

**August 20, 2025 – Open Meeting Matter**

July 22, 2025 – Public Hearing

April 9, 2025 – Open Meeting Matter

March 5, 2025 – Open Meeting Matter

January 8, 2025 – Open Meeting Matter

To: The Board

From: Katherine J. Miller *KJM*

Date: August 12, 2025

Re: Proposed Amendments to Board Rules § 4-04: Contract Filers

At its April 2025 Open Meeting, the Board authorized Board Staff to submit the proposed amendments to Board Rules § 4-04 to the New York City Law Department and Mayor's Office of Operations for formal review. The Law Department and Mayor's Office of Operations requested clarifying and stylistic edits and, with these edits, certified the proposed amendments pursuant to the City Administrative Procedure Act. Having received no substantive edits, Board Staff published the proposed amendments in the City Record on June 20, 2025, and held a public hearing on July 22, 2025. The Board received four comments in advance of the hearing. No members of the public testified or submitted comments at the hearing. The proposed amendments now return to the Board for final adoption.

Attached are the following:

1. Minutes of the April 2025 Open Meeting (**Exhibit 1**);
2. Minutes of the March 2025 Open Meeting (**Exhibit 2**);
3. Minutes of the January 2025 Open Meeting (**Exhibit 3**);
4. Comments to the Proposed Amendments from Tahir Asar Khan, dated June 25, 2025; a person identifying themselves as "Loophole Contravenes The Goal!," dated July 21, 2025; and Suwen Cheong, dated July 22, 2025 (**Exhibit 4**);

5. Comment to the Proposed Amendments from Reinvent Albany, dated July 22, 2025 (**Exhibit 5**);
6. Proposed Notice of Adoption, tracked to the version considered by the Board at its April 2025 Open Meeting (**Exhibit 6**); and
7. Proposed Notice of Adoption (**Exhibit 7**).

#### Proposed Amendments to Board Rules § 4-04

Board Rules § 4-04 defines the category of “contract filers” who are required to file publicly available annual disclosure reports with the Board disclosing their private financial interests and positions held, pursuant to the City’s Annual Disclosure Law found in New York City Administrative Code § 12-110. The proposed amendments seek to limit the category of “contract filers” to public servants who have worked on the City matters enumerated in Admin. Code § 12-110(b)(3)(a)(4) and tailor the conduct that triggers the filing requirement to more closely align with the “negotiation, authorization, or approval” standard in that section.

#### Public Comments

The Board received four comments, three of which are substantive. Two of the comments – those submitted by Suwen Cheong and a person identifying themselves as “Loophole Contravenes The Goal!” – are substantially similar. They both ask the Board not to exclude public servants who “develop general policies, rules, or regulations” from the definition of a “contract filer,” arguing that those public servants should be required to file annual disclosure reports because “they shape policy outcomes with material consequences.” While such public servants would no longer meet the definition of a “contract filer,” they would most likely meet the definition of a “policymaker” and thus

would still be required to file an annual disclosure report. See Admin. Code § 12-110(b)(3)(a)(2)-(3).

The third substantive comment is from Reinvent Albany. Reinvent Albany expresses general support for the proposed amendments but requests three changes. First, Reinvent Albany supports excluding public servants involved solely in micropurchases from the definition of a “contract filer,” but asks the Board to consider requiring a public servant to file if they handle multiple micropurchases with an aggregate value above a certain threshold. Board Staff recognizes the concern that public servants making multiple micropurchases with a significant aggregate value may have a greater incentive to direct those purchases to an associated party in violation of the City’s conflicts of interest law but believes that the threshold for filing an annual disclosure report should be consistent with the policies established by City’s Procurement Policy Board (“PPB”). PPB has determined that micropurchases are excluded from the PPB Rules’ competition requirements without any distinction related to the aggregate value of multiple micropurchases, and Board Staff continues to believe the “contract filer” rule should do the same.

