



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

Muriel Goode-Trufant
First Assistant Corporation Counsel
Room 6-101
(212) 356-2100
mgoodeutr@law.nyc.gov

March 8, 2024

Ethan Carrier
General Counsel
New York City Conflicts of Interest Board
2 Lafayette Street
New York, NY 10007

Re: COIB Rule 1-13(e)(1): Designation of NYC Law Department to Perform
Work with Not-for-Profit Entity

Dear Mr. Carrier:

Pursuant to Rule 1-13(e)(1) of the Rules of the Conflicts of Interest Board, I, acting as First Assistant Corporation Counsel of the New York City Law Department on behalf of the Corporation Counsel, have designated Spencer Fisher, Division Chief for the Legal Counsel Division, to perform work in his official capacity as an alternate director to the World Trade Center Captive Insurance Company (the "Company") Board of Directors (the "Board").

On February 20, 2003, the President of the United States signed the Consolidated Appropriations Resolution, 2003, Public Law 108-7, which resulted in the funding of the Company on December 3, 2004 with \$999.9 million. The Company had been incorporated on July 1, 2004 as a captive insurance company and licensed by the State of New York. The purpose of the Company was to cover the risks assumed by New York City and its hired contractors working without commercial insurance coverage, for claims resulting from work completed subsequent to the terrorist attacks on September 11, 2001 ("terrorist attacks"). The Company commenced operations upon receipt of the federally approved funding.

Pursuant to a liability insurance contract, the Company insures the City of New York and other specified parties for liability arising out of activities in or near the World Trade Center site in response to the terrorist attacks.

The Company has no owners. New York City is the sole member of the Company, which has been formed as a Type D corporation pursuant to Section 201 of the Not-For-Profit Corporation Law and pursuant to Chapter 188 of the Laws of 2003.

The Mayor of the City of New York appoints all directors of the Company. There are currently five members. Mr. Fisher has been appointed to serve as an alternate for Jeffrey Friedlander, a member of the Board. Mr. Fisher will attend and participate in meetings, and vote in Mr. Friedlander's absence.

As Chief of the Legal Counsel Division, Mr. Fisher is responsible for overseeing the Division, which provides advice to the Office of the Mayor, other elected officials and City agencies regarding the legal implications of policy initiatives and administrative reforms. The Division is also responsible for drafting and negotiation of City-sponsored legislation, and reviewing rules proposed by City agencies. Division attorneys often represent the Law Department on intergovernmental committees and task forces. Mr. Fisher's service in the capacity described in this letter directly relates to and furthers of his role as Division Chief.

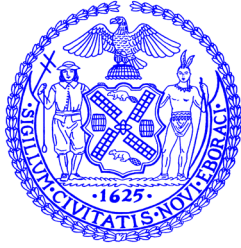
Based upon the information presented to me, I have determined that there is a demonstrated nexus between Mr. Fisher's position in the Law Department and his role as a newly appointed alternate on the Company's Board, and that such activity furthers the Law Department's mission and is not undertaken primarily for the benefit or interest of the Company.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "M. Goode-Trufant", with a stylized flourish at the end.

Muriel Goode-Trufant

c: Eric Eichenholtz



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

November 4, 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 No. 2024-782
(Muriel Goode-Trufant)

Dear First Deputy Mayor Torres-Springer:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated October 23, 2024, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Law Department employee Muriel Goode-Trufant to use City time and City resources to perform work for NYC Tourism + Conventions ("NYC Tourism") and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Goode-Trufant may take part in NYC Tourism's business dealings with the City. You also request permission under Board Rules Section 1-13(e)(2) for Ms. Goode-Trufant to perform uncompensated work for the United States District Court for the Eastern District of New York ("EDNY") using City time and City resources.

Relevant Facts

You advise that at the Law Department Ms. Goode-Trufant is Acting Corporation Counsel and that the Mayor has nominated her to be Corporation Counsel, subject to confirmation by the New York City Council.

You further advise that Ms. Goode-Trufant serves on the Executive Committee/Board of Directors of NYC Tourism, 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 the NYC Tourism board, including a Deputy Mayor, the Commissioner of the Mayor's Office of Media and Entertainment, the Commissioner of City Planning, the President and CEO of the Economic Development Corporation, and the Corporation Counsel. There are 35 members of the Executive Committee of the NYC Tourism board, including Ms. Goode-Trufant, and 85 members of the NYC Tourism board, each of whom has a vote. The NYC Tourism board represents 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 is the holder of a sole-source contract with the New York City Department of Small Business Services to provide tourism, marketing, and licensing services to the City. NYC Tourism is the City's licensing agent and administrator for its portfolio of trademarks as well as for its Out of Home Media Program.

You advise that Ms. Goode-Trufant also serves on the EDNY Civil Litigation Advisory Committee ("EDNY Committee") and the EDNY Magistrate Merit Selection Panel ("EDNY Panel"). Ms. Goode-Trufant has a long-standing role as a member of the EDNY Committee, which last met in Fall 2022 and meets on an as-needed basis no more than four times per year to provide guidance to EDNY on rule changes and other matters. She was also appointed on July 24, 2024, by the EDNY Board of Judges to serve on the EDNY Panel, which, when it begins meeting, will be responsible for reviewing applications for three United States Magistrate Judge vacancies in EDNY.

By your letter to the Board, you approve of Ms. Goode-Trufant's work on behalf of NYC Tourism and EDNY as part of her work for the Law Department and seek the Board's approval for her participation in business dealings between NYC Tourism and the City and for her to perform uncompensated work for EDNY using City time and resources.

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(c) provides that, upon approval and application by a public servant's agency head and upon determination by the Board that proposed volunteer services advance the public servant's professional development, further the purposes and interests of the City, or benefit the public at large, a public servant may pursue this activity using City personnel, equipment, resources, supplies, and technology assets but not City letterhead, their title or City email accounts.

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. 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 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).

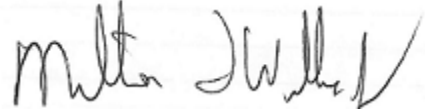
Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Ms. Goode-Trufant's work at the Law Department, her work for NYC Tourism, and the mission of the Law Department. The Board has also determined that Ms. Goode-Trufant's participation in the business dealings between the City and NYC Tourism furthers the Law Department's mission. Accordingly, Ms. Goode-Trufant may use City time and City resources to perform work for NYC Tourism and may be involved in business dealings between NYC Tourism and the City.

You also request approval for Ms. Goode-Trufant to perform work for EDNY using City time and City resources pursuant to Board Rules Section 1-13(e). Because EDNY is a government entity, and because Ms. Goode-Trufant would retain her EDNY positions were she to leave the Law Department, this request implicates Board Rules Section 1-13(c) as *pro bono* legal work using City time and City resources, rather than Board Rules Section 1-13(e). Nevertheless, the Board has determined, based on the above representations and your written approval, that Ms. Goode-Trufant's work for EDNY benefits the public at large and thus it would not conflict with the purposes and interests of the City for her to use limited City time and City resources, but not City letterhead, her City title, or her City email account, in connection with her work for EDNY.

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

Bonnie B. Silvestri
Bill Heinzen
Muriel Goode-Trufant