

**January 11, 2022 – Open Meeting Matter**

November 9, 2021 – Open Meeting

May 18, 2021 – Open Meeting

July 14, 2020 – Open Meeting

To: The Board

From: Chad H. Gholizadeh



Date: January 5, 2022

Re: Proposed Amendments to Board Rules §§ 1-01(a)-(c)

In response to the discussion at the November 2021 Open Meeting, Staff has made the requested changes to the Notice of Public Hearing and Opportunity to Comment amending Board Rules §§ 1-01(a), (b), and (c), which define "valuable gift", including several exemptions to that definition, defining other terms used in the valuable gift rule, and setting forth the exception for the acceptance for gifts from family members or close personal friends.

At its November Meeting, the Board requested: (1) not to add "forbearance" to the definition of valuable gift in Board Rules § 1-01(a)(1); (2) revision of Board Rules § 1-01(a)(2)(iv) to permit public servants to accept travel-related expenses in connection with an interview process provided that such expense are reasonable and necessary without requiring agency head approval; (3) revisions to Board Rules § 1-01(a)(2)(i) to clarify that public servants may accept unsolicited discounts available to all government employees; and (4) revisions to Board Rules § 1-01(b)(1) to relocate a confusingly placed reference to "domestic partners." The proposed changes also include non-substantive revisions to the Statement of Basis and Purpose and formatting of the rules.

Attached are the following:

1. Minutes of the July 2020, May 2021, and November 2021 Open Meetings (**Exhibit 1**);
2. Notice of Public Hearing and Opportunity to Comment (**Exhibit 2**); and
3. Notice of Public Hearing and Opportunity to Comment tracked to the version reviewed by the Board in November 2021 (**Exhibit 3**).

With the Board's approval, Staff will formally submit the proposed amendments to the Law Department and Mayor's Office of Operations, as required by the City Administrative Procedure Act. See City Charter § 1043(d).

## **Minutes of the Open Meeting of the New York City Conflicts of Interest Board**

**Date:** July 14, 2020

**Present:**

Board Members: Chair Jeffrey D. Friedlander and Members Fernando A. Bohorquez, Jr., Anthony Crowell, Wayne Hawley, and Nisha Agarwal

Board Staff: Ethan Carrier, Chad Gholizadeh, Ana Gross, Christopher Hammer, Gavin Kendall, Julia Lee, Carolyn Miller, Katherine Miller, Ari Mulgay, Yasong Niu, Jeffrey Tremblay, Clare Wiseman, and Juliya Ziskina.

Guests: None

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The Board and Staff participated by videoconference pursuant to Executive Order No. 202 issued on March 7, 2020. The meeting was called to order by the Chair at approximately 9:32 a.m. The Chair stated that the meeting was being conducted pursuant to the New York State Open Meetings Law and designated the undersigned as the Recording Secretary for purposes of the meeting.

The Chair stated that the meeting was called to discuss proposed amendments to Board Rules §§ 4-01, 4-02, 4-03, 1-01(c), and 1-07.

### **Board Rules §§ 4-01 to 4-03**

After a brief introduction, the Chair asked for any comments by the Board or Staff. The following constitutes the changes agreed upon by the Board and Staff:

- Statement of Basis & Purpose, p. 4, ln. 2: change “a report filed in 2014” to “a 2013 report”
- Statement of Basis & Purpose, p. 4, ln. 4: change “would permit” to “would require”
- § 4-01: No comments
- § 4-02(a): Insert “close of” before “calendar year”
- § 4-02(b): Change “the enforcement of criminal laws” to “law enforcement”
- § 4-03: No comments

The Board unanimously agreed to adopt the proposed amendments incorporating the proposed changes as the final rule to be sent to the Law Department and the Mayor’s Office of Operations for review.

### **Board Rules § 1-01(c)**

After a brief introduction, the Chair asked for any comments by the Board or Staff. The following constitute the changes agreed upon by the Board and Staff:

- § 1-01(c)(1): include additional safeguards or restrictions on gifts that may be accepted from a “family member.”
- § 1-01(c)(3): revise so as not to preclude friendships made during City service; and to clarify what is meant by “independent”.

