

## New York City Conflicts of Interest Board

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding Donations and Gifts to the City**

**What are we proposing?** The Conflicts of Interest Board is proposing to amend its rule concerning the reporting of donations and gifts to the City, including travel-related expenses.

**When and where is the hearing?** The Conflicts of Interest Board will hold a public hearing on the proposed rule. The public hearing will take place at [time] on [date]. The hearing will be at [TBD].

This location has the following accessibility option(s) available: [TBD].

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

- **Website.** You can submit comments to the Conflicts of Interest Board through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@coib.nyc.gov](mailto:rules@coib.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by contacting the Conflicts of Interest Board by telephone at [phone number] or by email at [email]. You can also sign up in the hearing room before the hearing begins on [date]. You can speak for up to three minutes.

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

**Do you need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can advise us by telephone at [phone number] or by email at [email]. You must tell us by [date].

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

1 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043  
2 and 2603 of the City Charter authorize the Conflicts of Interest Board to make this  
3 proposed rule. This proposed rule was included in the Conflicts of Interest Board's  
4 regulatory agenda for Fiscal Year 2026.

5 **Where can I find the Conflicts of Interest Board rules?** The Conflicts of Interest Board  
6 Rules are in title 53 of the Rules of the City of New York.

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

### 10 **Statement of Basis and Purpose**

11 The Conflicts of Interest Board proposes to amend its rules to add a public  
12 reporting requirement for the City's acceptance of the payment by a third party of travel-  
13 related expenses, such as airfare, ground transportation, hotel, and meals. The Board  
14 also proposes conforming edits to implement this new requirement and additional  
15 technical edits.

### 16 *Reporting of Travel-Related Expenses*

17 Board Rules Section 1-01(h) permits, in certain circumstances, the acceptance of  
18 travel-related expenses for City business travel paid for by a third party. The Board  
19 proposes to add the requirement that City agencies annually report to the Board the  
20 acceptance of travel-related expenses of \$1,000 or more along with the name and title  
21 the public servant traveling, the event necessitating the travel, and the date(s) and  
22 location of the event. As all of the information that would be reported must already be  
23 collected by a City agency for purposes of obtaining agency-head approval for the  
24 acceptance of travel-related expenses pursuant to Board Rules Section 1-01(h), the  
25 burden of this new reporting requirement will be minimal.

1       There are several reasons the Board proposes to add this new reporting  
2 requirement. When the Board last amended Board Rules Section 1-01(h) in 2020,  
3 Reinvent Albany testified to voice its concerns about the risk of corruption or abuse in  
4 permitting the acceptance by public servants of travel-related expenses paid by non-  
5 governmental entities. The Board recognizes that the acceptance by public servants of  
6 gifts of substantial value creates, at a minimum, a circumstance that would benefit from  
7 increased transparency. In addition, the proposed reporting of travel-related expenses is  
8 similar to those of other large cities, such as San Francisco and Chicago, which require  
9 some form of public disclosure of travel-related expenses paid for by third parties. This  
10 proposed reporting requirement will also provide data that will better inform the Board's  
11 work regulating the acceptance of gifts of travel-related expenses by public servants.

#### 12 *Conforming and Technical Edits*

13       The Board proposes to create a new section, proposed Board Rules Section 1-19,  
14 to consolidate the existing requirements for reporting donations to the City (Board Rules  
15 Section 1-14(c)(1)) and the new reporting requirement for gifts to the City of travel-related  
16 expenses into a single reporting rule. In so doing, the Board aims to make these  
17 requirements as consistent and simple as possible.

18       To that end, the Board proposes to set the reporting threshold in the new Board  
19 Rules Section 1-19 for both donations to the City and gifts of travel-related expenses at  
20 \$1,000. This amendment reduces the reporting threshold (\$5,000) from the current Board  
21 Rules Section 1-14(c)(1) but makes all the reporting thresholds consistent internally and  
22 with the reporting threshold for travel-related expenses in the City's Annual Disclosure

1 Law. Administrative Code § 12-110(d)(1)(h)(2). The proposed amendments include legal  
2 cross-references to guide public servants.

3 In consolidating these reporting requirements, the Board proposes to eliminate the  
4 requirement, currently contained in Board Rules Section 1-14(c)(2), that an agency report  
5 the names of not-for-profit organizations that were beneficiaries of fundraising by agency  
6 employees, a report of limited utility to individual public servants for complying with their  
7 obligations under the conflicts of interest law.

8 The proposed amendments to Board Rules Section 1-01(h) would add a non-  
9 exhaustive list of types of expenses considered travel-related expenses. Finally, the  
10 proposed amendments would clarify the Board's intent that an agency head's approval of  
11 its employees' travel pursuant to Board Rules Section 1-01(h) be in writing. This  
12 requirement, although identified in the Statement of Basis and Purpose, was inadvertently  
13 omitted in 2020 from the Board's adopted rule.

