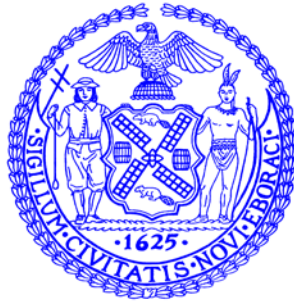


CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2013



Nicholas Scoppetta  
*Chair*

Anthony Crowell  
Andrew Irving  
Burton Lehman  
Erika Thomas-Yuille  
*Members*

Mark Davies  
*Executive Director*

2 Lafayette Street, Suite 1010  
New York, New York 10007

<http://nyc.gov/ethics>



***ETHICS LIGHTS THE WAY TO GOOD GOVERNMENT***

**<http://nyc.gov/ethics>**

*The New York City Conflicts of Interest Board's Annual Report is designed and produced in-house at 2 Lafayette Street, Suite 1010, New York, New York 10007.*

## TABLE OF CONTENTS

	<i>Page</i>
Introduction.....	5
1. Members and Staff of the Conflicts of Interest Board.....	5
2. Training and Education.....	6
3. Requests for Guidance and Advice.....	11
4. Enforcement.....	14
5. Annual Disclosure.....	19
6. Proposed Amendments to Chapter 68.....	26
7. Administration and Information Technology.....	27
Exhibits and Appendices.....	28
Exhibit 1: Conflicts of Interest Board: 1993, 2001, 2012, 2013.....	29
Exhibit 2: COIB Members, Staff, and Former Members: 2013.....	32
Exhibit 3: Training and Education Classes on Chapter 68.....	34
Exhibit 4: COIB Training Classes by Agency.....	35
Exhibit 5: Recipients of Oliensis & Pierpoint Awards.....	36
Exhibit 6: Legal Advice Summary: 1993 to 2013.....	37
Exhibit 7: Written Requests for Advice on Chapter 68.....	38
Exhibit 8: Written Responses to Requests for Advice on Chapter 68.....	39

	<i>Page</i>
Exhibit 9: Chapter 68 Enforcement Cases.....	40
Exhibit 10: Enforcement Summary: 2005 to 2013.....	41
Exhibit 11: Enforcement Fines Imposed: 1990 to 2013.....	42
Exhibit 12: Annual Disclosure Reports.....	86
Advisory Opinions and Enforcement Cases of the Board – Summaries and Indexes.....	87
Advisory Opinion Summaries (2013).....	88
Cumulative Index to Advisory Opinions by Charter Chapter 68 Section – 1990-2013.....	91
Cumulative Index to Advisory Opinions by Subject – 1990-2013.....	98
Chapter 68 Enforcement Case Summaries (2013).....	105

## **INTRODUCTION**

This Annual Report for 2013 summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board (“COIB” or “the Board”), which is charged with administering, interpreting, and enforcing the City’s Conflicts of Interest Law, Chapter 68 of the City Charter (<http://on.nyc.gov/1aZtHKB>), the ethics law applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which, together with the Lobbyist Gift Law enacted in 2006 as sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68's ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City's Annual Disclosure Law contained in section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>).

This Report reviews the Board's accomplishments during 2013, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) training and education; (3) requests for guidance and advice; (4) enforcement; (5) annual disclosure; (6) the amendments to Chapter 68 proposed by the Board; and (7) administration and information technology.

### **1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD**

The Board's full complement is five members, appointed by the Mayor with the advice and consent of the City Council to serve staggered six-year terms and eligible for reappointment to one additional six-year term. Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards."

Nicholas Scoppetta, of counsel to the law firm of Scoppetta Seiff Kretz & Abercrombie, who was appointed to the Board in December 2012, served as its Chair.

Anthony Crowell, Dean and President of New York Law School, was appointed to the Board in April 2013, succeeding Monica Blum, President of the Lincoln Square Business Improvement District, who served on the Board from August 2004 until March 2013.

Andrew Irving, Senior Vice President and Area Counsel of Gallagher Fiduciary Advisors, LLC, was appointed to the Board in March 2005 and reappointed in April 2013.

Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, was appointed to the Board in July 2009.

Erika Thomas-Yuille, Associate General Counsel for The McGraw-Hill Companies, was appointed to the Board in March 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 22 is divided into six units: Training and Education, Legal Advice, Enforcement, Annual Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Mark Davies, who has served in that capacity since 1994.

## **2. TRAINING AND EDUCATION**

The Board's Training and Education Unit carries out the mandate of section 2603(b)(1) of the Conflicts of Interest Law that the Board "shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter." That responsibility was greatly magnified by the 2010 Charter amendment, now embodied in section 2603(b)(2)(b), that "each public servant *shall undergo training* provided by the board in the provisions of this chapter" (emphasis added). It is the four-person Training Unit that shoulders this huge training responsibility.

## **Training Sessions**

In 2013, the Unit conducted 542 classes (the highest ever) and undertook several training initiatives. The number of classes taught in 2013 represents a 59% increase over the preceding year, as reflected in Exhibit 3 to this Report.

During 2013, the Unit trained the entire staffs of several agencies, including the Administration for Children's Services, Board of Education Retirement System, Board of Elections, City Council, Department of Citywide Administrative Services, Department for the Aging, District Attorneys' Offices in Manhattan and the Bronx, Department of Homeless Services, Department of Transportation, Department of Youth & Community Development, Housing Development Corporation, Office of Payroll Administration, School Construction Authority, and Teachers' Retirement System. Training at the Department of Education continued, with a total of 18 classes. In all, as summarized in Exhibit 4 to this Report, during 2013 the Unit presented classes at 42 City agencies and offices, excluding community boards, reaching approximately 18,148 City employees. Still, that is far below the mandate of the 2010 Charter amendment requiring that all 300,000 public servants of the City receive such training every two years

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board's attorneys, conducted 20 Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year, including a general two-hour course for City attorneys of various agencies; several shorter "Special Topics" classes; two classes for new lawyers at the Law Department, continuing a model begun in 2004; two classes for new assistant district attorneys in Brooklyn; all of the attorneys in the Bronx and Manhattan District Attorneys' Offices; attorneys of the Queens District Attorney's Office; and several classes in Chapter 68 Enforcement geared to the disciplinary counsel of City agencies. The Unit also continued to cooperate with the Department of Citywide Administrative Services to offer Citywide CLE classes in Chapter 68, both general and specialized, sponsored by the Citywide Training Center.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, “Ask the City Ethicist,” in *The Chief* and the Board’s own newsletter, *The Ethical Times*. Publication of *The Ethical Times* was expanded in 2013 from quarterly to monthly editions. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads. Several agencies have reported that they electronically distribute the newsletter to their entire staff.

### **The Impact of Mandatory Training**

As noted above, in November 2010, the voters of New York City overwhelmingly approved a change to the City Charter making ethics training *mandatory* for all public servants of the City. While the Conflicts of Interest Law had always mandated that the Board *offer* training, there was no reciprocal mandate for public servants to undergo training; Chapter 68 training was largely optional. Now, all 300,000 public servants of the City *must* receive such training every two years.

One way to help meet the mandate of the 2010 mandatory training amendment is to leverage the Board’s own ability to train public servants by training those in City agencies whose responsibilities include ethics training of their colleagues. This longstanding Board program is called “Train the Trainer.” In support of the “Train the Trainer” program, the Training and Education Unit in 2013 continued hosting a Brown Bag Lunch series, a monthly lunchtime discussion group, moderated by Board attorneys, that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants have included agency staff who are involved in teaching ethics, as well as attorneys who work directly with Chapter 68 issues at their agencies. CLE credit was offered at several of the Brown Bag sessions. The Training Unit also embarked upon a re-invigoration of the Train the Trainer program established many years ago at the Parks Department, refreshing the content and training a new group of trainers, who will begin to teach classes at Parks in 2014.

It is anticipated that the great majority of public servants will eventually be trained by some computer-based method, similar to the way many large organizations handle other types of mandatory training. In 2013, the Training and Education Unit continued its research to find the appropriate ethics e-training solution and hopes to have a pilot in place in 2014, with the help of the Department



of Citywide Administrative Services and the Department of Information Technology and Telecommunications. Additionally, three agencies have implemented their own electronic training systems for their employees: the New York City Housing Authority, the Department of Buildings, and the Department of Environmental Protection. The Training Unit served as the Chapter 68 content consultant for all three of these systems.

### **Website, Publications, and Media Outreach**

The Internet remains an essential tool for Chapter 68 outreach. In 2013 the Board's website (<http://nyc.gov/ethics>) had 598,549 page views and 168,909 visits. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links.

The Board continues to post new publications on its website, so that all Board publications, including the texts of Chapter 68, the Board's Rules, the Annual Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available to be downloaded from the website at <http://www.nyc.gov/html/conflicts/html/law/law.shtml>, as well as from CityShare, the City's Intranet. Recent articles by Board attorneys and installments of "Ask the City Ethicist" have also significantly added to the number of publications available online.

The Training Unit also began production on a new monthly series of short videos entitled "Ethics Express: Conflicts of Interest Explained in Five Minutes or Less." These short episodes use a "talking heads" style format to unpack an aspect of Chapter 68 each month. Post-production on the first episode, a quick discussion about restrictions on political activity, was finished in 2013; the episode will be aired in early 2014.