The Board agreed to continue discussions at a future open meeting.

## **Board Rules § 1-07**

After a brief introduction, the Chair asked for any comments by the Board or Staff. The following comments constitute the changes agreed upon by the Board and Staff:

- § 1-07(a)(1): revise to clarify that prohibition applies to an appearance only before a representative of the former agency who sits on a board, commission, or other governmental entity other than the former agency
- § 1-07(b)(1): revise definition of the date of termination by replacing “or” with an inclusive conjunction to incorporate last day of official duties and the cessation of benefits and removing the phrase “after resigning, retiring, or being terminated”

The Board agreed to continue discussions at a future open meeting.

The open meeting was adjourned at approximately 10:36 a.m.

Respectfully submitted,  
Julia H. Lee  
Recording Secretary

## **Minutes of the Open Meeting of the New York City Conflicts of Interest Board**

**Date:** May 18, 2021

**Present:**

Board Members: Chair Jeffrey D. Friedlander and Members Fernando A. Bohorquez, Jr., Anthony W. Crowell, Wayne G. Hawley, and Nisha Agarwal

Board Staff: Ethan Carrier, Chad Gholizadeh, Ana Gross, Christopher Hammer, Gavin Kendall, Carolyn Miller, Katherine Miller, Ari Mulgay, Yasong Niu, Jeffrey Tremblay, and Juliya Ziskina.

Guests: None.

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The Board and Staff participated by videoconference pursuant to Executive Order No. 202 issued on March 7, 2020. The meeting was called to order by the Chair at approximately 9:34 a.m.

### **Board Rules §§ 1-01(i) to 1-01(m)**

After a brief introduction by the Chair and discussion among the Board and Staff, the following change was agreed to by the Board and Staff:

- Remove unnecessary “is” in § 1-01(k)(2)(ii).

The Board unanimously agreed to adopt the proposed amendments to Board Rules §§ 1-01(i) to 1-01(k) and proposed new Board Rules §§ 1-01(l) and 1-01(m) as the final rule.

### **Board Rules §§ 1-01(a) to 1-01(c)**

After a brief introduction by Staff and discussion among the Board and Staff, the following changes were agreed to by the Board and Staff:

- Clarify rationale and meaning of “forbearance” in § 1-01(a)(1).
- Change “which” to “that” in § 1-01(a)(2)(iv).
- Consider rationale and/or additional safeguards for § 1-01(a)(2)(iv).
- Correct line breaks and numbering of § 1-01(a)(3).

The Board agreed to continue discussions at a future open meeting.

The open meeting was adjourned at approximately 9:54 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

## **Minutes of the Open Meeting of the New York City Conflicts of Interest Board**

**Date:** November 9, 2021

**Present:**

Board Members: Chair Jeffrey D. Friedlander and Members Fernando A. Bohorquez, Jr., Anthony W. Crowell, Wayne G. Hawley, and Nisha Agarwal

Board Staff: Ethan Carrier, Chad Gholizadeh, Ana Gross, Christopher M. Hammer, Gavin Kendall, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, and Clare Wiseman

Guests: Ken Brower

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The Board and Staff participated by videoconference pursuant to 2021 Sess. Law News of N.Y. Ch. 417 (S. 50001). The meeting was called to order by the Chair at approximately 9:35 a.m.

### **Board Rules § 1-11**

After a brief introduction by the Chair, the proposed amendment was approved without any changes. The proposed amendment will be sent to the New York City Law Department and New York City Mayor's Office of Operations for review.

