

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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May 13, 2024

Commissioner Matthew C. Fraser
New York City Office of Technology & Innovation
2 MetroTech Center, 5th Floor
Brooklyn, New York 11201

Re: Conflicts of Interest Board Case No. 2024-270 (Ruby Choi)

Dear Commissioner Fraser:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated April 3, 2024, and subsequent communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), New York City Office of Technology & Innovation (“OTI”) employee Ruby Choi to use City time and City resources to perform work for the Frederick O’Reilly Hayes Prize Foundation (the “Foundation”). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Choi may take part in the Foundation’s business dealings with the City.

Relevant Facts

You advise that at OTI Ms. Choi is Deputy Commissioner of Strategic Initiatives. She oversees technology projects at City agencies and external partners, including user-centered digital transformation, improving IT program management, enhancing customer service, and researching emerging technologies to help further the mission of City agencies.

You advise that you have designated Ms. Choi to serve on the board of directors of the Foundation. 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 OTI to administer the prize, including providing material and promotional support and co-sponsoring the award ceremony; a representative of OTI is one of the Foundation’s seven board members. The Foundation’s board meets monthly for one to two hours and selects winners for the annual prize. 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. Ms. Choi is a former winner of the Frederick O’Reilly Hayes Prize.

By your letter to the Board, you approve of Ms. Choi’s work on behalf of the Foundation as part of her work for OTI and seek the Board’s approval for her participation

in business dealings between the 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 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.

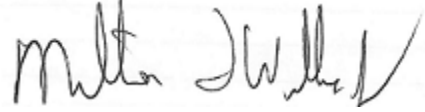
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation,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

Dominic Mauro
Ruby Choi

Matthew C. Fraser, Chief Technology Officer
NYC Office of Technology & Innovation
2 MetroTech Center, P-1 Level Mailroom
Brooklyn, NY 11201

August 20, 2024

New York City Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, NY 10007

Dear Conflict of Interest Board Members:

In accordance with Conflicts of Interest Board Rule 1-13(e), this letter serves as my approval of Kelly Moan, Chief Information Security Officer (CISO) of Cyber Command in the NYC Office of Technology & Innovation (OTI), to serve on the George Mason University's (GMU) National Security Institute Cyber Tech Center Tech Leaders and Innovators Council. CISO Kelly Moan will not be compensated for this activity but will use reasonable and incidental City time and City resources to fulfill this service. As described below, there is a demonstrated nexus between CISO Kelly Moan's position, her work for the National Security Institute (NSI) Cyber and Tech Center (CTC) Tech Leaders and Innovators Council at George Mason University's Antonin Scalia Law School, and OTI's mission.

NSI's mission is to strengthen American national security and U.S. global leadership by educating future leaders and advancing actionable solutions based on practical experience. NSI draws on the expertise of an all-volunteer group of experts who hold or have held senior positions in the intelligence, defense, technology, and law sectors to produce research and actionable policy proposals. NSI CTC Tech Leaders and Innovator Council's mission is to promote through dialogue with experts, engagement with policymakers, and cutting-edge research American technology leadership and to tackle critical innovation, cyber, and emerging technology challenges.

In this role, CISO Moan would further OTI's mission to continue to strengthen the City's cybersecurity capabilities by fully leveraging public/private partnerships and investing in people to create a global leading government technology team. As a member of the NSI CTC Tech Leaders and Innovators Council, CISO Moan's role will be pivotal in addressing industry-wide concerns and developing actionable solutions to critical cyber and technology challenges. Additionally, CISO Moan may participate in off-the-record briefings with Congressional leaders and their staff to provide insights and recommendations. Involvement in the Council also affords the opportunity to support academic initiatives through guest lectures, student programming, and professional development offerings. The NSI CTC Tech Leaders and Innovators Council does not hold any contracts with the City and is not a lobbyist for the City. Further, George Mason University has not done business with the City since Fiscal Year 2020.

In her role as CISO of the City of New York, CISO Moan leads NYC Cyber Command to protect, defend, and respond to cyber threats across the city. Cyber Command is charged with protecting all City systems against cyber threats, including systems that deliver vital services to New Yorkers. In addition, Cyber Command provides in-depth support to over 100 agencies and offices to protect, detect, identify, respond to, and recover from cyber threats.

I have determined that there is a demonstrated nexus between OTI's mission, CISO Moan's position, and the work and activities of the NSI CTC Tech Leaders and Innovators Council, and are not undertaken primarily for the Council's benefit or interests.

If you have any questions, please contact OTI's General Counsel Melissa Guillaume at 718-403-8048 or mguillaume@oti.nyc.gov.

Sincerely,



Matthew C. Fraser
Chief Technology Officer
NYC Office of Technology & Innovation