### **Seminar**

The Board's Nineteenth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 21, 2013, was a great success. More than 350 public servants attended, representing approximately fifty City agencies. At the Seminar's opening plenary session, Mayor Bloomberg once again gave the keynote address. The Olin Award for Ethics in City Government was presented to Samantha Biletsky, the Ethics Officer for the Department of Education. The Pierpoint Award for Outstanding Service to the Board was

presented to the former Board Chair Steve Rosenfeld and former Board Member Monica Blum. A list of past recipients may be found in Exhibit 5 to this Report.

The Board solicits nominees for both awards, to be conferred at its Nineteenth Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 20, 2014.

This year's Seminar was offered at a greatly reduced cost. We thank New York Law School for its support and for its commitment to offer the seminar, starting in 2014, at no charge to participants.

### **International Visitors and Government Ethics Associations**

In 2013, Senior Trainer Phil Weitzman and Enforcement attorney Ethan Carrier attended the annual conference of the Council on Government Ethics Laws ("COGEL"), the premier government ethics organization in North America. COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board's game show, an interactive ethics quiz, and electronic filing of annual disclosure reports.

Executive Director Mark Davies continues to serve as the Co-Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association's Municipal Law Section, as well as Chair of the Section; on the Board of Directors of Global Integrity, an independent provider of information on governance and corruption trends around the world; and as an advisor to the American Law Institute's Principles of Government Ethics Project. Deputy General Counsel Sung Mo Kim chaired the Technology Committee of the State Bar's Municipal Law Section and served on the Section's Executive Committee. Deputy Director of Enforcement Bre Injeski served as a member of the Government Ethics Committee of the New York City Bar.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in developing and improving their ethics laws. Resources permitting, Board staff members respond to those requests, whenever possible by e-mail, although occasionally in person. In 2013, Board staff met with officials from the Malaysia, the People's Republic of China, and the Fraunhofer Institute of Germany.

Time permitting, Board staff also occasionally assist other jurisdictions seeking to revise their ethics laws. For example, Mr. Davies testified before the

Westchester County Charter Revision Commission on the possible revision of that county's ethics code. He also continued to answer questions by phone and e-mail from municipal attorneys and reporters on matters of government ethics.

### **3. REQUESTS FOR GUIDANCE AND ADVICE**

The Legal Advice Unit oversees the Board's responsibility under Charter § 2603(c)(1) to "render advisory opinions with respect to the matters covered by" Chapter 68 "on the request of a public servant or a supervisory official of a public servant." Complying with written advice obtained from the Board affords public servants a safe harbor against future enforcement action: section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action "shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion." Accordingly, the Board annually receives and responds to hundreds of written, and thousands of telephonic, requests for advice.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years; 2013 was no exception. Exhibits 1 and 6 to this Report summarize the Unit's work in 2013 and prior years.

As detailed in Exhibit 7, the Board in 2013 received 552 written requests for advice. Recognizing that delayed advice is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in Exhibit 6, in 2013 the Board's median response time to written requests for advice was 22 days, the fastest time since the Board began keeping this statistic in 2009.

As shown in Exhibit 8 to this Report, in 2013, the Board responded in writing to 559 requests for its advice, consisting of 65 Board letters and orders reflecting Board action, 210 staff advice letters, 282 waiver letters signed by the Chair on behalf of the Board,<sup>1</sup> and two public Advisory Opinions. These 559

---

<sup>1</sup> Under section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action "otherwise prohibited" by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action "would not be in conflict with the purposes and interests of the city." By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

written responses were the highest annual total since 2008. As a result at year end the number of pending advice requests awaiting written response dropped to 107, the lowest year end figure since 2001.

In 2013 Board staff also answered 3,536 telephone requests for advice, the Board's second highest annual total. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities. Such calls, however, consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for advising the Board on advice matters pending before it and drafting written advice and advisory opinions.

The two public Advisory Opinions issued by the Board in 2013 were:

(1) AO 2013-1 – Gifts between City Employees

Having received a number of requests for advice about gifts between City employees, questions that, the Board noted, typically arise on such special occasions as a wedding or the birth of a child, but are also posed during the holiday season, the Board summarized in this Opinion its determinations:

1. It will not violate the Conflicts of Interest Law for a City employee to give a gift to or receive a gift from a peer City employee.
2. Except in unusual circumstances, it will not violate the Conflicts of Interest Law for a City superior to give a gift to a subordinate or for a subordinate to accept a gift from a superior.
3. It will violate the Conflicts of Interest Law for a superior to solicit a gift from a subordinate and it will violate the Conflicts of Interest Law for a superior to accept a gift from a subordinate, except on special occasions. On special occasions, such as a wedding or the birth or adoption of a child, a superior may accept an appropriate gift from a subordinate, that is, a gift of the type and value customary to the occasion in question, so long as it is clear that, under all relevant circumstances, it is the occasion and not the superior's position that is the controlling factor in the giving. For occasions that are more frequent, including such annual events as birthdays and the holidays, superiors may accept gifts of smaller value, in essence gifts where the "thought of giving" has greater value than the gift itself. If a superior has any doubt as to whether

the gift is of the type and value appropriate to the occasion, the superior may and should consult with the Board before accepting the gift, and a subordinate may do likewise before offering a gift to a superior.

(2) AO 2013-2 – Use of City Letterhead for Letters of Reference

The Board has received a number of requests for advice over the years about the use of City letterhead for reference letters and other letters in support of current or former City employees. For example, these questions arise when City employees are seeking new employment, admission to an educational institution, clearance from a co-op board, the adoption of a child, or leniency from a sentencing judge and turn to a fellow City employee for a letter in support of such a personal endeavor. These fellow City employees have in turn asked the Board whether they might write such letters on City letterhead. In this Opinion the Board summarized its advice in these matters, as follows:

It will violate the Conflicts of Interest Law for a City employee to use City letterhead for a reference letter for a fellow City employee, unless the writer is the superior of that City employee or is otherwise authorized by that City agency's leadership to write with respect to that employee. That said, even if these conditions are not satisfied, City employees are permitted to send these types of recommendation or reference letters in their personal, non-City capacities using their personal stationery, provided that their letter does not otherwise suggest that they are writing with the authority of their City agency.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Enforcement and Training and Education Units, the Legal Advice Unit has developed a large e-mail distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of most City agencies. Working in cooperation with New York Law School's Center for New York City Law, the Board makes its advisory opinions available on-line in full-text searchable form, free of charge to all ([www.CityAdmin.org](http://www.CityAdmin.org)). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help address its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, four law student interns and one volunteer attorney worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2, contributed substantially to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Sung Mo Kim, Associate Counsel Jessie Beller, and Assistant Counsel Amber Gonzalez. Ms. Gonzalez joined the Board in August, replacing Associate Counsel Karrie Ann Sheridan, who left the Board in May 2013.

#### **4. ENFORCEMENT**

A vigorous enforcement program is at the heart of the Board's efforts to preserve and promote public confidence in City government, to protect the integrity of government decision-making, and to enhance government efficiency. Public servants at all levels occasionally violate the City's Conflicts of Interest Law, either intentionally or inadvertently. Enforcement sends a clear message that Conflicts of Interest Law violations will be discovered and violators punished.

The Board's enforcement powers include the authority to receive complaints, to direct the New York City Department of Investigation ("DOI") to investigate matters related to the Board's responsibilities, to create a public record of Conflicts of Interest Law violations, and to impose fines on violators. With the exception of the imposing of fines, which only the Board itself may do, these functions are discharged by the Board's Enforcement Unit. The Unit reviews complaints of possible violations of the City's Conflicts of Interest Law, initiates investigations at DOI, brings civil charges in administrative proceedings for violations of the law, and negotiates settlements on the Board's behalf. In 2013, the Enforcement Unit opened 506 new enforcement cases, closed 508 cases, and concluded enforcement actions finding violations in 88 cases, many with sanctions. Those 88 public findings of violations included 62 dispositions imposing a fine (61 settlements and one case in which the Board issued Findings of Fact, Conclusions of Law, and Order following a hearing before the New York City Office of Administrative Trials and Hearings ("OATH")) and 26 public warning letters. Data on enforcement cases from 1994 through 2013 can be found in Exhibit 9

(Chapter 68 Enforcement Cases) and more detailed information about the Board's enforcement activity from 2005 through 2013 can be found in Exhibit 10 (Enforcement Summary).

An integral part of the Board's enforcement power is the ability to obtain monetary penalties and the disgorgement of ill-gotten gains, the latter a power given to the Board by the City's voters in November 2010. In 2013, the Enforcement Unit, under the leadership of Director Carolyn Lisa Miller, negotiated 61 settlements by disposition imposing a fine, tried one case before OATH resulting in the Board imposing a fine, and collected \$124,050 in fines from violators. As reflected in Exhibit 11, from 1990, when the Board gained enforcement authority, through 2013, Board fines and disgorgement penalties have totaled \$1,304,256. During that same period, fines paid to agencies, restitution, loan repayments, and suspensions without pay in Board cases have accounted for an additional \$1,345,289. But fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain.