### **Board Rules §§ 1-01(a), (b), and (c)**

After a brief introduction by Staff and discussion among the Board and Staff, the following changes were agreed to by the Board and Staff:

- § 1-01(a)(1): Remove “including a lender’s decision to postpone collection of a debt that has become due unless pursuant to an established debt forbearance policy available to the general public” and related discussion from Statement of Basis and Purpose.
- § 1-01(a)(2)(iv): Revise the restriction on the exception to be similar to that for City-related travel, found in § 1-01(h)(1), including the terms “reasonable” and “necessary.” Remove requirement of agency head approval. Revise related discussion in Statement of Basis and Purpose.
- § 1-01(a)(2)(i): Revise to clarify that it is permissible to accept unsolicited discounts that are available to government employees.
- § 1-01(b)(1)(i): Add “domestic partner.”
- § 1-01(b)(1)(ii): Remove the first “domestic partner.”

The Board agreed to continue discussions at a future open meeting.

The open meeting was adjourned at approximately 10:20 a.m.

Respectfully submitted,  
Katherine J. Miller  
Recording Secretary

1 **New York City Conflicts of Interest Board**

2  
3 **Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding Gifts**

4  
5 **What are we proposing?** The Conflicts of Interest Board is proposing to amend its rule governing the  
6 acceptance of valuable gifts by public servants.

7  
8 **When and where is the Hearing?** The Conflicts of Interest Board will hold a public hearing on the  
9 proposed rule. The public hearing will take place by video conference at \*\*\*\* on \*\*\*\* and is accessible  
10 by:

- 11
- 12 • **Internet Video and Audio.** To access the hearing by Zoom, use the following URL: \*\*\*\*
  - 13
  - 14 • **Telephone.** To access the hearing by telephone, dial \*\*\*\*. When prompted, use the following  
15 access code \*\*\*\* and password \*\*\*\*.
  - 16

17 **How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- 18
- 19 • **Website.** You can submit comments to the Conflicts of Interest Board through the NYC rules  
20 website at <http://rules.cityofnewyork.us>.
  - 21
  - 22 • **Email.** You can email comments to [Rules@COIB.nyc.gov](mailto:Rules@COIB.nyc.gov).
  - 23
  - 24 • **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public  
25 hearing may speak for up to three minutes. Please access the public hearing by Internet Video and  
26 Audio or by Telephone using the instructions above. It is recommended, but not required, that  
27 commenters sign up prior to the hearing by contacting the Conflicts of Interest Board by phone at  
28 (212) 437-0730 or by email at [kmiller@coib.nyc.gov](mailto:kmiller@coib.nyc.gov).
  - 29

30 **Is there a deadline to submit comments?** Yes, you must submit written comments by [].

31 **This hearing has the following accessibility option(s) available:** The Zoom platform  
32 accommodates screen reader software. Simultaneous transcription or a sign-language interpreter  
33 are available upon request.

34 **Do you need assistance to participate in the hearing?** You must tell the Conflicts of Interest  
35 Board if you need a reasonable accommodation of a disability at the hearing, including if you need  
36 a sign language interpreter or simultaneous transcription. You can advise us by email at  
37 [kmiller@coib.nyc.gov](mailto:kmiller@coib.nyc.gov) or by telephone at (212) 437-0730. You must tell us by [].

38 **Can I review the comments made on the proposed rules?** You can review the comments made  
39 online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all  
40 comments submitted online, copies of all written comments, and a summary of oral comments  
41 concerning the proposed rule will be available to the public on the Conflicts of Interest Board's website  
42 (<https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-hearings.page>) as soon  
43 as practicable.



1  
2 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043, 2603(a),  
3 2603(c)(4), and 2604(b)(5) of the City Charter authorize the Conflicts of Interest Board to make this  
4 proposed rule. This proposed rule was included in the Conflicts of Interest Board’s regulatory agenda  
5 for this Fiscal Year.

6  
7 **Where can I find the Conflicts of Interest Board’s rules?** The Conflicts of Interest Board’s rules  
8 are in Title 53 of the Rules of the City of New York.

