



The City of New York  
Department of Investigation

JOCELYN E. STRAUBER  
COMMISSIONER

180 MAIDEN LANE  
NEW YORK, NY 10038  
212-825-5900

Release #02-2025  
nyc.gov/doi

**FOR IMMEDIATE RELEASE**  
**WEDNESDAY, JANUARY 8, 2025**

**CONTACT: DIANE STRUZZI**  
**CLODAGH MCGOWAN**  
**(212) 825-5931**

**DOI REPORT FINDS EXECUTIVE DIRECTOR OF CITY BOARD OF ELECTIONS (BOE) ENGAGED IN HARASSMENT AND CREATED HOSTILE WORK ENVIRONMENT FOR TWO EMPLOYEES**  
**—DOI also found BOE does not have an effective Equal Employment Opportunity program—**

Jocelyn E. Strauber, Commissioner of the New York City Department of Investigation (“DOI”), issued a Report today following an investigation of allegations of workplace harassment made by a former BOE employee against Michael Ryan, Executive Director of the New York City Board of Elections (“BOE”). DOI undertook this investigation due to the risk that an agency cannot conduct an independent and impartial workplace harassment investigation of its Executive Director, and because DOI’s preliminary review indicated that BOE in particular lacked a sufficient process to do so. During the investigation, DOI was made aware of additional allegations that Ryan harassed a second BOE employee. DOI’s investigation concluded that Ryan’s conduct constituted harassment and created a hostile work environment for these two employees in violation of BOE’s Equal Employment Opportunity (“EEO”) policies. DOI also reviewed the BOE’s EEO Policy and found serious deficiencies that hinder the BOE’s ability to effectively prevent and address workplace misconduct and harassment, including but not limited to the incidents raised by the Complainants. DOI also determined that Ryan’s conduct more likely than not violated applicable State and City human rights laws.

DOI referred its findings to the Board. While it is the Board’s responsibility to determine appropriate corrective or disciplinary action, DOI took the unusual step of informing the Board of DOI’s view that Ryan’s conduct was sufficiently serious, particularly in light of his leadership position, that termination or resignation in lieu of termination is warranted. The Board declined to terminate Ryan or to give him the opportunity to resign; instead, the Board suspended Ryan for three weeks without pay, directed him to attend sensitivity training offered by the City Department of Citywide Administrative Services (“DCAS”), and placed him on probation for one year. DOI notes that Ryan most recently completed DCAS’s EEO and Sexual Harassment Prevention training courses on May 6, 2024, during the time period when the substantiated conduct occurred.

DOI issued six policy and procedure recommendations to reform and strengthen the BOE’s EEO program. A copy of the Report follows this release and can be found at this link: <https://www.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Jocelyn E. Strauber said, “After a thorough investigation, DOI concluded that BOE’s Executive Director harassed two BOE employees, creating a hostile work environment and leading one employee to resign. Equally concerning, DOI found BOE’s Equal Employment Opportunity (“EEO”) policies and procedures seriously deficient and to that end, DOI has made six recommendations to strengthen BOE’s EEO program and to provide more robust protections for its employees. Effective EEO

more

policies promote a diverse, inclusive and equitable workplace which is critical to an agency's success. I strongly urge the BOE to immediately implement DOI's recommendations."

BOE is a non-Mayoral City entity responsible for administering elections in New York City. It is overseen by an independent Board of Commissioners ("the Board") established pursuant to Article 2, Section 8 of the New York State Constitution, as codified in the New York State Election Law. The Board consists of ten commissioners, one Democrat and one Republican from each of the City's five boroughs. The Executive Director, who reports to the Board, and his Executive Management team lead the BOE. The BOE has a staff of over 900 employees in its general office and five borough offices and employs numerous other part-time and temporary election workers. The Board of Commissioners are not City employees, but all other BOE staff, including the Executive Director, are City employees and are on the City's payroll.

Between August 2 and October 8, 2024, DOI conducted an investigation into allegations of workplace harassment by Ryan concerning a former BOE employee ("Complainant 1"), which was reported to DOI initially by a BOE Commissioner and separately by Complainant 1. Complainant 1 made numerous allegations that Ryan engaged in unwelcome behavior towards her or in her presence, over an approximately four-month period in 2024. The alleged behavior included comments that were either sexually suggestive, about a sexualized topic, or about Complainant 1's appearance, some paired with inappropriate physical gestures. Some of the comments also centered around Complainant 1's ethnicity and involved offensive stories and stereotypes about individuals of the same or similar heritage. Ryan's conduct, in totality, caused Complainant 1 to experience significant anxiety and emotional distress, and ultimately contributed to her decision to resign from her BOE position. Complainant 2 did not proactively make a complaint of misconduct against Ryan to DOI. However, during her interview with DOI in connection with the investigation of Complainant 1's allegations, Complainant 2 disclosed several incidents in which Ryan made ethnicity- and gender-based comments towards her or in her presence, which she stated were unwanted, unwelcome, and offensive.