Second, Reinvent Albany asks the Board to ensure that public servants are required to file for handling permits other than those related to zoning, such as permits issued to towing companies by the New York City Police Department. However, Admin. Code § 12-110(b)(3)(a)(4) limits the category of “contract filer” to public servants who work on “contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits,” and the Board cannot use rulemaking to expand the list of City matters that trigger the filing requirement. Finally, Reinvent

Albany asks the Board not to exclude public servants who make “recommendations” and instead identify types of recommendations that would trigger the filing requirement. The proposed rule is intended to exclude public servants who are solely involved in making recommendations other than through the formal procurement process. If a public servant is in a position where they have the authority to influence agency contracting by making a recommendation, they would likely already be required to file an annual disclosure report by virtue of their position.

#### Recommendation

Board Staff recommends the Board decline to make any substantive changes and adopt the proposed amendments to Board Rules § 4-04 as revised (1) with the clarifying and stylistic edits requested by the Law Department and Mayor’s Office of Operations, and (2) to reflect that the rule is no longer a proposal, but rather has been adopted as a final rule (**Exhibit 7**). If approved by the Board, the Notice of Adoption will be published in the City Record, and the amended rule will take effect 30 days after publication. See Charter Section 1043(f).

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

**Date:** April 9, 2025

**Present:**

Board Members: Chair Milton L. Williams Jr. and Members Wayne G. Hawley, Ifeoma Ike, Amy E. Millard, and Georgia M. Pestana

Board Staff: Anita Armstrong, Ethan A. Carrier, Christopher M. Hammer, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, Florence Watson, Katherine J. Weall, and Maryann White

Guests: None

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The open meeting was called to order by the Chair at approximately 9:32 a.m.

Staff presented a revised proposal to repeal and replace Board Rules § 4-04 regarding contract filers and opened the meeting to comments from the Board.

Board Member Hawley identified a typographical error in the Statement of Basis and Purpose: on p. 3, line 15 “PBB” should be “PPB” (Exhibit 3).

With this edit, the Board unanimously approved submission of the proposal to the New York City Law Department and Mayor’s Office of Operations.

The open meeting was adjourned at approximately 9:34 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

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

**Date:** March 5, 2025

**Present:**

Board Members: Chair Milton L. Williams Jr. and Members Wayne G. Hawley, Ifeoma Ike, Amy E. Millard, and Georgia M. Pestana

Board Staff: Anita Armstrong, Ethan A. Carrier, Christopher M. Hammer, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, Florence Watson, Katherine J. Weall, and Maryann White

Guests: None

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The open meeting was called to order by the Chair at approximately 9:35 a.m.

Staff presented a revised proposal to repeal and replace Board Rules § 4-04 regarding contract filers and opened the meeting to comments from the Board.

Board Member Hawley identified an edit to the Statement of Basis and Purpose: on p. 4, line 11 (Exhibit 3), remove “certain.”

Board Member Hawley also suggested that the discussion in the Statement of Basis and Purpose about procurements under the City’s micropurchase limit should address the legal requirements of micropurchases, such as in the Procurement Policy Board rules, so that this provision in the rule has a legal foundation rather than a policy judgment by the Board. Staff will draft language to address this issue.

The open meeting was adjourned at approximately 9:44 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

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

**Date:** January 8, 2025

**Present:**

Board Members: Chair Milton L. Williams Jr. and Members Wayne G. Hawley, Ifeoma Ike, Amy E. Millard, and Georgia M. Pestana

Board Staff: Anita Armstrong, Ethan A. Carrier, Christopher M. Hammer, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, Florence Watson, Katherine J. Weall, Maryann White, and Clare Wiseman

Guests: None

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The open meeting was called to order by the Chair at approximately 9:44 a.m.

Staff introduced a draft proposal to repeal and replace Board Rules § 4-04 regarding contract filers and opened the meeting to comments from the Board.