9  
10 **What rules govern the rulemaking process?** The Conflicts of Interest Board must meet the  
11 requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made  
12 according to the requirements of Section 1043 of the City Charter.  
13

14 **STATEMENT OF BASIS AND PURPOSE**

15 In accordance with the mandate of City Charter § 2603(c)(4) for the Board to review all its  
16 advisory opinions and initiate rulemaking to adopt those with “interpretative value in construing  
17 provisions” of Chapter 68, the Board has been reviewing the 29 advisory opinions it has issued  
18 concerning public servants’ acceptance of gifts. In connection with this comprehensive review,  
19 the Board proposes to amend Board Rules §§ 1-01(a) through 1-01(c) to provide additional clarity.

20 **a. What is a Valuable Gift**

21 Proposed Board Rules § 1-01(a) would reorganize the text of existing Board Rules § 1-  
22 01(a) by adding line breaks to improve readability. Proposed Board Rules § 1-01(a)(1) would  
23 amend the definition of “valuable gift” by replacing “thing” with the more illustrative, but  
24 substantively identical, term “item of value.”

25 Proposed Board Rules § 1-01(a)(2) would codify four exceptions to the definition of  
26 “valuable gift.” First, proposed Board Rules § 1-01(a)(2)(i) would codify the Board’s longstanding  
27 advice that public servants may utilize discounts available to the general public, including  
28 discounts for government employees. See Advisory Opinion (“A.O.”) 1995-14 (advising that  
29 public servants may utilize a special offer extended by a bank to both City employees and many

1 businesses and organizations in a geographic area); A.O. No. 2006-4 (advising that public servants  
2 may utilize generally available government employee discounts); but see A.O. 1995-5 (advising  
3 that soliciting a discount for a subset of City employees would violate Charter § 2604(b)(3)).  
4 Second, proposed Board Rules § 1-01(a)(2)(ii) would codify the Board’s longstanding advice that  
5 public servants may accept prizes from raffles or giveaways that are available without respect to  
6 whether the participants are public servants and where participation in the raffle or giveaway does  
7 not use City resources or identify the participant as a public servant. See A.O. No. 1991-20  
8 (advising that a public servant may accept a prize from a competition because, in part, he did not  
9 identify himself as a public servant in his submission); A.O. No. 2012-3 (advising that a public  
10 servant may accept a raffle prize exceeding \$50 where no City resources were used in the raffle  
11 entry). Third, proposed Board Rules § 1-01(a)(2)(iii) would codify the Board’s determination that  
12 public servants may accept free attendance at union conferences in order to conduct union  
13 business. See A.O. No. 2006-3 (advising that public servants may accept free food and  
14 accommodation from a union to attend that union’s conference on their own time). Finally,  
15 proposed Board Rules § 1-01(a)(2)(iv) would permit public servants to accept travel expenses from  
16 a prospective employer in order to conduct an interview provided that the travel expenses are  
17 reasonable and the trip is no longer than necessary to complete the interview. Because a public  
18 servant seeking employment is already prohibited by Charter § 2604(d)(1) from participating in  
19 any particular matter involving the potential employer, the acceptance of reasonable travel  
20 expenses poses a diminished risk of any actual or perceived impropriety.

21 **b. Definitions**

22 Proposed Board Rules § 1-01(b) would reorganize the clauses and add sub-sections to  
23 existing Board Rules § 1-01(b) with two substantive changes. First, proposed Board Rules § 1-

1 01(b) would replace the term “relative” with “family member” to harmonize the usage of that term  
2 with other sections of the Board Rules. Second, proposed Board Rules § 1-01(b)(2) would  
3 expressly include step-relatives, consistent with the Board’s longstanding interpretation of Chapter  
4 68. See, e.g., COIB v. J. Purvis, COIB Case No. 2012-898a (2013) (finding that an Associate Job  
5 Opportunity Specialist with the New York City Human Resources Administration (“HRA”)  
6 misused his position in the HRA Rental Assistance Unit to issue an assistance check from HRA to  
7 his stepdaughter), COIB v. G. Jones, COIB Case No. 2012-458 (2013) (finding that a New York  
8 City Housing Authority (“NYCHA”) Construction Project Manager misused his position when he  
9 recommended his stepson for a job with a vendor that the Construction Project Manager supervised  
10 as part of his official NYCHA duties).