To the extent Ryan credibly asserted that he did not intend to harass the Complainant, neither the BOE's EEO Policy, the Citywide EEO Policy, nor applicable law, requires that a harasser *intend* for his or her conduct to create a hostile work environment. In fact, harassing conduct based on a protected characteristic, including race, ethnicity, and gender, that has the purpose or effect of creating a hostile work environment, is prohibited. DOI found Ryan's conduct particularly inappropriate in light of his executive leadership position at the BOE.

DOI notes that DOI previously investigated and substantiated allegations of misconduct against the BOE's former General Counsel Steven Richman. In that case, Richman misused his position by convincing an intern he supervised that he could help the intern obtain a job as a security guard at political events, if the intern could pass a so-called "physical fitness assessment" to be administered by Richman. This physical fitness assessment included measuring the intern's body parts, placing the intern in wrestling holds, and having the intern place Richman in wrestling holds. Richman later performed a similar "assessment" on a second individual and took photos of the individual during the assessment. Richman's wholly improper conduct, which resulted in a criminal conviction, is of course distinct from Ryan's. Nonetheless, it is worth noting that the allegations that prompted this investigation are the second set of substantiated allegations of which DOI is aware that involve misconduct by a senior member of BOE leadership and that implicate the BOE's EEO Policy and pose potential liability risks under applicable human rights laws. One instance of conduct of this nature would be too many and two such instances make clear the need for significant reforms to the BOE's EEO program.

DOI reviewed the BOE's EEO Policy and interviewed 14 BOE personnel, including BOE commissioners and senior staff. DOI found Complainants 1 and 2 to be credible based on interviews of the Complainants in which they provided specific factual detail supporting their allegations, as well as corroboration provided by other witnesses who learned of the incidents at issue either roughly contemporaneously with their occurrence or after they occurred. Some witnesses also reported conduct by Ryan similar to those alleged by the Complainants, such as Ryan telling race- and ethnicity- based stories or jokes.

During its investigation, DOI observed deficiencies in the BOE's EEO Policy and related practices that hindered BOE's ability to effectively prevent and address the incidents raised by the Complainants.

Specifically, the BOE's EEO Policy lacked a confidential complaint mechanism or independent investigation protocol for allegations against its Executive Director and other senior staff. Additionally, unlike other City agencies, the BOE did not have an EEO Officer who handles routine EEO responsibilities independently of other senior staff, such as reviewing and evaluating complaints, conducting investigations, processing reasonable accommodation requests, and keeping a central repository or log of EEO activities, impacting not only the specific allegations that DOI addresses in this Report, but the BOE's ability to handle EEO complaints more generally. Individuals who DOI interviewed, including BOE Commissioners and senior BOE staff, were also confused as to the applicability of the Citywide EEO Policy to the BOE.

These deficiencies send a message that BOE does not take these policies and its EEO obligations seriously and create risks including that staff may be unaware of the rules governing workplace behavior and that victims of harassment will not report their complaints. These deficiencies also effectively prevent proper and consistent handling of the BOE's EEO responsibilities and pose legal risks to the BOE, and to the City, in light of relevant Federal, State, and City human rights laws intended to prevent workplace harassment. Based on these findings, DOI issued six policy and procedure recommendations to reform and strengthen the BOE's EEO program.

Based on the findings described in this Report, DOI recommended that BOE should:

