POLITICAL ACTIVITIES

by

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A. Introduction

All public service is vested with the public's trust, and City employees owe their first duty of loyalty to the public whom they serve. It is of utmost importance, therefore, that City employees do not to permit their personal partisan affiliations to influence the manner in which they discharge their official duties. Since party politics has a certain level of influence over the manner in which the public is governed, the political activities provisions of the conflicts of interest law were enacted in an attempt to ensure that City employees maintain impartiality when dispensing services to the public.

B. Purpose of Restrictions on Political Activities

Restrictions on political activities, found in Charter §§ 2604(b)(9) through 2604(b)(12) and 2604(b)(15), were included in Chapter 68 for several reasons. First, the drafters of the conflicts of interest law endeavored to protect City employees from actual or perceived pressure to respond to a request from a superior to engage in political activity. City employees must not feel that their jobs, their promotions, or even the manner in which they are perceived by their employer are affected by their political affiliation. Fundamentally, a person's politics is a personal and often very private matter.

Furthermore, separating partisan politics from City employment helps to ensure that no political party's agenda becomes confused with an agency's mission and policies. For example, if a New York City Department of Education employee is active in a political party that does not support an increase in education funding, that employee, regardless of his or her own political affiliation, must act in the best interests of the agency and the City. It is critical to the integrity of civil service that the operation of City government remains wholly separate from partisan politics.

Because it was once common practice for politicians, after being elected to office, to dole out government employment as patronage, the political activities provisions of the conflicts of interest law are also designed to prevent the politicization of civil service positions. Under Chapter 68, even if a City employee was hired to fill a position as a result of his or her political activity, he or she cannot be required by a superior at his or her office to continue such political work.

C. General Restrictions on Political Activities

As a general matter, City employees are not prohibited by Chapter 68 from engaging in political activities in their personal capacities, provided that they adhere to those provisions of Chapter 68 that apply to all outside activities of City employees. Those provisions are as follows.

A City employee is absolutely prohibited from allowing his or her political activities to interfere with the discharge of his or her official duties.[1] For example, while at work, a City employee may not make campaign phone calls, stuff envelopes for campaign fundraisers, draft political proposals on behalf of a candidate, or lobby fellow workers for their campaign support. In Advisory Opinion Number 2009-5, having determined that political endorsements were personal, and not official, acts, the Board advised that "public servants, including elected officials, may not issue political endorsements on City letterhead and may not otherwise use City resources or staff in connection with their political endorsements."[2] The Board did note, however, that unlike all other public servants, *elected officials* could use their City titles in connection with their political endorsements. In 2015 the Board reaffirmed this holding when it fined the Bronx Deputy Borough President, an appointed public servant, for using her City title in a robocall message she made for use by the 2013 campaign to re-elect the Bronx Borough President.[3] Consistent with this holding, the Board in Advisory Opinion Number 2017-1 reiterated that the announcement of a public servant's political endorsement or of a campaign fundraiser may never be included on any official City social media account.

Just as the conflicts of interest law prohibits any political activity during City work hours, the law also prohibits City employees from using any City resources, such as their City computers, telephones, or office supplies, for any political activity. This prohibition includes, as the Board held in Advisory Opinion Number 2017-1, a public servant's operation of a campaign's social media account with City resources, as well as a public servant's use of City logos and graphics, City-maintained lists of contact information, and City-owned wireless networks (except for those that make the internet widely accessible to the general public free of charge, such as those available at LinkNYC kiosks), as the Board held in Advisory Opinion No. 2017-4. In 2007, the Board and the New York City Department of Education ("DOE") fined a DOE principal $5,000 for sending a letter to parents of the students at his school, thanking two elected officials for their support of the school, and asking the parents to support those elected officials in their future election campaigns.[4] In 2013, the Board imposed a $2,500 fine on an Administrative Manager at the New York City Office of the Comptroller who, during hours she was required to be performing work for the Comptroller's Office, used her City computer and e-mail account to perform work for the political campaign of a candidate for the New York State Assembly, such as reviewing and editing campaign and fundraising materials and coordinating attendance at campaign events.[5] In 2014, the Board issued an Order, after a hearing at the Office of Administrative Trials and