11 **c. Gifts from Family Members or Close Personal Friends**

12 Proposed Board Rules § 1-01(c) is identical to existing Board Rule § 1-01(c) except for the  
13 addition of a header.

14 New material is underlined.

15 Section 1. Sections 1-01(a) through (c) of Chapter 1 of Title 53 of the Rules of the City of  
16 New York is REPEALED and new Sections 1-01(a) through (c) are added to read as follows:

17 (a) What is a Valuable Gift

18 (1) For the purposes of Charter § 2604(b)(5), a “valuable gift” is any gift to a public  
19 servant that has a value of \$50.00 or more, whether in the form of money, service,  
20 loan, travel, entertainment, hospitality, promise, or item of value in any other  
21 form.

22 (2) For the purposes of Charter § 2604(b)(5), a “valuable gift” does not include:

- 1                   i. Unsolicited discounts available to any purchaser or to a category of  
2                   people, including all City or government employees.
- 3                   ii. Prizes from raffles or giveaways made available irrespective of whether  
4                   the participants are public servants and where participation in the raffle or  
5                   giveaway does not use City resources or identify the participant as a public  
6                   servant.
- 7                   iii. Free attendance at labor union conferences and events, and any attendant  
8                   meals or refreshments, offered by such union for the purposes of  
9                   conducting union business.
- 10                  iv. Travel expenses paid by a prospective employer for a public servant to  
11                  interview for a position, provided that the travel expenses are reasonable  
12                  and the trip is no longer than necessary to complete the interview.

13                  (3) For the purposes of Charter § 2604(b)(5), two or more gifts to a public servant  
14                  shall be considered a single gift if they are given to the public servant within a  
15                  twelve-month period by the same person or persons who the public servant knows  
16                  or should know are:

- 17                    i. family members of one another; or
- 18                    ii. directors, trustees, or employees of the same firm or affiliated firms.

19                  (b) Definitions

20                  As used in this section:

21                  (1) “family member” means:

- 22                    i. a spouse, domestic partner, child, grandchild, parent, sibling, and  
23                    grandparent;

1                    ii. a parent, child, or sibling of a spouse or domestic partner; and

2                    iii. a spouse or domestic partner of a parent, child, or sibling.

3                    (2) “child,” “grandchild,” “parent,” “grandparent,” and “sibling” includes a step-

4                    child, step-grandchild, step-parent, step-grandparent, and step-sibling.

5                    (3) firms are “affiliated” if:

6                    i. one is a subsidiary of the other; or

7                    ii. a single person or firm owns at least 25 percent of each firm.

8                    (c) Gifts from Family Members or Close Personal Friends

9                    For the purposes of Charter § 2604(b)(5), a public servant may accept gifts that are

10                    customary on family or social occasions from a family member or close personal friend

11                    who the public servant knows is or intends to become engaged in business dealings with

12                    the City, when:

13                    (1) it can be shown under all relevant circumstances that it is the family or personal

14                    relationship rather than the business dealings that is the controlling factor; and

15                    (2) the public servant's receipt of the gift would not result in or create the appearance

16                    of:

17                    i. using his or her office for private gain;

18                    ii. giving preferential treatment to any person or entity;

19                    iii. losing independence or impartiality; or

20                    iv. accepting gifts or favors for performing official duties.

1 **New York City Conflicts of Interest Board**

2  
3 **Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding Gifts**

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5 **What are we proposing?** The Conflicts of Interest Board is proposing to amend its rule governing the  
6 acceptance of valuable gifts by public servants.

