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1 Liberty Plaza, 11th Floor
New York NY 10006

Sent via email

June 2, 2023

New York City Conflicts of Interest Board
2 Lafayette Street
New York, NY 10007

Re: Consulting arrangement with Tia Pierce, former SBS Procurement Officer

Dear New York City Conflicts of Interest Board Members:

As permitted under the Conflicts of Interest Board Rule §1-07(d), I am writing to notify you that Tia Pierce, former Procurement Contracting Officer with the Department of Small Business Services (“Agency” or “SBS”), will return as a consultant for SBS within one year after leaving City service. Ms. Pierce is to return as a consultant to continue work similar to the matters handled during her tenure and to train other Agency staff regarding these matters. Ms. Pierce served in the Agency’s Procurement Division for most of her more than 9 years with SBS, and resigned as of September 8, 2022. Until her departure, Ms. Pierce was principally responsible for all of the Agency’s administration of various concessions with the New York City Economic Development Corporation and New York City and Company, in connection with those entities’ management of City real and intellectual property under SBS jurisdiction. SBS has recently lost another staff member who assumed Ms. Pierce’s duties and the Agency is in need of her experience to handle upcoming critical City concessions and to train current and incoming staff members on the City’s concession process.

SBS is expected to directly retain Ms. Pierce for a short-term one (1) month consultancy and, if needed, for an additional period not exceeding three (3) months, effective June 5, 2023. The contract will conform to the stipulations detailed in the City Charter. Commissioner Kim has also acknowledged and agreed to this arrangement.

SBS is currently understaffed and is responsible for administrating the Program. Ms. Pierce has unique experience and expertise not otherwise available at the Agency, as she was the Agency’s main contact and administrator with respect to Agency concessions. Ms. Pierce’s return as a consultant during this time is intended to continue the work with which she was previously

engaged and is beneficial to the Agency and the City to ensure continuity as concessions continue to be in issued.

Ms. Pierce will be compensated at the rate of \$75 per hour, which is commensurate with her \$76,253 annual salary at the time her tenure at SBS ended. It is expected that she will provide services approximately 5-30 hours per week, dependent on need, during the initial Term, with likely reduction in hours expected if an extension is needed. It is further intended that the maximum amount will not exceed \$20,000.

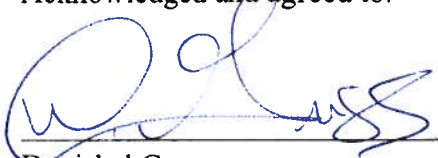
If you have any questions, please do not hesitate to contact me at 212-513-9259 or at adelloio@sbs.nyc.gov.

Sincerely,



Anthony Dell'Olio
General Counsel

Acknowledged and agreed to:



Dynishal Gross
Executive Deputy Commissioner

cc: Ethan Carrier (via email: ecarrier@coib.nyc.gov)
Chris Hammer (via email: chammer@coib.nyc.gov)
Clare Wiseman (via email: cwiseman@coib.nyc.gov)
J. Haslam (via email: jhaslam@sbs.nyc.gov)



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1 Liberty Plaza
11th Floor
New York, NY 10006

Sent via email

July 25, 2023

Ethan Carrier – ECarrier@coib.nyc.gov
Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, New York 10007

Re: Consulting Arrangement with former General Counsel/Deputy Commissioner
Andrew Schwartz

Dear Mr. Carrier,

As permitted under the Conflicts of Interest Board (“COIB”) Rule §1-07(d), I am writing to notify you that Andrew Schwartz, former General Counsel and Deputy Commissioner of Legal and Regulatory Affairs of the New York City (“NYC” or “City”) Department of Small Business Services (“SBS” or “Agency”), will continue as a consultant for SBS in order to provide his experience and assistance on work similar to the matters handled during his City tenure. As stated in his previous §1-07 post-employment notification, Mr. Schwartz served as SBS’s General Counsel/Deputy Commissioner or First Deputy Commissioner for over 30 years, ending his tenure on June 30, 2022. See [Post-Employment Notification \(2022\)](#). SBS is expected to continue his consultancy to June 30, 2024. The corresponding consulting contract will conform to the stipulations detailed in the City Charter.

