

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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May 16, 2023

Maria Torres-Springer
Deputy Mayor for Economic & Workforce Development
Office of the New York City Mayor
City Hall
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2023-306 (Andrew Kimball)

Dear Deputy Mayor Torres-Springer:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated March 21, 2023, and subsequent communications between the New York City Economic Development Corporation ("EDC") and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), EDC President Andrew Kimball to use City time and City resources to perform work for New 42nd Street, Inc., the Alliance for Coney Island, Inc., and New York City Tourism + Conventions, Inc. (collectively, the "Organizations"). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Mr. Kimball may take part in the Organizations' business dealings with the City.

Relevant Facts

New 42nd Street

You advise that, as EDC President, Mr. Kimball serves as an *ex-officio* non-voting member of the board of directors of New 42nd Street, which was established by New York City and New York State in 1990 as part of their plan to redevelop 42nd Street between 7th and 8th Avenues in Manhattan. As part of this plan, New 42nd Street was given 99-year leases for the block's seven historic theaters, which are owned by the City, for the purpose of finding new uses for the spaces. According to its bylaws, New 42nd Street has 27 directors and three *ex-officio* non-voting directors: the Commissioner of the New York City Department of Cultural Affairs, the Chair of the New York State Council on the Arts, and the EDC President. EDC oversees the New 42nd Street project site, serving as the City's lease administrator for the seven theaters and asset manager, overseeing design and construction to ensure adherence to design guidelines.

Alliance for Coney Island

You further advise that, as EDC President, Mr. Kimball serves as an *ex-officio* non-voting member of the board of directors of the Alliance for Coney Island (the “Alliance”), an organization formed in 2012 for stakeholders to collaborate in the redevelopment of Coney Island. According to its bylaws, the Alliance has 14 directors, four of whom are *ex-officio* non-voting directors: the Brooklyn Borough President, the City Council Member representing Coney Island, the District Manager of Community Board 13 in Brooklyn, and the President of EDC. The remaining 10 directors are representatives of Coney Island businesses. The directors are involved in the management of discretionary funds received by the Alliance through the New York City Department of Youth and Community Development and the New York City Department of Small Business Services (“SBS”) and in the Alliance’s collaboration with the New York City Department of Transportation (“DOT”) on a project extending streetscape amenities on Mermaid Avenue.

New York City Tourism + Conventions

You advise that Mr. Kimball has been appointed by the Mayor to serve on the board of directors of New York City Tourism + Conventions, formerly known as NYC & Company, Inc. NYC Tourism + Conventions is the official marketing organization and convention and visitors bureau for the City. According to its bylaws, the Mayor appoints up to five City officials to NYC Tourism + Conventions’ board of directors, which presently has 108 members representing a variety of sectors in the City, including travel and tourism, the arts, marketing, media, and education. Members serve two-year terms and are often reappointed. NYC Tourism + Conventions is the holder of a sole-source contract with SBS to provide tourism, marketing, and licensing services to the City. NYC Tourism + Conventions also acts as the City’s agent to execute aspects of two other contracts: (1) the New York City Office of Technology and Innovation’s contract with CityBridge for the LinkNYC system; and (2) DOT’s franchise contract with JCDeaux regarding street furniture.

In 2020, the Board approved James Patchett, Mr. Kimball’s predecessor as the EDC President, to serve on the governing boards of the Organizations (COIB Case No. 2020-375).

By your letter to the Board, you approve of Mr. Kimball’s work on behalf of the Organizations as part of his work for EDC and seek the Board’s approval for his participation in business dealings between the Organizations 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.

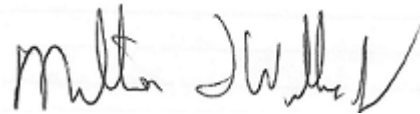
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation,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



Milton L. Williams Jr.
Chair

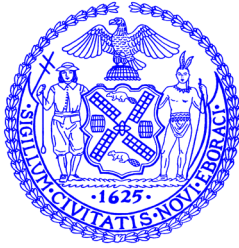
Fernando A. Bohorquez Jr.
Wayne G. Hawley
Ifeoma Ike
Georgia M. Pestana

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cc: Meredith J. Jones
Andrew Kimball



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May 16, 2023

Andrew Kimball
President
New York City Economic Development Commission
One Liberty Plaza
New York, New York 10006

Re: Conflicts of Interest Board Case No. 2023-242 (Sabrina Lippman)
Conflicts of Interest Board Case No. 2023-243 (Justyn Turner)
Conflicts of Interest Board Case No. 2023-244 (Justin Kreamer)

Dear Mr. Kimball:

This is in response to your letters to the Conflicts of Interest Board (the "Board"), dated March 21, 2023, and subsequent communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), the New York City Economic Development Corporation ("EDC") employees Sabrina Lippman, Justyn Turner, and Justin Kreamer to use City time and City resources to perform work for certain not-for-profit organizations. You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that they may take part in these organizations' business dealings with the City.