7  
8 **When and where is the Hearing?** The Conflicts of Interest Board will hold a public hearing on the  
9 proposed rule. The public hearing will take place by video conference at \*\*\*\* on \*\*\*\* and is accessible  
10 by:

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- 12 • **Internet Video and Audio.** To access the hearing by Zoom, use the following URL: \*\*\*\*
  - 13
  - 14 • **Telephone.** To access the hearing by telephone, dial \*\*\*\*. When prompted, use the following  
15 access code \*\*\*\* and password \*\*\*\*.
  - 16

17 **How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- 18
- 19 • **Website.** You can submit comments to the Conflicts of Interest Board through the NYC rules  
20 website at <http://rules.cityofnewyork.us>.
  - 21
  - 22 • **Email.** You can email comments to [Rules@COIB.nyc.gov](mailto:Rules@COIB.nyc.gov).
  - 23
  - 24 • **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public  
25 hearing may speak for up to three minutes. Please access the public hearing by Internet Video and  
26 Audio or by Telephone using the instructions above. It is recommended, but not required, that  
27 commenters sign up prior to the hearing by contacting the Conflicts of Interest Board by phone at  
28 (212) 437-07210730 or by email at [hammerkmiller@coib.nyc.gov](mailto:hammerkmiller@coib.nyc.gov).
  - 29

30 **Is there a deadline to submit comments?** Yes, you must submit written comments by [].

31 **This hearing has the following accessibility option(s) available:** The Zoom platform  
32 accommodates screen reader software. Simultaneous transcription or a sign-language interpreter  
33 are available upon request.

34 **Do you need assistance to participate in the hearing?** You must tell the Conflicts of Interest  
35 Board if you need a reasonable accommodation of a disability at the hearing, including if you need  
36 a sign language interpreter or simultaneous transcription. You can advise us by email at  
37 [hammer@coib.nyc.gov](mailto:hammer@coib.nyc.gov) or by telephone at (212) 437-07210730. You must  
38 tell us by [].

39 **Can I review the comments made on the proposed rules?** You can review the comments made  
40 online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all  
41 comments submitted online, copies of all written comments, and a summary of oral comments  
42 concerning the proposed rule will be available to the public on the Conflicts of Interest Board's website

1 (<https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-hearings.page>) as soon  
2 as practicable.

3  
4 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043, 2603(a),  
5 2603(c)(4), and 2604(b)(5) of the City Charter authorize the Conflicts of Interest Board to make this  
6 proposed rule. This proposed rule was included in the Conflicts of Interest Board’s regulatory agenda  
7 for this Fiscal Year.

8  
9 **Where can I find the Conflicts of Interest Board’s rules?** The Conflicts of Interest Board’s rules  
10 are in Title 53 of the Rules of the City of New York.

11  
12 **What rules govern the rulemaking process?** The Conflicts of Interest Board must meet the  
13 requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made  
14 according to the requirements of Section 1043 of the City Charter.

15  
16 **STATEMENT OF BASIS AND PURPOSE**

17 In accordance with the mandate of City Charter § 2603(c)(4) for the Board to review all its  
18 advisory opinions and initiate rulemaking to adopt those with “interpretative value in construing  
19 provisions” of Chapter 68, the Board has been reviewing the 29 advisory opinions it has issued  
20 concerning public servants’ acceptance of gifts. In connection with this comprehensive review,  
21 the Board proposes to amend Board Rules §§ 1-01(a) through 1-01(c) to provide additional clarity.

22 **a. What is a Valuable Gift**

23 Proposed Board Rules § 1-01(a) would ~~primarily~~ reorganize the text of existing Board  
24 Rules § 1-01(a); by adding line breaks to improve readability. Proposed Board Rules § 1-01(a)(1)  
25 would ~~substantively~~ amend the definition of “valuable gift” ~~in two ways. First, proposed Board~~  
26 ~~Rules § 1-01(a)(1) would replace by replacing~~ “thing” with the more illustrative, but substantively  
27 identical, term “item of value.” ~~Second, proposed Board Rules § 1-01(a)(1) would add to the list~~  
28 ~~of “valuable gifts” the decision by a lender to postpone a collection of a debt that has become due.~~  
29 ~~This proposed addition recognizes that a lender’s decision to delay collection of debts that have~~  
30 ~~become due presents a financial benefit to a public servant as significant as the provision of a new~~