Hearings, imposing a $7,500 fine on a former Executive Agency Counsel at the New York City Taxi and Limousine Commission ("TLC") for, during times he was required to be working for TLC, making numerous telephone calls from his TLC office phone related to his campaign for City Council.[6] In 2016, the Board entered into a joint disposition with New York City Health + Hospitals ("Health + Hospitals") and an Health + Hospitals Supervisor of Stock Workers, who paid a $2,500 fine for using his Health + Hospitals computer, email account, and printers on at least twelve occasions during his Health + Hospitals work hours to do, among other things, design and printing jobs for his wife's campaign for a New Jersey county committee position and for the political campaign of another individual.[7]

A City official may not use or attempt to use his or her position as a public servant to benefit himself or herself or another person with whom he or she is associated.[8] A person with whom one is "associated" is defined in Charter § 2601(5) to include the public servant's spouse, domestic partner, child, parent, or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest. For example, a contracting officer at the New York City Administration for Children's Services whose wife is running for elective office may not declare to publicity vendors with whom he comes into contact in his City job that his wife's campaign platform is in the best interests of the City's children.

In contrast, in Advisory Opinion Number 2008-3 the Board advised the Public Advocate and Members of the City Council that they would not violate the Charter's prohibition against using one's City position for one's own personal benefit, nor violate any other provision of the conflicts of interest law, by participating in the legislative process in relation to the modification, extension, or abolition of term limits, including but not limited to voting for or against any such changes.[9]

City employees are also prohibited from disclosing confidential City information.[10] For example, an employee of the New York City Department of Transportation may not provide inside information regarding pending contracts to a political candidate on whose campaign he or she is working.

D. Running for Office

Chapter 68 does not contain provisions that deal specifically with running for a public or political office. Indeed, the conflicts of interest law does not prohibit a City employee from seeking an elective office. Public servants must nonetheless comply with Chapter 68 when running for office. This means City employees may campaign only during their personal time and may not use their official City positions to advance either their own candidacy or the candidacy of others. This restriction includes refraining from using *any* City resources, letterhead, equipment, personnel, or materials for the campaign

or for any other non-City purpose.[11] To this end, the Board in 2007 fined a City Council Member $2,000 for using City resources and personnel in connection with his re-election campaign. The Member acknowledged that on at least one occasion he asked a member of his District Office staff to work on the campaign and that District Office equipment and supplies were also used for that campaign.[12] The Board also fined a former Vice President of Information Technology of the School Construction Authority ("SCA") $1,500 for, among other things, using his SCA photocopier and printer to produce materials for his campaign for his Town Board on Long Island.[13]

Furthermore, Mayoral Directive Number 91-7 requires all exempt, provisional, and non-competitive City employees who are candidates for elective office to use accrued annual leave during their candidacy. If no such time is available, these City employees may take a leave of absence without pay, if available, during their candidacy. In certain circumstances, the Mayor may exempt a particular City employee from Directive Number 91-7. Public servants considering running for elective office should consult with their agency counsel to determine whether they are subject to Directive Number 91-7.

The New York City Police Department and the New York City Fire Department have stricter rules regarding running for political office. If the Police Commissioner or any member of the Police Department is nominated for any elective public office, other than to a board of education outside of the City of New York, he or she has ten days to decline the nomination or be "deemed thereby to have resigned his or her commission and to have vacated his or her office." However, a member of the police force may apply for written permission from the Mayor for an unpaid leave of absence to accept the nomination for elective office.[14] As a general matter, the Fire Commissioner or any member of the uniformed force of the Fire Department may run for and be elected to public office. However, the Fire Commissioner has discretion to determine whether holding public office will interfere with the employee's performance and may require such member to take a leave of absence without pay during the tenure of his or her office.[15]

Finally, it should be noted that the federal Hatch Act places restrictions on the political activities of certain state and local government employees. [16] For state and local government employees whose salary is *entirely* funded by federal loans or grants, there is an **absolute ban** on running for partisan elective office; even taking an unpaid leave of absence to run for office is prohibited. Because there can be substantial penalties on both the employee and the agency for a Hatch Act violation, employees considering running for partisan elective office should, if their salary is fully federally funded, first consult with their agency counsel.