Board Member Hawley identified two edits to the wording of paragraph (b)(2):

- On p. 5, line 22, replace “the contract’s” with “a contract’s”
- On p. 5, line 23, replace “a contract” with “the contract”

Board Member Pestana expressed concern about removing duties related to micropurchases as triggering the requirement to file an annual disclosure report given recent allegations involving kickbacks on micropurchases. Board Members Hawley and Millard noted that annual disclosure reporting is not the mechanism for identifying criminal conduct such as kickbacks. The Board determined to proceed without changing the draft proposal.

Board Member Pestana stated that she thought the draft proposal should more clearly exclude public servants who recommend that a decisionmaker take action on a contract or other matter from the category of contract filer. The Board directed Staff to draft a revised proposal to address this issue.

The open meeting was adjourned at approximately 10:02 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

# Contract Filers – NYC Rules

 [rules.cityofnewyork.us/rule/contract-filers/](https://rules.cityofnewyork.us/rule/contract-filers/)



**Rule status:** Proposed

**Agency:** COIB

**Comment by date:** July 22, 2025

Rule Full Text

COIB-Proposed-Amendment-of-Financial-Disclosure-Rules-Preliminarily-Certified-6.10.25.pdf

The Conflicts of Interest Board is proposing to amend its rule concerning annual disclosure filers whose duties involve the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits.

**Send comments by**

- **Email:** [email protected]
- **Mail:** Conflicts of Interest Board, 2 Lafayette Street Room/Floor: 1010 ; New York, New York 10007

## Public Hearings

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Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling 1 (212) 437-0721 or emailing [email protected] by **July 18, 2025**

**Tuesday Jul 22 - 3:00pm EDT**

Date

July 22, 2025

3:00pm - 3:20pm EDT

Location

Spector Hall

22 Reade Street

New York City New York 10007

Disability Accommodation

Wheelchair Accessible

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**Comments are now closed.**

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**Online comments: 3**

**Tahir Asar Khan**

Good day All,

Please take special attention and care to this matter, for all New Yorkers.

Thank you

– Tahir

Comment added June 25, 2025 10:52am

**Loophole Contravenes The Goal!**

Opposing Proposed Rule Amendments to Section 4-04 (Contract Filers)

Submitted: 7/21/25

The proposed amendment to Section 4-04 of Title 53 of the Rules of the City of New York, specifically subdivision (c)(1) creates a significant loophole in the financial disclosure framework.

#### Key Concern: Subdivision (c)(1) Loophole

The proposed exemption for public servants who “develop general policies, rules, or regulations” would exclude senior policy architects from financial disclosure, despite their central role in shaping zoning, land use, and procurement policy. For instance, a senior staffer at the Department of City Planning who authored a major rezoning plan like the “City of Yes” would be exempt, even though their decisions have substantial financial and land use impacts. These roles are not merely advisory—they shape policy outcomes with material consequences and should not be excluded from disclosure requirements.

#### Additional Issues:

1. Contradicts Stated Intent: While aiming to improve clarity and precision, the rule weakens oversight by exempting those who design the very policies that drive public contracts and land decisions.
2. Relies on Agency Discretion: Continued reliance on internal agency judgment risks inconsistent and insufficient disclosure.
3. Ignores Real-World Influence: High-level staff often influence outcomes as strongly as those with formal approval authority.
4. Undermines Transparency: The proposal appears to reform the system but instead codifies exemptions for influential figures.

#### Recommendation:

I urge the Board to revise or remove the exemption in subdivision (c)(1). At minimum, senior officials who shape zoning or procurement policy should remain subject to financial disclosure. Transparency must include both decision-makers and those who create the frameworks for those decisions. This rule change, as written, weakens accountability and opens the door to hidden conflicts of interest. Please reconsider this aspect of the proposed amendment.

Comment added July 21, 2025 11:37am

### **Suwen Cheong**

#### Opposing Proposed Rule Amendment to Section 4-04 (Contract Filers)

#### Subdivision (c)(1) Loophole

The proposed exemption for public servants who “develop general policies, rules, or regulations” would exclude senior policy architects from financial disclosure, despite their central role in shaping zoning, land use, and procurement policy. For instance, a senior staffer at the Department of City Planning who authored a major rezoning plan like the “City of Yes” would be

exempt, even though their decisions have substantial financial and land use impacts. These roles are not merely advisory—they shape policy outcomes with material consequences and should not be excluded from disclosure requirements.

