

Ethics lights the way
to good government

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Alex Kipp, Editor



Romantic Relationships and Conflicts of Interest

by
Bre Injeski

Question: *My boyfriend is considering applying for an open position at my City agency. Can I recommend him for the job?*

Answer: If you and your boyfriend live together, then definitely not. Although nothing in the City's conflicts of interest law specifically addresses boyfriends—or girlfriends, fiancés, and casual dates, for that matter—applicable definitions and provisions of that law expressly apply to persons in a dating relationship. One provision prohibits any public servant from using his or her City position to give anyone with whom the public servant is “associated” a private or personal advantage. Parents, spouses, siblings, and children are definitely associated with a public servant, as is anyone with whom the public servant has a business or other financial relationship. Within the context of a dating relationship, sharing a household or having a child are common examples of financial relationships.

If your boyfriend is associated with you, even if he has outstanding qualifications, you may not recommend him for the position, and you must completely “recuse” or insulate yourself from anything to do with the hiring process. Moreover, should he get the job, you may not supervise him because it would place you in the position of being able to use your City position to further benefit him. It would also place you in violation of *another* provision of the conflicts of interest law—the one prohibiting public servants from having a business or financial relationship with any superior or subordinate.

Question: *I've been dating one of my subordinates for a while. On Valentine's Day we got into an argument about the City's conflicts of interest law. I said it prohibits us from entering into a financial relationship, so it would have been illegal for me to get her a gift. She said I was wrong. Can you settle this for us?*

Answer: You are both right. You're right that the City's conflicts of interest law prohibits public servants from entering into a financial or business relationship with a superior or subordinate public servant. But, she's right that the acceptance of a Valentine's Day gift would not necessarily create a financial relationship between the gift giver and the recipient.

Question: *I work for a large City agency and have lots of talented subordinates. I want to do something special for my anniversary with my wife Roxanne, so I was thinking that I would take my wife to the Brooklyn Bridge and then have my subordinates “spontaneously” serenade us with her namesake song. Of course,*

I want it to be impressive, so I'm going to have them rehearse a lot at work. Good idea, right?

Answer: We don't have to pass judgment on whether your idea is good to know that it would violate the conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. City resources include personnel, and serenading your wife wouldn't serve any City purpose. If you had planned this little surprise to take place on City time, know that your “good idea” would further violate the conflicts of interest law, which also prohibits public servants from pursuing personal or private activities during their City work hours. Also, remember that you would violate the law even if you offered to pay your subordinates to perform, as no public servant may enter into a financial relationship with his or her superior or subordinate.

If you have any doubt at all about whether your action would create a conflict of interest, call the Conflicts of Interest Board at 212-442-1400 and ask for the “attorney of the day.” You can also e-mail us through our website (<http://www.nyc.gov/ethics>) by clicking on “Contact COIB.” All calls and e-mails are confidential, and you may contact us anonymously.□

**Bre Injeski is Assistant Enforcement Counsel for
the New York City Conflicts of Interest Board**

This article originally appeared in The Chief Leader.

Recent Enforcement Cases

► The Board and DOHMH concluded a three-way settlement with a Public Health Epidemiologist who, at times when she was supposed to be doing work for DOHMH, used a City computer and DOHMH e-mail account in an amount substantially in excess of the *de minimis* amount permitted by the City of New York's Policy on Limited Personal Use of City Office and Technology Resources to pursue her university degree. She also accessed confidential work-related databases to conduct research for her degree. The Board fined her \$1000. DOHMH suspended her without pay for five days, valued \$1047, and she forfeited five days of annual leave, valued at \$1,047.

► The Board fined a former ACS Child Protective Specialist \$1,500 for using her ACS position to access information in the confidential CONNECTIONS database.

► The Board and HRA concluded a three-way settlement with a Clerical Associate who was suspended by HRA for twenty days without pay, valued at \$2,714, for accessing the Welfare Management System (“WMS”) to view her brother's and niece's public assistance records for the Clerical Associate's personal use.

► The Board and DEP concluded a three-way settlement with a Principal Administrative Associate who, while he was employed in the

(cont'd on back, first column)

DEP Print Shop, printed various documents, including business cards, for his private business. He also admitted that he regularly used City time and resources to copy books for his and others' personal use. DEP fined him ten days' pay, valued at \$2,124.60, and the Board fined him \$400, for a total fine of \$2,524.60.

► The Board and DOE concluded a three-way settlement with a DOE teacher who paid a \$1,250 fine to the Board for using her position to obtain a New York City Department of Transportation parking permit and allowing her husband to use an altered copy of the parking permit to avoid receiving a parking ticket for parking illegally near a school.

► The Board fined a DOE teacher \$900 for using his City e-mail account to send two e-mail messages to DOE employees, parents, and students relating to his campaign for re-election as UFT Chapter Leader of his school.

