

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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November 24, 2020

Gregory P. Russ
Chair and Chief Executive Officer
New York City Housing Authority
250 Broadway
New York, New York 10007

Re: Conflicts of Interest Board Case Nos. 2020-399/a-b
(Paula Gavin, Joey Koch, Sideya Sherman)

Dear Chair Russ:

This is in response to your agency's letters to the Conflicts of Interest Board (the "Board"), dated August 25, 2020, and October 27, 2020, as well as additional communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), Paula Gavin, Joey Koch, and Sideya Sherman (collectively, the "Public Servants") to use City time and City resources to work for the Fund for Public Housing (the "Fund") and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that they may take part in the Fund's business dealings with the City.

Relevant Facts

You advise the Board that the Fund is a not-for-profit organization incorporated by and affiliated with the New York City Housing Authority ("NYCHA"). The Fund's mission is to improve New York City's public housing and connect NYCHA residents with services to advance their economic opportunities, health, education, and well-being. The Fund has registered with the Board as a not-for-profit organization affiliated with an elected official pursuant to Chapter 9 of Title 3 of the New York City Administrative Code.

The Fund is governed by a board of directors of at least 7 members. Pursuant to the Fund's by-laws, you as Chair and Chief Executive Officer of NYCHA select the members of the Fund's board of directors. You have designated the following Public Servants to serve as members of the Fund's board of directors:

- **Paula Gavin, NYCHA Board Member:** At NYCHA, Ms. Gavin's responsibilities include voting on resolutions involving NYCHA contracts, financial matters, policies, rules, and regulations. At the Fund, in addition to

her board service, she will be the Fund President, responsible for fundraising and overseeing the Fund's policy and planning, including business dealings between the Fund and NYCHA.

- **Joey Koch, NYCHA Chief of Staff:** At NYCHA, Ms. Koch works with you to set and implement agency priorities and works with the Fund to create and leverage resources and relationships to improve the quality of life of NYCHA residents.
- **Sideya Sherman, NYCHA Executive Vice President for Community Engagement and Partnerships:** At NYCHA, Ms. Sherman oversees public/private partnerships and resident programs and supervises resident and stakeholder engagement.

By endorsement to your agency's letters to the Board, you approve of the Public Servants' work on behalf of the Fund as part of their work for NYCHA and, in doing so, their participation in business dealings between NYCHA and the City.

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 the Public Servants' work for NYCHA, their proposed work for the Fund, and the mission of NYCHA. The Board has also determined that the Public Servants' additional participation in the business dealings between the City and the Fund furthers

NYCHA's mission. Accordingly, the Public Servants may use City time and City resources to perform work for the Fund and may be involved in business dealings between the Fund 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.

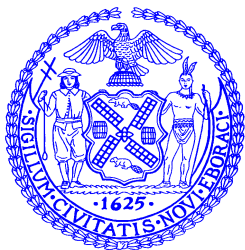
Very truly yours,



Jeffrey D. Friedlander
Chair

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

cc: John Bilancini II
Paula Gavin
Joey Koch
Sideya Sherman



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November 24, 2020

Vicki L. Been
Deputy Mayor for Housing and Economic Development
Office of the New York City Mayor
City Hall
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2020-484 (Gregory Russ)

Dear Deputy Mayor Been:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated November 9, 2020, designating, pursuant to Board Rules Section 1-13(e)(1), Gregory Russ, Chair and Chief Executive Officer of the New York City Housing Authority (“NYCHA”), to use City time and City resources to work for the Fund for Public Housing (the “Fund”) and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that he may take part in the Fund’s business dealings with the City.

Relevant Facts

You advise the Board that, as Chair and Chief Executive Officer of NYCHA, Mr. Russ is responsible for overseeing NYCHA’s operations and preserving public housing for the City’s residents. Pursuant to the Fund’s by-laws, Mr. Russ is an *ex-officio* member of, and selects all members of, the Fund’s board of directors.

The Board is advised that the Fund is a not-for-profit organization incorporated by and affiliated with NYCHA. The Fund’s mission is to improve the City’s public housing and connect NYCHA residents with services to advance their economic opportunities, health, education, and well-being. The Fund supports NYCHA’s Transformation Plan, a reorganization plan required pursuant to NYCHA’s agreement with the United States Department of Housing and Urban Development. The Fund has registered with the Board as a not-for-profit organization affiliated with an elected official pursuant to Chapter 9 of Title 3 of the New York City Administrative Code.

By your letter to the Board, you approve of Mr. Russ’s work on behalf of the Fund as part of his work for NYCHA and his participation in business dealings between NYCHA and the City.

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 Mr. Russ's work for NYCHA, his work for the Fund, and the mission of NYCHA. The Board has also determined that Mr. Russ's additional participation in the business dealings between the City and the Fund furthers NYCHA's mission. Accordingly, he may use City time and City resources to perform work for the Fund and may be involved in business dealings between the Fund 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.
Wayne G. Hawley

cc: John Bilancini II
Gregory Russ

Anthony W. Crowell did not participate in the consideration of this matter.