



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

March 2, 2020

New York City Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007

Dear Conflicts of Interest Board Members:

In accordance with Conflicts of Interest Board Rule section 1-13(e), I write to inform you that I have designated Kathryn MacKenzie, Director of the Mayor's Office of Food Policy ("Office"), to serve on the Advisory Board of Rethink Food NYC Inc. ("Rethink").

Ms. MacKenzie will not be compensated for this activity, but she will use reasonable and incidental City time and City resources. As set forth below, there is a demonstrated nexus between Ms. MacKenzie's City job, her work on Rethink's Advisory Board, and the mission of the Office. Furthermore, such work furthers the mission of the Office and it not undertaken primarily for the benefit or interest of the non-profit.

Rethink is a non-profit organization working to recover nutritious excess food to provide low or no-cost meals to New York City families in need. Ms. MacKenzie, as the Director of the Mayor's Office of Food Policy, is responsible for advancing the City's efforts to increase food security, promote access to and awareness of healthy food, and support economic opportunity and environmental sustainability in the food system. Ms. MacKenzie's role includes partnering with non-profit organizations to achieve her Office's goals. By serving on the Advisory Board, Ms. MacKenzie has the opportunity to provide advice and recommendations on policy and program development, and represent the interests of the City in such work.

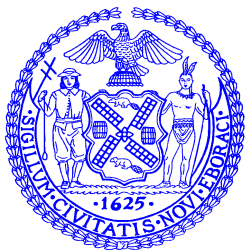
Based upon information presented to me, I have determined that there is a demonstrated nexus between the mission of the Office, Ms. MacKenzie's role there and the work performed by the Rethink, and that such work and activities would further the Mayor's Office of Food Policy's mission and is not undertaken primarily for the benefit or interests of Rethink.

Sincerely,



Raul Perca-Henze  
Deputy Mayor for Health and Human Services

Cc: Kapil Longani, Counsel to the Mayor, Office of the Counsel to the Mayor



## CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010  
New York, New York 10007  
(212) 442-1400; (212) 437-0705 (Fax)  
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May 14, 2020

Kelly Jin  
Director  
New York City Mayor's Office of Data Analytics  
253 Broadway, 2nd Floor  
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2020-247 (Adrienne Schmoeker)

Dear Director Jin:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated April 15, 2020, as well as subsequent communications between your office and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), Adrienne Schmoeker, an employee of the New York City Mayor's Office of Data Analytics ("MODA"), to use City time and City resources to work for the New York University ("NYU") GovLab Open Data Policy Lab's Global Advisory Board. You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Schmoeker may take part in business dealings between NYU and the City.

### Relevant Facts

You advise the Board that at MODA Ms. Schmoeker is Deputy Chief Analytics Officer and Director of Civic Engagement & Strategy. Her responsibilities include overseeing office staff, collaborating with other City agencies to advance projects such as the New York City Open Data Program, and working with MODA's external project partners.

You further advise the Board that GovLab is based at the NYU Tandon School of Engineering and seeks to advance open data innovation across governments and to understand how technology can help governments function more effectively. GovLab is a frequent collaborator and academic partner with MODA, including in MODA's annual Open Data Week.

GovLab has invited Ms. Schmoeker to be on its Global Advisory Board. The Global Advisory Board is comprised of academics, government officials, and other experts and convenes by telephone for approximately three one-hour meetings per year. The Global Advisory Board does not have decisionmaking authority at GovLab.

By your letter to the Board, you approve of Ms. Schmoeker's performing work for GovLab

as part of her MODA job and, in doing so, participating in any business dealings between NYU and the City, which may at MODA include upcoming data sharing agreements and memoranda of understanding. You state that Ms. Schmoeker's work for GovLab will help the City maintain and advance its position as a global leader in open data and innovation.

### Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or City resources for non-City purposes.

Board Rules Section 1-13(e) provides that an agency head may designate a public servant to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at his or her agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at his or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

### Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Ms. Schmoeker's City job, her proposed work for GovLab, and the mission of MODA. The Board has also determined that Ms. Schmoeker's additional participation in the business dealings between the City and GovLab furthers MODA's mission. Accordingly, Ms. Schmoeker may use City time and City resources to perform work for GovLab and may be involved in business dealings between NYU and the City. See Board Rules Section 1-13(e)(2).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,



Jeffrey D. Friedlander  
Chair

Nisha Agarwal  
Fernando A. Bohorquez, Jr.  
Anthony Crowell  
Wayne G. Hawley

cc: Adrienne Schmoeker



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

September 8, 2020

New York City Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007

Dear Conflicts of Interest Board Members:

In accordance with Conflicts of Interest Board Rule section 1-13(e), I write to inform you that I have designated Susanne DesRoches, Deputy Director of Infrastructure and Energy at the Mayor's Office of Resiliency ("MOR") and the Mayor's Office of Sustainability ("MOS"), to serve on the National Academies of Sciences, Engineering, and Medicine's Transportation Research Board's Transportation Resilience Metrics Committee ("Committee") for a consensus study.