Please remove this exemption for all paid staff or consultants in senior or supervisory positions at the department of City Planning, Landmarks Preservation Commission, Department of Buildings, Board of Standards and Appeals, DCAS, or Housing Preservation and Development who “develop general policies, rules, or regulations” related to zoning, land use, variances, franchises, or leases.

Comment added July 22, 2025 1:53pm



**Testimony to the New York City Conflicts of Interest Board (COIB)  
on Proposed Rules Regarding Contract Filers**

***Re: Strengthening clean contracting disclosures***

July 22, 2025

Thank you for the opportunity to submit written testimony for this hearing. Reinvent Albany advocates for transparent and accountable government in New York.

We support the intent of the Conflicts of Interest Board's (COIB) [proposed rules](#) to make the Administrative Code and existing Procurement Policy Board rules on contract filers more consistent. However, we urge the Board to make additional changes to ensure city agency staff with higher risk continue to file disclosures given past scandals and irregular permitting activities.

We support the following changes in the proposed amendments:

1. **Aligning contract filers with city matters as described in the administrative code.** We also support the use of defined titles such as: agency chief contracting officer, deputy agency chief contracting officer, chief financial officer, or chief operations officer. We see no issue with excluding individuals that handle as-of-right development certifications, gifts to the city, and the settlement of legal claims against the City.
2. **Excluding those solely involved in micropurchases of \$20,000 or less.** As stated in [Board minutes](#) discussing this change, acceptance of kickbacks for city purchases of any level is already illegal, whether or not the individual files financial disclosure statements.
  - a. However, we urge COIB to consider still requiring financial disclosure statements from the individual handling micropurchases if the aggregate amount of purchases reaches a certain threshold. In determining the right threshold, we urge COIB to consult with the Mayor's Office of Contract Services and Procurement Policy Board to determine the appropriate dollar amount. Amounts could be pegged to existing triggers; for example, VENDEX questionnaires are required to be submitted by contractors after reaching an aggregate of \$250,000 in purchases.

We also ask that COIB make the following changes or clarifications:

1. **Ensure that “permits” beyond those related to zoning are covered under the regulations.** For example, we know that an NYPD “permit” is what was used by towing companies – including Mike’s Heavy Duty Towing, which was [involved in a major bribery scandal](#) – to be selected to operate on segments of NYC highways. Per [reporting in The City](#):

*“The system for designating who gets these permits, however, is unusual. There’s none of the traditional competitive bidding. Instead applicants seek a permit from a small committee appointed by the NYPD that reviews applications and assigns segments to companies based on a point system.”*

2. **Consider better defining what types of “recommendations” on actions trigger contract file requirements, rather than eliminating this category altogether.** We understand that there may be technical recommendations made by agency staff for the selection of certain vendors based on their past experiences with services or products. However, we are concerned that bad actors engaged in pay-to-play schemes may seek to exert influence over contracts through a “recommendation” process where staff are asked to influence agency contracting. Should any of these individuals not be covered by existing financial disclosure rules for policymakers under § 12-110(e) of the Administrative Code, there should be some mechanism to require disclosure of their outside business dealings.

Thank you again for the opportunity to submit testimony. Please send any follow-up questions to Rachael Fauss at [rachael \[at\] reinventalbany.org](mailto:rachael[at]reinventalbany.org).

## New York City Conflicts of Interest Board

### Notice of ~~Public Hearing~~ Adoption of Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY CONFLICTS OF INTEREST BOARD by Sections 1043 and ~~Opportunity to Comment on Proposed Rules Regarding Contract Filers~~

~~What are we proposing?~~ The ~~2603~~ of the New York City Charter and Section 12-110(b)(3)(a)(4) of the New York City Administrative Code that the Conflicts of Interest Board ~~is proposing to amend~~ has amended Section 4-04 of Chapter 4 of Title 53 of the Rules of the City of New York to update its rule concerning defining the category of public servants required to file an annual disclosure filers whose report because their duties involve the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits.

