



NEW YORK CITY CONFLICTS OF INTEREST BOARD

2021 Annual Report

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nyc.gov/ethics



Current Board Members

Fernando A. Bohorquez Jr. Acting Chair	Partner at BakerHostetler. Appointed to the Board in April 2014. Acting Chair as of April 2022.
Wayne G. Hawley	Former Deputy Executive Director and General Counsel of NYC Conflicts of Interest Board. Appointed to the Board in April 2020.
Ifeoma Ike	Founder and CEO of Pink Cornrows. Appointed to the Board in April 2022.
Georgia M. Pestana	Former Corporation Counsel of the City of New York. Appointed to the Board in April 2022.

Former Board Members

Merrell E. Clark Jr., Chair	January 1989 - September 1990
Sheldon Oliensis, Chair	September 1990 - February 1998
Benito Romano, Acting Chair	March 1998 - June 2002
Steven Rosenfeld, Chair	June 2002 - December 2012
Nicholas Scopetta, Chair	January 2013 - February 2014
Richard Briffault, Chair	March 2014 - March 2020
Jeffrey D. Friedlander, Chair	April 2020 - March 2022
Beryl R. Jones	October 1989 - May 1995
Robert J. McGuire	October 1989 - September 1995
Benjamin Gim	September 1990 - September 1994
Shirley Adelson Siegel	September 1990 - April 1998
Benito Romano	September 1994 - 2004
Jane Parver	September 1995 - September 2006
Bruce A. Green	November 1995 - March 2004
Angela Mariana Freyre	October 2002 - May 2011
Monica Blum	August 2004 - March 2013
Andrew Irving	April 2005 - March 2017
Kevin B. Frawley	October 2006 - March 2012
Burton Lehman	July 2009 - March 2014
Erika Thomas	March 2012 - March 2020
Anthony W. Crowell	April 2013 - November 2021
Jeffrey D. Friedlander	April 2017 - March 2022
Nisha Agarwal	April 2020 - March 2022

Board Staff

Carolyn Lisa Miller
Executive Director

Administration

Tasnia Karim
Director

Caitlyn Louie
Administrative Coordinator

Annual Disclosure

Katherine J. Miller
Director & Special Counsel
EEO Officer & Disability Rights
Coordinator

Dawnn Anderson
Senior Annual Disclosure
Analyst

Holli R. Hellman
Senior Annual Disclosure
Analyst

Jasmine Mack
Annual Disclosure Analyst &
Legal Coordinator

Veronica Martinez Garcia
Administrative Assistant

Education & Engagement

Alex Kipp
Director

Rob Casimir
Senior Education &
Engagement Specialist

Gavin Kendall
Education & Engagement
Specialist

Roy Koshy
Education & Engagement
Specialist

Isaiah Tanenbaum
Education & Engagement
Specialist

Enforcement

Jeffrey Tremblay
Director

Chad H. Gholizadeh
Deputy Director

Kevin Frick
Associate Counsel

Jeffrey Nelson
Assistant Counsel

Information Technology

Derick Yu
Director

Legal Advice

Ethan A. Carrier
General Counsel

Christopher M. Hammer
Deputy General Counsel

Maryann White
Associate Counsel

Clare Wiseman
Associate Counsel

Yasong Niu
Assistant Counsel

Ryanne Ello
Paralegal

The New York City Conflicts of Interest Board (“COIB” or “the Board”) has four broad responsibilities:

1. Educating the more than 325,000 current public servants of the City of New York about the requirements of Chapter 68, the City’s Conflicts of Interest Law;
2. Interpreting Chapter 68, the Lobbyist Gift Law,¹ the Affiliated Not-for-Profits Law,² and the Legal Defense Trust Law,³ through issuing formal advisory opinions, promulgating rules, and responding to requests for advice, both formal and informal, from current and former public servants, lobbyists, and affiliated not-for-profits.
3. Prosecuting violators of Chapter 68, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law in administrative proceedings; and
4. Administering and enforcing the City's Annual Disclosure Law.⁴

This Annual Report reviews the Board's accomplishments during 2021, under each of the following headings: (1) Education & Engagement; (2) Legal Advice; (3) Enforcement; and (4) Annual Disclosure.