1 ~~loan or a straightforward cash gift. In making this addition, the Board's Valuable Gift Rule would~~  
2 ~~more closely comport with the definition of a prohibited gift promulgated by the United States~~  
3 ~~Office of Government Ethics, which includes "forbearance" in its examples of valuable gifts. See~~  
4 ~~5 CFR § 2635.203(b). The Board's rule would explicitly exempt delays in the collection of debts~~  
5 ~~when such delay is pursuant to a generally available debt forbearance or restructuring policy.~~

6 Proposed Board Rules § 1-01(a)(2) would codify four exceptions to the definition of  
7 "valuable gift." First, proposed Board Rules § 1-01(a)(2)(i) would codify the Board's longstanding  
8 advice that public servants may utilize discounts available to the general public, including  
9 discounts for government employees. ~~See Advisory Opinion ("A.O.") No. 1995-5 (advising that~~  
10 ~~soliciting a discount for a subset of City employees would violate Charter § 2604(b)(3)); A.O. No.~~  
11 ~~1995-14 (advising that public servants may utilize a special offer extended by a bank to both City~~  
12 ~~employees and many businesses and organizations in a geographic area); A.O. No. 2006-4~~  
13 ~~(advising that public servants may utilize generally available government employee discounts)-);~~  
14 but see A.O. 1995-5 (advising that soliciting a discount for a subset of City employees would  
15 violate Charter § 2604(b)(3)). Second, proposed Board Rules § 1-01(a)(2)(ii) would codify the  
16 Board's longstanding advice that public servants may accept prizes from raffles or giveaways that  
17 are available without respect to whether the participants are public servants and where participation  
18 in the raffle or giveaway does not use City resources or identify the participant as a public servant.  
19 See A.O. No. 1991-20 (advising that a public servant may accept a prize from a competition  
20 because, in part, he did not identify himself as a public servant in his submission); A.O. No. 2012-  
21 3 (advising that a public servant may accept a raffle prize exceeding \$50 where no City resources  
22 were used in the raffle entry). Third, proposed Board Rules § 1-01(a)(2)(iii) would codify the  
23 Board's determination that public servants may accept free attendance at union conferences in



1 order to conduct union business. See A.O. No. 2006-3 (advising that public servants may accept  
2 free food and accommodation from a union to attend that union’s conference on their own time).  
3 Finally, proposed Board Rules § 1-01(a)(2)(iv) would permit public servants ~~interviewing for a~~  
4 ~~job opening~~ to accept ~~reasonable~~ travel expenses from a prospective employer in the course of  
5 that order to conduct an interview ~~process~~ provided that ~~they receive agency head approval in~~  
6 ~~advance~~ the travel expenses are reasonable and the trip is no longer than necessary to complete the  
7 interview. Because a public servant seeking employment is already prohibited by Charter §  
8 2604(d)(1) from participating in any particular matter involving the potential employer, ~~and~~  
9 ~~because the agency would be made aware of this acceptance by requiring agency head approval,~~  
10 the acceptance of reasonable travel expenses poses a diminished risk of any actual or perceived  
11 impropriety. ~~See Charter § 2604(d)(1)~~.

12 **b. Definitions**

13 Proposed Board Rules § 1-01(b) would reorganize the clauses and add sub-sections to  
14 existing Board Rules § 1-01(b) with two substantive changes. First, proposed Board Rules § 1-  
15 01(b) would replace the term “relative” with “family member” to harmonize the usage of that term  
16 with other sections of the Board Rules. Second, proposed Board Rules § 1-01(b)(2) would  
17 expressly include step-relatives, consistent with the Board’s longstanding interpretation of Chapter  
18 68. See, e.g., COIB v. J. Purvis, COIB Case No. 2012-898a (2013) (finding that an Associate Job  
19 Opportunity Specialist with the New York City Human Resources Administration (“HRA”)  
20 misused his position in the HRA Rental Assistance Unit to issue an assistance check from HRA to  
21 his stepdaughter), COIB v. G. Jones, COIB Case No. 2012-458 (2013) (finding that a New York  
22 City Housing Authority (“NYCHA”) Construction Project Manager misused his position when he

1 recommended his stepson for a job with a vendor that the Construction Project Manager supervised  
2 as part of his official NYCHA duties).

