

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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July 27, 2021

Commissioner Steven Banks
New York City Department of Social Services
150 Greenwich Street
New York, New York 10007

Mitchell Katz, M.D.
President & CEO
New York City Health + Hospitals
125 Worth Street
New York, New York 10013

Re: Conflicts of Interest Board Case No. 2021-109 (Annabel Palma)

Dear Commissioner Banks and President Katz:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), received June 21, 2021, and additional communications between your agencies and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), Annabel Palma, an employee of the New York City Department of Social Services (“DSS”) on temporary assignment at New York City Health + Hospitals, to use City time and City resources to perform work for the Bronx Parent Housing Network (“BPHN”). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Palma may take part in BPHN’s business dealings with the City.

Relevant Facts

You advise that at DSS Ms. Palma is Deputy Commissioner of Strategic Initiatives responsible for working with the Office of External Affairs on community outreach for homeless initiatives, including Turning the Tide, which addresses inequalities in homeless populations, use of hotels as shelters, and overconcentration of homeless shelters in low income communities.

You further advise that, since early 2020, Ms. Palma has been on temporary assignment at Health + Hospitals, currently serving as Chief Equity Officer for the Test and Trace Corps, a role she anticipates continuing until the end of this mayoral administration in December 2021. In this temporary assignment, Ms. Palma is responsible for ensuring equity in COVID-19 testing and vaccination in the thirty-three neighborhoods most affected by the pandemic.

You advise that Ms. Palma has been asked to serve on the board of directors of BPHN, a not-for-profit organization that provides transitional and permanent housing for families experiencing homelessness, socio-economic barriers, and medical and mental health issues. BPHN participates in Turning the Tide as a shelter provider, and on behalf of DSS Ms. Palma attended meetings with BPHN and conducted joint presentations to community boards about the opening of BPHN shelters. BPHN receives approximately 98% of its annual budget from its twenty-three contracts with DSS to provide housing and support services at over 80 BPHN-run sites. It also has contracts with the New York City Department of Youth and Community Development, the New York City Mayor's Office of Criminal Justice, the New York City Department of Probation, and the New York City Department of Health and Mental Hygiene to provide support services. As a director, Ms. Palma would provide further DSS oversight of BPHN by voting on, discussing, and receiving updates about BPHN's City contracts. As a result, she would be involved in the business dealings between BPHN and the City. Ms. Palma would attend quarterly board meetings and approximately one to two committee meetings per month. At DSS, to further agency oversight of BPHN's work as a shelter provider and its compliance with DSS contract requirements, Ms. Palma will consult with and provide regular reports from her service on the BPHN board to the DSS Chief Officer for Program Planning and the Agency Chief Contracting Officer.

By your letter to the Board, you approve Ms. Palma's work on behalf of BPHN as part of her work for DSS and Health + Hospitals and her participation in business dealings between BPHN 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).

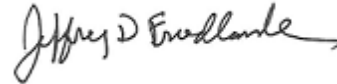
Advice

The Board has determined, based on the above representations and Commissioner Banks's written approval, that there is a demonstrated nexus between Ms. Palma's work for DSS, her work for BPHN, and the mission of DSS. The Board has also determined that Ms. Palma's participation in the business dealings between the City and BPHN furthers DSS's mission. Accordingly, she may use City time and City resources to perform work for BPHN and may be involved in business dealings between BPHN and the City. See Board Rules Section 1-13(e)(2). Furthermore, given Dr. Katz's approval of Ms. Palma's work for BPHN, the Board concludes that this determination may take effect immediately, that is, prior to the conclusion of Ms. Palma's assignment to Health + Hospitals.

In addition, because Ms. Palma will be personally participating in particular matters involving BPHN on behalf of the City, Ms. Palma may not solicit, negotiate for, or accept any position with BPHN while she serves on the BPHN board of directors. See Charter Section 2604(d)(1).

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: Paul Ligresti
Ari Goldman
Annabel Palma