

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD and
THE CITY OF NEW YORK
DEPARTMENT OF EDUCATION

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<i>In the Matter of</i>	:	
	:	<u>DISPOSITION</u>
	:	
ROBERT BURNSIDE	:	COIB Case No. 2017-918
	:	
	:	
Respondent.	:	
	:	
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WHEREAS, the New York City Conflicts of Interest Board (the “Board”) commenced an enforcement action pursuant to Section 2603(h)(1) of the City of New York’s conflicts of interest law, Chapter 68 of the New York City Charter (“Chapter 68”), against Robert Burnside (“Respondent”);

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

WHEREAS, Respondent wishes to make his employer, the New York City Department of Education (“DOE”), a party to this resolution; and

WHEREAS, DOE agrees to be a party to this resolution,

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. I have been employed by DOE since August 25, 2003, most recently as an Assistant Principal at Frederick Douglas Academy VII Middle School (“452K”). Thus, I am a “public servant” within the meaning of and subject to Chapter 68.
- b. In early 2017, I sold a fur coat to Ann-Marie Hurt for \$500. At the time of the transaction, Ms. Hurt was a teacher at 452K and my subordinate.
- c. I acknowledge that, by selling a fur coat to my DOE subordinate, I used my City position for financial gain in violation of City Charter § 2604(b)(3), which states:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain,

contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

- d. I acknowledge that, by selling a fur coat to my DOE subordinate, I entered into a financial relationship with that subordinate in violation of City Charter § 2604(b)(14), which states:

No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.

2. After reviewing prior cases in which a superior sold items to a subordinate for financial gain, the Board has determined that the appropriate penalty in this case is a fine of Five Hundred Dollars (\$500.00). This penalty takes into account the value of the item sold; that this case involved a single transaction; and that there is no evidence of coercion or unfair advantage obtained in connection with the sale of the item.

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

- a. I agree to pay a fine of Five Hundred Dollars (\$500.00) 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," at the time of my signing 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 or DOE 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 DOE, 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, after having been represented by an 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 or DOE; 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.

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

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

Dated: July 13, 2018



Robert Burnside
Respondent

Dated: July 16, 2018



David Grandwetter
Council of School Supervisors & Administrators
Attorney for Respondent

Dated: 10/2, 2018



Karen Antoine
Director, Administrative Trials Unit
NYC Department of Education

Dated: 6/30, 2018



Richard Briffault
Chair
NYC Conflicts of Interest Board