

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

October 23, 2023

Sheena Wright
First Deputy Mayor
Office of the New York City Mayor
City Hall
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2023-684 (B.J. Jones)

Dear First Deputy Mayor Wright:

This is in response to your office's submission to the Conflicts of Interest Board (the "Board"), received September 21, 2023, and subsequent communications between your office and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Mayor's Office employee B.J. Jones to use City time and City resources to perform work for the Frederick O'Reilly Hayes Prize Foundation (the "Foundation") and the South Street Seaport Museum (the "Museum"). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Mr. Jones may take part in the Foundation's and the Museum's business dealings with the City.

Relevant Facts

You advise that Mr. Jones has served as the Executive Director of "New" New York (the "NNY") since July 31, 2023. NNY is charged with implementing the "Making New York Work for Everyone" plan to revitalize the City's commercial districts post-pandemic, including by developing housing, spurring urban innovation, improving transit, increasing access to childcare, and enhancing public space with programming and art.

You advise that Mr. Jones has served as a member of the board of directors of the Foundation since 2018. The Foundation was created in 2005 to fund and award the Frederick O'Reilly Hayes Prize, an annual cash prize to recognize exceptional public servants. The Foundation works in partnership with the New York City Office of Technology and Innovation ("OTI") to administer the prize; a representative of OTI is one of the Foundation's seven board members. In Advisory Opinion No. 2010-2, the Board approved public servants' receipt of the Frederick O'Reilly Hayes Prize in light of its long-standing disinterested promotion of excellence in public service.

You further advise that Mr. Jones proposes to serve as a member of the board of

trustees of the Museum. The Museum was founded in 1967 to preserve and interpret the origins and growth of New York as a world port by providing tours of historic vessels and landmarks and producing art and cultural exhibitions. The Museum holds a 99-year lease to occupy City-owned landmarked buildings in the South Street Seaport historic district; the lease is administered by the New York City Economic Development Corporation (“EDC”). According to its bylaws, the Museum has at least eight trustees who are elected by the board of trustees; the Commissioner of the New York City Department of Cultural Affairs (“DCLA”) serves as an *ex-officio* board member. The trustees are involved in the management of the Museum’s lease agreement with EDC and in the distribution of grants and other funding the Museum receives from DCLA.

By your endorsement to your office’s submission to the Board, you approve of Mr. Jones’s work on behalf of the Foundation and the Museum as part of his work for the Mayor’s Office and seek the Board’s approval for his participation in business dealings between the Foundation and the Museum 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).

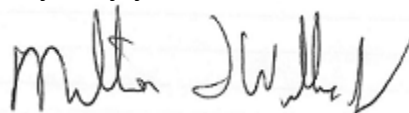
Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Mr. Jones’s work at the Mayor’s Office, his work for the Foundation and the Museum, and the mission of the Mayor’s Office. The Board has also determined that Mr. Jones’s participation in the business

dealings between the City and the Foundation and between the City and the Museum furthers the Mayor's Office's mission. Accordingly, Mr. Jones may use City time and City resources to perform work for the Foundation and the Museum and may be involved in business dealings between the Foundation and the City and the Museum 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

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

Michael Waller
B.J. Jones