¹ [Subchapter 3 of Title 2 of the New York City Administrative Code.](#)

² [Chapter 9 of Title 3 of the New York City Administrative Code.](#)

³ [Chapter 11 of Title 3 of the New York City Administrative Code.](#)

⁴ [Section 12-110 of the New York City Administrative Code.](#)

Education & Engagement

The goal of COIB’s Education program is to arm public servants with enough information to recognize ethics questions when they arise and to cultivate relationships with those public servants so that they view the Board as an ally in resolving conflicts between their public duties and private interests. The Education & Engagement Unit uses a two-pronged approach to reach public servants. With in-person teaching, eLearning, and webinars, the Unit delivers high-quality learning experiences to public servants once every two years. To keep public servants engaged during their two-year training cycle, the Unit also produces micro-engagements on a variety of platforms, including video, newsletters, monthly contests, email campaigns, and social media.

	2018	2019	2020	2021
Classes Conducted (in person and webinar)	755	682	186	258
People Trained	30,396	28,004	10,652	13,461
Agencies Visited	51	64	31	38
Online Training Completions	10,684	28,825	10,503	28,526
Agencies Participating in Online Training	9	29	54	53
Social Media Views	3,500,000	2,700,000	2,103,900	1,782,114
Website Page Views	147,700	173,143	155,000	156,000

As with most parts of City life, public and private, the ongoing pandemic affected the Unit’s work. Repeated surges have made it difficult to wholly revive in-person training, and the end of teleworking for City employees introduced greater challenges in scheduling trainings in general, whether in person or by webinar. Demand for training continues to be depressed in comparison with pre-pandemic levels, as agencies struggle to discover what the “new normal” is. One thing is certain, though: wherever we finally land, webinars will continue to serve as a useful training tool.

In 2021, the Unit produced a webinar version of the Citywide Seminar on Ethics in Government with New York Law School and participated on the Programming Committee for the yearly conference of the Council on Governmental Ethics Laws.

Outreach Media and Other Projects	
Monthly Messaging	Ethical Times Newsletter, Public Service Puzzler, COIB Small Plates
Social Platforms	Twitter, YouTube, Facebook, Instagram
Media Placements	NYXT TV, WNYE 91.5 FM
Conferences	Citywide Seminar on Ethics in Government with New York Law School, Council of Governmental Ethics Laws - Programming Committee

Legal Advice

During 2021, the Board's Legal Advice Unit continued to focus on providing same-day advice about the City's Conflicts of Interest Law to current and former public servants through the Board's Attorney-of-the-Day service. The Legal Advice Unit also provided advice concerning the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law, as well as answering inquiries from other jurisdictions' ethics agencies.

The Legal Advice Unit, working with the Enforcement Unit, produced a new weekly live video conference training program for agency ethics liaisons called "Friday Fifteen," aimed both at keeping the attorneys across City government who handle Chapter 68 matters substantively engaged in this work and creating a friendly social space in which agency ethics liaisons could gather together to learn with their peers in a way that combated isolation of working from home during the continuing COVID-19 pandemic.

The economic impact of the pandemic continued to reduce substantially the number of requests for moonlighting waivers specifically and advice about outside activities and secondary employment generally, but the City government's response to the effects of the pandemic generated numerous time-sensitive and novel advice questions.

	2018	2019	2020	2021
Staff Letters	130	54	15	17
Waivers/(b)(2) Letters¹	472	663	399	340
Board Letters, Orders, Opinions	63	28	56	46
Total Formal Advice	655	645	470	403
Total Requests for Formal Advice	696	825	492	471
Cases Administratively Closed	54	76	39	60
Total Informal Advice	4502	4871	3398	3322
Pending Cases at Year End	103	105	88	92
Median Days to Respond to Formal Requests	29	38	52	60

¹ A "waiver" is a letter in which, with the written approval of the relevant agency head, the Board authorizes a current or former public servant to engage in conduct that would otherwise violate Chapter 68. Most waivers are for second jobs with firms doing business with the City, known as "moonlighting waivers." A "(b)(2) letter" is Board authorization, with the written approval of the relevant agency head, for a public servant to use City time and certain City resources to do work for a non-City purpose, often a not-for-profit organization.