Under COIB Rule 1-07(d)(1), a public servant may continue to serve as a compensated consultant to the agency they were formerly employed by and work on matters they were personally and substantially involved with at their former agency so long as the following conditions are met:

- i. The consulting arrangement is made for the purpose of continuing or completing work left unfinished by the former public servant at the time their City service terminated, or for training their replacement, or for filling a vacancy until a replacement can be hired;
- ii. The duration of the consulting arrangement is no longer than reasonably necessary;
- iii. The former public servant has technical, professional, or other subject-matter expertise or skills not otherwise available among the agency’s employees;
- iv. The compensation is comparable to what the former public servant last earned at the agency; and
- v. Within 30 days the written approval of the agency head is disclosed to the Conflicts of Interest Board, which approval will be posted on the Board’s website.

The SBS Legal Unit continues to be understaffed and has yet to achieve pre-pandemic numbers. As many agencies have likely experienced, retaining and hiring qualified attorneys has been especially challenging since the pandemic. SBS also recently had an attorney retire around June 2023. Despite these staffing shortages, SBS’s portfolio has grown significantly in the past five

years, increasing the workload for attorneys on a variety of legal, administrative, and operational matters. Due to Mr. Schwartz's over 30 years of experience as SBS's counsel, he is uniquely qualified to provide expertise and guidance not otherwise available at the Agency, especially during these challenging times. For example, Mr. Schwartz has experience with the waterfront permits, land use, and civil service laws. Mr. Schwartz's continued work as a consultant during this time is not only beneficial to the Agency and the City but essential to ensure continuity of matters through their completion and to continue the transfer of information to the SBS Legal Unit.

Mr. Schwartz will continue to provide training and guidance to Agency Legal staff and other SBS staff, as needed through June 2024. It is expected that Mr. Schwartz will continue to provide his services approximately 10-20 hours per week. The duration of his consultancy is reasonable considering the staffing shortage and difficulty hiring attorneys for the agency's legal unit. Mr. Schwartz will continue to be compensated at the rate of \$150 per hour, which is commensurate with his \$211,681 annual salary at the time his tenure at SBS ended.

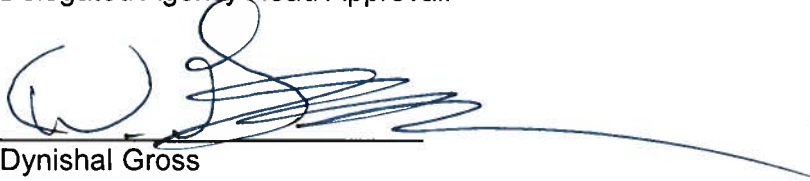
For the reasons above, the Agency will continue to retain Mr. Schwartz as a consultant pursuant to COIB Rule Section 1-07(d)(1).

If you have any questions, please do not hesitate to contact me at 212-513-9210 or at Epark@sbs.nyc.gov.

Sincerely,

Eujean Park
Deputy General Counsel

Delegated Agency Head Approval:

A handwritten signature in blue ink, appearing to read 'Dynishal Gross', is written over a horizontal line. The signature is stylized and somewhat illegible.

Dynishal Gross
Executive Deputy Commissioner

cc: Chris Hammer (via email: CHammer@coib.nyc.gov)



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**1 Liberty Plaza
11th Floor
New York, NY 10006**

Sent via Email

September 15, 2023

Ethan Carrier – ECarrier@coib.nyc.gov
Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, New York 10007

Re: Consulting Arrangement with former SBS Executive Director Rocio Burboa

Dear Mr. Carrier,

As permitted under the Conflicts of Interest Board (“COIB”) Rule §1-07(d), I am writing to notify you that Rocio Burboa, Executive Director of Strategy & Analytics of the New York City (“NYC” or “City”) Department of Small Business Services (“SBS” or “Agency”), will continue as a consultant for SBS in order to provide her experience and assistance on work similar to the matters handled during her City tenure. Rocio Burboa worked at SBS since September 23, 2013 and ended her employment on August 18, 2023 to work for MGT Consulting of America, LLC (“MGT”) as a manager of disparity studies. MGT “partner[s] with government organizations, school districts, higher education institutions, and not-for-profits to help them achieve long-term success in management consulting and technology services.” See [About MGT - MGT \(mgtconsulting.com\)](#).