~~When~~ The proposed Rules were published in the City Record on June 20, 2025, and ~~where is the hearing?~~ The Conflicts of Interest Board will hold a public hearing on was held on July 22, 2025. After consideration of 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 written comments ~~to received~~, 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.~~

~~What authorizes the Conflicts of Interest Board to make this rule? Sections 1043 and 2603 of the City Charter and Section 12-110(b)(3)(a)(4) of the Administrative Code authorize the Conflicts of Interest Board to make this proposed rule. This proposed rule was included in the Conflicts of Interest Board's regulatory agenda for this Fiscal Year.~~

~~Where can I find the Conflicts of Interest Board rules? The Conflicts of Interest Board now adopts the following Rules are in title 53 of the Rules of the City of New York.~~

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

#### **Statement of Basis and Purpose** **STATEMENT OF BASIS AND PURPOSE**

The City's Annual Disclosure Law, found in New York City Administrative Code § 12-110, requires certain public servants to file publicly available annual disclosure reports with the Board in which they must disclose their private financial interests. One such group of public servants is described in Admin. Code § 12-110(b)(3)(a)(4), which requires the filing of an annual disclosure report by:

Each officer or employee of the city whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the board and as annually determined by his or her agency head, subject to review by the board.

In 2004, the Board adopted a rule to define this category of filers, commonly known as “contract filers.” In the 20 years since, the Board has found that the rule has not provided enough clarity to facilitate the identification of public servants whose City job duties make them sufficiently involved in the City matters identified in the Administrative Code such that they should be required to make their private financial interests available for public inspection in an annual disclosure report.

The Board ~~proposes to repeal~~repeals Board Rules § 4-04 and ~~replace~~replaces it with a new rule to define “contract filers” with more particularity. In ~~drafting~~ the ~~proposed new~~ rule, the Board ~~sought~~aims to accomplish two goals. First, the ~~proposed~~ rule ~~seeks to limit~~limits the category of “contract filers” to public servants who have worked on the City matters enumerated in Admin. Code § 12-110(b)(3)(a)(4). To this end, ~~proposed paragraph~~subdivision (a) references the City laws, policies, and rules that apply specifically to those City matters. ~~Paragraph~~Subdivision (b) excludes matters that may fall under the legal term “contracts” but are not sufficiently similar to the City matters enumerated in the Administrative Code. For example, the ~~proposed~~ rule excludes as-of-right development certifications, the acceptance of gifts to the City, and the settlement of legal claims against the City. ~~Proposed paragraph~~Subdivision (b) also excludes micropurchases, as defined by the City’s Procurement Policy Board (“PPB”) Rules. The PPB sets by rule a micropurchase limit for contracts which, due to the small amount of City funds expended, are excluded from the ~~PBB~~PPB Rules’ competition requirements. The Board’s ~~proposed~~ rule ~~would mirror~~mirrors the PPB Rules and similarly ~~exclude~~excludes micropurchases from triggering the filing requirement. As such, public

servants who have worked only on matters listed in ~~proposed~~ paragraph (b) would not be a “contract filer.”

Second, the ~~proposed~~ rule ~~seeks to tailor~~tailors the conduct that requires a public servant to file more closely to the “negotiation, authorization, or approval” standard in Admin. Code § 12-110(b)(3)(a)(4). In addition to identifying specific City titles where the job duties inexorably include the “negotiation, authorization, or approval” of contracts, ~~proposed paragraph~~subdivision (a) describes conduct where public servants make significant decisions in accordance with the processes governing the “negotiation, authorization, or approval” of the enumerated City matters. By contrast, ~~proposed paragraph~~subdivision (c) excludes conduct that does not rise to the threshold of “negotiation, authorization, or approval,” such that public servants would not be required to publicly disclose their private financial interests for performing that work. In particular, the ~~proposed~~ rule excludes from the category of “contract filers” those who solely develop general policies, provide legal advice, make recommendations, or perform clerical tasks.