The Legal Advice Unit continued assisting the Board in its rulemaking work, including its ongoing review of past advisory opinions and codification of those opinions that have interpretive value into Board Rules. In 2021, the Board held five open meetings and three public hearings as part of its rulemaking, holding open meetings and public hearings via video conference under the emergency exception to the Open Meetings Law during the COVID-19 pandemic.

The Board engaged in rulemaking regarding:

- Clarifying the definition of “valuable gift” in the Valuable Gift Rule and codifying exceptions previously discussed in advisory opinions ([Board Rules § 1-01\(a\)](#)).
- Defining terms in the Valuable Gift Rule, including the term “relative” ([Board Rules § 1-01\(b\)](#)).
- Establishing a standard for acceptance of gifts of tickets for use by agency employees to boost agency morale ([Board Rules § 1-01\(i\)](#)).
- Codifying a standard for the acceptance of gifts by public servants during personal emergencies ([Board Rules § 1-01\(j\)](#)).
- Codifying and refining advice related to the exchange of gifts between public servants ([Board Rules § 1-01\(k\)](#)).
- Clarifying the steps a public servant must take to dispose of impermissible gifts ([Board Rules § 1-01\(l\)](#)).
- Revising the rule governing public servants’ investments in publicly traded securities ([Board Rules § 1-04](#)).
- Updating the definition of “other similar entities” so as to exclude public universities from the definition of “firm” ([Board Rules § 1-08](#)).
- Revising the standard governing the acceptance of gifts of meals and refreshments at meetings ([Board Rules § 1-01\(e\)](#)).
- Interpreting Chapter 68’s post-employment restrictions and codifying a standard for the issuance of post-employment waivers ([Board Rules § 1-07](#)).
- Making the quadrennial adjustment, as required by Charter Section 2603(a), to the dollar amount in Charter Section 2601(16)’s definition of “ownership interest” to reflect changes in the Consumer Price Index to increase the dollar amount from \$50,000 to \$55,000 ([Board Rules § 1-11](#)).

Enforcement

In 2021, the work of the Enforcement Unit was significantly impacted by the COVID-19 pandemic. Continuing a trend that began in 2020, the Board received substantially fewer complaints of possible violations, made fewer public findings of violations, and collected fewer fines in 2021 relative to the years preceding the pandemic. The Board believes this downturn is due, at least in part, to the fact that many public servants teleworked for most of 2020 and 2021, meaning they had fewer opportunities to misuse City resources or to be observed doing so. With the City’s workforce having returned to in-person work, the Board expects these numbers to increase in 2022.

The Board is grateful to the NYC Department of Investigation (“DOI”), the Special Commissioner of Investigation for the NYC School District (“SCI”), and the Office of Administrative Trials and Hearings (“OATH”) for enabling the Board to continue holding violators of Chapter 68 accountable for their conduct despite the numerous challenges presented by the pandemic.

	2018	2019	2020	2021
Complaints Received	399	361	203	256
DOI/SCI Reports Received	156	145	107	105
Public Findings of Violations	98	86	50	38
Public Warning Letters	6	4	6	2
Fines Collected	\$218,902	\$233,050	\$67,450	\$59,825

In 2021, the Board addressed significant conflicts of interest violations by several high-level City employees:

1. Chancellor of the New York City Department of Education

The Chancellor of the New York City Department of Education (“DOE”) paid a \$1,100 fine for misusing his City position to take his wife, who was not a DOE employee, to a DOE-exclusive performance of the Broadway musical *Hamilton*. The Chancellor paid \$10 for his wife’s ticket, which was the price listed on the tickets for DOE students and chaperones (COIB Case No. 2019-491 (2021)).

2. Commissioner of the New York City Department of Small Business Services

The Commissioner of the New York City Department of Small Business Services (“SBS”) paid a \$4,500 fine for using his assigned SBS vehicle to drive more than 300 miles throughout New York City to travel to his mother’s house, the church he attends, his barbershop, and restaurants on Friday and Saturday nights. In so doing, the now-former Commissioner used a City resource – his assigned City vehicle – for personal purposes (COIB Case No. 2020-328 (2021)).

