

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

Date: February 28, 2019

Location: Baker Hostetler, 45 Rockefeller Plaza, 14th Fl., New York, New York

Present:

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

Board Staff: Ethan Carrier, Chad Gholizadeh, Christopher Hammer, Gavin Kendall, Julia Lee, Carolyn Miller, Katherine Miller, Ari Mulgay, Jeff Tremblay, Michele Weinstat, Clare Wiseman, and Juliya Ziskina.

Guests: Edward King

The meeting was called to order by the Chair at approximately 9:36 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 Title 53 of the Rules of the City of New York, Board Rules Chapter 2 and § 1-14.

Board Rules Chapter 2:

After a brief introduction by a member of Board Staff on the proposed amendments to Board Rules Chapter 2, the Chair asked for any comments by the Board or Staff.

The following comments constitute the changes as agreed upon by the Board to the proposed amendments to Board Rules Chapter 2:

- Commentary: To include discussion of confidential letters issued to public servants.
- Board Rules § 2-01: No comments.
- Board Rules § 2-02(b)(1): To clarify that the response can address both factual and legal allegations in the Notice.
- Board Rules § 2-02(c)(2): To modify language such that the Board may proceed with its enforcement action without waiting for the conclusion of agency disciplinary action.
- Board Rules § 2-03(c)(2): To modify language in the last clause to reflect that the Board or the attorney serving as counsel to the Board determines if *ex parte* communications are necessary.
- Board Rules § 2-03(f)(1): To broaden language referring to “offers of settlement” to include offers and admissions.
- Board Rules § 2-03(c)(2) or § 2-03(i): To include a reference that Board review of the OATH report occurs in the absence of the Enforcement Unit attorneys.

Upon motion duly made and seconded, the Board unanimously voted to approve the proposed amendments incorporating the changes as discussed.

Board Rules § 1-14:

After a brief introduction by a member of Board Staff on the proposed amendments to Board Rules § 1-14, the Chair asked for any comments by the Board or Staff.

In the Statement of Basis and Purpose of the Proposed Rule, on page 4, line 9, modify the first sentence to state: "Paragraph (a)(1) of Board Rules § 1-14."

Upon motion duly made and seconded, the Board unanimously voted to approve the proposed amendments as discussed as the final rule.

The open meeting was adjourned at approximately 10:45 a.m.

Respectfully submitted,

Julia Lee
Recording Secretary