In ~~proposing changes to~~changing this rule, the Board recognizes that some City agencies have designated public servants as “contract filers” with a concern that the designated public servant could potentially engage in conduct that violates the City’s conflicts of interest law, such as by accepting a kickback from a vendor from whom a micropurchase is made. However, the possibility that a public servant could engage in conduct that violates the City’s conflicts of interest law is not a sufficient threshold for requiring the filing of an annual disclosure report; otherwise, every public servant, all of whom are subject to the City’s conflicts of interest law, should be required to file. Instead, the Administrative Code designates specific, defined categories of public servants who

are required to file, such as elected officials, policymakers, and high-level managers. The “contract filer” designation should be similarly targeted to capture only those public servants whose City duties warrant the type of public incursion into their private finances that the filing of an annual disclosure report necessitates.

## Text of ~~Proposed Rule~~ Adopted Board Rules

New material is underlined.

Section 4-04 of ~~Chapter~~chapter 4 of Title 53 of the Rules of the City of New York, which defines the category of public servants required to file annual financial disclosure reports on the basis of their involvement with contracts, leases, franchises, revocable consents, concessions or applications for zoning changes, variances or special permits, is REPEALED and new ~~Section~~section 4-04 is added, to read as follows:

### **§ 4-04 Contract Filers.**

(a) Public servants required to file an annual disclosure report pursuant to Administrative Code § 12-110(b)(3)(a)(4) include, but are not limited to, those who during the preceding calendar year held the title of agency chief contracting officer, deputy agency chief contracting officer, chief financial officer, or chief operations officer or who, except as provided in ~~paragraphs~~subdivisions (b) or (c), of this section, did one or more of the following:

(1) **Procurement or Concessions.** Pursuant to Procurement Policy Board Rules, Franchise and Concession Review Committee Rules, or other similar City or State law, policy, or rule:

(i) Conducted a presolicitation review to define the existing market for the goods, services, or construction required, estimate the expected cost, or determine the most appropriate method of procurement;

(ii) Was substantially involved in determining the material specifications of an invitation for bids, request for proposals, or other similar solicitation method for goods, services, construction, or a concession;

- (iii) Approved an invitation for bids, request for proposals, or other similar solicitation method for goods, services, construction, or a concession;
    - (iv) Evaluated a bid or proposal, including but not limited to serving on a selection committee; or
    - (v) Negotiated or approved: a contract, including its material terms; contract amendment; change order; task order; modification; renewal; or buy-against contract.
  - (2) **Franchises.** Pursuant to Charter § 363, or other similar City or State law, policy, or rule, approved a franchise authorizing resolution or agreement.
  - (3) **Real Property Leases.** Pursuant to Charter § 381 or § 384 or other similar City or State law, policy, or rule, negotiated or approved the purchase, lease, or sale of real property.
  - (4) **Revocable Consents.** Pursuant to Charter § 364 or other City or State law, policy, or rule:
    - (i) Determined that a petition for a revocable consent could proceed in compliance with applicable requirements; or
    - (ii) Approved a revocable consent plan or agreement.
  - (5) **Zoning.** Pursuant to the Uniform Land Use Review Procedure, approved an application for a change to the zoning resolution, a variance, or a special permit.
- (b) The following matters shall not be considered “contracts, leases, franchises, revocable consents, concessions” or “applications for zoning changes, variances and special permits” within the meaning of Administrative Code § 12-

110(b)(3)(a)(4):

(1) Procurements under the micropurchase limit, such as retail goods purchased with a City-issued Purchasing Card;

(2) Certification that an as-of-right development satisfies zoning regulations;

(3) Acceptance of gifts to the City; or

(4) Settlement of legal claims against the City.