1. Formally appoint a qualified EEO Officer who reports directly to both the Executive Director and the President of the Board of Commissioners, and properly staff the EEO Office with qualified professionals to perform all EEO responsibilities, including investigations.
2. Communicate the identity and contact information of the EEO Officer and other EEO professionals, via email, posting on any internal intranet site, or other effective methods, to all BOE staff annually and at other appropriate intervals, such as when a new EEO Officer is appointed.
3. Formally adopt the Citywide EEO Policy as BOE's EEO Policy and, like the City's mayoral agencies, follow DCAS's guidance on proper implementation of the EEO Policy. BOE's EEO Policy should include, at minimum:
  - A requirement that all supervisors and managers who receive an allegation or otherwise become aware of misconduct that violates the BOE's EEO Policy refer such allegation to the EEO Officer for a confidential and independent investigation.
  - A requirement that, in the event such an allegation is against the Executive Director, the EEO Officer, or a BOE Commissioner, the EEO Officer or other supervisor or manager must refer the allegation to another City entity, such as DCAS or DOI, for independent investigation.
  - A detailed procedure for investigation of EEO complaints which includes, among other things, confidentiality protocols to ensure the protection of complainants and witnesses, and a prohibition against retaliation for making a complaint or participating in an investigation.
  - A detailed procedure for other EEO functions, including submission and handling of reasonable accommodation requests and recordkeeping with respect to complaints, investigations, reasonable accommodations, and training.
4. Train all BOE personnel, including Executive Management and BOE Commissioners, at regular intervals on the EEO Policy and sexual harassment prevention.
5. Perform regular reporting to an external City entity, such as DCAS, with respect to EEO activities, including complaints, investigations, reasonable accommodations, and training.
6. Formally subject itself to audits and oversight by the New York City Equal Employment Practices Commission.

In response, the Board indicated it will “review and update its [EEO] policies and procedures in part based on DOI’s recommendation.”

This investigation was conducted by Special Counsel to the Inspectors General Danielle Muniz and Associate General Counsel Anais Holland-Rudd and was supervised by Deputy Commissioner/ Chief Compliance and Privacy Officer & EEO Officer Philip Hung, Deputy Commissioner of Legal Affairs and General Counsel Andrew Brunsten, Deputy Commissioner of Strategic Initiatives Christopher Ryan, and Deputy Commissioner/Chief of Investigations Dominick Zarrella.

*DOI is one of the oldest law-enforcement agencies in the country and New York City’s corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI’s strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.*

**DOI’s press releases can also be found at [twitter.com/NYC\\_DOI](https://twitter.com/NYC_DOI)  
Know something rotten in City government? Help DOI Get the Worms Out of the Big Apple.  
Call: 212-3-NYC-DOI or email: [Corruption@DOI.nyc.gov](mailto:Corruption@DOI.nyc.gov)**

New York City  
Department of Investigation

# Equal Employment Opportunity Policies and Practices at the New York City Board of Elections

Jocelyn E. Strauber  
Commissioner

Philip Hung  
Deputy Commissioner

January 2025



Table of Contents

I. Executive Summary ..... 1

II. Investigative Findings..... 2

    A. Harassment and Hostile Work Environment by Executive Director Michael Ryan ..... 2

    B. Deficiencies in BOE's Policies and Procedures for Addressing EEO Matters..... 4

III. Recommendations..... 8

## I. Executive Summary

The New York City Board of Elections (the “BOE”) is a non-Mayoral City entity responsible for administering elections in New York City. The BOE’s responsibilities include: voter registration; operating poll site locations; the dissemination of election information; and the processing and verification of candidate documents. The BOE is overseen by an independent Board of Commissioners (the “Board”) established pursuant to Article 2, Section 8 of the New York State Constitution, as codified in the New York State Election Law. The Board consists of ten commissioners, one Democrat and one Republican from each of the City’s five boroughs. The BOE has a staff of over 900 employees in its general office and five borough offices and employs numerous other part-time and temporary election workers. The BOE is led by its Executive Director, who reports to the Board, and his Executive Management team. The Board of Commissioners are not City employees, but all other BOE staff, including the Executive Director, are City employees and are on the City’s payroll.

Between August 2 and October 8, 2024, the New York City Department of Investigation (“DOI”) conducted an investigation into allegations of workplace harassment by Executive Director Michael Ryan. The allegations were made by a former BOE employee (“Complainant 1”). DOI undertook this investigation because: (1) Ryan’s position as the head of the BOE created a risk that BOE could not conduct an independent and impartial investigation; and (2) DOI’s preliminary review of the BOE’s policies and procedures indicated that the BOE lacked a sufficient process to adequately address workplace harassment allegations against the Executive Director. During DOI’s investigation, additional allegations that Ryan harassed another BOE employee (“Complainant 2”) came to our attention. DOI’s investigation concluded that Ryan’s conduct constituted harassment and created a hostile work environment for the complainants in violation of BOE’s Equal Employment Opportunity policy (“BOE’s EEO Policy”)<sup>1</sup>. DOI also determined that Ryan’s conduct more likely than not also violated applicable State and City human rights laws.

