



Department of Investigation

Press Release

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CONFLICTS OF INTEREST BOARD
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CONFLICTS OF INTEREST BOARD ISSUES PUBLIC WARNING LETTER TO CITY BRIDGE ENGINEER WHO TOOK SECOND JOB WITH FIRM WORKING ON CITY BRIDGE

The New York City Conflicts of Interest Board announced today that it has issued a public warning letter to Michael Ayo, an Assistant Civil Engineer at the Department of Transportation ("DOT"). Mr. Ayo inspected City bridges for DOT, including the Williamsburg Bridge. He accepted a position with a sub-consultant on a DOT contract involving inspections of that bridge. Mr. Ayo requested and received four weeks of vacation time from DOT, and during this time he worked for the sub-consultant on the DOT contract. Mr. Ayo claimed that he did not know that his non-City employer was engaged in business dealings with his agency, and he resigned from the firm upon learning that the matter on which he was working on behalf of his private employer was a DOT contract. There was no fine. Mr. Ayo agreed to publication of the Board's warning letter.

The Board declined to charge Mr. Ayo with violation of Chapter 68 of the Charter, but advised Mr. Ayo, and all public servants, that the Charter imposes on public servants a duty to exercise reasonable care in ascertaining the facts necessary to comply with the Charter. City employees must find out whether prospective private employers have City business dealings before they take on second jobs. It is a violation of the conflicts of interest law to hold a job with a firm the City employee knows or *should know* has business dealings with the City. The Board recently articulated the principle that City officials who are offered gifts must take steps to inform themselves about City business dealings of donors in the case of *Howard Safir*, COIB Case No. 99-115 (Aug. 2000). The same duty of inquiry pervades the conflicts of interest law in New York City.

Waivers may be available from the Board, but City employees must apply to the Board for waivers and have the approval of the heads of their agencies in support of their waiver applications. City agencies may have their own restrictions on outside employment, and City employees should find out about that as well.

The Conflicts of Interest Board is the City's ethics board and is responsible for enforcing Chapter 68 of the

New York City Charter, the City's conflicts of interest law. The Board is currently composed of three members appointed by the Mayor and confirmed by the City Council.

Mark Davies, the Board's Executive Director, said: "The Board's emphasis continues to be on education and prevention of conflicts of interest. That is why public letters such as this one are so important to heighten City officials' awareness of the conflicts law."

Joan R. Salzman, Deputy Executive Director and Chief of Enforcement, and Astrid B. Gloade, Deputy Counsel, handled this case for the Board. The Board gratefully acknowledges the excellent work of the New York City Department of Investigation, which, pursuant to the City Charter, serves as the investigative arm of the Board. The Board extends special thanks to DOI Commissioner Edward J. Kuriansky, First Deputy Commissioner Alain M. Bourgeois, Inspector General Ronald Calvosa, Deputy Inspector General Victoria Abad-Curran, and former Confidential Investigator Noel Leitch, for DOI's investigative work.