3 **c. Gifts from Family Members or Close Personal Friends**

4 Proposed Board Rules § 1-01(c) is identical to existing Board Rule § 1-01(c) except for the  
5 addition of a header.

6 New material is underlined.

7 Section 1. Sections 1-01(a) through (c) of Chapter 1 of Title 53 of the Rules of the City of  
8 New York is REPEALED and new Sections 1-01(a) through (c) are added to read as follows:

9 (a) What is a Valuable Gift

10 (1) For the purposes of Charter § 2604(b)(5), a “valuable gift” is any gift to a public  
11 servant that has a value of \$50.00 or more, whether in the form of money, service,  
12 loan, travel, entertainment, hospitality, promise, or item of value in any other  
13 form ~~including a lender’s decision to postpone collection of a debt that has~~  
14 ~~become due unless pursuant to an established debt forbearance policy available to~~  
15 ~~the general public.~~

16 (2) For the purposes of Charter § 2604(b)(5), a “valuable gift” does not include:

- 17 i. Unsolicited discounts available to any purchaser, ~~or to a category of~~  
18 people, including all City or government employees, ~~or to a category of~~  
19 people, irrespective of whether the recipients are public servants.
- 20 ii. Prizes from raffles or giveaways made available irrespective of whether  
21 the participants are public servants and where participation in the raffle or  
22 giveaway does not use City resources or identify the participant as a public  
23 servant.

1           iii. Free attendance at labor union conferences and events, and any attendant  
2           meals or refreshments, offered by such union for the purposes of  
3           conducting union business.

4           iv. ~~Reasonable travel~~ Travel expenses incurred ~~paid~~ by a prospective employer  
5           for a public servant in the course of an ~~to~~ interview for a job position,  
6           provided that the travel expenses are reimbursed by ~~reasonable and the~~  
7           prospective employer provided that the public servant receives agency  
8           head approval in advance ~~trip is no longer than necessary to complete the~~  
9           interview.

10           (3) For the purposes of Charter § 2604(b)(5), two or more gifts to a public servant  
11           shall be considered a single gift if they are given to the public servant within a  
12           twelve-month period by the same person or persons who the public servant knows  
13           or should know are:

- 14           i. family members of one another; or  
15           ii. directors, trustees, or employees of the same firm or affiliated firms.

16           (b) Definitions

17           As used in this section:

18           (1) “family member” means:

- 19           i. a spouse, domestic partner, child, grandchild, parent, sibling, and  
20           grandparent;  
21           ii. anya parent, domestic partner, child, or sibling of a spouse or domestic  
22           partner; and  
23           iii. a spouse or domestic partner of a parent, child, or sibling.

1           (2) “child,” “grandchild,” “parent,” “grandparent,” and “sibling” includes a step-  
2           child, step-grandchild, step-parent, step-grandparent, and step-sibling.

3           (3) firms are “affiliated” if:

4                   i. one is a subsidiary of the other; or

5                   ii. a single person or firm owns at least 25 percent of each firm.

6           (c) Gifts from Family Members or Close Personal Friends

7           For the purposes of Charter § 2604(b)(5), a public servant may accept gifts that are  
8           customary on family or social occasions from a family member or close personal friend  
9           who the public servant knows is or intends to become engaged in business dealings with  
10          the City, when:

11           (1) it can be shown under all relevant circumstances that it is the family or personal  
12           relationship rather than the business dealings that is the controlling factor; and

13           (2) the public servant's receipt of the gift would not result in or create the appearance  
14           of:

15                   i. using his or her office for private gain;

16                   ii. giving preferential treatment to any person or entity;

17                   iii. losing independence or impartiality; or

18                   iv. accepting gifts or favors for performing official duties.