A vital component of the Board's enforcement program is carried out by DOI. The City Charter entrusts investigations of possible conflicts of interest violations to DOI and also requires DOI to report the results of all its investigations involving violations of the Conflicts of Interest Law to the Board so that the Board may determine whether a violation has occurred. Consistent with these dual mandates, in 2013, the Board referred 74 cases to DOI for investigation – a 13% increase from 2012, as reflected in Exhibit 10 – and DOI provided the Board with 108 investigative reports. In addition to DOI, the Board relies on the public, City employees and officials, and the media to bring possible violations to the Board's attention. The Board encourages anyone with information about a possible violation to contact Enforcement through the Board's website ([www.nyc.gov/ethics](http://www.nyc.gov/ethics)).

### **Enforcement Actions**

In 2013, the Board concluded enforcement actions involving a wide range of conduct, from high-level executives at the New York City Health and Hospitals Corporation (“HHC”) accepting gifts from a firm doing business with HHC to the dozens of employees at different City agencies who misused confidential information from public assistance or child welfare case records for self-serving purposes, which did not generate headlines but threatened the integrity of City



government nonetheless. A fuller description of enforcement actions concluded in 2013 can be found in the Appendix to this report (Chapter 68 Enforcement Case Summaries (2013)), but this brief survey conveys the extent and success of the Board's efforts:

**Adjudicated Cases.** The vast majority of enforcement actions are resolved by negotiated settlements. In 2013, the Board issued Findings of Facts, Conclusions of Law, and Orders in only one case following a hearing before OATH. The Board imposed a \$5,000 fine on a Construction Project Manager for the New York City Department of Housing Preservation and Development ("HPD") who solicited an architect and a construction laborer over whose work he had authority in his HPD position to perform architectural and carpentry services, respectively, at his daughter's home and at his summer home. In each case, the work was performed and paid for, but the Board found that, by soliciting work from individuals over whom he had authority, the Construction Project Manager violated the City's Conflicts of Interest Law, which prohibits using one's City position to obtain a personal financial gain.<sup>2</sup>

**Settlements: Significant Cases.** The former Senior Director of the Corporate Support Services ("CCS") Division of HHC paid a \$9,500 fine to the Board for multiple violations of the City's Conflicts of Interest Law.<sup>3</sup> The former Senior Director admitted that he wrote letters to the company that leases vehicles to HHC, requesting that the company add a vehicle repair shop owned by the former Senior Director's son to its list of HHC-approved repair shops and subsequently asking the company to promptly pay his son's shop for repairs to three CSS vehicles. Second, the former Senior Director admitted that he repeatedly asked three of his subordinates to perform personal errands for him during City work hours and to use their City computers during their City work hours to produce a number of personal or non-City-business-related documents for the former Senior Director and his son. Finally, the former Senior Director admitted that he suggested to a CCS Director that she ask her subordinate, a CCS Institutional Aide, to refinish the floors in her personal residence. The CCS Director paid the CCS Institutional Aide \$100 for performing this service, thus entering into a prohibited financial relationship with his subordinate.

---

<sup>2</sup> *COIB v. Enright*, OATH Index No. 1293/13, COIB Case No. 2013-469 (Order Aug. 7, 2013).

<sup>3</sup> *COIB v. Pack*, COIB Case No. 2012-473 (2013).



**Settlements: Three-Way Settlements.** The Board’s Enforcement Unit continued to enhance its effectiveness in 2013 by strengthening its coordination with disciplinary counsel at City agencies in cases where Board action would overlap with agency disciplinary charges. Through the so-called “referral back” process, the Board resolved Chapter 68 violations simultaneously with related disciplinary charges brought by the respondent’s agency. In 2013, the Board referred 60 such cases to agencies, including the Administration for Children’s Services, the Comptroller’s Office, the Department of Design and Construction, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Sanitation, the Fire Department, the Housing Authority, the Human Resources Administration, and the School Construction Authority. Settlements reached in conjunction with agencies frequently result in penalties of loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation.

The Board reached two three-way settlements with the New York City Department of Design and Construction (“DDC”) and two DDC employees -- an Assistant Commissioner and a Program Director -- who used their City positions to solicit funds from a DDC vendor for a non-profit professional organization in which they held positions. Both the Assistant Commissioner and the Program Director were responsible for overseeing the construction of an Emergency Medical Service Station in Brooklyn, including overseeing the DDC vendor’s work on a construction management contract. On two occasions, prior to soliciting funds, the Assistant Commissioner told the DDC vendor that it was at risk of receiving a poor performance evaluation. The Assistant Commissioner agreed to pay an \$8,000 fine to the Board and resign from DDC; the Program Director agreed to pay a \$2,500 fine to the Board and be placed on an indefinite probation by DDC.<sup>4</sup> Settlements like these save the Board the time and expense of instituting separate proceedings when related discipline is pending at the employing agency and achieve finality for the affected public servant.

In another such case, the Board and the Office of the Bronx Borough President (“BBPO”) concluded a settlement with an Education and Community Liaison who agreed to serve a 30 work-day suspension, valued at \$5,066, for her violations of the City’s Conflicts of Interest Law and the BBPO Employee Manual. As part of her official duties at BBPO, the Education and Community Liaison was responsible for addressing constituent issues related to Bronx public schools and

---

<sup>4</sup> *COIB v. Devgan*, COIB Case No. 2013-177 (2013); *COIB v. Shah*, COIB Case No. 2013-177a (2013).

regularly communicating with Bronx public schools regarding those issues. In a joint disposition with the Board and BBPO, the Liaison admitted to: (1) asking a New York City Department of Education (“DOE”) employee to provide her with non-public information concerning her son, a student at a DOE school in the Bronx, which the DOE employee declined to do; (2) attempting to obtain an exemption for her son from the decision of DOE administrators to exclude her son from his school’s “Senior Activities” because he had not met the eighth-grade promotional criteria; and (3) soliciting employment and personal assistance from the Chief of Staff of a New York City Council Member and the chairs of the Bronx Borough President’s Education Consortia, officials with whom she dealt in the course of performing her official duties.<sup>5</sup> This case represents the first joint settlement the Board reached with the Bronx Borough President’s Office.

**Settlements: Former City Employees.** The Board’s jurisdiction to prosecute public servants for violations that occurred while they were public servants continues even after they leave City service. For example, the Board fined two former Sanitation Workers – both of whom had retired from the New York City Department of Sanitation (“DSNY”) – \$2,000 each for soliciting money from a Queens resident to collect his household garbage. The Sanitation Workers acknowledged that their conduct violated two provisions of the City’s Conflicts of Interest Law. First, by soliciting money from a City resident to collect his household garbage, the Sanitation Workers misused their City positions to obtain a personal benefit; second, by accepting that money, the Sanitation Workers improperly accepted compensation from a source other than the City for doing their City jobs.<sup>6</sup>

The Board also prosecutes cases against former public servants for violations that occur after they leave City service. In 2013, the Board concluded enforcement actions it brought against multiple former public servants for violating the Charter’s “post-employment provisions,” which prohibit former public servants from communicating for compensation with their former City agencies within one year after leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not otherwise available to the public. In one such case, the Board fined a former

---

<sup>5</sup> *COIB v. Veras*, COIB Case No. 2013-444 (2013).

<sup>6</sup> *COIB v. Bracone*, COIB Case No. 2012-238 (2013); *COIB v. Torres*, COIB Case No. 2012-238a (2013).

Director of Central Budget at DOE \$3,000 for soliciting business for his private company from three DOE schools during his first post-employment year, in violation of the “revolving door” prohibition of the City’s Conflicts of Interest Law; the company was to provide on-site, hands-on training for DOE staff in DOE’s specific, customized financial systems. Upon discovering that the contracts were negotiated in violation of the City’s Conflicts of Interest Law, DOE cancelled the contracts and the former Director’s company did not receive any payments.<sup>7</sup>

Summaries of all of the Board’s public enforcement actions from 1990 to the present are available on the Enforcement page of the Board’s website. The full-text of each settlement and order is available free of charge, in full-text searchable form, on the website for the Center for New York City Law at New York Law School ([www.CityAdmin.org](http://www.CityAdmin.org)).

In addition to public sanctions, the Board may, where appropriate, choose to educate public servants privately about the implications of Chapter 68 on their past conduct. These confidential warnings – of which the Board sent 49 in 2013 – carry no findings of fact or violation by the Board, but instead serve as a formal reminder of the importance of strict compliance with the Conflicts of Interest Law.

For all their hard work, the Board thanks Carolyn Lisa Miller, Director of Enforcement; Bre Injeski, Deputy Director of Enforcement; Ethan Carrier, Associate Counsel for Enforcement; Jeff Tremblay, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. Mr. Tremblay joined the Board in September following the departure of Erin Thompson in August 2013. The Board also extends its sincere thanks to the DOI Commissioner, the Special Commissioner of Investigation for the New York City School District (“SCI”), and their entire staffs for the invaluable work of DOI and SCI in investigating and reporting on complaints of violations of the Conflicts of Interest Law.

## **5. ANNUAL DISCLOSURE**

Under section 2603(d) of Chapter 68, the Board receives “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law....” Under the annual disclosure law, set forth in section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>), over 8,000 City public servants are required to file annual disclosure reports with the

---

<sup>7</sup> *COIB v. Namnum*, COIB Case No. 2013-196 (2013).

Board. Since 2005, all such reports are filed with the Board electronically, a process that is referred to as Electronic Financial Disclosure (“EFD”).