E. <u>Political Fundraising and Other Political Activities</u>

1. Solicitation of Political Activity

Public servants are prohibited from coercing or attempting to coerce other public servants to engage in political activities and from requesting any subordinate public servant to engage in political activities or participate in a political campaign.[17] For purposes of this Charter section, participation in a political campaign includes managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a particular candidate, or performing any similar acts that are unrelated to the public servant's official duties or responsibilities. In 2007, the Board fined a former Assistant Commissioner at the New York City Department of Sanitation $2,000 for, among other violations, recruiting his subordinates to work on a mayoral campaign.[18]

Nothing in this provision prohibits a public servant from requesting a subordinate to speak on behalf of a candidate or provide information, if such acts are related to the person's duties or responsibilities. For example, a policy analyst may be required by the elected official for whom he or she works to prepare talking points of the highlights of the official's record, notwithstanding that the official is campaigning for re-election and plans to integrate the talking points into a campaign speech or into campaign literature.

In Advisory Opinion Number 95-24, the Board decided that City Council Members may use City employees and resources in conducting non-partisan voter registration drives, provided that the drive is conducted in a manner that makes clear that the drive is not designed to promote private political interests.

2. Buying City Office or Employment

A public servant may not allot a portion of his or her salary, or give or promise to give anything of value, to any person "in consideration of having been or being nominated, appointed, elected or employed as a public servant."[19] This provision prevents public servants from paying to obtain their City employment.

3. Soliciting Political Contributions

Public servants are prohibited from directly or indirectly compelling, inducing, or requesting any person to make political contributions under threat of prejudice, or promise of advantage, to job-related status or function and from even requesting any subordinate public servant to make any political contribution.[20] Nothing, however, prohibits public servants from voluntarily making political contributions.

In a 2000 Board enforcement case, a principal at the Board of Education ("BOE") admitted to violating Charter § 2604(b)(11)(c) by selling, to a subordinate teacher during school hours on school grounds, tickets that were worth a total of $80 for a political fundraiser supporting a community school board candidate and agreed to pay a $2,500 fine to the Board.[21]

In Advisory Opinion Number 2001-2, the Board considered the Chapter 68 implications of several members of the now-abolished community school boards running for City elective office, particularly with respect to their efforts to raise campaign funds from BOE employees. The Board determined that the members' only subordinates, and therefore the only public servants from whom Charter § 2604(b)(11)(c) prohibited the members from soliciting campaign contributions, were their district superintendent and the school board secretary. The Board further determined, however, that it would violate Charter § 2604(b)(3) for the community school board members to "target" BOE personnel *from their community school district* for contributions. Prohibited "targeted" fundraising includes face-to-face requests, requests sent to an employee's BOE workplace, and requests that identify the recipient by BOE title or position. Requests to a general mailing list that happens to contain names of some BOE employees will not violate Chapter 68.

4. Fundraising by High-Level City Officials

High-level public servants, with the exception of elected officials, are prohibited from requesting *any* person to make any political contribution for any candidate for an elective office of the City or for any elected official of the City who is a candidate for any elective office.[22] The reason for this prohibition is to avoid situations where high-level public servants coerce or appear to coerce anyone to make political contributions. This applies to direct, as well as indirect, fundraising, so the high-level public servant may not ask others to make solicitations on his or her behalf. This restriction, however, does not apply to solicitations by the *elected* officials themselves. In Advisory Opinion Number 2009-6, the Board advised that this restriction applies not only to solicitations for the campaigns of the proscribed candidates but also to solicitations for political action committees whose funds may go to support a proscribed candidate.