► The Board issued public warning letters to two FDNY Firefighters for owning a private firm that engaged in business dealings with the School Construction Authority by working as a subcontractor of an SCA project *and* for appearing before SCA in furtherance of their firm's work on the current SCA project and similar future projects. The Firefighters did not seek an order from the Board allowing them to hold their prohibited interests in the firm until after the firm began work on the SCA project.

► The Board concluded a settlement with a HRA Supervisor I who used her HRA position to obtain confidential information about a potential private tenant. The Supervisor I used WMS to access a potential tenant's public assistant records on four occasions. HRA had previously brought related disciplinary charges against the Supervisor I; and, in settlement of the agency matter, the Supervisor I accepted a fifteen-day pay fine to be apportioned into a six-day pay fine, valued at approximately \$1,144 (which had already been paid to HRA), plus a nine-day pay fine that HRA will hold in abeyance and implement only if the supervisor engages in similar misconduct within the year. The Board took the HRA penalty into consideration in deciding not to impose an additional fine.

► The Board issued a public warning letter to a DEP Deputy Commissioner for using his position to help his daughter obtain special consideration in the DEP internship hiring process.

► The Board fined a Community Assistant for the New York City Department of Records and Information Services \$1,000 for borrowing money from two of her subordinates.

► The Board fined a DOE Nursing Supervisor \$1,250 for telling a DOE Principal that she had a "friend" – in fact, her son – who was available to fill a substitute paraprofessional position at the Principal's school. At the Principal's suggestion, the Nursing Supervisor then spoke to the School Secretary, after which her son was told to report to work at the school.

► The Board fined the former Chief of Staff for a New York City Council Member \$2,500 for directly supervising his daughter, a Councilmanic Aide, during her five-and-one-half years of employment in the Council Member's District Office.

► The Board fined a former Member of the Board of Directors of HHC \$13,500 for his multiple violations of the City's conflicts of interest law. During the time that he served on the HHC Board of Directors, he also held a series of paid positions with a foreign medical school which had contracted, since 1977, with multiple HHC facilities to provide placements for the School's students in clinical clerkship programs at HHC hospitals and then, in 2007, entered into a comprehensive, agency-wide contract for the placement of the School's students. In light of his positions at the School and on the Board, the former Board Member was aware of the School's business dealings with HHC.

► The Board fined a DCAS Associate Staff Analyst \$1,750 for, during times he was supposed to be performing work for the City, using a DCAS fax machine, his DCAS computer, and his DCAS e-mail account to perform work related to his two private businesses: a used car dealership and an online financing business.

► The Board issued a public warning letter to an ACS Clerical Associate II who also worked for four and one-half years as a translator at Geneva Worldwide, Inc., a firm engaged in business dealings with ACS. She held this position without obtaining agency permission and a waiver from the Board, a requirement under the law if a public servant's private employer conducts business with ANY City agency.

► The Board and DOE concluded a three-way settlement with a DOE teacher who was fined \$3,500 by DOE for using her school's BJ's Wholesale Club membership, which was obtained using the school's tax identification number and was to be used only for City purposes, to make personal, tax-free purchases.

► The Board fined a former Deputy Chief of Staff to the City Council Speaker \$2,500 for soliciting contributions to the Speaker's re-election campaign. The Deputy Chief of Staff to the Council Speaker is an individual with "substantial policy discretion" within the meaning of the

City's conflicts of interest law. Deputy mayors, agency heads, and other public servants with "substantial policy discretion" are prohibited by the City's conflicts of interest law from asking anyone to make a political contribution for any candidate for City elective office (such as City Council) or for any elected official of the City (such as a City Council Member) who is a candidate for any elective office. (This prohibition does not apply to solicitations made by elected officials themselves.)

► The Board fined a former DOE Custodian \$5,000 for directing a subordinate to paint his private residence, paint his boat, and make repairs to two of his vehicles. □

*Interested in more information?
Get in touch with COIB's Training &
Education Unit to arrange a class in
Chapter 68 for you and your staff.
Contact Alex Kipp, Director of Training,
at kipp@coib.nyc.gov*

**The New York City
Conflicts of Interest Board
2 Lafayette Street
Suite 1010
NYC 10007**

Phone: 212-442-1400

Fax: 212-442-1407

TDD: 212-442-1443

www.nyc.gov/ethics

*A searchable index of all the COIB
Enforcement Dispositions and Advisory
Opinions is available courtesy of
New York Law School here:*

[http://www.nyls.edu/centers/
harlan_scholar_centers/
center_for_new_york_city_law/
cityadmin_library](http://www.nyls.edu/centers/harlan_scholar_centers/center_for_new_york_city_law/cityadmin_library)

