

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

Date: August 20, 2019

Location: Conflicts of Interest Board, 2 Lafayette Street, Suite 1010, New York, New York

Present:

Board Members: Chair Richard Briffault and Members Fernando A. Bohorquez, Jr., Anthony Crowell, Jeffrey D. Friedlander, and Erika Thomas

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

Guests: None

The meeting was called to order by the Chair at approximately 9:30 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 the amendment and/or adoption of Board Rules concerning three topics.

First, the Chair commenced discussion of the proposed adoption of Board Rules Chapter 5, which were considered at an Open Meeting held on May 9, 2019, and at a Public Hearing held on August 1, 2019.

The Chair asked for any comments by the Board or Staff concerning the proposed amendments to Board Rules Chapter 5. There were no comments.

Upon motion duly made and seconded, the Board unanimously voted to approve Board Rules Chapter 5.

Second, the Chair commenced discussion of proposed amendments to Board Rules Chapter 2, which amendments were considered at Open Meetings held on February 28, March 12, and June 12, 2019, and at a Public Hearing held on July 25, 2019.

A member of Staff summarized the comments received at the Public Hearing held on July 25, 2019. The Chair asked for any comments by the Board or Staff concerning the proposed amendments to Chapter 2 of the Board Rules.

Comments:

- The Board discussed whether the enforcement procedures should require the publication of an OATH Report & Recommendation whenever it contains a substantiated violation. Staff noted that, under the proposed rules, it is within the Board's discretion to publish the Report & Recommendation as part of the Order. Staff advised against requiring publication because, although the Board has always published the Report & Recommendation when it contained a substantiated charge, adopting such a requirement would prevent the Board from avoiding unnecessary disclosures, such as in instances where the Report & Recommendation discusses both substantiated and unsubstantiated charges. The Board declined to incorporate the proposed change.

Upon motion duly made and seconded, the Board unanimously voted to adopt the proposed amendments to Chapter 2 of the Board Rules.

Third, the Chair commenced discussion of proposed amendments to Board Rules § 1-02 and the adoption of Board Rules § 1-15, which rules were considered at Open Meetings held on March 12 and July 9, 2019.

A member of Staff reported that the proposed rules and Statement of Basis and Purpose had been revised slightly for clarity and precision based on edits received from the City's Law Department and the Mayor's Office of Operations. The Chair asked for any additional comments by the Board or Staff concerning the proposed amendments to Chapter 2 of the Board Rules. There were no comments.

Upon motion duly made and seconded, the Board unanimously voted to adopt the proposed amendments to Board Rules §§ 1-02 and 1-15.

The Open Meeting was adjourned at approximately 9:42 a.m.

Respectfully submitted,

Jeffrey Tremblay
Recording Secretary