During its investigation, DOI observed deficiencies in the BOE’s EEO Policy and related practices that hindered BOE’s ability to effectively prevent and address the incidents raised by the complainants. Specifically, the BOE’s EEO Policy lacked a confidential complaint mechanism or independent investigation protocol for allegations against its Executive Director and other senior staff. Additionally, unlike other City agencies, the BOE did not have an EEO Officer who performs routine EEO responsibilities independently of other senior staff, such as receiving and evaluating complaints, conducting investigations, processing reasonable accommodation requests, and keeping a central repository or log of EEO activities, impacting not only

---

<sup>1</sup> BOE’s EEO Policy is included in its Personnel Guidelines.

the specific allegations that we address here, but the BOE’s ability to handle EEO complaints more generally. Individuals whom DOI interviewed, including BOE Commissioners and senior BOE staff, were also confused as to the applicability of the Citywide EEO Policy to the BOE. These deficiencies send a message to BOE staff that BOE does not take its EEO-related obligations seriously, and create risks including that Staff may be unaware of the rules governing workplace behavior and that victims of harassment will not report their complaints. These deficiencies also effectively prevent proper and consistent handling of the BOE’s EEO responsibilities and pose legal risks to the BOE, and to the City, in light of relevant Federal, State, and City human rights laws intended to prevent workplace harassment.

At the conclusion of its investigation in late 2024, DOI provided a detailed confidential report of its factual findings concerning the conduct of Executive Director Ryan and BOE’s EEO policies and practices to the BOE Board of Commissioners, as well as several policy and procedure recommendations to reform and strengthen the BOE’s EEO program. In light of the significant flaws in BOE’s EEO practices, as well as the misconduct of BOE’s Executive Director, DOI now issues this public report summarizing its findings.

## **II. Investigative Findings**

### **A. Harassment and Hostile Work Environment by Executive Director Michael Ryan**

Complainant 1 made numerous allegations that Ryan engaged in unwelcome behavior towards her or in her presence, over a three- to four-month period in 2024. The alleged behavior included comments that were either sexually suggestive, about a sexualized topic, or about Complainant 1’s appearance – some paired with inappropriate physical gestures, such as puckering his lips and touching or attempting to touch Complainant 1’s face with his hand – all of which were unwelcome and made her extremely uncomfortable. Some of the comments also centered around Complainant 1’s ethnicity and involved offensive stories and stereotypes about individuals of the same or similar heritage. In some instances, the ethnicity-based commentary was paired with gender-based and sexualized remarks, all of which made Complainant 1 feel that Ryan targeted her due to her ethnic identity and that he was “grooming” her. Ryan’s conduct, in totality, caused Complainant 1 to experience significant anxiety and emotional distress, and ultimately contributed to her decision to resign from her BOE position.

Complainant 2 did not proactively make a complaint of misconduct against Ryan to DOI. However, during her interview with DOI in connection with the investigation of Complainant 1’s allegations, Complainant 2 disclosed several incidents in which Ryan made ethnicity- and gender-based comments towards her or in her presence, which she stated were unwanted, unwelcome, and offensive. The comments included



stereotypical remarks about how individuals of her heritage behave or should behave, and comments that were based on a gender stereotype. Complainant 2 stated that she did not previously report the comments because she did not believe that there was a mechanism for her to do so effectively, and without risk of harm.

DOI reviewed the BOE's EEO Policy and interviewed 14 BOE personnel, including BOE commissioners and senior staff. DOI found Complainants 1 and 2 (collectively the "Complainants") to be credible based on interviews of the Complainants in which they provided specific factual detail supporting their allegations and on the basis of corroboration provided by other witnesses who learned of some of the incidents at issue either roughly contemporaneously with or after they occurred. Some witnesses also reported conduct similar to those alleged by the Complainants, such as Ryan telling race- and ethnicity- based stories or jokes. Furthermore, Ryan's own statements to DOI about some of the incidents were in certain relevant parts consistent with the Complainants' allegations, and DOI found that the Complainants lacked a motive to fabricate allegations against Ryan.