Section 2604(b)(12) applies to deputy mayors, agency heads, and those with "substantial policy discretion." Public servants charged with substantial policy discretion are those with major responsibilities and who exercise independent judgment when determining important agency matters.[23] This would include, but would not be limited to: agency heads, deputy agency heads, assistant agency heads, members of boards and commissions, and public servants in charge of any major office, division, bureau, or unit of an agency. Agency heads are required to designate, by title or position as well as by name, the public servants in their agencies who have substantial policy discretion. The list must be filed with the Conflicts of Interest Board by February 28 of each year. Agency heads must also notify these public servants in writing of the Charter's restrictions on their political activities. If the Board determines that the title, position, or name of any public servant should be added to or deleted from the list supplied by an agency, the Board will notify the head of the relevant agency of any additions or deletions. The agency, in turn, must promptly notify the public servant of the change.

In Advisory Opinion Number 91-12, the Board determined that community board chairs and district managers are not public servants with "substantial policy discretion" and hence are not subject to these special prohibitions against political activities by high-ranking City officials.

In 2010 the Board fined a former Deputy Chief of Staff to the City Council Speaker, a person charged with substantial policy discretion, $2,500 for soliciting contributions to the Speaker's re-election campaign in violation of the prohibition against public servants charged with substantial policy discretion from asking *anyone* for a contribution to a candidate to City elective office.[24] Similarly, in 2016 the Board fined a former Member of the New York City Water Board, a public servant charged with substantial policy discretion, $1,000 for sponsoring a political fundraiser for the Mayor's re-election campaign. The invitation to the fundraiser included the Water Board Member's name as a host and requested campaign donations in amounts ranging from $100 to $2,500. In determining the amount of the fine, the Board took into account that the Water Board Member immediately resigned from the Water Board upon learning of his violation of Chapter 68, thus avoiding any continuing violation, as well as the high level of his position at the Water Board.[25]

In Advisory Opinion Number 93-6, the Board determined that the act of listing names of several public servants on an invitation to a fundraising event generally would not be viewed as a request by the named individuals for a contribution. Mere inclusion on a list of contributors, without further evidence of solicitation, does not rise to the level of a direct or indirect request that any person or firm make a political contribution in violation of Charter § 2604(b)(12).

In Advisory Opinion Number 95-13, the Board determined that the spouse of a high-level public servant may host a political fundraiser, but it must be clear that the spouse, and not the public servant, is hosting the event. In addition, employees of the public servant's agency, and individuals who are engaged in or seek to engage in business dealings with the public servant's agency, should not be invited to the fundraiser. The Board reaffirmed this holding in Advisory Opinion Number 2012-5, noting, as it did previously, that it will look to the totality of the circumstances to ensure that the public servant is not a host of the event and is not otherwise impermissibly soliciting campaign contributions.

In Advisory Opinion Number 2001-1, the Board determined that the restriction against high-ranking public servants soliciting political contributions for City-related elections applies even where the public servant is the candidate. The Board further determined that, because the restriction applies to indirect, as well as direct, solicitations, solicitations by the public servant's campaign committee, and by others associated with the public servant, also violate Chapter 68. The Board noted that this

restriction applies even where the appointed public servant is running against a City elected official, who, by the terms of the Charter provision, is not similarly restricted.

In Advisory Opinion Number 2003-1, the Board determined that the restriction against high-ranking public servants soliciting funds for a candidate for "elective office of the City" does not apply to candidates for the office of district attorney. Thus, these high-ranking public servants *may* raise funds for candidates for district attorney, whether the public servant is the candidate or a supporter of the candidate. The Board cautioned that, as with all political fundraising, the public servant may not use City time, resources, or position for that purpose, and may not solicit contributions from any City subordinate.

