

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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November 6, 2023

Commissioner Molly Wasow Park
New York City Department of Social Services
150 Greenwich Street
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2023-732 (Joslyn Carter)

Dear Commissioner Park:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated October 16, 2023, and additional communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Department of Homeless Services ("DHS") Administrator Joslyn Carter to use City time and City resources to perform work for the Children's Museum of Manhattan ("CMOM") and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that she may take part in CMOM's business dealings with the City.

Relevant Facts

You advise that as DHS Administrator Ms. Carter is responsible for overseeing DHS's work to provide temporary emergency shelter to those experiencing homelessness, assist shelter residents to transition to permanent housing, and reduce street homelessness.

You advise that CMOM produces exhibitions at its location on the Upper West Side and provides resources to children, families, and educators across the City through programs at schools, libraries, shelters, and Head Start centers. CMOM contracts with City agencies to offer free programs to children and families, including with DHS to provide programs in DHS shelters and free tickets for shelter residents to CMOM events.

You further advise that CMOM is moving to a new location on the Upper West Side and has asked Ms. Carter to serve as a member of its advisory board. The advisory board will meet with The Hettema Group, the firm designing the new location, to ensure that the new space is reflective of the diverse audience of CMOM and sensitive to the needs of children and families who have experienced trauma. The advisory board will hold one in-person and two virtual meetings with The Hettema Group and may be asked to provide

additional advice throughout the development process. Ms. Carter will not accept compensation from CMOM as a member of the advisory board.

You advise that, while Ms. Carter is involved in CMOM's contracts with DHS as DHS Administrator, she will not be involved in CMOM's business dealings with DHS or other City agencies as part of her service on CMOM's advisory board. The Hettema Group does not have any business dealings with the City.

By your letter to the Board, you approve of Ms. Carter's work on behalf of CMOM's advisory board as part of her work for DHS, as well as her continued participation at DHS in the business dealings between DHS and CMOM.

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.

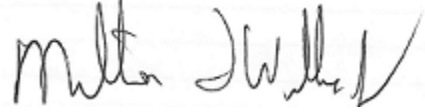
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, 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 Ms. Carter's work for DHS, her work for CMOM, and the mission of DHS. The Board has also determined that Ms. Carter's participation at DHS in the business dealings between the City and CMOM furthers DHS's mission. Accordingly, she may use City time and City resources to perform work for CMOM and may be involved at DHS in business dealings between CMOM 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 dark ink, appearing to read "Milton L. Williams Jr.", with a stylized flourish at the end.

Milton L. Williams Jr.
Chair

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

Emily Tone Hill
Joslyn Carter