(c) Public servants, other than those identified by title in ~~paragraph~~subdivision (a), are not required to file an annual disclosure report pursuant to Administrative Code § 12-110(b)(3)(a)(4) if the only work they performed on contracts, procurement, concessions, franchises, real property leases, revocable consents, or zoning during the preceding calendar year was that they:

(1) Developed general policies, rules, or regulations;

(2) Provided legal advice without negotiating or determining a contract's substantive content, including by ensuring that the content of the contract is implemented in a valid legal agreement or by incorporating an agency's standard contract terms and conditions;

(3) Recommended a contract be awarded without any involvement in the conduct identified in paragraph (a); or

(4) Performed ministerial tasks, including clerical tasks such as typing, filing, or distributing materials.

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

### **Notice of Adoption of Rules**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY CONFLICTS OF INTEREST BOARD by Sections 1043 and 2603 of the New York City Charter and Section 12-110(b)(3)(a)(4) of the New York City Administrative Code that the Conflicts of Interest Board has amended Section 4-04 of Chapter 4 of Title 53 of the Rules of the City of New York to update its rule defining the category of public servants required to file an annual disclosure report because their duties involve the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits.

The proposed Rules were published in the City Record on June 20, 2025, and a public hearing was held on July 22, 2025. After consideration of the written comments received, the Conflicts of Interest Board now adopts the following Rules.

### **STATEMENT OF BASIS AND PURPOSE**

The City's Annual Disclosure Law, found in New York City Administrative Code § 12-110, requires certain public servants to file publicly available annual disclosure reports with the Board in which they must disclose their private financial interests. One such group of public servants is described in Admin. Code § 12-110(b)(3)(a)(4), which requires the filing of an annual disclosure report by:

Each officer or employee of the city whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the board and as annually determined by his or her agency head, subject to review by the board.

In 2004, the Board adopted a rule to define this category of filers, commonly known as "contract filers." In the 20 years since, the Board has found that the rule has not

provided enough clarity to facilitate the identification of public servants whose City job duties make them sufficiently involved in the City matters identified in the Administrative Code such that they should be required to make their private financial interests available for public inspection in an annual disclosure report.

The Board repeals Board Rules § 4-04 and replaces it with a new rule to define “contract filers” with more particularity. In the new rule, the Board aims to accomplish two goals. First, the rule limits the category of “contract filers” to public servants who have worked on the City matters enumerated in Admin. Code § 12-110(b)(3)(a)(4). To this end, subdivision (a) references the City laws, policies, and rules that apply specifically to those City matters. Subdivision (b) excludes matters that may fall under the legal term “contracts” but are not sufficiently similar to the City matters enumerated in the Administrative Code. For example, the rule excludes as-of-right development certifications, the acceptance of gifts to the City, and the settlement of legal claims against the City. Subdivision (b) also excludes micropurchases, as defined by the City’s Procurement Policy Board (“PPB”) Rules. The PPB sets by rule a micropurchase limit for contracts which, due to the small amount of City funds expended, are excluded from the PPB Rules’ competition requirements. The Board’s rule mirrors the PPB Rules and similarly excludes micropurchases from triggering the filing requirement. As such, public servants who have worked only on matters listed in paragraph (b) would not be a “contract filer.”

Second, the rule tailors the conduct that requires a public servant to file more closely to the “negotiation, authorization, or approval” standard in Admin. Code § 12-110(b)(3)(a)(4). In addition to identifying specific City titles where the job duties inexorably

include the “negotiation, authorization, or approval” of contracts, subdivision (a) describes conduct where public servants make significant decisions in accordance with the processes governing the “negotiation, authorization, or approval” of the enumerated City matters. By contrast, subdivision (c) excludes conduct that does not rise to the threshold of “negotiation, authorization, or approval,” such that public servants would not be required to publicly disclose their private financial interests for performing that work. In particular, the rule excludes from the category of “contract filers” those who solely develop general policies, provide legal advice, make recommendations, or perform clerical tasks.