### **Filing and Review of Annual Disclosure Reports**

City employees continue to show an excellent compliance rate in filing their mandated annual financial disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Annual Disclosure Law has exceeded 98% for the past six years. This superb record must be attributed in large part to the excellent work of the Annual Disclosure Unit: Julia Davis, Director of Annual Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Annual Disclosure; Sung Mo Kim, EFD Project Manager;<sup>8</sup> Holli Hellman, Associate EFD Project Manager and Supervising Annual Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Garay, Annual Disclosure Analyst and Agency Receptionist.<sup>9</sup>

In 2013, for only the second time since the implementation of EFD, there was a single four-week filing period for all public servants required to file an annual disclosure report. During that time, the Annual Disclosure Unit responded to 1,381 callers requesting assistance with filing, a 25% increase over the previous filing period.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2013, the Unit conducted 6,661 reviews of the 2012 reports filed by non-terminating public servants.<sup>10</sup> The Unit reviewed annual disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. It also reviewed Board waiver letters, issued pursuant to Charter § 2604(e), granting permission for second jobs in order to insure that these jobs were properly reported on the filer’s annual disclosure report. These reviews resulted in 38 letters sent to filers, 26 of which advised the filers that it was necessary to obtain agency head permission and then a Board waiver pursuant to Charter § 2604(e) in order to retain their second, non-City positions, two of which requested the filer to seek the advice of the Board, one of which instructed filers to obtain orders for ownership interests pursuant to Charter § 2604(a)(4), eight of which requested that filers amend their annual disclosure

---

<sup>8</sup> Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

<sup>9</sup> On October 23, 2013, Ms. Garay received an Excellence in Service Award from City Hall.

<sup>10</sup> Reports are filed in the year following the year to which they pertain. Thus, 2012 reports, covering calendar year 2012, were filed in 2013.

reports to reflect a second job, and one of which directed a filer to obtain requisite permission from the employing agency.<sup>11</sup> At year's end, 12 waivers had been issued, 16 filers had submitted explanations for, or additional information concerning, the second positions reported, four requests for waivers were pending, and four filers had amended their reports. In addition, five waivers were issued in 2013 as a result of letters sent in 2012 concerning filers' 2011 annual disclosure reports. Finally, the reviews also resulted in two matters being referred to Enforcement, one for the filer's failure to obtain permission for a second job reported again after having been advised to obtain permission and a second for a filer's use of City resources for a second non-City position.

The Annual Disclosure Unit receives requests for the certification of compliance that departing City employees have complied with their obligations under the annual disclosure law. Pursuant to section 12-110 (b)(3)(b) of the Administrative Code, departing employees must obtain such a certification before they can receive their final paychecks and/or any lump sum payments. In 2013, 592 such certifications were issued, a 19% increase over 2012, likely attributable to the change of administration that will take place on January 1, 2014. Finally, the Unit continued its annual disclosure liaison trainings with 11 trainings in 2013.

### **Public Authorities Accountability Act**

The Public Authorities Accountability Act ("PAAA") requires directors, officers, and employees of certain City-affiliated entities to file annual disclosure reports with the Board. Twenty-nine PAAA entities participated in the 2013 filing period, which accounted for 259 directors, officers, and employees being required to file an annual disclosure report for calendar year 2012. Of those, 138 individuals had previously submitted annual disclosure reports pursuant to their City positions, 35 of whom were required to file by virtue of service on more than one PAAA entity. The remaining 121 individuals filed their 2012 reports, five of whom were required to file by virtue of service on more than one PAAA entity.

---

<sup>11</sup> The 38 letters reflect a 35% decrease compared to the number of letters sent in 2012 concerning 2011 annual disclosure reports. While the decrease may be partially attributed to filers correcting their failures to obtain waivers for, or to disclose, non-City jobs, the decrease is also likely attributed to 2012 reviews having been concluded by year end while 2013 reviews were ongoing at year end.

### **Annual Disclosure Appeals**

Pursuant to section 12-110 (c) of the Administrative Code, an employee may appeal his or her agency's determination that the employee is required to file a report. During 2013, the Board issued the following appeal orders:

On April 10, 2013, the Board ruled that Department of Citywide Administrative Services ("DCAS") Project Architects were not required to file annual disclosure reports but that those with other titles, such as Project Manager, Assistant Director, Mechanical Engineer, and Associate Project Manager, were required to file annual disclosure reports.

On August 22, 2013, the Board ruled that an agency's premature determination of an appeal, failure to provide reasons for its decision, or failure to timely determine an appeal in and of itself will result in an appeal being granted on default.

On September 26, 2013, the Board determined that certain Special Consultants employed by the Department of Health and Mental Hygiene are required to file an annual disclosure report because they have contracting responsibilities but other Special Consultants who do not have such duties are not required to file.

On November 7, 2013, the Board granted on default appeals from DCAS employees because of the agency's premature determination of the appeals, namely, the agency's failure to provide the full 14-day period for those employees to submit documents in support of their appeals.

### **Annual Disclosure Enforcement**

Section 12-110(g) of the City's Annual Disclosure Law empowers the Board to impose fines of up to \$10,000 for the non-filing or late filing of an annual disclosure report. During 2013, the Board collected \$27,500 in late filing fines, \$23,000 from 2012 late filers, \$3,250 from 2011 late filers, \$250 from a 2010 late filer, and \$500 from a 2009 late filer. The increase in fines collected in 2013 is attributable to candidates and PAAA filers paying late fines, the fines for non-filers beginning at \$500 (instead of \$250), and four public servants paying at least \$1,000 each. Since the Board assumed responsibility for annual disclosure in 1990, the Board has collected \$602,448 in annual disclosure fines

## **Public Inspection of Annual Disclosure Reports**

Section 12-110(e) of the City's Annual Disclosure Law provides that certain information contained in annual disclosure reports shall be made available for public inspection. In 2013, there were 1,184 requests to inspect filed reports. Eight hundred thirty-six of those requests were from the media,<sup>12</sup> which resulted in the following forty-one newspaper articles discussing annual disclosure filings:

- A March 25, 2013, *New York Confidential* post commented on the Police Commissioner's initial failure to disclose on his annual disclosure reports the Police Foundation's payment of his Harvard Club bills.
- A May 23, 2013, *Wall Street Journal* article discussed the annual disclosure reports of the Public Advocate, Comptroller, and Speaker, in light of their Mayoral campaigns.
- May 24, 2013, *Wall Street Journal* and *New York Times* articles mentioned the Mayor's annual disclosure report in the context of the (final) release of his taxes. A May 24, 2013, article in the *New York Daily News* and a May 23, 2013, *AP* item focused on the Mayor's real estate holdings.
- A May 29, 2013, *Crain's* article reported that a Councilmember campaigning for higher office did not disclose rental income on her annual disclosure reports.
- A June 13, 2013, *Wall Street Journal* article mentioned the City Council Speaker's 2011 and 2012 annual disclosure reports in its discussion of trips she took that were paid for by outside entities.
- A July 3, 2013, *Wall Street Journal* article highlighted trips taken by elected officials that were paid for by outside entities.

---

<sup>12</sup> Of the 836 requests from the media, 387 were emailed directly to reporters pursuant to a COIB initiative permitting reporters to register with the Board. Reporters from established publications may receive reports by email to their work email address after registering.

- A July 3, 2013, *New York Post* article focused on two Councilmembers who received pay, such as salary, pension, and social security, from multiple government sources.
- A July 4, 2013, *New York Daily News* article discussed several Councilmembers' credit card debt.
- A July 16, 2013, *Wall Street Journal* article highlighted those candidates who failed to timely file their annual disclosure reports. The *Huffington Post*, *Washington Post*, *Glens Falls Post Star*, *New York Post*, and *wnbc.com* picked up on the report, and, on July 17 and 18, 2013, published articles concerning the deadline having been missed by a former governor who was a candidate for City Comptroller.
- Articles in the *Wall Street Journal*, *New York Times*, *New York Daily News*, *New York Post*, and *Newsday* on July 18, 2013, and posted on *Boston.com* and *usatoday.com* on July 17, 2013, mentioned the tax returns and annual disclosure report of the former governor candidate for City Comptroller.
- On July 19, 2013, an *AM New York* article, two *Wall Street Journal* articles, and two *Daily News* articles discussed candidates' annual disclosure reports and focused on the wealth of some candidates. One *Wall Street Journal* article took an interesting approach by analyzing the candidates' handwriting.
- A July 20, 2013, *New York Times* editorial urging the former governor candidate for City Comptroller who was self-funding his campaign to release his tax returns in their entirety mentioned his annual disclosure report.
- A July 31, 2013, *New York Daily News* article concerning an endorsement in the race for Brooklyn District Attorney noted a candidate's failure to timely file his annual disclosure report.