5. Political Party Positions

Elected officials, deputy mayors, deputies to Citywide or boroughwide elected officials, agency heads, and any other public servants who have substantial policy discretion may not serve as members of national or state committees of political parties. These public servants are also prohibited from serving as an assembly district leader of a political party or as the chair or officer of the county committee or the county executive committee of a political party. However, a Member of the City Council may serve as an assembly district leader or hold any lesser political office, which is defined by Rule of the Board to include membership on a county committee, county executive committee, state committee, or national committee.[26]

In Advisory Opinion Number 93-20, the Board determined that a counsel to a City elected official was a public servant charged with substantial policy discretion and therefore could not continue to serve as an officer of the county committee of a political party and as a member of that party's state executive committee.

In Advisory Opinion Number 2003-5, the Board determined that the prohibition against holding certain political party positions applied to members of the Voter Assistance Commission ("VAC"), so that a member of that body could not also serve as a district leader (one of the prohibited party positions). In that Opinion, the Board rejected a suggestion that the VAC had such a partisan nature that it was, as the New York City Law Department had determined with respect to the Board of Elections, exempt from the prohibition against holding party positions. The Board also determined that the VAC was not an advisory body. The Opinion indeed stands for the general proposition that members of City boards and commissions, other than those that are purely advisory, will be subject to the restrictions on political activities set forth in Charter §§ 2604(b)(12) and 2604(b)(15). Consistent with this, the Board in Advisory Opinion No. 2017-3 determined that members of the following City boards and commissions are subject to the restrictions on political activities set forth in Charter §§ 2604(b)(12) and 2604(b)(15): (1) the Audit Committee; (2) the Banking Commission; (3) the Business Integrity Commission; (4) the Civil Service Commission Screening Committee; (5) the Board of Collective Bargaining;

(6) the Deferred Compensation Board; (7) the Districting Commission; (8) the Board of Health; (9) the Mayor's Advisory Committee on the Judiciary; (10) the Office of Payroll Administration Board of Directors; and (11) the Public Design Commission. In the same Opinion, the Board determined that the following are advisory committees and thus their members are not subject to these restrictions: (1) the Archival Review Board; (2) the Interagency Coordinating Council; and (3) the former VAC, which in the intervening years had been subject of a Charter amendment to render its powers purely advisory and to be renamed the Voter Assistance Advisory Committee.

6. Working on a Political Campaign

In Advisory Opinion Numbers 93-24 and 94-8, the Board determined that public servants may, with certain restrictions, serve as paid consultants to campaign organizations, including campaigns for City elective office. In Advisory Opinion Number 2003-6, the Board considered three matters that it had not considered in those earlier opinions: (1) the relationship between many campaign organizations and the City's Campaign Finance Board ("CFB"); (2) communications between public servants moonlighting for a campaign and City agencies; and (3) serving as a campaign consultant for a candidate who is the public servant's City superior. The Board reaffirmed the earlier opinions and further determined that it is not necessary for a City employee who moonlights for a campaign organization, including those receiving CFB funding, to obtain a waiver from the Board in order to do so; that City employees may indeed volunteer to work for political campaigns, including their superiors' election campaigns, and may also accept payment for their work; and that City employees who accept compensation for campaign consulting are prohibited, however, from communicating with City agencies (including the CFB) on behalf of a campaign, absent a waiver from the Board. The Board also cautioned that CFB employees or other City employees who have some authority over, or responsibility for oversight of, the CFB should seek advice from the Board before accepting paid, or even unpaid, positions in campaigns for City elective office. Finally, the Board repeated the prohibitions cited in the earlier opinions, namely, that public servants may not use City time or resources for this outside consulting work; that they may not use their City positions or titles to benefit the campaign; that they may not ask a subordinate to work on a campaign; and, if they are appointed public servants charged with substantial policy discretion, that they may not engage in fundraising for City races.

