

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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In the Matter of :
:
JOHN MADERA :
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Respondent. :
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DISPOSITION

COIB Case No. 2023-346

WHEREAS, the New York City Conflicts of Interest Board (the "Board") commenced an enforcement action pursuant to Section 2603(h)(1) of Chapter 68 of the New York City Charter ("Chapter 68"), the City's conflicts of interest law, against John Madera ("Respondent"); and

WHEREAS, the Board and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED by and between the parties as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:
 - a. Since January 6, 2020, I have been employed by the New York City Police Department ("NYPD") as a Police Officer assigned to the 84th Precinct. As such, I have been and am a "public servant" within the meaning of and subject to Chapter 68.
 - b. From January to September 2021, a Brooklyn resident filed 901 complaints using the City's 311 system about NYPD officers parking their personal vehicles on sidewalks and in bike lanes near NYPD precincts.
 - c. Most of the complaints concerned the 84th Precinct. These complaints were forwarded by the 311 office to the 84th Precinct for corrective action.
 - d. On September 10, 2021, I called the complainant at the telephone number he provided in his 311 complaints. I identified myself as a "311 operator" named "Josh Hayden." I falsely told the complainant that he "might be barred" from the 311 system due to his "chronic" complaints. I added that "we keep getting complaints that there is an abuse of the 311 system" by the complainant.

- e. I acknowledge that, by using the complainant's personal contact information to give him false information in an attempt to discourage him from filing 311 complaints about parking practices at my precinct, I used confidential information to advance a private interest in violation of City Charter § 2604(b)(4), which states in relevant part:

No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant.

2. To resolve agency disciplinary charges related to the conduct described above, Respondent forfeited fifteen (15) days of annual leave.

3. The complainant brought a civil suit against NYPD related in part to the conduct described above. Respondent contributed Five Hundred Dollars (\$500) toward the Twenty-Five Thousand Dollars (\$25,000) the City paid to settle the complainant's civil suit.

4. The Board has concluded that the appropriate penalty in this case is a fine of Five Hundred Dollars (\$500). In setting this penalty, the Board considered that Respondent sought to discourage a citizen from exercising his constitutional right to complain about government action and that Respondent is a law enforcement officer who should be held to a high standard of compliance with the conflicts of interest law. The Board also considered the penalty Respondent already incurred to resolve related agency discipline and the contribution Respondent made to the City's settlement of the complainant's civil suit.

5. In recognition of the foregoing, Respondent agrees to the following:

- a. I agree to pay a fine of Five Hundred Dollars (\$500) to the Board by money order or by cashier check, bank check, or certified check, made payable to the "New York City Conflicts of Interest Board," upon my signing of this Disposition.
- b. I agree that this Disposition is a public and final resolution of the Board's charges against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United

States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and having been represented by the attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

6. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively states that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

7. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: 10/11, 2023



John Madera
Respondent

Dated: October 11, 2023



John Tynan
Attorney for Respondent

Dated: October 17, 2023



Milton L. Williams Jr.
Chair
NYC Conflicts of Interest Board