- An August 9, 2013, *City and State* article discussing the Public Advocate's race alleged that the Councilmember candidate had failed to report rental income on her annual disclosure reports.
- An August 13, 2013, *New York Law Journal* article on the fundraising of the Brooklyn District Attorney candidates mentioned a candidate's late filing of his disclosure report.
- An August 14, 2013, article in the *Wall Street Journal* reported on the Police Commissioner's trips on the Mayor's private plane, an article was picked up by *New York Magazine*. Both articles mentioned the Police Commissioner's annual disclosure reports.
- An August 28, 2013, *Wall Street Journal* article reported on the annual disclosure report submitted by an independent candidate for Mayor.
- An August 29, 2013, *New York Daily News* article discussing a Councilmember's wealth mentioned her annual disclosure report.
- An October 21, 2013, *Crain's* article noted that the Democratic candidate for Mayor failed to disclose rental income in his annual disclosure reports. Articles in the *New York Post* and *New York Times* on October 27, 2013, and October 28, 2013, respectively, also reported that failure.
- A November 10, 2013, *New York Post* article discussing a candidate for Speaker of the City Council mentioned her annual disclosure report.

### **2013 Citywide Elections**

Candidates for public office also must file annual disclosure reports pursuant to the City's Annual Disclosure Law. Elections in 2013, including races for Mayor, Comptroller, Public Advocate, Borough President, City Council, and Brooklyn District Attorney, resulted in the filing of over 200 reports from candidates. The Annual Disclosure Unit responded to 263 calls for assistance and processed 186 certificates of compliance for candidates seeking matching funds from the Campaign Finance Board.

For the first time, the New York City Board of Elections posted the COIB filing requirements on its website (the Campaign Finance Board also posts these requirements on its website). These postings alerted candidates who might not otherwise be aware of the filing requirements of their obligations under the law, especially those candidates without previous campaign experience or dedicated campaign staff.

Also for the first time, the Annual Disclosure Unit scheduled the release of candidates' reports. As a result, the citywide campaigns generated several newspaper articles discussing the candidates' annual disclosure filings, as noted above.

## **6. PROPOSED AMENDMENTS TO CHAPTER 68**

The Board had a busy and successful year providing advice to City employees, enforcing violations of the City's ethics law, administering annual disclosure, and training City employees. However, Chapter of the New York City Charter has gone largely unchanged since it was first enacted almost 25 years ago; and some changes are needed. Indeed, City Charter § 2603(j) requires that, at least once every five years, the Board "shall review the provisions of this chapter and shall recommend to the council . . . such changes or additions as it may consider appropriate or desirable." The Board did so in August 2009, when it issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law. A handful of those proposals were enacted in 2010 upon recommendation of the Charter Revision Commission.<sup>13</sup> But the Board's other proposals have not been considered.

In particular, one of the Board's highest legislative priorities for many years has been a Charter amendment providing the Board with an independent budget. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget. The Board believes that is in itself an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board's budget

---

<sup>13</sup> In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: mandating that every City public servant obtain training in the Conflicts of Interest Law, increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and empowering the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. Those provisions are now part of Chapter 68, in sections 2603(b), 2606(b), and 2606(b-1) of the Charter.

from the discretion of the public officials who are subject to the Board's jurisdiction.

**7. ADMINISTRATION AND INFORMATION TECHNOLOGY**

The Board thanks its Director of Administration, Varuni Bhagwant, and Administrative Coordinator, Iris Wright, for their continued perseverance in the face of increasing administrative burdens. The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running. He has provided the Board with the technical expertise necessary to implement electronic financial disclosure filing and the Board's case management software and has supervised the implementation of upgrades to the Board's IT infrastructure.

EXHIBITS  
AND  
APPENDICES

**EXHIBIT 1**  
**CONFLICTS OF INTEREST BOARD: 1993, 2001, 2012, 2013**

<i>Agencywide</i>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,086,841 (FY13)	\$2,033,472 (FY14)
Staff (budgeted)	26	23 <sup>3</sup> / <sub>5</sub>	22	22
<i>Legal Advice</i>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	4 attorneys
Telephone requests for advice	N/A	1,650	3,213	3,536
Written requests for advice	321	539	581	552
Issued opinions, letters, waivers, orders	266	501	471	559
Opinions, etc. per attorney	53	167	118	140
Pending requests at year end	151	40	221	107
Median time to respond to requests	N/A	N/A	28 days	22 days
<i>Enforcement</i>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
New complaints received	29	124	460	506
Cases closed	38	152	469	508
Dispositions imposing fines	1	9	89	62
Public warning letters	0	2	11	26
Fines imposed	\$500	\$20,450	\$187,322	\$124,050
Referrals to DOI	19	49	63	71
Reports from DOI	N/A	43	137	108

<b><i>Training and Education</i></b>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Staff	1	4 <sup>3/5</sup>	4 <sup>1</sup>	4
Training sessions	10	190 24 agencies; CLE	341 40 agencies; Brown Bag Lunches; training for all employees of several agencies; new presentation for Citywide seminar	542 42 agencies; Brown Bag Lunches; multiple CLE offerings; training for all employees of 15 agencies; new presentation for Citywide seminar
Dept. of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	34	18
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Continued monthly column in <i>The Chief</i> ; new leaflets for HRA and ACS created	Over 50 Continued monthly column in <i>The Chief</i>
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> switched to monthly

<sup>1</sup> In July 2012, the Unit was expanded from two to four.

<b><i>Training and Education (cont'd)</i></b>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Videotapes	None	3 half-hour training films; 2 PSA's	New PSA completed and posted	New video series, "Ethics Express: Conflicts of Interest in Five Minutes or Less" begun. First clip completed.
Electronic training	None	Computer game show; Crosswalks appearances	Several strategies discussed; research continued	Development plan with DCAS agreed upon for 2014; revamped computer game show
<b><i>Annual Disclosure</i></b>	<b>1993</b>	<b>2001</b>	<b>2012</b>	<b>2013</b>
Staff	12	5	5	5
6-year compliance rate	99%	98.6%	98%	98.2%
Fines collected	\$36,051	\$31,700	\$14,000	\$27,750
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	All	6,661
Reports reviewed for conflicts (mandated by law)	350	38	All	6,661
Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA	0	0	28 PAAA entities filed	29 PAAA entities filed
Electronic filing	None	In development	With limited exceptions (PAAA filers, candidates, and assessors), all filers file electronically	With limited exceptions (PAAA filers, candidates, and assessors), all filers file electronically

## **EXHIBIT 2**

### **COIB MEMBERS, STAFF, AND FORMER MEMBERS 2013**

#### *Members*

Nicholas Scoppetta, Chair  
Monica Blum (*until March 2013*)  
Anthony Crowell (*beginning April 2013*)  
Andrew Irving  
Burton Lehman  
Erika Thomas-Yuille

#### *Staff*

##### *Executive*

Mark Davies, Executive Director

##### *Legal Advice*

Wayne G. Hawley, Deputy Executive Director & General Counsel  
Sung Mo Kim, Deputy General Counsel (*until Dec. 2013*)  
Karrie Ann Sheridan, Associate Counsel (*until May 2013*)  
Jessie Beller, Associate Counsel  
Amber Gonzalez, Assistant Counsel (*beginning Aug. 2013*)

##### *Enforcement*

Carolyn Lisa Miller, Director of Enforcement  
Bre Injeski, Deputy Director of Enforcement  
Ethan Carrier, Associate Counsel  
Erin Thompson, Assistant Counsel (*until Aug. 2013*)  
Jeffrey Tremblay (*beginning Sept. 2013*)  
Maritza Fernandez, Litigation Coordinator

##### *Annual Disclosure*

Julia Davis, Director of Annual Disclosure & Special Counsel  
Joanne Giura-Else, Deputy Director of Annual Disclosure  
Sung Mo Kim, Electronic Annual Disclosure Project Manager (*until Dec. 2013*)\*  
Holli R. Hellman, Associate EFD Project Manager and Supervising Ann. Discl. Analyst  
Veronica Martinez Garcia, Administrative Assistant  
Daisy Garay, Annual Disclosure Analyst and Agency Receptionist

##### *Training and Education*

Alex Kipp, Director of Training and Education  
Philip Weitzman, Senior Trainer  
Rob Casimir, Trainer  
Samantha Quinn Haisley, Trainer

##### *Administrative*

Varuni Bhagwant, Director of Administration  
Iris Wright, Administrative Coordinator

##### *Information Technology*

Derick Yu, Director of Information Technology

---

\* Mr. Kim served part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.



*Interns and Volunteers*

*Volunteer Attorneys*

Brian Roberts

*Law School Interns*

Rebecca Goldstein  
Julia Iodice  
Simon Leen  
Yasong Niu

*College Interns*

Natalie Lin  
Victoria Steger

*Former Members of the Board*

Merrill E. Clarke, Jr., Chair	1989
Beryl Jones	1989-1995
Robert J. McGuire	1989-1994
Sheldon Oliensis, Chair	1990-1998
Shirley Adelson Siegel	1990-1998
Benjamin Gim	1990-1994
Benito Romano, Acting Chair (1998-2002)	1994-2004
Jane W. Parver	1994-2006
Bruce A. Green	1995-2005
Angela Mariana Freyre	2002-2011
Steven B. Rosenfeld, Chair	2002-2012
Kevin J. Frawley	2006-2009
Monica Blum	2004-2013

**EXHIBIT 3**  
**TRAINING AND EDUCATION CLASSES ON CHAPTER 68**

<u>Year</u>	<u>DOE Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes<sup>1</sup></u>
1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 <sup>2</sup>	43	139	182
2004	119	169	288
2005	80	162	242
2006 <sup>3</sup>	43	151	194
2007	75	341	416
2008	51	484	535
2009 <sup>4</sup>	33	253	286
2010 <sup>5</sup>	9	270	279
2011	21	297	318
2012 <sup>6</sup>	34	307	341
2013	18	524	542

<sup>1</sup> These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

<sup>2</sup> As a result of mandated layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15 to October 15, 2003.