Ms. DesRoches will not be compensated for this activity, but she will use reasonable and incidental City time and City resources. The Committee will provide any necessary travel expense. As set forth below, there is a demonstrated nexus between Ms. DesRoches' City job, her work on Committee, and the mission of the Offices. Furthermore, such work furthers the mission of Ms. DesRoches' Offices and it is not undertaken primarily for the benefit or interest of the non-profit.

The National Academies of Sciences, Engineering, and Medicine is a non-profit institution that provides expert advice to the nation and the world. The Transportation Research Board ("TRB") provides independent, objective analysis and advice to the nation through transportation research. Congress has mandated that TRB conduct a study to examine metrics for assessing the resilience of existing transportation infrastructure to natural hazards and climate-related risks. As the Deputy Director for Infrastructure and Energy at MOS and MOR, Susanne DesRoches directs the City's efforts to adapt regional infrastructure systems to climate change. The Committee will examine metrics for assessing the resilience of existing transportation infrastructure to natural hazards and climate-related risks. The study will make recommendations on how resilience metrics can be developed, improved, and applied to inform the planning of investments in infrastructure for passenger and freight transportation in light of the impacts of climate change. By serving on the

Committee, Ms. DesRoches has the opportunity to provide advice and recommendations on policy and program development, and represent the interests of the City in such work and learn from the Committee.

Based upon information presented to me, I have determined that there is a demonstrated nexus between the mission of the MOS and MOR, Ms. DesRoches' role there and the work performed by the Committee, and that such work and activities would further the Mayor's Offices' mission and is not undertaken primarily for the benefit or interests of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fuleihan", written in a cursive style.

Dean Fuleihan  
First Deputy Mayor

Cc: Kapil Longani, Counsel to the Mayor, Office of the Counsel to the Mayor



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

October 28, 2020

New York City Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007

Dear Conflicts of Interest Board Members:

I write to request a waiver, pursuant to Conflicts of Interest Board Rule Section 1-13(e), to permit Adriana Espinoza, Senior Advisor for Environmental Justice at the Mayor's Office of Climate Policy and Programs ("MOCPP"), to serve a one-year term on the Advisory Committee of the Tishman Environment and Design Center ("Tishman Center") at The New School.

The Tishman Center works to bring an interdisciplinary and environmental justice approach to contemporary environmental challenges. Integrating social justice, science, design, and policy, the Tishman Center aims to serve as a hub for climate and environmental justice research and practice, with a specific focus on participatory action-based research in collaboration with frontline, grassroots and community-based organizations and coalitions.

The Advisory Committee is a consultative body and will advise the Tishman Environment and Design Center's leadership on matters such as internal and external partnerships, development, strategic planning, and implementation of its mission and vision. This Advisory Committee will meet a minimum of twice annually, and includes staff, students, faculty, and external partners.

The MOCPP develops and delivers climate policy initiatives for the City of New York, advances environmental justice in the City, and manages OneNYC 2050, New York City's long-term strategic plan and Green New Deal. MOCPP has no business dealings before The New School, including the Tishman Center.

As Senior Advisor for Environmental Justice, Ms. Espinoza spearheads City initiatives to promote environmental justice and ensure that environmental justice is embedded in all aspects of City decision making. As the Tishman Center is a hub for research and policy related to climate and



environmental justice, Ms. Espinoza's role on the Advisory Committee would be beneficial to her work, MOCPP, and the City.

With the ability to advise and help shape priorities for the Tishman Center, Ms. Espinoza can advise in a way which corresponds to the City's mission and the mission of MOCPP. This is especially true around research priorities. Ms. Espinoza is aware of the gaps in research and analysis in the environmental justice field and can share this knowledge with the Advisory Committee, potentially resulting in better research and a more comprehensive review of key environmental justice issues for the City.

Ms. Espinoza will not be compensated for her position as a member of the Advisory Committee. The New School has business dealings with the City, however it does not have business dealings with the Mayor's Office. Ms. Espinoza will not take part in any business dealings with the City and will recuse herself should they arise. The New School is registered as a 501(c)(3) not-for-profit.

Based upon the information presented to me, I have determined that there is a demonstrated nexus between the mission of the Advisory Committee and MOCPP, Ms. Espinoza's role and the work of the Advisory Committee, and that such work and activities would further the MOCPP's mission and is not undertaken primarily for the benefit or interests of the Advisory Committee or Tishman Center.

Thank you for your attention to this matter. Please let me know if you require any additional information.

Sincerely,

*Ronald Porcelli*

Ronald Porcelli

Associate Counsel

I approve the above waiver for Ms. Adriana Espinoza,



Dean Fuleihan  
First Deputy Mayor

Cc: Kapil Longani, Counsel to the Mayor, Office of the Counsel to the Mayor