While Ryan acknowledged some of the alleged conduct – in whole or in part – he either claimed that he did not intend to harass the Complainant (in the case of Complainant 1) or that the Complainant had a motive to lie about being offended by his comments (in the case of Complainant 2). Ryan otherwise denied or claimed he did not recall other instances of alleged conduct that are plainly indefensible, such as puckering his lips towards Complainant 1, or attempting to touch her face. DOI did not credit Ryan's denials that he did not engage in or did not recall such conduct, and DOI did not find any basis to believe that Complainant 2 was lying about taking offense to Ryan's comments and behavior. Ryan's claim that he did not intend to harass the Complainants is suspect, given that it is a self-serving statement made in a context where he did have a motive to lie. Regardless of Ryan's intent, the conduct that DOI found him to have engaged in, consistent with the Complainants' allegations, and his pattern of similar behavior as described by other witnesses, suggests he was at minimum reckless or careless as to how his comments and conduct could reasonably be received by others. In addition, as explained below, whether Ryan "intended" to harass is irrelevant to whether he violated law or policy.

Based on these considerations, DOI substantiated the allegations and concluded that Ryan's conduct created a hostile work environment for Complainants 1 and 2. The substantiated conduct violated the BOE's EEO Policy. DOI also found that Michael Corbett, the BOE's Administrative Manager and member of the Executive Management team who oversees personnel matters, engaged in conduct on one occasion that violated BOE's EEO Policy. Specifically, in connection with a conversation in Corbett's office involving Ryan, and in the presence of Complainant 1, Corbett discussed with Ryan the topic of appropriate age differences for dating and suggested that the standard is "half your age plus seven." Complainant 1, whose

position at BOE was subordinate to both Corbett and Ryan, is nearly half of Ryan's age plus seven. DOI also determined that Ryan and Corbett's conduct more likely than not violated applicable State and City human rights laws. To the extent Ryan credibly asserted that he did not intend to harass the Complainant, neither the BOE's EEO Policy, the Citywide EEO Policy, nor applicable law, requires that a harasser *intend* for his or her conduct to create a hostile work environment. In fact, harassing conduct based on a protected characteristic, including race, ethnicity, and gender, that has the purpose *or* effect of creating a hostile work environment is prohibited. DOI found Ryan's and Corbett's behavior particularly inappropriate in light of their executive leadership positions at the BOE.

### **B. Deficiencies in BOE's Policies and Procedures for Addressing EEO Matters**

DOI's investigation into Ryan's conduct revealed several significant gaps in BOE's policies that prevented proper handling of complaints against the Executive Director or other senior staff members.

First, unlike the City's Mayoral agencies which are subject to the Citywide EEO Policy and required by that policy to have a qualified and independent EEO Officer who reports directly to the agency head, DOI found that the BOE does not have a dedicated, qualified senior staff member responsible for EEO matters, leading to confusion among BOE personnel about the existence and identity of an EEO Officer. Some staff that DOI interviewed believed that the Director of Personnel, Steven Guglielmi, was the EEO Officer. DOI found that Guglielmi is not in fact the EEO Officer and does not have the qualifications, experience, or staffing to handle both EEO and human resources functions effectively. Furthermore, the BOE's EEO Policy specifically references an "EEO Office," but based on DOI's findings, BOE has no such office. Even if Guglielmi was in fact the EEO Officer, he does not report directly to the Executive Director or the Board, instead he reports to Corbett. This structure is inconsistent with EEO best practices, because when the EEO Officer reports to another senior executive, that can limit the EEO Officer's ability to exercise independent judgment in his or her investigations. The Citywide EEO Policy requires that the EEO Officer report directly to the agency head precisely for this reason – again, so that the EEO Officer can investigate all staff, including senior staff, and their direct reports, without the conflict of interest that could arise if the EEO Officer was required to investigate either the EEO Officer's own supervisor or someone with a close professional relationship with their supervisor. Without an independent, qualified EEO Officer, BOE's approach to handling EEO complaints is insufficient to ensure fair and confidential investigations, especially when senior staff are involved in the allegations or the subjects of the allegations.

Second, BOE's EEO Policy does not provide guidance specific to the handling of allegations against senior staff members, such as the Executive Director. BOE's EEO