<sup>3</sup> From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December 2005 to mid-July 2006, and the new trainer then needed to be trained before he could begin teaching classes.

<sup>4</sup> For five months during 2009 the Unit had a staff of only one.

<sup>5</sup> For eight months during 2010 the Unit had a staff of only one.

<sup>6</sup> The Unit's compliment was expanded from two to four in July 2012.

# EXHIBIT 4

## COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold.  
 Agencies that held three to nine classes are in italics.  
 Agencies that held one or two classes are not separately listed.

2006 <sup>1</sup>	2007	2008	2009 <sup>3</sup>	2010 <sup>4</sup>	2011	2012 <sup>5</sup>	2013
<b>Comptroller</b> <b>DCAS</b> <b>DDC</b> <b>DOB</b> <b>Education</b> <b>Finance</b> <b>Sanitation</b> <i>Community</i> <i>Boards</i> <i>DOC</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>HHC</i> <i>Manhattan</i> <i>Borough Pres</i> <i>TLC</i>	<b>Buildings</b> <b>DCAS</b> <b>DDC</b> <b>DOHMH</b> <b>Education</b> <b>FDNY</b> <b>Finance</b> <b>FISA</b> <b>HHC</b> <b>NYCHA</b> <b>TLC</b> <i>Community</i> <i>Boards</i> <i>DCP</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>HPD</i> <i>HRA</i> <i>NYCERS</i> <i>NYPD</i> <i>Parks</i>	<b>Buildings</b> <b>DCAS</b> <b>DDC</b> <b>Education</b> <b>OATH/ECB</b> <b>Health</b> <b>Sanitation</b> <b>TLC</b> <i>ACS</i> <i>Aging</i> <i>City Council</i> <i>Community</i> <i>Boards</i> <i>Correction</i> <i>DoITT</i> <i>EDC</i> <i>Finance</i> <i>Fire Dept.</i> <i>Law</i> <i>MOCS</i> <i>NYCERS</i> <i>NYCHA</i>	<b>Buildings</b> <b>City Council</b> <b>DCAS</b> <b>DoITT</b> <b>Education</b> <b>FISA</b> <b>NYCHA</b> <b>TLC</b> <i>CCHR</i> <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCA</i> <i>DDC</i> <i>DOHMH</i> <i>DOF</i> <i>DOT</i> <i>DPR</i> <i>DSNY</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>NYCERS</i> <i>OATH</i> <i>SBS</i>	<b>Buildings</b> <b>City Council</b> <b>DCAS</b> <b>DOF</b> <b>DOT</b> <b>HRA</b> <b>Not-for-profits</b> <b>Receiving</b> <b>Discretionary</b> <b>Grants</b> <i>Bronx Borough</i> <i>President</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DOHMH</i> <i>DoITT</i> <i>DPR</i> <i>FDNY</i> <i>HHC</i> <i>HPD</i>	<b>Buildings</b> <b>City Council</b> <b>DCAS</b> <b>DDC</b> <b>DOE</b> <b>DOF</b> <b>OATH</b> <b>SCA</b> <i>Community</i> <i>Boards</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>Manhattan BP</i> <i>MOCS</i> <i>NYCERS</i> <i>Not-for-profits</i> <i>Receiving</i> <i>Discretionary</i> <i>Grants</i> <b>OEM</b> <b>SBS</b>	<b>ACS</b> <b>City Council</b> <b>Comptroller</b> <b>DCAS</b> <b>DOE</b> <b>DOHMH</b> <b>DOT</b> <b>HRA</b> <b>NYCERS</b> <b>TLC</b> <i>Borough</i> <i>President (M)</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DEP</i> <i>DOB</i> <i>DOF</i> <i>DoITT</i> <i>DSNY</i> <i>EDC</i> <i>FDNY</i> <i>FISA</i> <i>OLR</i> <i>Police Pension</i> <i>Richmond Cty.</i> <i>DA's Office</i>	<b>ACS</b> <b>City Council</b> <b>BOE</b> <b>BoERS</b> <b>DA (M)</b> <b>DCAS</b> <b>DDC</b> <b>DFTA</b> <b>DHS</b> <b>DOB</b> <b>DOE</b> <b>DOF</b> <b>DoITT</b> <b>DOT</b> <b>HRA</b> <b>SCA</b> <b>TRS</b> <b>Parks</b> <i>Community</i> <i>Boards</i> <i>DA - Bx</i> <i>DEP</i> <i>DOHMH</i> <i>DSNY</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HDC</i> <i>MOCS</i> <i>OEM</i> <i>OPA</i>
Agencies Holding One or Two Classes: 21	Agencies Holding One or Two Classes: 39	Agencies Holding One or Two Classes: 23	Agencies Holding One or Two Classes: 24	Agencies Holding One or Two Classes: 20	Agencies Holding One or Two Classes: 16	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 13
<b>Total Classes:</b> <b>194<sup>2</sup></b>	<b>Total Classes:</b> <b>416<sup>2</sup></b>	<b>Total Classes:</b> <b>535<sup>2</sup></b>	<b>Total Classes:</b> <b>286<sup>2</sup></b>	<b>Total Classes:</b> <b>279<sup>2</sup></b>	<b>Total Classes:</b> <b>318<sup>2</sup></b>	<b>Total Classes:</b> <b>341<sup>2</sup></b>	<b>Total Classes:</b> <b>542<sup>2</sup></b>

<sup>1</sup> From December 2005 to September 2006, the Training and Education Unit had a staff of one.

<sup>2</sup> These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

<sup>3</sup> For five months during 2009 the Unit had a staff of one.

<sup>4</sup> For eight months during 2010 the Unit had a staff of one.

<sup>5</sup> The Training Unit's compliment was expanded from two to four in July 2012.

**EXHIBIT 5**  
**RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS**

**Sheldon Oliensis Ethics in City Government Award**

2013	Samantha Biletsky (Department of Education)
2012	Marla Simpson (Mayor's Office of Contract Services)
2010	Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
2009	Ricardo Morales (New York City Housing Authority)
2007	Department of Buildings
2005	The Center for New York City Law at New York Law School
2004	Saphora Lefrak (City Council)
2003	Department of Investigation
2002	Department of Environmental Protection
2001	Department of Transportation
1999	Sheldon Oliensis (Conflicts of Interest Board)

**Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board**

2013	Steven Rosenfeld and Monica Blum
2012	Wayne Hawley
2011	Angela Mariana Freyre
2009	Mark Davies
2008	Robert Weinstein
2007	Jane Parver
2006	Bruce Green
2005	Benito Romano
2003	Andrea Berger
1999	Shirley Adelson Siegel

**EXHIBIT 6**  
**LEGAL ADVICE SUMMARY: 1993 TO 2013**

	<b>1993</b>	<b>2008</b> <b>(Increase v. 2007)</b>	<b>2009</b> <b>(Increase v. 2008)</b>	<b>2010</b> <b>(Increase v. 2009)</b>	<b>2011</b> <b>(Increase v. 2010)</b>	<b>2012</b> <b>(Increase v. 2011)</b>	<b>2013</b> <b>(Increase v. 2012)</b>
Staff	5 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys
Telephone requests for advice	N/A	3797 (+14%)	3277 (-14%)	3246 (-1%)	3310 (+2%)	3213	3536 (+10%)
Written requests for advice	321	624 (+2%)	557 (-11%)	599 (+8%)	582 (-3%)	581	552 (-5%)
Issued opinions, letters, waivers, orders	266	574 (-5%)	484 (-16%)	523 (+8%)	523	471 (-10%)	559 (+19%)
Opinions, etc. per attorney	53	144 (-5%)	121 (-16%)	131 (+8%)	131	118 (-10%)	140 (+19%)
Pending written requests at year end	151	161 (-10%)	138 (-14%)	162 (+17%)	166 (+2%)	221 (+33%)	107 (-52%)
Median time to respond to requests	N/A	26 days	24 days	24 days	29 days	28 days	22 days

**EXHIBIT 7**  
**WRITTEN REQUESTS FOR ADVICE ON CHAPTER 68**

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613
2008	624
2009	557
2010	599
2011	582
2012	581
2013	552

**EXHIBIT 8**  
**WRITTEN RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68**

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605
2008	253	226	95	574
2009	170	231	83	484
2010	208	234	81	523
2011	188	250	85	523
2012	155	246	70	471
2013	210	282	67	559

**EXHIBIT 9**  
**CHAPTER 68 ENFORCEMENT CASES**

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
New Complaints	31	29	50	64	63	81	148	124	221	346
Cases Closed	4	33	32	54	76	83	117	152	179	243
Dispositions Imposing Fines	2	1	1	2	9	4	10	9	6	3
Public Warning Letters	0	0	1	0	0	0	2	2	0	0

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
New Complaints	307	370	328	465	509	443	523	440	460	506
Cases Closed	266	234	530	429	509	472	522	504	469	508
Dispositions Imposing Fines	6	11	19	61	135	98	76	61	89	62
Public Warning Letters	0	1	7	26	11	21	36	18	11	26