7. Activity of City Employees Whose Superior is Running for Office

In Advisory Opinion Number 2012-5, the Board answered several questions from public servants, including in particular from current City elected officials who anticipated being candidates for elective office in the near future, as to whether, consistent with the City's conflicts of interest law, they and their subordinate City employees might engage in certain campaign-related activities. A considerable number

of the questions implicated the absolute ban, referenced above, on the use of City time or resources for political activities. A second group of questions involved the Charter's restrictions on political or financial relationships between superior and subordinate City employees.

The Board advised, first, that City employees whose duties include scheduling for an official in whose office they work may not use City time or resources to arrange campaign events for that official, but that it would be permissible for these City scheduling 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. Further, as to the coordination of office and campaign schedules, the Board advised that 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. The Board also advised that 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.

In response to questions about campaign-related inquiries received at City offices, the Board advised that, 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. Similarly, 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 current official City portfolio of the press officer's principal.

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.

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. The campaign may not "jump the queue."

In response to questions touching on restrictions on certain political and financial relationships between City superiors and subordinates, the Board advised that, 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. Similarly, 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,[27] 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 such information and provide it directly to campaign staff. The Board also advised that, 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.

In Advisory Opinion Number 2017-1, the Board reaffirmed that a City employee may, on his or her own time and without the use of City resources, operate the *campaign* social media account of his or her City superior, or of any other candidate for elective office. The Board cautioned in that Opinion that a City employee may *not* manage, or contribute content to, the *personal* social media account of his or her City superior, even if done entirely without the use of City time or City resources and even if the City superior is engaged in a campaign for elective office. The Board reasoned that, "[i]f done without compensation, the superior who accepted this gift would be misusing his or her City position, in violation of Charter Section 2604(b)(3)," while "[i]f done for compensation, both the superior and subordinate would be violating Charter Section 2604(b)(14)," prohibiting financial relationships between superior and subordinate public servants.[28]

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[1] Charter § 2604(b)(2).
[2] Advisory Opinion Number 2009-5 at 3.
[3] *COIB v. Greene,* COIB Case No. 2013-594 (2015).
[4] *COIB v. Cooper,* COIB Case No. 2006-684 (2007).
[5] *COIB v. Mosley,* COIB Case No. 2013-044 (2013).

[6] *COIB v. Oberman,* OATH Index No. 1657/14, COIB Case No. 2013-609 (Order Nov. 6, 2014). The Board's determination was upheld by the Supreme Court, Appellate Division (1st Dep't). *Oberman v. COIB*, 148 A.D.3d 598 (Mar. 28, 2017).
[7] *COIB v. A. Santana*, COIB Case No. 2015-778 (2016).
[8] Charter § 2604(b)(3).
[9] The Board's determination was upheld by the U.S. Court of Appeals for the Second Circuit. *Molinari v. Bloomberg*, 564 F.3d 587 (2009).
[10] Charter § 2604(b)(4).
[11] Charter § 2604(b)(2); Board Rules §§ 1-13(a) and (b). *See also* Charter § 2604(b)(3).
[12] *COIB v. Gennaro*, COIB Case No. 2003-785 (2007).
[13] *COIB v. Cantwell*, COIB Case No. 2005-690 (2007).
[14] City Charter Chapter 49, § 1129.
[15] City Charter Chapter 49, § 1130.
[16] 5 U.S.C. §§ 1501-1508.
[17] Charter § 2604(b)(9).
[18] *COIB v. Russo*, COIB Case No. 2001-494 (2007).
[19] Charter § 2604(b)(10).
[20] Charter § 2604(b)(11).
[21] *COIB v. Rene*, COIB Case No. 1997-237 (2000).
[22] Charter § 2604(b)(12).
[23] Board Rules § 1-02.
[24] *COIB v. Keaney*, COIB Case No. 2009-600 (2010).
[25] *COIB v. Finnerty*, COIB Case No. 2016-337 (2016).
[26] Charter § 2604(b)(15); Board Rules § 1-03.
[27] Charter § 2604(b)(9)(b).
[28] Advisory Opinion Number 2017-1 at 5-6.