In changing this rule, the Board recognizes that some City agencies have designated public servants as “contract filers” with a concern that the designated public servant could potentially engage in conduct that violates the City’s conflicts of interest law, such as by accepting a kickback from a vendor from whom a micropurchase is made. However, the possibility that a public servant could engage in conduct that violates the City’s conflicts of interest law is not a sufficient threshold for requiring the filing of an annual disclosure report; otherwise, every public servant, all of whom are subject to the City’s conflicts of interest law, should be required to file. Instead, the Administrative Code designates specific, defined categories of public servants who are required to file, such as elected officials, policymakers, and high-level managers. The “contract filer” designation should be similarly targeted to capture only those public servants whose City duties warrant the type of public incursion into their private finances that the filing of an annual disclosure report necessitates.

## **Text of Adopted Board Rules**

New material is underlined.

Section 4-04 of chapter 4 of Title 53 of the Rules of the City of New York, which defines the category of public servants required to file annual financial disclosure reports on the basis of their involvement with contracts, leases, franchises, revocable consents, concessions or applications for zoning changes, variances or special permits, is REPEALED and new section 4-04 is added, to read as follows:

### **§ 4-04 Contract Filers.**

(a) Public servants required to file an annual disclosure report pursuant to Administrative Code § 12-110(b)(3)(a)(4) include, but are not limited to, those who during the preceding calendar year held the title of agency chief contracting officer, deputy agency chief contracting officer, chief financial officer, or chief operations officer or who, except as provided in subdivisions (b) or (c) of this section, did one or more of the following:

(1) **Procurement or Concessions.** Pursuant to Procurement Policy Board Rules, Franchise and Concession Review Committee Rules, or other similar City or State law, policy, or rule:

(i) Conducted a presolicitation review to define the existing market for the goods, services, or construction required, estimate the expected cost, or determine the most appropriate method of procurement;

(ii) Was substantially involved in determining the material specifications of an invitation for bids, request for proposals, or other similar solicitation method for goods, services, construction, or a concession;

- (iii) Approved an invitation for bids, request for proposals, or other similar solicitation method for goods, services, construction, or a concession;
        - (iv) Evaluated a bid or proposal, including but not limited to serving on a selection committee; or
        - (v) Negotiated or approved: a contract, including its material terms; contract amendment; change order; task order; modification; renewal; or buy-against contract.
  - (2) **Franchises.** Pursuant to Charter § 363, or other similar City or State law, policy, or rule, approved a franchise authorizing resolution or agreement.
  - (3) **Real Property Leases.** Pursuant to Charter § 381 or § 384 or other similar City or State law, policy, or rule, negotiated or approved the purchase, lease, or sale of real property.
  - (4) **Revocable Consents.** Pursuant to Charter § 364 or other City or State law, policy, or rule:
    - (i) Determined that a petition for a revocable consent could proceed in compliance with applicable requirements; or
    - (ii) Approved a revocable consent plan or agreement.
  - (5) **Zoning.** Pursuant to the Uniform Land Use Review Procedure, approved an application for a change to the zoning resolution, a variance, or a special permit.
  - (b) The following matters shall not be considered “contracts, leases, franchises, revocable consents, concessions” or “applications for zoning changes, variances and special permits” within the meaning of Administrative Code § 12-

110(b)(3)(a)(4):

(1) Procurements under the micropurchase limit, such as retail goods purchased with a City-issued Purchasing Card;

(2) Certification that an as-of-right development satisfies zoning regulations;

(3) Acceptance of gifts to the City; or

(4) Settlement of legal claims against the City.

(c) Public servants, other than those identified by title in subdivision (a), are not required to file an annual disclosure report pursuant to Administrative Code § 12-110(b)(3)(a)(4) if the only work they performed on contracts, procurement, concessions, franchises, real property leases, revocable consents, or zoning during the preceding calendar year was that they:

(1) Developed general policies, rules, or regulations;

(2) Provided legal advice without negotiating or determining a contract's substantive content, including by ensuring that the content of the contract is implemented in a valid legal agreement or by incorporating an agency's standard contract terms and conditions;

(3) Recommended a contract be awarded without any involvement in the conduct identified in paragraph (a); or

(4) Performed ministerial tasks, including clerical tasks such as typing, filing, or distributing materials.