3. Former Director of Superfund Programs at the New York City Department of Environmental Protection

The former Director of Superfund Programs for the New York City Department of Environmental Protection (“DEP”) paid a \$7,000 fine for, after leaving City service, providing paid consultant services to a DEP vendor in connection with a DEP contract for the investigation and remediation of the Gowanus Canal and Newtown Creek Superfund sites, a contract she was responsible for administering while employed at DEP. In so doing, the former Director violated the lifetime particular matter ban, which prohibits a former public servant from working in the private sector on any matter they worked on personally and substantially while they were a City employee (COIB Case No. 2018-749 (2021)).

4. Former Associate Commissioner at the New York City Department of Information Technology and Telecommunications

A former Associate Commissioner for Infrastructure at the New York City Department of Information Technology and Telecommunications (“DoITT”) paid a \$5,000 fine for, within one year of leaving DoITT, communicating with DoITT employees on eight occasions concerning clients of his private employer, a consultancy firm that connects technological service providers with potential clients. These communications, which included attempting to persuade DoITT to purchase a product from one client, violated the one-year post-employment communication ban (COIB Case No. 2019-372 (2021)).

Annual Disclosure

During 2021, the annual disclosure filing period ran from May 10 to June 4, 2021. With the assistance of the New York City Department of Information Technology and Telecommunications, the Annual Disclosure Unit developed a new process to distribute temporary passwords to certain filers. The Unit launched an “e-packet” pilot program and provided 2,593 filers with temporary passwords through a link sent by email rather than through the distribution of paper packets (as historically had been the process). Given the success of the pilot program, the Unit plans to expand e-packet distribution to more filers in the future. With the patience and assistance of over 100 agency liaisons, the Unit helped the City’s filing population of over 10,000 successfully file their 2021 annual disclosure reports.

	2018	2019	2020	2021
Reports Filed¹	9,657	9,885	9,792	10,276
Filing Compliance² Rate	98.5%	98.6%	98.5%	98.6%
Reports Reviewed³	8,792	8,984	760	10,711⁴
Filers Advised of Potential Conflicts	195	165	79	131
Late Fines Collected	\$36,500	\$28,750	\$250	\$43,500
Certifications of Compliance Issued for Filers Leaving City Service	679	646	546	755
Requests for AD Reports	1,232	428	309	415

¹ Reports are filed in the year following the year to which they pertain. Thus, during 2021, filers were required to submit reports for calendar year 2020. The numbers in this row reflect the total number of reports filed for the reporting year at any time, whether in the year the report was due or thereafter. Thus, for example, the number of reports listed for 2020 is higher than in the Board’s 2020 Annual Report because some filers submitted their 2019 report after the Annual Report was released.

² Calculated as of the applicable year-end.

³ Final reports submitted by filers leaving City service are not reviewed.

⁴ Because the 2020 filing period was delayed due to the COVID-19 pandemic, the review of 2019 reports extended into 2021; 1,938 of the reports reviewed were 2019 reports.

2021 Filers	
Electronic Financial Disclosure Filers	9,283
Uncompensated Policymaking Boards and Commissions Filers	245
Public Authorities Accountability Act Filers	231
Tax Assessor Filers	165
Candidate Filers in Citywide Elections	459
Candidate Filers in Special Elections	38

During 2021, there was a Citywide election and four special elections. All candidates for City elected office are required to file annual disclosure reports with the Board, and the filing of a report is a prerequisite to receiving matching public funds from the New York City Campaign Finance Board (“CFB”). The Unit worked closely with CFB to ensure that candidates seeking matching funds were in compliance with Board Rules § 4-05, which specifies the deadlines by which candidates must submit annual disclosure reports in order to receive matching public funds in February, March, or April of an election year.

2021 Citywide Elections

Mayor	31 Candidates (24 filed)
Comptroller	14 Candidates (11 filed)
Public Advocate	5 Candidates (5 filed)
Borough President	45 Candidates (41 filed)
City Council	364 Candidates (342 filed)

2021 Special Elections

City Council District 11	6 Candidates (6 filed)
City Council District 15	10 Candidates (10 filed)
City Council District 24	11 Candidates (10 filed)
City Council District 31	11 Candidates (11 filed)