

## CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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[www.nyc.gov/ethics](http://www.nyc.gov/ethics)

August 5, 2024

Commissioner Laurie Cumbo  
New York City Department of Cultural Affairs  
2 MetroTech Center, 5th Floor  
Brooklyn, New York 11201

Re: Conflicts of Interest Board Case No. 2024-285 (Kendal Henry)

Dear Commissioner Cumbo:

This is in response to your letters to the Conflicts of Interest Board (the "Board"), dated April 17, 2024, and May 20, 2024, as well as subsequent communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Department of Cultural Affairs ("DCLA") employee Kendal Henry to use City time and City resources to perform work for the Mellon Foundation. You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Mr. Henry may take part in the Foundation's business dealings with the City.

### Relevant Facts

You advise that at DCLA Mr. Henry is Assistant Commissioner of the Public Art Unit. Mr. Henry directs: the Percent for Art Program, which commissions site-specific art for City-funded construction projects as well as privately-funded monuments in public spaces; the Public Artist-in-Residence program, which places artists at City agencies; City Canvas, which allows the installation of temporary visual art on eligible temporary protective structures; and the Artist Certification Program, which issues certifications for working artists to be eligible to reside in certain lofts zoned for manufacturing. He also serves as DCLA's liaison to the New York City Public Design Commission and Art Advisory Committees.

You further advise that the Mellon Foundation is a not-for-profit organization that supports arts and humanities projects across the United States, including by funding grants to cultural organizations operating in the City. The Mellon Foundation's Monuments Project is aimed at ensuring that monuments and memorials have a more complete representation of our nation's history. The Mellon Foundation is a funder of the Lyons Monument, a new monument to be placed in Central Park to honor the Lyons family, whose members owned property in Seneca Village, New York's first free black community, which was condemned and cleared to build Central Park; ran an Underground Railroad station; and co-founded one of the first women's rights and racial

justice groups in the United States. The Mellon Foundation also, as part of the Monuments Project, is convening the Cities Network, a cohort of representatives of nine city governments from across the country to share resources and learn from guest speakers and one another. New York City is not part of the Cities Network cohort.

You advise that you have designated Mr. Henry to serve as a Session Facilitator for the Cities Network. As a Session Facilitator, Mr. Henry would prepare for and moderate four 1½-hour-long videoconference sessions by introducing speakers, facilitating dialogue, and guiding participant questions and discussions. Mr. Henry will decline compensation from the Mellon Foundation for this work.

You further advise that at DCLA Mr. Henry participates in matters involving the Mellon Foundation, including by communicating with the Mellon Foundation about the Lyons Monument and possible funding opportunities for City projects.

By your letters to the Board, you approve of Mr. Henry's work for the Mellon Foundation and seek the Board's approval for his participation in business dealings between the Mellon Foundation 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.

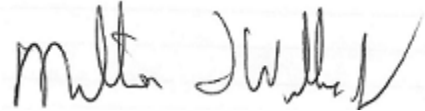
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, 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. Henry's work at DCLA, his work for the Mellon Foundation, and the mission of DCLA. While the City is not part of the Cities Network cohort, Mr. Henry has the opportunity to share the City's experiences in dealing with public monuments at a time of major change in the thinking about the function of public monuments and to learn about other cities' experiences involving public monuments. The Board has also determined that Mr. Henry's participation in the business dealings between the City and the Mellon Foundation furthers DCLA's mission. Accordingly, Mr. Henry may use City time and City resources to perform work for the Mellon Foundation as described above and may be involved in business dealings between the Mellon Foundation 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.

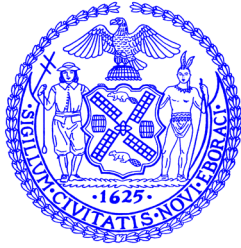
Very truly yours,

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: Wayne G. Hawley  
Ifeoma Ike  
Amy E. Millard  
Georgia M. Pestana

Lance A. Polivy  
Kendal Henry



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October 21, 2024

Maria Torres-Springer  
First Deputy Mayor  
Office of the New York City Mayor  
City Hall  
New York, New York 10007

Re: Conflicts of Interest Board Case Nos. 2024-298/a-h (Laurie Cumbo, Zanib Ahmad, Angela Blocker, Michael Krevet, Sara Minard, Alton Murray, Lance Polivy, Samantha Rauer, and Derek Weng)

Dear First Deputy Mayor Torres-Springer:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), received April 24, 2024, and subsequent communications between the New York City Department of Cultural Affairs ("DCLA") and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), DCLA Commissioner Laurie Cumbo and the above-named eight DCLA employees to use City time and City resources to perform work for 42 not-for-profit cultural institutions (collectively, the "Cultural Institutions"). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Commissioner Cumbo and the eight named DCLA employees may take part in the Cultural Institutions' dealings with the City.

