

## 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)  
[www.nyc.gov/ethics](http://www.nyc.gov/ethics)  
[@NYCCOIB](https://twitter.com/NYCCOIB)

May 16, 2023

Anne Williams-Isom  
Deputy Mayor for Health and Human Services  
Office of the New York City Mayor  
City Hall  
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2023-292  
(Lorraine Cortés-Vázquez)

Dear Deputy Mayor Williams-Isom:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated April 10, 2023, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Department for the Aging ("NYC Aging") Commissioner Lorraine Cortés-Vázquez to use City time and City resources to perform work for the Mayor's Fund to Advance New York City (the "Mayor's Fund") and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that she may take part in the Mayor's Fund's business dealings with the City.

### Relevant Facts

You advise that Commissioner Cortés-Vázquez is responsible for overseeing NYC Aging's operations and helping the City's older population age in their homes and communities. In 2021, the Board approved Commissioner Cortés-Vázquez to serve *ex-officio* as President of the Aging in New York Fund's ("ANYF") board of directors (COIB Case No. 2021-046). ANYF is a not-for-profit organization founded by NYC Aging in 1981 to serve as the agency's charitable arm, supporting NYC Aging with grant development, private fundraising, and programming and to develop new models of service delivery that may become NYC Aging programs.

You advise that in March 2023 ANYF's board of directors voted to dissolve the organization. NYC Aging is negotiating an agreement to transfer ANYF's assets to the Mayor's Fund so that the Mayor's Fund may continue its programs and initiatives. To facilitate this transition, you have designated Commissioner Cortés-Vázquez to serve on the Mayor's Fund's board of directors.

The Board is advised that the Mayor's Fund is a 501(c)(3) not-for-profit organization created by the City that facilitates public-private partnerships between the City and the private sector and serves as a vehicle for foundations, corporations, and individuals to contribute to City programs and initiatives. The Mayor's Fund's mission is to advance initiatives to improve the lives of all City residents, and its programs include strategic investments to promote mental health services, increase workforce development, and meet the needs of the City's diverse immigrant community. The Mayor's Fund is governed by a board of directors, each of whom is appointed by the Mayor and responsible for the general management of the affairs and property of the Mayor's Fund, including approving the Mayor's Fund's budgets and contracts. The Mayor's Fund has registered with the Board as a not-for-profit affiliated with an elected official under 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 the Mayor's Fund as part of her work for NYC Aging, as well as her participation in the business dealings between the Mayor's Fund 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 a deputy mayor may designate an agency head 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 their 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).

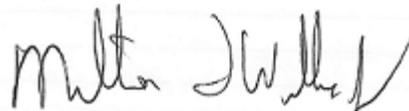
#### Advice

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 NYC Aging, her work for the Mayor's Fund, and the mission of NYC Aging. The

Board has also determined that Commissioner Cortés-Vázquez's participation in the business dealings between the City and the Mayor's Fund furthers NYC Aging's mission. Accordingly, she may use City time and City resources to perform work for the Mayor's Fund and may be involved in business dealings between the Mayor's 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,

A handwritten signature in black ink, appearing to read "Milton L. Williams Jr.", written over a light blue horizontal line.

Milton L. Williams Jr.  
Chair

Fernando A. Bohorquez Jr.  
Wayne G. Hawley  
Ifeoma Ike  
Georgia M. Pestana

cc: Jessica Rickards  
Lorraine Cortés-Vázquez