Relevant Facts

Sabrina Lippman

You advise that at EDC Sabrina Lippman is Senior Vice President in the Asset Management Department. She oversees strategies for EDC-managed commercial real estate, transportation, port, critical infrastructure, and energy assets. Her portfolio includes the management of City assets in Times Square.

You further advise that, as EDC President, you serve as an *ex-officio* non-voting member of the board of directors of New 42nd Street, Inc. and you have designated Ms. Lippman to serve on the New 42nd Street board as your alternate. New 42nd Street was established by New York City and New York State in 1990 as part of their plan to redevelop 42nd Street between 7th and 8th Avenues in Manhattan. As part of this plan, New 42nd Street was given 99-year leases for the block's seven historic theaters, which

are owned by the City, for the purpose of finding new uses for the spaces. According to its bylaws, New 42nd Street has 27 directors and three ex-officio non-voting directors: the Commissioner of the New York City Department of Cultural Affairs, the Chair of the New York State Council on the Arts, and the EDC President. EDC oversees the New 42nd Street project site, serving as the City's lease administrator for the seven theaters and asset manager, overseeing design and construction to ensure adherence to design guidelines.

By your letter to the Board, you approve of Ms. Lippman's work on behalf of New 42nd Street as part of her work for EDC and seek the Board's approval for her participation in business dealings between New 42nd Street and the City.

Justyn Turner

You advise that at EDC Justyn Turner is Assistant Vice President in the Government and Community Relations Department. He is responsible for creating community engagement strategies for, and ensuring community input on, EDC projects in Brooklyn.

You further advise that, as EDC President, you serve as an *ex-officio* non-voting member of the board of directors of the Alliance for Coney Island, Inc. (the "Alliance") and you have designated Mr. Turner to serve on the Alliance board as your alternate. The Alliance was formed in 2012 for stakeholders to collaborate in the redevelopment of Coney Island. According to its bylaws, the Alliance has 14 directors, four of whom are ex-officio non-voting directors: the Brooklyn Borough President, the City Council Member representing Coney Island, the District Manager of Community Board 13 in Brooklyn, and the President of EDC. The remaining 10 directors are representatives of Coney Island businesses. The directors are involved in the management of discretionary funds received by the Alliance through the New York City Department of Youth and Community Development and the New York City Department of Small Business Services ("SBS") and in the Alliance's collaboration with the New York City Department of Transportation ("DOT") on a project extending streetscape amenities on Mermaid Avenue.

By your letter to the Board, you approve of Mr. Turner's work on behalf of the Alliance as part of his work for EDC and seek the Board's approval for his participation in business dealings between the Alliance and the City.

Justin Kreamer

You advise that at EDC Justin Kreamer is Senior Vice President in the Partnerships Department. He oversees strategic partnerships with private stakeholders to support and fund EDC's industry and real estate projects. Mr. Kreamer also manages initiatives to recruit businesses to relocate to, and remain in, the City.

You further advise that you have been appointed by the Mayor to serve on the board of directors of New York City Tourism + Conventions and you have designated Mr.

Kreamer to serve as your alternate. NYC Tourism + Conventions, formerly known as NYC & Company, Inc, is the official marketing organization and convention and visitors bureau for the City. According to its bylaws, the Mayor appoints up to five City officials to NYC Tourism + Conventions' board of directors, which presently has 108 members representing a variety of sectors in the City, including travel and tourism, the arts, marketing, media, and education. Members serve two-year terms and are often reappointed. NYC Tourism + Conventions is the holder of a sole-source contract with SBS to provide tourism, marketing, and licensing services to the City. NYC Tourism + Conventions also acts as the City's agent to execute aspects of two other contracts: (1) the New York City Office of Technology and Innovation's contract with CityBridge for the LinkNYC system; and (2) DOT's franchise contract with JCDeaux regarding street furniture.

By your letter to the Board, you approve of Mr. Kreamer's work on behalf of New York City Tourism + Conventions as part of his work for EDC and seek the Board's approval for his participation in business dealings between New York City Tourism + Conventions and the City.

In 2020, the Board approved James Patchett, your predecessor as EDC President, to serve on the governing boards of New 42nd Street, the Alliance, and New York City Tourism + Conventions (collectively, the "Organizations") (COIB Case No. 2020-375). The Board also approved Alex Costas, a former Senior Vice President in EDC's Marketing Department, to serve on New York City Tourism + Conventions board as the EDC President's alternate (COIB Case No. 2020-346).

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

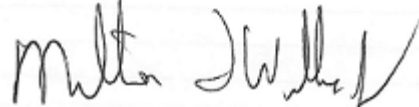
agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Ms. Lippman's, Mr. Turner's, and Mr. Kreamer's work at EDC, their work for the Organizations, and the mission of EDC. The Board has also determined that their participation in the business dealings between the City and the Organizations furthers EDC's mission. Accordingly, Ms. Lippman, Mr. Turner, and Mr. Kreamer may use City time and City resources to perform work for the Organizations and may be involved in business dealings between the Organizations 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,



Milton L. Williams Jr.
Chair

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

cc: Meredith J. Jones
Sabrina Lippman
Justyn Turner
Justin Kreamer