## EXHIBIT 10

### ENFORCEMENT SUMMARY: 2005 to 2013

	2005 (Increase v. 2004)	2006 (Increase v. 2005)	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)	2012 (Increase v. 2011)	2013 (Increase v. 2012)
Staff	4 (3 attorneys <sup>1</sup> )	4 (2 attorneys <sup>2</sup> )	5 (4 attorneys)	5 (4 attorneys <sup>3</sup> )	5 (4 attorneys <sup>4</sup> )	5 (4 attorneys)	5 (4 attorneys <sup>5</sup> )	5 (4 attorneys <sup>6</sup> )	5 (4 attorneys <sup>7</sup> )
New complaints received	370 (+21%)	328 (-11%)	465 (+42%)	509 (+9%)	443 (-13%)	523 (+18%)	440 (-16%)	460 (+5%)	506 (+10%)
Cases closed	234 (-12%)	530 (+126%)	429 (-19%)	509 (+19%)	472 (-7%)	522 (+11%)	504 (-3%)	469 (-7%)	508 (+8%)
Dispositions imposing fines	11 (+83%)	19 (+73%)	61 (+221%)	135 (+121%)	98 (-27%)	76 (-22%)	61 (-20%)	89 (+46%)	62 (-30%)
Public warning letters	1	7	26 (+271%)	11 (-58%)	21 (+90%)	36 (+71%)	18 (-50%)	11 (-39%)	26 (+136%)
Fines imposed	\$37,050	\$30,460	\$87,100	\$155,350	\$161,050	\$145,850	\$127,769	\$187,322	\$124,050
Referrals to DOI	110 (-29%)	154 (+40%)	137 (-11%)	108 (-21%)	77 (-29%)	70 (-9%)	65 (-7%)	63 (-3%)	71 (+12%)
Reports from DOI	117 (+26%)	120 (+3%)	143 (+19%)	179 (+25%)	132 (-26%)	132 (0%)	121 (-8%)	137 (+13%)	108 (-21%)

<sup>1</sup> The Enforcement Unit lacked one attorney for almost 11 months in 2005.

<sup>2</sup> The Enforcement Unit had only two attorneys for several months in 2006.

<sup>3</sup> The Enforcement Unit had one attorney on leave for several months in 2008.

<sup>4</sup> The Enforcement Unit had one attorney on leave for several months in 2009.

<sup>5</sup> The Enforcement Unit lacked one attorney for 3½ months in 2011.

<sup>6</sup> The Enforcement Unit lacked one attorney for 7½ months in 2012.

<sup>7</sup> The Enforcement Unit lacked one attorney for two months in 2013.

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
<b>2013</b>												
12/30/2013	2013-656	Bansi	DOHMH	X						Resign from DOHMH & never return to DOHMH employment		
12/30/2013	2013-661	Diaz	DOHMH	X	1,000		1,000					
12/26/2013	2013-462	Antonetty	ACS	X					34,275	Reassigned, resulting in 34,275 annual salary reduction		
12/26/2013	2013-296	Hasberry	DOE	X	1,250							
12/23/2013	2013-198	Bazile	NYCHA		3,000							
12/23/2013	2013-468	Tapia	Compt.	X							20	4,480
12/23/2013	2013-097	Castro	DOE	X	6,000							
12/3/2013	2013-414	Dalton	DOHMH	X	1,000							
12/2/2013	2013-277	James	NYCHA	X						18 months probation	15	3,180
<b>NOVEMBER</b>												
11/26/2013	2013-196	Namnum	DOE		3,000							
<b>OCTOBER</b>												
10/29/2013	2013-044a	Greene	DOE		1,500							
10/29/2013	2012-836	Mignogna	NYCHA						5,475	Demoted, resulting in 5,475 annual salary reduction		
10/29/2013	2012-836a	Cavero	NYCHA		1,600							
10/29/2013	2012-836c	Augustyn	NYCHA		1,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
10/29/2013	2012-836d	Santaniello	NYCHA		900							
10/24/2013	2013-384	Torres	DOE							Terminated		
10/2/2013	2013-177	Devgan	DDC	X	8,000					Resign from DDC		
10/2/2013	2013-177a	Shah	DDC	X	2,500					Indefinite probation		
10/1/2013	2013-444	Veras	Bx B.P.	X							30	5,066
10/1/2013	2012-831	Reissig	NYCHA	X	2,300							
10/1/2013	2013-004	Mosley	Compt.		2,500							
<b>SEPTEMBER</b>												
9/3/2013	2012-469	Enright	HPD		5,000	Respondent did not appear at the trial, so the Board fine has not yet been collected						
<b>AUGUST</b>												
8/29/2013	2013-306	Giwa	SCA	X							30	10,400
8/26/2013	2013-380	Compton	HPD		1,000							
8/13/2013	2012-493	Hila	DSNY	X							39	10,719
8/12/2013	2011-145	Gonzalez	Bx CB 9		7,500							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
8/1/2013	2013-253	Trambitskaya	ACS		1,000							
8/1/2013	2013-158	Mohamed	Compt.	X							5	942
<b>JUNE</b>												
6/27/2013	2012-880b	Woods	DOHMH	X	1,250							
6/26/2013	2013-111	Madu	DEP	X	5,000							
6/24/2013	2013-044	Rodriguez	DOE		2,500							
6/24/2013	2012-238	Bracone	DSNY		2,000							
6/24/2013	2012-238a	Torres	DSNY		2,000							
<b>MAY</b>												
5/20/2013	2013-124	Choden	DOHMH	X	750		750					
5/16/2013	2012-338	Marrero	DEP	X	2,000							
<b>APRIL</b>												
4/29/2013	2012-458	Jones	NYCHA	X	1,250					One year probation	5	1,394
4/29/2013	2012-365	Reyes	DOC		4,500							
4/29/2013	2012-365a	Davis	DOC		6,000							
4/29/2013	2012-233	Bessem	HRA	X							20	3,083
4/29/2013	2012-461	Raheb	FDNY		7,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
4/25/2013	2012-897a	Valencia	DEP	X					800	Restitution	15 annual leave	3,038
4/25/2013	2012-897b	Abrams	DEP	X					946	Restitution	15 annual leave	3,142
4/25/2013	2012-897c	Ramnarine	DEP	X					1,229	Restitution & resign from DEP		
4/25/2013	2012-897	Hernandez	DEP	X					1,322	Restitution	15	5,777
4/25/2013	2013-135	Starkey	Compt.	X							25	5,512
4/24/2013	2012-828	Taylor	HHC		2,500				500	Loan repayment		
4/17/2013	2012-848	Wolf	HHC		6,000							
4/15/2013	2012-710	James	DOHMH	X	1,500		2,500					
4/1/2013	2012-766	Wilson	DOHMH	X	2,000							
4/1/2013	2012-765	Singleton	DOHMH	X	1,250							500
4/1/2013	2012-712a	Piccirillo	DOE		250							
MARCH												
3/21/2013	2011-412	Booker	HPD		3,000							
3/18/2013	2012-362	Theodore	HPD		1,250							
3/7/2013	2012-473	Pack	HHC		9,500							
3/7/2013	2012-624	Davis	ACS	X	1,500							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
3/4/2013	2012-819	DeMaio	DOE	X	2,300		4,200					
FEBRUARY												
2/28/2013	2012-426	Muniz	DHS	X						Resign from DHS & never return to City	30	6,622
2/28/2013	2012-808	Romeo	NYCHA		1,000							
2/25/2013	2010-747	Findley	HRA		1,400							
2/6/2013	2011-898a	Purvis	HRA	X							60	9,972
2/5/2013	2012-464	Rodriguez	HRA	X							2	280
JANUARY												
1/23/2013	2012-322	Cohen	DOE		7,500							
1/23/2013	2012-313	Baptiste	DOE		6,500							
1/17/2013	2012-140	Stevenson-Hull	HRA								8	1,076
1/7/2013	2012-605	Blackman	DCAS	X						Resign from DCAS & never return to City employment	Annual leave forfeited	1,000
1/7/2013	2011-816	Patel	DDC	X							30 suspension & 13 annual leave forfeited	8,571
1/7/2013	2012-746	Chavez-Downes	DHS	X			3,750					
2012												
DECEMBER												
12/27/2012	2012-568	DiVittorio	DOE	X	1,000							
12/27/2012	2012-473a	Rodriguez	HHC		1,750							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
12/26/2012	2011-750	Vera	DOE		9,000	Respondent did not appear at the trial, so the Board fine has not yet been collected						
12/26/2012	2010-880	Dockery	ACS		7,500	Due to showing of financial hardship, fine was forgiven in full						
12/13/2012	2012-583	Sivilich	DoITT	X	5,000					Resign & never return to DoITT employment	30	7,144.78
12/13/2012	2012-582	Ervin-Turner	HRA	X							20	3,780
12/3/2012	2012-329	Zerilli	Parks	X	1,750							
NOVEMBER												
11/28/2012	2011-860	Namnum	DOE		47,929.29	15,000 fine + 32,929.29 value of benefit received						
11/26/2012	2012-270b	Cohen	HRA		3,000							
11/26/2012	2012-228	Fogel	DOE		2,500							
11/26/2012	2012-540	Brennan	DOE		500							
OCTOBER												
10/25/2012	2012-169	Agius	SCA		1,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
10/24/2012	2009-493	Knowlin	DOE		2,500	Due to showing of financial hardship, fine was forgiven in full						
10/24/2012	2011-636	Nero	DOE		4,000							
10/17/2012	2012-328	Scanterbury	DOE		4,000							
10/17/2012	2012-364	Lim	EDC		7,500							
10/4/2012	2012-581	Jimenez	HRA	X							7	3,363.94
10/3/2012	2012-486	Dance	DEP	X							15	3,790
10/3/2012	2012-316	Ojudun	HRA	X						Resign & never return to HRA employment		
SEPTEMBER												
9/12/2012	2009-845	Thompson	DOE							Resign & never return to DOE employment		
9/5/2012	2011-193	Taylor	DSNY		9,196.82	7,500 fine + 1,696.82 value of benefit received						
9/4/2012	2012-314	Marinello	DCAS	X								
9/4/2012	2012-367	Williams	DOHMH	X							25	4,686.35
9/4/2012	2012-399	Hayes	DOHMH	X	6,000					No longer use any affiliation in publications other than DOHMH		
9/4/2012	2011-531	Passarella	DOE		3,500							
9/4/2012	2012-492a	Perez	Compt.	X							3	1,316.45
9/4/2012	2012-492	Innamorato	Compt.	X							10	3,000.88
AUGUST												
8/22/2012	2012-021	Baksh	Parks	X							60	11,478
8/22/2012	2011-720	O'Mahoney	DOE	X	4,000							