Policy instructs staff to report allegations to their manager or supervisor, the “EEO Office”, or the Director of Personnel, who reports directly to the Administrative Manager (Corbett) and more broadly to Executive Management. If a manager or supervisor becomes aware of harassment, they are instructed to consult with the Director of Personnel, and if not available, the Executive Director or Deputy Executive Director. There is no separate reporting path offered to Staff to facilitate the reporting of allegations against Executive Management and to prevent conflicts of interest with respect to investigations of allegations against Executive Management. That is, there is no alternative reporting structure that would avoid requiring Staff to report allegations of harassment *by* Executive Management *to* Executive Management, as well as to avoid requiring Executive Management to investigate allegations against themselves. By contrast, the Citywide EEO Policy provides that the EEO Officer should report directly to the agency head, and not to other members of Executive Management, and that alleged EEO violations that involve the actions of the EEO Office or the agency head must be reported to the Department of Citywide Administrative Services (“DCAS”) for investigation – so that they can be investigated independently of the subject(s) of the complaint. Again, even if the Director of Personnel was the BOE’s EEO Officer, as some witnesses incorrectly believed, the fact that he does not report directly to the Executive Director or to the Board is a structural issue that could make reporting allegations against other members of Executive Management difficult. And the absence of a process for reporting allegations about Executive Management and the Executive Director himself also could limit Staffs’ willingness and ability to make such allegations where warranted.

DOI also found issues regarding the BOE’s handling of EEO complaints and other deficiencies in its internal EEO program. First, the BOE does not have a dedicated EEO Office that independently evaluates complaints and conducts investigations; instead, when the BOE’s Director of Personnel receives an EEO complaint, he refers the matter first to Executive Management, who then enlist investigative assistance from other BOE staff, such as Legal Department attorneys and borough office managers when a complaint concerns a borough office. The BOE’s failure to maintain and staff a dedicated EEO office, and to handle such complaints within that office, rather than disseminating such complaints for handling to other non-EEO staff, compromises the BOE’s ability to maintain confidentiality of complaints and investigations, and thus could undermine Staff confidence in the complaint and investigative process.<sup>2</sup> This deficiency, particularly in the absence of a separate

---

<sup>2</sup> Breaches of confidentiality arose even during the pendency of this investigation. As noted above, at the conclusion of its investigation, DOI issued a confidential report of its findings to the Board for appropriate action. DOI specifically requested that the Board keep the report confidential and limit disclosure to the ten commissioners, its counsels, and individuals specifically named in the report, and to instruct any recipients of the report to likewise keep it confidential. Despite the Board’s agreement

reporting structure for senior staff, could create a chilling effect on reports of misconduct against the Executive Director and other senior staff and indeed may render the BOE unaware of, and thus unable to, address EEO allegations against its senior staff. This again demonstrates the importance of an independent EEO Officer and a reporting structure where the EEO Officer reports directly to the agency head, so as to empower the EEO Officer to effectively and confidentially handle complaints and investigations involving all staff, including other senior managers. Additionally, BOE did not maintain an effective tracking system for EEO complaints, making it difficult to identify patterns or address recurring issues.

Furthermore, unlike Mayoral City agencies, the BOE, as an independent agency authorized under State law, is not by default subject to the Charter authority of DCAS and the City's Equal Employment Practices Commission (EEPC), two City entities that provide essential equal employment practices guidance and oversight to other City agencies.<sup>3</sup> Most notably, the BOE is not subject to the Citywide EEO Policy and therefore BOE is not mandated by the City to apply that Policy. Many of the issues DOI identified above are contemplated in and addressed by the Citywide EEO Policy. For instance, the Citywide EEO Policy, as noted above, requires agency heads to appoint a qualified EEO Officer who reports directly to the agency head. The City's EEO protocol also requires that EEO allegations against the agency head or the EEO Office be referred to DCAS for an independent investigation. Instead of fully adopting and complying with the Citywide EEO Policy, the BOE requires compliance only with certain limited portions of it, such as Citywide mandatory EEO training requirements.<sup>4</sup> DCAS also provides best practices training on a regular basis to EEO professionals at City agencies to ensure proper implementation of EEO programs at each agency. In addition, City agencies regularly report information on EEO activities to DCAS, which include data on complaints, investigations, reasonable accommodations, and training. The BOE's current EEO program does not require compliance with any of these best practices, which the Citywide EEO policy imposes on Mayoral agencies. Similarly, because the BOE is not subject to the EEPC's jurisdiction, the BOE's EEO practices and protocols have not been subjected to independent external monitoring or audit by the EEPC, a City entity authorized under the City Charter to perform routine audits of City agencies and entities with respect to EEO matters and that report on its findings publicly. The lack of external

---

to honor these requests, which were made to ensure the protection and privacy of the complainants, the witnesses, and Ryan, it was reported to DOI that the confidential report was shared widely with others at BOE, including at its borough office(s). Indeed, a copy was ultimately obtained by Complainant 1, who is no longer employed at the BOE or the City, through these channels. These breaches of confidentiality have the potential to interfere with the integrity of DOI's investigation, and further supports DOI's finding that the BOE's practices with respect to handling of sensitive and confidential EEO information as a general matter are deficient.

