

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 15, 2025

Acting Commissioner Eduardo N. del Valle
New York City Department of Design and Construction
30-30 Thomson Avenue
Long Island City, New York 11101

Re: Conflicts of Interest Board Case No. 2025-437 (David Varoli)

Dear Acting Commissioner del Valle:

This is in response to former Commissioner Thomas Foley's letter to the Conflicts of Interest Board (the "Board"), dated May 1, 2025, and subsequent communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), David Varoli, an employee of the New York City Department of Design and Construction ("DDC"), to use City time and City resources to perform work for the Design Build Institute of America ("DBIA") and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Mr. Varoli may take part in DBIA's business dealings with the City.

Relevant Facts

You advise that at DDC Mr. Varoli is Deputy Commissioner and General Counsel. He oversees the Law Division, which provides legal support to DDC on matters such as contracts, procurement, employment, conflicts of interest, and litigation; advocates for legislative change related to the City's construction procurement methods; and oversees complex projects, including Borough Based Jails and East Side Coastal Resiliency. Mr. Varoli has become an expert in the design-build method of project delivery. DDC has taken the lead in the City's implementation of the design-build method by engaging in outreach to designers, engineers, construction managers, contractors, and other vendors; and by training its employees and the employees of other City agencies in design-build methods.

You further advise that DBIA is a not-for-profit organization that promotes the design-build method by defining, teaching, and promoting best practices in design-build project delivery. Mr. Varoli proposes to teach courses developed by DBIA to City employees and members of the construction industry who are interested engaging with the City on design-build projects. He would teach using City time and his City computer and would not receive compensation from DBIA for performing this work.

You advise that DBIA does business with the City and that, in teaching courses for DBIA to City employees as part of his DDC job, stating his belief that this work supports his work at DDC and furthers the purposes and interests of the City.

By his letter to the Board, Commissioner Foley approved of Mr. Varoli's work on behalf of DBIA as part of his work for DDC and sought the Board's approval for his participation in business dealings between DBIA 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.

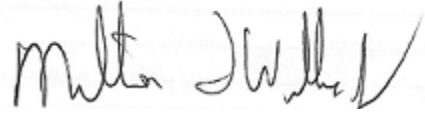
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation,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

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

Lisa Litera
David Varoli