to get involved in a campaign is a violation. It doesn't matter where you send the text or when you send the text: if it's an electioneering text and it's targeted to any of your City subordinates, it's a violation.

Members of the Public You Deal with in Your City Capacity: also may not be targeted by you and your electioneering texts. You can't solicit campaign contributions from anyone you have power over. So, as you're about to wrap that meeting with the vendor or the contractor or the person seeking benefits from your agency or the parent of one of your students, don't squander whatever goodwill you've earned by offering to put them on your campaign texting list. Your restraint will protect your professional relationships and yourself from an enforcement inquiry.

Confidential City Information: may not be disclosed for any non-City purpose, including electioneering. This seems a bit obvious, but there have been violations in the past involving the USE of confidential City information in order to populate contact lists that were then used for non-City purposes. So, however you're assembling those lists of people to text for political purposes, don't assemble them from City databases that have probably collected that information with the understanding that the City would only use it for City purposes.

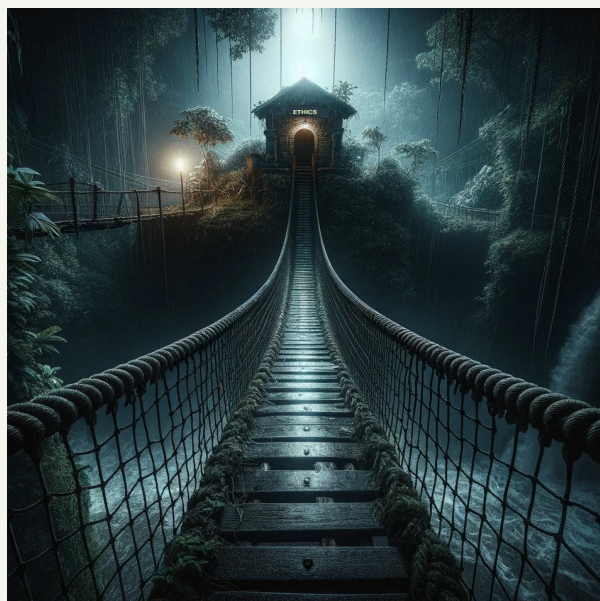
Did that seem like a lot to keep in mind? It is. Was this article annoying? Not as annoying as your texts. Does any of this seem confusing? Give us a call. The Conflict of In-

terest Law is not meant to discourage participation in the political process, but only to keep that participation separate from the important government work we all do. The Conflict of Interest Board will always give you confidential, even anonymous guidance on that law and what to watch out for in your situation. Just call us at 212-442-1400, 9-5, Monday-Friday, or email us anytime at aod@coib.nyc.gov.



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THE PUBLIC SERVICE PUZZLER



Fellow public servants, it's time for the mandated biennial Chapter 68 training. However, this year's training is being held in the heart of the jungle at night time (dang budget cuts, right?), and the only way to get to this required class is over a long and not-so-stable rope bridge. Trek into this month's [Puzzler](#) and see if you and your co-workers can navigate this treacherous (but required!) mission. Then, **send us your answer** on how you got there safely. If you make it, you may be featured in next month's issue.

Recent Enforcement Cases

Misuse of City Position; Prohibited Superior-Subordinate Financial Relationship. An Assistant Deputy Warden at the New York City Department of Correction (“DOC”) accepted \$4,463 from 59 of his subordinates through a GoFundMe campaign created to offset the financial impact of a disciplinary suspension. The Assistant Deputy Warden also purchased multiple pairs of sneakers from his subordinate for \$860. After a full hearing at the New York City Office of Administrative Trials and Hearings (“OATH”), the Board imposed a fine of \$10,000—the amount recommended by the OATH Administrative Law Judge—on the now-former Assistant Deputy Warden.

Misuse of City Time & City Resources. A Client Navigator at Health + Hospitals/Bellevue worked multiple outside jobs performing translation services, and on 119 days she used her City computer and City time to perform this work. The Client Navigator served a 45-day suspension to resolve Health + Hospitals disciplinary charges for this conduct. Taking into account the \$9,618 value of the suspension she served, the Board agreed to a settlement in which the Client Navigator paid a \$500 fine.

Misuse of City Time & City Resources. While being paid by the City to work overtime, an Administrative Community Relations Specialist for the New York City Fire Department (“FDNY”) used his assigned FDNY vehicle to drive his two children from the Fire Academy on Randall’s Island to a “Toys for Tots” event in Lower Manhattan;

he attended the event with them for at least one hour. In a joint settlement with FDNY, the Board accepted the four-day suspension, valued at \$1,098, imposed by FDNY as sufficient and did not impose any additional penalty.

Misuse of City Time & City Resources. A City Custodial Assistant for the New York City Department of Citywide Administrative Services (“DCAS”) had a New York City Department of Education (“DOE”) parking placard belonging to his wife. On at least one occasion, to avoid parking fees or tickets, the City Custodial Assistant displayed the DOE parking placard in his personal vehicle while parking that vehicle in a “DCAS Parking Only” designated area. In a joint settlement with DCAS, the Board accepted the five-day suspension, valued at approximately \$775, imposed by DCAS as sufficient and imposed no additional penalty.

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