<sup>3</sup> See Corporation Counsel Opinion No. 11-90 (December 1990).

<sup>4</sup> Sexual harassment prevention training is required under both State and Local law.

employment practices monitoring likely contributed to a deficient EEO program at the BOE.

As a City entity that employs over 900 staff – and numerous other part-time and temporary election workers – to perform the important work of administering elections throughout the City, the BOE, like other City employers, has an obligation to maintain a safe and respectful work environment free from discrimination and harassment for all staff. The deficiencies that DOI identified in this investigation hinder the BOE’s ability to effectively fulfill this important obligation. In addition, in light of the extensive legal protections afforded under Federal, State, and City human rights laws, the BOE’s failure to have an effective EEO program poses legal risks to the BOE and to the City.

We note that DOI previously investigated and substantiated allegations of misconduct against the BOE’s former General Counsel Steven Richman. In that case, Richman misused his position by convincing an intern he supervised that he could help the intern obtain a job as a security guard at political events, if the intern could pass a so-called “physical fitness assessment” to be administered by General Counsel Richman.<sup>5</sup> This physical fitness assessment included measuring the intern’s body parts, placing the intern in wrestling holds, and having the intern place him in wrestling holds. Richman later performed a similar “assessment” on a second individual and took photos of the individual during the assessment. Richman’s entirely inappropriate and harassing conduct, which resulted in a criminal conviction, is of course distinct from Ryan’s. Nonetheless, it is worth noting that this is the second set of substantiated allegations of which we are aware that involve misconduct by a senior member of BOE leadership and that implicate the BOE’s EEO Policy and pose potential liability risks under applicable human rights laws. One instance of substantiated misconduct would be too many; two such instances make clear the need for significant reforms to the BOE’s EEO program.

---

<sup>5</sup> In 2022, following a DOI investigation, Richman pled guilty to two counts of Official Misconduct in connection with unauthorized conduct with two individuals, including an intern at BOE. See Press Release, DOI, Former General Counsel of NYC Board of Elections Pleads Guilty to Two Counts of Official Misconduct in Connection with Unauthorized Conduct with an Intern at the BOE and Another Individual, June 2, 2022, [https://www.nyc.gov/assets/doi/press-releases/2022/June/14Richman\\_6022022.pdf](https://www.nyc.gov/assets/doi/press-releases/2022/June/14Richman_6022022.pdf). During the criminal investigation which led to this conviction, BOE placed Richman on paid leave. DOI found that, inconsistent with BOE’s practices and policies, BOE granted and permitted Richman to use 23 days of annual leave that he had not yet earned and approximately 60 days of undocumented sick leave so that Richman’s leave could be “paid,” further indicating a need for BOE to reconsider its response to conduct that presents EEO issues. See DOI, NYC Board of Elections’ Misuse of Annual and Sick Leave Related to Its Former General Counsel, July 2024, <https://www.nyc.gov/assets/doi/reports/pdf/2024/30BOE.Richman.Release.Rpt.07.02.2024.pdf>.

### III. Recommendations

As noted above, DOI referred its findings with respect to Ryan and Corbett to the Board in a detailed and confidential report. While it is the Board's responsibility to determine appropriate corrective or disciplinary action, DOI took the unusual step of informing the Board of DOI's view that Ryan's conduct was sufficiently egregious, particularly in light of his leadership position, that termination or resignation in lieu of termination was warranted. The Board declined to terminate Ryan or to give him the opportunity to resign; instead, the Board suspended Ryan for three weeks without pay, directed him to attend DCAS sensitivity training,<sup>6</sup> and placed him on probation for one year. The Board also suspended Corbett for one week without pay and directed him to attend DCAS sensitivity training. The Board's response is appended below.