#### 14 **Text of Proposed Rule**

15 New material is underlined.

16 [Deleted material is bracketed.]

#### 17 **§ 1-01(h) Travel and Travel-Related Expenses.**

18 (1) For the purposes of Charter § 2604(b)(3) and Charter § 2604(b)(5), a public  
19 servant may accept travel-related expenses from a third party as a gift to the  
20 City provided that the following conditions are met:

- 21 (i) the trip is for a City purpose and therefore could properly be paid for with  
22 City funds;

(ii) [the ]travel-related expenses, including but not limited to airfare, ground transportation, hotel, and meals, are consistent with government-class travel[ arrangements are appropriate to that purpose];

(iii) the trip is no longer than reasonably necessary to accomplish the governmental business which is its City purpose;

(iv) the public servant received agency head approval in writing and in advance upon presenting such agency head with a detailed itinerary [which]that reflects the trip's City purpose;[ and]

(v) [all solicitation for and reporting of travel-related expenses are made in accordance with Board Rules § 1-14.]a public servant soliciting travel-related expenses from an individual or firm has no particular matter involving that individual or firm pending before the public servant; and

(vi) if the public servant traveling is required to file an annual financial disclosure report, the public servant must report the receipt of travel-related expenses from a third party of \$1,000 or more of \$1,000 or more as required by Administrative Code § 12-110(d)(1)(h)(2).

(2) *(no changes)*

(3) A public servant may use [his or her]their own funds and accrued leave for personal travel before or after a trip taken for a City purpose provided that:

(i) any increased or additional costs resulting from the personal travel are borne solely by the public servant; and

(ii) such personal travel receives agency head approval in writing and in advance.

#### **§ 1-14 Official Fundraising.**

(a) For purposes of Charter § 2604(b)(2) and Charter § 2604(b)(3), a public servant may use [his or her]their position as a public servant to solicit a donation or gift to the City provided that all of the following conditions are met:

(1) *(no changes)*

(2) *(no changes)*

(3) *(no changes)*

(b) An agency head may designate [in writing] one or more not-for-profit organizations for solicitations made by agency or office employees pursuant to subdivision (a) of this section, provided that both of the following conditions are met:

(1) *(no changes)*

(2) *(no changes)*

[(c) Pursuant to Charter § 2604(b)(2), each agency head must report to the Board annually by February 28:

(1) the name of any individual or firm that made one or more donations totaling \$5,000 or more to the agency during the previous calendar year, the total amount of these donations, and whether the donation was cash or an in-kind donation; and

(2) the name of any not-for-profit organization designated by the agency head pursuant to subdivision (b) of this section for which agency employees solicited donations during the previous calendar year.

(d) An agency head may submit to the Board a written request that disclosure, pursuant to subdivision (c)(1) of this section, of one or more of its donors and/or the amount of donation not be made public. The written request must be submitted no later than January 31 for the previous calendar year and must explain why the release of such information to the public may cause harm, threats, harassment, or reprisals to the donor or to individuals or property affiliated with the donor. Whether or not an agency head has submitted a request pursuant to this subdivision, the Board may on its own initiative grant privacy as to any information submitted by an agency head, upon a finding by the Board that the release of such information would pose a risk to the safety or security of any person.]

[(e)](c) For purposes of this section, an elected official, including a District Attorney, is the agency head of the staff members in [his or her]their office. The Speaker of the New York City Council is the agency head of the central staff of the Council, and a Council Member is the agency head for the staff of [his or her]their office.

## **§ 1-19 Reporting of Gifts to the City.**

(a) Pursuant to Charter § 2604(b)(2), each agency head must report to the Board annually by February 28 a list of gifts to the City accepted by the agency during the previous calendar year. Such report must include:

(1) the name of any individual who or firm that made one or more gifts to the agency totaling \$1,000 or more, the total dollar value of these gifts, and whether the gifts were cash, in-kind, or the payment of travel-related expenses.

1       (2) For the payment of travel-related expenses, the agency head must also report  
2       the name and title of the public servant(s) traveling; the event(s) necessitating  
3       the travel; and the date(s) and location of the event(s).

4       (b) An agency head may submit to the Board a written request that disclosure  
5       pursuant to subdivision (a) of this section, of one or more of its donors and/or the  
6       dollar value of the donation not be made public. The written request must be  
7       submitted no later than January 31 for the previous calendar year and must explain  
8       why the release of such information to the public may cause harm, threats,  
9       harassment, or reprisals to the donor or to individuals or property affiliated with the  
10       donor. Whether or not an agency head has submitted a request pursuant to this  
11       subdivision, the Board may on its own initiative grant privacy as to any information  
12       submitted by an agency head, upon a finding by the Board that the release of such  
13       information would pose a risk to the safety or security of any person.