### Relevant Facts

You advise that Commissioner Cumbo oversees DCLA's operations, including directing the City's cultural policy, overseeing City funding for not-for-profit arts and cultural organizations across the City, and advising on strategies to equitably support and strengthen the City's diverse cultural community. As Commissioner, she serves as an *ex-officio* member of the governing boards of the thirty-four institutions that make up DCLA's Cultural Institutions Group (the "CIG").<sup>1</sup> CIG members are not-for-profit cultural

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<sup>1</sup> The 34 members of the CIG are the American Museum of Natural History, the Bronx County Historical Society, the Bronx Museum of the Arts, the Brooklyn Academy of Music, the Brooklyn Botanic Garden, the Brooklyn Children's Museum, the Brooklyn Museum, Carnegie Hall, El Museo del Barrio, Flushing Town Hall, the Jamaica Center for Arts & Learning, Lincoln Center for the Performing Arts, the Metropolitan Museum of Art, MoMA PS1, the Museum of Jewish Heritage, the Museum of the City of New York, the Museum of the Moving Image, the New York Botanical Garden, New York City Ballet, New York City Center, the New York Hall of Science, the Public Theater, the Queens Botanical Garden, the Queens Museum, the Queens Theatre, Snug

institutions operating at City-owned facilities and receiving significant capital and operating support from the City.

You further advise that Commissioner Cumbo also serves on the boards of the following not-for-profit cultural institutions:

- **Friends of Materials for the Arts (“FOMA”)**, a not-for-profit organization created by DCLA in 2002 to provide financial assistance and technical support to DCLA’s Materials for the Arts program, which donates office equipment, supplies, materials, and other items to local arts, cultural, and educational organizations. FOMA has registered as a City-affiliated organization subject to Chapter 9 of Title 3 of the New York City Administrative Code (“Chapter 9”). The DCLA Commissioner serves as an *ex-officio* board member; the remaining board members are elected by the board of directors.
- **South Street Seaport Museum**, a museum 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 administered by the New York City Economic Development Corporation (“EDC”) to occupy City-owned landmarked buildings in the South Street Seaport historic district and receives funding from DCLA. The DCLA Commissioner serves as an *ex-officio* board member.
- **New York Public Radio**, a not-for-profit media organization incorporated in 1979 that operates public radio stations and news outlets in the New York City area, as well as the Greene Space, a performance venue in Manhattan. New York Public Radio receives funding from the Cultural Development Fund, an annual grant for not-for-profit arts and cultural organizations in the City administered by DCLA’s Program Services Unit. Additionally, the Executive Director of the Greene Space serves on DCLA’s Advisory Commission. The DCLA Commissioner and the President of New York Public Radio serve as *ex-officio* board members; the remaining board members are elected by the board of trustees.
- **Culture Shed, Inc., (“The Shed”)**, a not-for-profit cultural center created in partnership with the Mayor’s Office and DCLA. The Shed is located at Hudson Yards pursuant to a lease agreement with the City

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Harbor Cultural Center & Botanical Garden, the Staten Island Children’s Museum, the Staten Island Historical Society, the Staten Island Museum, the Staten Island Zoological Society, the Studio Museum in Harlem, Wave Hill, the Weeksville Heritage Center, and the Wildlife Conservation Society.

and receives funding from DCLA's Cultural Development Fund. The board of directors consists of three voting members and four *ex-officio* non-voting members: the DCLA Commissioner, the New York City Deputy Mayor for Economic Development, the Speaker of the New York City Council, and the Manhattan Borough President

- **ArtsConnection**, a not-for-profit arts education organization founded by DCLA, the New York City Department of Youth and Community Development, and the New York City Department of Education. It works to create socially-just learning environments that strengthen the diverse voices of the City's children, cultivating their arts and academic skills for success. It receives funding from DCLA's Cultural Development Fund. The DCLA Commissioner serves as an *ex-officio* board member; the remaining board members are elected by the board of directors.
- **Alliance for Flushing Meadows Corona Park Corporation (the "Alliance")**, a not-for-profit organization incorporated by the City in 2013 to work in partnership with the New York City Department of Parks and Recreation ("Parks") and the community to restore, preserve, and enhance Flushing Meadows Corona Park. The Alliance has registered as a City-affiliated organization subject to Chapter 9. The Alliance has a board of directors of up to 23 members, five of which serve *ex-officio*: the Parks Commissioner, the DCLA Commissioner, the First Deputy Mayor, the Queens Borough President, and the Speaker of the City Council.
- **The Historic House Trust of New York City, Inc. ("HHT")**, was established in 1989 to work in partnership with Parks to preserve, protect, and promote the 23 historic house museums located on City parkland. HHT has registered as a City-affiliated organization subject to Chapter 9. The DCLA Commissioner, the Parks Commissioner, the Parks Director of Historic Houses, and two appointees of the Parks Commissioner serve as non-voting *ex-officio* members of the HHT board of directors; the remaining board members are elected by the board of directors.
- **The Trust for Cultural Resources of The City of New York (the "Trust")** is a public benefit corporation created pursuant to Articles 20 and 21 of the New York Arts and Cultural Affairs Law for the purpose of supporting cultural institutions located in the City. The Trust issues triple tax-exempt debt to benefit not-for-profit cultural institutions; it does not receive any funding from the City for the bonds or otherwise have any business dealings with the City. The Trust has a nine-member board of trustees: six members are appointed by the Mayor; the DCLA Commissioner, the Deputy Mayor for Economic Development, and the Chair of the New York City Industrial Development Agency serve as ex-

*officio* members.