Until her departure, Ms. Burboa was principally responsible for managing the production of various performance and compliance reporting activities for the Agency’s Division of Economic and Financial Activity (“DEFO” or the “Division”). In her role as Executive Director, she managed and oversaw the integrity and validation of data collection and analyses. She also provided SBS leadership with strategic analysis for supporting programs and policy decisions and developed content for various needs including public hearings, press releases, and talking points. After ten (10) years with SBS, Ms. Burboa became the Division’s subject matter expert for technology tools to identify opportunities for technological improvements to support programmatic needs. She regularly collaborated with the Agency’s technology team to ensure the Division’s priorities were appropriately defined, pursued, and implemented. As SBS has continued to experience staffing shortages and difficulty hiring, the Agency is in need of her unique experience to handle the smooth transition of projects for the DEFO and to train current and incoming staff.

SBS is expected to directly retain Ms. Burboa for a short-term three (3) month consultancy and, if needed, for an additional period not exceeding six (6) months, effective August 2023. The contract will

conform to the stipulations of the City Charter. Ms. Rocio's consultancy work for SBS will be limited to the following services:

- Assist in transitioning management of divisional technology projects to new product owners in the Division's M/WBE unit ("Unit");
- Document Unit responsibilities and map the relationship of responsibilities to shared files;
- Support Deputy Commissioner in onboarding incoming Unit staff to job duties; and
- Assist in finalizing DEFO end of Fiscal Year 2023 data reporting requirements and obligations.

Under COIB Rule 1-07(d)(1), a public servant may continue to serve as a compensated consultant to the agency they were formerly employed by and work on matters they were personally and substantially involved with at their former agency so long as the following conditions are met:

- i. The consulting arrangement is made for the purpose of continuing or completing work left unfinished by the former public servant at the time their City service terminated, or for training their replacement, or for filling a vacancy until a replacement can be hired;
- ii. The duration of the consulting arrangement is no longer than reasonably necessary;
- iii. The former public servant has technical, professional, or other subject-matter expertise or skills not otherwise available among the agency's employees;
- iv. The compensation is comparable to what the former public servant last earned at the agency; and
- v. Within 30 days the written approval of the agency head is disclosed to the Conflicts of Interest Board, which approval will be posted on the Board's website.

SBS is currently understaffed and has yet to achieve pre-pandemic numbers. As many agencies have likely experienced, retaining and hiring employees has been especially challenging since the pandemic. Despite these staffing shortages, SBS's portfolio has grown significantly in the past five (5) years, increasing the workload for the program staff. Having worked for SBS for over ten (10) years, Ms. Burboa has unique experience and expertise not otherwise available to the Agency. Ms. Burboa's return as a consultant during this time is intended to continue the work with which she was previously engaged and to assist in the transition of the projects to current staff.

Furthermore, Ms. Burboa will not be performing her consultancy work for SBS as an employee of MGT nor will she communicate with MGT about her work for SBS. She will not perform work for MGT on SBS projects that she had substantial involvement with or communicate on behalf of MGT with SBS employees for the remaining one-year period following her departure from SBS. Ms. Burboa will communicate with SBS in her role as consultant pursuant to COIB Rule 1-07(d)(1) and only such communications for the purposes intended by this rule shall be permitted. It is expressly understood by Ms. Burboa and SBS that should she participate at MGT in its potential efforts to gain SBS contracts or subcontracts, SBS will immediately terminate its Rule 1-07 consulting agreement with Ms. Burboa.

The duration of her consultancy is reasonable considering the staffing shortage and difficulty hiring for the Agency's DEFO. Ms. Burboa will be compensated at the rate of \$83.09 per hour¹, which is commensurate with her annual salary of \$97,200 at the time her tenure at SBS ended. The Agency's Assistant Commissioner of Finance confirmed the hourly rate as being commensurate with Ms. Burboa's last annual salary by utilizing the applicable City's fringe rate specific to Rocio Barboa's City employment. It is further intended that the maximum amount will not exceed \$12,000. Executive Deputy Commissioner Dynishal Gross has acknowledged and provided delegated Agency Head approval for this arrangement.

If you have any questions, please do not hesitate to contact me at 212-513-9210 or at Epark@sbs.nyc.gov.

Sincerely,

Eujean Park
Deputy General Counsel

Delegated Agency Head Approval:

/s/ Dynishal Gross

Dynishal Gross
Executive Deputy Commissioner

cc: Chris Hammer (via email: CHammer@coib.nyc.gov)

¹ The NYC Office of Management and Budget calculates the City fringe rate on a yearly basis for civilian employees. Based on the applicable rate for Rocio Burboa, the Agency determined the following:

\$97,200 (last salary) + \$54,607 (fringe @56.18%) = \$151,807
\$151,807 / 1,827 hours = \$83.09 per hour