

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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New York, New York 10007
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February 11, 2021

Melanie Hartzog
Deputy Mayor for Health and Human Services
Office of the New York City Mayor
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2021-046 (Lorraine Cortés-Vázquez)

Dear Deputy Mayor Hartzog:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated February 1, 2021, and subsequent communications between the New York City Department for the Aging (“DFTA”) and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), DFTA Commissioner Lorraine Cortés-Vázquez to use City time and City resources to perform work for the Aging in New York Fund (“ANYF”) and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that she may take part in ANYF’s business dealings with the City.

Relevant Facts

You advise the Board that Commissioner Cortés-Vázquez is responsible for overseeing DFTA’s operations and helping the City’s older population age in their homes and communities. Pursuant to ANYF’s by-laws, the DFTA Commissioner serves *ex-officio* as President of ANYF’s board of directors; all other directors are elected by the board of directors.

The Board is advised that ANYF is a not-for-profit organization founded by DFTA in 1981 as the Fund for Aging Services to serve as DFTA’s charitable arm. ANYF supports DFTA with programming, grant development, private fundraising, and fiscal oversight of grant-funded projects. ANYF also serves as an incubator for new models of service delivery that may become DFTA programs. ANYF 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 Commissioner Cortés-Vázquez’s work on behalf of ANYF as part of her work for DFTA and her participation in business dealings between ANYF 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 their agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

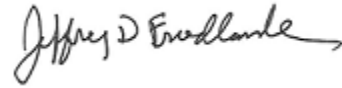
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at her or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, 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 Commissioner Cortés-Vázquez's work for DFTA, her work for ANYF, and the mission of DFTA. The Board has also determined that Commissioner Cortés-Vázquez's participation in the business dealings between the City and ANYF furthers DFTA's mission. Accordingly, she may use City time and City resources to perform work for ANYF and may be involved in business dealings between ANYF 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.

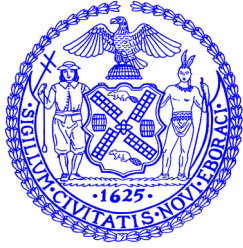
Very truly yours,



Jeffrey D. Friedlander
Chair

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

cc: Penney Vachirapapun
Lorraine Cortés-Vázquez



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February 11, 2021

Commissioner Lorraine Cortés-Vázquez
New York City Department for the Aging
2 Lafayette Street
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2021-024 (Maritza Arroyo)

Dear Commissioner Cortés-Vázquez:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated January 21, 2021, and subsequent communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), Maritza Arroyo, an employee of the New York City Department for the Aging (“DFTA”), to use City time and City resources to perform work for the Aging in New York Fund (“ANYF”) and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that she may take part in ANYF’s business dealings with the City.

Relevant Facts

You advise the Board that at DFTA Ms. Arroyo is the Assistant Commissioner of the Office of Public, Private and Strategic Partnerships. She is responsible for building strategic partnerships with the business, philanthropic, and nonprofit communities; coordinating with DFTA departments, City agencies, federal and state governments, and private partners to advance DFTA’s work; developing campaigns on aging issues; and other special projects. Ms. Arroyo works closely with ANYF to implement joint DFTA and ANYF programs and to assist with ANYF fundraising efforts.

The Board is advised that ANYF is a not-for-profit organization founded by DFTA in 1981 as the Fund for Aging Services to serve as DFTA’s charitable arm. ANYF supports DFTA with programming, grant development, private fundraising, and fiscal oversight of grant-funded projects. ANYF also serves as an incubator for new models of service delivery that may become DFTA programs. ANYF 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

Pursuant to ANYF’s by-laws, the DFTA Commissioner serves *ex-officio* as President of ANYF’s board of directors; all other directors are elected by the board of directors. You have

designated Ms. Arroyo to serve as ANYF's Executive Director, a position that has been vacant since June 2020. As part of her responsibilities at ANYF, Ms. Arroyo will provide monthly reports to the board; administer the annual budget and grant funding; implement fundraising strategies; develop collaborative partnerships; and work with DFTA on pilot programs and to understand aging trends. Ms. Arroyo will perform work for ANYF for approximately ten hours per week. She will not receive any additional compensation from ANYF for performing this work.

By your letter to the Board, you approve of Ms. Arroyo's work on behalf of ANYF as part of her work for DFTA and her participation in business dealings between ANYF 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 their agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

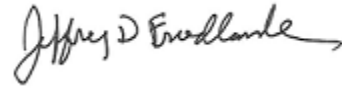
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at her or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, 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. Arroyo's work for DFTA, her work for ANYF, and the mission of DFTA. The Board has also determined that Ms. Arroyo's participation in the business dealings between the City and ANYF furthers DFTA's mission. Accordingly, she may use City time and City resources to perform work for ANYF and may be involved in business dealings between ANYF 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
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cc: Penney Vachirapapun
Maritza Arroyo