You further advise that Commissioner Cumbo has designated the following DCLA employees to serve as her alternate on the boards of the following not-for-profit organizations:

- **Angela Blocker, Assistant Commissioner for Cultural Institutions:** Commissioner Cumbo has designated Ms. Blocker to serve as one of her alternates on the CIG governing boards. At DCLA, Ms. Blocker oversees the CIG Unit, which disburses City funds to CIG institutions, monitors the institutions' operations and programs, provides technical assistance in various areas of non-profit management, and serves as a liaison between the institutions and other City agencies.
- **Derek Weng, Special Project Manager for the CIG Unit:** Commissioner Cumbo has designated Mr. Weng to serve as one of her alternates on the CIG governing boards. At DCLA, Mr. Weng is responsible for developing the annual CIG budget process, managing the City Council Initiatives process for funding CIG programs, and resolving issues related to CIG members.
- **Zanib Ahmad, Coordinator for the CIG Unit:** Commissioner Cumbo has designated Mr. Weng to serve as one of her alternates on the CIG governing boards. At DCLA, Ms. Ahmad is responsible for developing the annual CIG budget, coordinating the CIG Final Report process, managing resolutions of CIG building violations from City agencies, and resolving issues related to CIG members.
- **Alton Murray, Deputy Commissioner:** Commissioner Cumbo has designated Mr. Murray to serve as one of her alternates on the CIG governing boards, the FOMA board, and the HHT board. At DCLA, Mr. Murray supervises DCLA's day-to-day operations and manages partnerships and policy initiatives that impact the CIGs, FOMA, and HHT.
- **Michael Krevet, Chief of Staff:** Commissioner Cumbo has designated Mr. Krevet to serve as one of her alternates on the CIG governing boards and the FOMA board. At DCLA, Mr. Krevet supervises DCLA's day-to-day operations, oversees special projects, and manages agency communications on matters impacting the CIGs and FOMA.
- **Lance Polivy, General Counsel:** Commissioner Cumbo has designated Mr. Polivy to serve as one of her alternates on the CIG governing boards and as her alternate on the boards of the Alliance and the Trust. At DCLA, Mr. Polivy oversees all DCLA legal matters,

including grants, policymaking, and other projects involving the CIGs, the Alliance, and the Trust.

- **Sara Minard, Director of Special Projects in the Capital Projects Unit:** Commissioner Cumbo has designated Ms. Minard to serve as her alternate on the board of the South Street Seaport Museum. At DCLA, Ms. Minard manages DCLA funding to the South Street Seaport Museum.
- **Ladan Hamidi-Toosi, Co-Director of the Program Services Unit:** Commissioner Cumbo has designated Ms. Hamidi-Toosi to serve as her alternate on the New York Public Radio board. At DCLA, Ms. Hamidi-Toosi manages DCLA funding to New York Public Radio.
- **Samantha Rauer, Deputy General Counsel:** Commissioner Cumbo has designated Ms. Rauer as her alternate on The Shed board. At DCLA, Ms. Rauer is responsible for legal matters involving The Shed, including its lease agreement with the City.
- **Claudia Arzeno, Director of Program Administration:** Commissioner Cumbo has designated Ms. Arzeno as her alternate on the ArtsConnection board. At DCLA, Ms. Arzeno is the Program Officer for ArtsConnection.

By your letter to the Board, you approve of Commissioner Cumbo's and the above named DCLA employees' work on behalf of the Cultural Institutions and their participation in the Cultural Institutions' business dealings with 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 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 his or her agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website. See Board Rules Section 1-13(e)(1)(i).

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 his or her agency



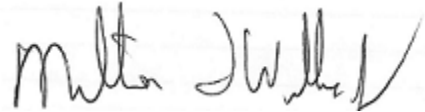
if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily 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 your written approval, that there is a demonstrated nexus between Commissioner Cumbo's and the above-named DCLA employees' work at DCLA, their work for the Cultural Institutions, and the mission of DCLA. The Board has also determined that Commissioner Cumbo's and the above-named DCLA employees' participation in the business dealings between the City and the Cultural Institutions, as described above, furthers DCLA's mission. Accordingly, Commissioner Cumbo and the above-named DCLA employees may continue to use City time and City resources to perform work for the Cultural Institutions and may continue to be involved in business dealings between the Cultural Institutions 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

cc: Wayne G. Hawley  
Ifeoma Ike  
Amy E. Millard  
Georgia M. Pestana

Laurie Cumbo  
Zanib Ahmad  
Angela Blocker  
Michael Krevet  
Sara Minard  
Alton Murray  
Lance A. Polivy  
Samantha Rauer  
Derek Weng