



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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Advisory Opinion No. 2026-1

The Conflicts of Interest Board (the “Board”) received a request from the general counsel of a City agency for guidance regarding the applicability of Board Rules Section 1-13(e) to agency employees assigned to perform work on behalf of a not-for-profit corporation (the “Corporation”), including by appointment to its governing board, where the Corporation was created and controlled by the City and is a local authority under the New York State Public Authorities Accountability Act (“PAAA”). The Board concludes that Board Rules Section 1-13(e) does not apply in this circumstance.¹

The Corporation was created by the City to engage in development work involving the transfer and ownership of real property to the City. Under its proposed by-laws, a majority of the members of the Corporation’s board of directors represent the City either by direct appointment by a City elected official or through service as *ex officio* members by virtue of other City government appointments. The majority of the remaining members are appointed by State or City government officials. As a not-for-profit corporation created by the City, the Corporation is a local authority under the PAAA and is subject to State oversight. The Corporation is also subject to New York State Open Meetings Law, New York State Public Officers Law, and New York State Freedom of Information Law.

¹ The advice contained in this advisory opinion applies only to the public servant who is the subject of the request. See Charter Section 2603(c)(4).

Board Rules Section 1-13(e) permits an agency head to 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,” provided that certain enumerated conditions are met. The rule further requires that the agency head obtain a written Board determination to permit a designated public servant to be involved in the City business dealings of that not-for-profit corporation.

However, where a not-for-profit corporation is created and controlled by the City; is a local authority; and is subject to the PAAA, the New York State Open Meetings Law, and New York State Freedom of Information Law, that not-for-profit corporation is an instrumentality of the City. A public servant assigned by their City agency to perform work on behalf of an instrumentality of the City, such as the Corporation, is not subject to the requirements of Board Rules Section 1-13(e). Accordingly, the Board advised the agency’s general counsel that no designation or Board determination is required for the public servants assigned by the agency to perform work for the Corporation.



Milton L. Williams Jr.
Chair

Wayne G. Hawley
Ifeoma Ike
Amy E. Millard

Dated: January 30, 2026