DOI's findings were not limited to Ryan and Corbett's conduct. DOI also found significant deficiencies in BOE's policies, procedures, and protocols for addressing complaints of harassment, sexual harassment, and hostile work environment and other EEO issues. As a result, DOI recommended that BOE implement several policy and procedure recommendations. To date, the Board has not committed to implementation of those recommendations, but has stated that it will "review and update its EEOC policies and procedures in part based on DOI's recommendation." DOI's recommendations are as follows:

1. BOE should formally appoint a qualified EEO Officer who reports directly to both the Executive Director and the President of the Board of Commissioners, and properly staff the EEO Office with qualified professionals to perform all EEO responsibilities, including investigations.
2. BOE should communicate the identity and contact information of the EEO Officer and other EEO professionals, via email, posting on any internal intranet site, or other effective methods, to all BOE staff annually and at other appropriate intervals, such as when a new EEO Officer is appointed.
3. BOE should formally adopt the Citywide EEO Policy as BOE's EEO Policy and, like the City's mayoral agencies, follow DCAS's guidance on proper implementation of the EEO Policy. BOE's EEO Policy should include, at minimum:
  - A requirement that all supervisors and managers who receive an allegation or otherwise become aware of misconduct that violates the

---

<sup>6</sup> We note that Ryan most recently completed DCAS's EEO and Sexual Harassment Prevention training courses on May 6, 2024, during the time period when the substantiated conduct occurred.

BOE's EEO Policy refer such allegation to the EEO Officer for a confidential and independent investigation.

- A requirement that, in the event such an allegation is against the Executive Director, the EEO Officer, or a BOE Commissioner, the EEO Officer or other supervisor or manager must refer the allegation to another City entity, such as DCAS or DOI, for independent investigation.
  - A detailed procedure for investigation of EEO complaints which includes, among other things, confidentiality protocols to ensure the protection of complainants and witnesses, and a prohibition against retaliation for making a complaint or participating in an investigation.
  - A detailed procedure for other EEO functions, including submission and handling of reasonable accommodation requests and recordkeeping with respect to complaints, investigations, reasonable accommodations, and training.
4. BOE should train all BOE personnel, including Executive Management and BOE Commissioners, at regular intervals on the EEO Policy and sexual harassment prevention.
  5. BOE should perform regular reporting to an external City entity, such as DCAS, with respect to EEO activities, including complaints, investigations, reasonable accommodations, and training.
  6. BOE should formally subject itself to audits and oversight by the New York City Equal Employment Practices Commission.

RODNEY L. PEPE-SOUVENIR  
PRESIDENT  
FREDERIC M. UMANE  
SECRETARY



MICHAEL J. RYAN  
EXECUTIVE DIRECTOR  
VINCENT M. IGNIZIO  
DEPUTY EXECUTIVE DIRECTOR

GEORGEA KONTZAMANIS  
OPERATIONS MANAGER

MICHAEL D. CORBETT  
ADMINISTRATIVE MANAGER

JOSE MIGUEL ARAUJO  
MICHAEL J. COPPOTELLI  
CAROL R. EDMOND  
GINO A. MARMORATO  
JODI MORALES  
SIMON SHAMOUN  
MICHELE A. SILEO  
KEITH SULLIVAN  
COMMISSIONERS

## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE  
32 BROADWAY  
NEW YORK, NY 10004-1609  
TEL (212) 487-5300  
FAX (212) 487-5349  
www.vote.nyc

December 16, 2024

**Via Email Only: [phung@doi.nyc.gov](mailto:phung@doi.nyc.gov)**

Philip K. Hung, Deputy Commissioner  
New York City Department of Investigations  
180 Maiden Lane  
New York, New York 10038

Dear Deputy Commissioner Hung:

The Commissioners of the Board of Elections in the City of New York, a non-mayoral, independent agency, recognizing the seriousness of the allegations contained in the report of the Department of Investigation dated November 19, 2024 concerning Mr. Michael Ryan and Mr. Michael Corbett, and in no way condoning the acts found by DOI, unanimously by all Commissioners present at their meeting on November 26, 2024 and in accordance with DOI's direction that it is the Board's responsibility to determine the appropriate corrective or disciplinary actions concerning Mr. Ryan and Mr. Corbett, hereby resolves as follows:

Mr. Ryan shall be suspended for three weeks without pay. Mr. Ryan is directed to attend DCAS sensitivity training, and should the Board determine that the training is insufficient he shall receive supplemental training. Mr. Ryan shall also be placed on probation for one-year, which probation shall begin at the conclusion of his suspension.

Mr. Corbett shall be suspended for one week without pay. Mr. Corbett is directed to attend DCAS sensitivity training, and should the Board determine that the training is insufficient he shall receive supplemental training.

The Board, preserving its rights as an independent agency, shall forthwith review and update its EEOC policies and procedures in part based on DOI's recommendation

Sincerely,

*Rodney L. Pepe Souvenir*

Rodney L. Pepe-Souvenir  
President

*Frederic M. Umane*

Frederic M. Umane  
Secretary