**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
8/22/2012	2011-055	Gonzalez	ACS	X	1,250						5	1,256
8/22/2012	2011-898	Purvis	HRA	X							20	3,530
8/22/2012	2012-115	Washington	HRA	X							5	758
8/8/2012	2010-479	Thornton	DOE		3,500							
JULY												
7/31/2012	2012-230	Hope, K.	HRA	X						Resign & never return to HRA employment		
7/31/2012	2011-622b	Charbonier	NYCHA	X						One year probation	5	812
7/31/2012	2011-622e	Shepard	NYCHA	X						One year probation	5	1,421
7/25/2012	2012-187	Balkcom	DFTA	X						Nine month probation	45	4,757.12
7/25/2012	2012-204	Murph	HRA	X							8	1,085.97
7/25/2012	2012-114	Tomkins	HRA	X							5	1,244
7/23/2012	2012-339	Cortez	ACS	X							12	3,861
7/23/2012	2012-246	Paci	DEP	X							1 suspension & 4 annual leave	1,967
7/23/2012	2010-541	Rodriguez	HHC		1,250							
JUNE												
6/28/2012	2011-429a	Glover, M.	HRA	X							10	1,584
6/28/2012	2011-429	Glover, B.	HRA								30	4,307
6/26/2012	2012-095	Gomez	HRA	X	3,750							
6/26/2012	2009-598	Shepherd	DOE						39,003	Demoted, resulting in 39,003 annual salary reduction		
6/26/2012	2010-762	Strauss	DOE	X	2,500							
6/26/2012	2010-335a	McCrorey	Parks		250							
6/26/2012	2010-335b	Williams	Parks		250							
6/26/2012	2010-335c	James	Parks		750							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
6/26/2012	2010-335d	Hill	Parks		500	Respondent did not appear at the trial, so the Board fine has not yet been collected						
6/26/2012	2010-335e	Simms	Parks		250	Due to showing of financial hardship, fine was forgiven in full						
6/25/2012	2012-162	Stewart	City Planning		6,500							
6/11/2012	2010-015	Neblett	DOE		1,000					Resign from DOE & return piano		
6/11/2012	2011-478	Mercado	DOE		1,000							
6/6/2012	2012-326	Mayo	DoITT	X						Resign & never return to DoITT employment		
6/6/2012	2010-672	Silver	DOE	X	1,500							
6/4/2012	2012-098	Bennett	DOHMH	X								
6/4/2012	2012-150a	Borrero	DOE	X								
6/4/2012	2012-231	Thomas	HRA	X							20	2,252.11
6/4/2012	2011-151	Tirado	HHC		1,750							
6/4/2012	2012-229	Hope	HRA	X							30	5,304.74
6/4/2012	2012-045	Gamble	ACS	X							12	2,348
6/4/2012	2010-276a	Mattern	DOE	X	1,500							
APRIL												
4/30/2012	2011-445	Shapiro	DOE	X	2,000							
4/30/2012	2010-836	Connell-Cowell	DOE	X	4,500							
4/25/2012	2011-591	Nelson	DOE		3,500							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
4/24/2012	2011-480	Stark	DOF		22,000							
4/23/2012	2011-302	Trezevantte	DOE	X	1,250							
4/16/2012	2011-868	Perotti	DOF	X					15,900	Demoted, resulting in 8,000 salary reduction + 7,900 in loan repayment		
MARCH												
3/26/2012	2011-544	Fabrikant	DOE		2,500							
3/21/2012	2012-041	Gibson	DOHMH	X			1,500					
3/12/2012	2011-724	Edwards	DOC	X							15 suspension & 24 annual leave forfeited	11,774.62
3/12/2012	2011-456	Wiltshire	ACS		3,000							
3/12/2012	2012-121	Congo	DOHMH	X						Resign & never return to City employment		
3/6/2012	2012-014	Mark	DOHMH	X			9,689.28	8,000 in forfeited annual leave + 1,689.28 restitution		Resign & never return to City employment	20	4,494.20
3/5/2012	2011-765	Pawar	NYPD		1,000							
3/5/2012	2011-627	Singleton	DOHMH	X			2,000					
3/5/2012	2011-727	Dumeng	ACS	X							5	1,000
3/5/2012	2011-734	Vasquez	ACS	X							15	4,369
FEBRUARY												
2/21/2012	2011-664	Hines	ACS	X							30	3,926.67
2/8/2012	2011-547	Harris	ACS	X							4	1,172.20

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
2/7/2012	2010-609	Zackria	DOE		7,500	Respondent did not appear at the trial, so the Board fine has not yet been collected						
2/6/2012	2011-473	Vazgryn	Parks	X			4,500				30	5,300
2/6/2012	2011-768	Taylor-Williamson	DDC	X							7	1,743
JANUARY												
1/31/2012	2010-842a	Lugo	DoITT		2,500							
1/26/2012	2007-269	James	DSNY	X							90	25,046.10
1/26/2012	2007-269a	Gilbert	DSNY	X							60	16,697.47
1/26/2012	2007-269b	Maurice	DSNY	X							90	24,425.57
2011												
DECEMBER												
12/20/2011	2010-548	Maldonado	DOB		2,500							
12/20/2011	2010-285a	LaBella	FDNY		1,500							
12/20/2011	2010-285	Zerillo	FDNY		12,500							
12/15/2011	2011-726	Burgos	DOHMH	X	1,000							
12/15/2011	2011-663	Williams	DOHMH	X			2,440					
12/8/2011	2011-443	Akinoye	HRA	X			700					
12/6/2011	2011-368	Raab	DOE		6,500							
12/5/2011	2010-831	Glanz	DOC		2,500							
12/1/2011	2009-159	Carrion	Bx B.P.		10,000							
NOVEMBER												
11/14/2011	2011-392	Robertson	OATH	X							4 annual leave forfeited	596
SEPTEMBER												

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
9/28/2011	2010-258a	Garvin	ACS	X							10 suspension & 5 annual leave forfeited	2,118.90
9/19/2011	2011-361	Udeh	DOHMH	X	2,000					Demoted, resulting in 8% salary reduction		
9/19/2011	2011-427	Capellan	DOE		2,000							
9/19/2011	2011-003	Vielle	DOHMH	X						Resign & never return to DOHMH employment		
AUGUST												
8/29/2011	2011-360	Marandi	DEP	X	1,269				1,268.97	1,268.97 restitution		
JULY												
7/25/2011	2009-700	McNair	HRA		7,500	Although respondent did appear at the trial, the Board fine has not yet been collected						
7/25/2011	2009-181	Markowitz	Bk B.P.		20,000							
7/25/2011	2011-343	Godfrey	DOHMH		1,000							
7/6/2011	2008-880	Julien	DOT		2,000							
JUNE												
6/30/2011	2010-723	Pizarro	DOHMH	X	600				111.92	111.92 restitution	3 annual leave forfeited	987.06
6/30/2011	2010-276	Kelly-Ennis	DOE		1,250							
6/30/2011	2010-430	Mitchell	HRA	X							5	799.61
6/30/2011	2010-063	Naidu-Walton	HPD	X	2,500							
6/30/2011	2009-434	Hedrington	HRA		1,000							
6/30/2011	2009-434a	Barthelemy	HRA		1,250							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
6/29/2011	2011-189	Olsen	DOE	X	4,000							
6/28/2011	2011-084	Smolkin	DOE	X			5,000		764.03	764.03 restitution		
6/28/2011	2010-406	Garcia	HRA	X							10	2,033.60
6/28/2011	2010-830	Lee	BIC	X							30	3,403
6/28/2011	2011-156	Andrews	NYCHA		2,000							
6/27/2011	2011-015	Ruiz	NYCHA	X							40	7,616
6/27/2011	2010-282	Baez	HRA		500	Due to showing of financial hardship, fine was reduced from \$5,000 to \$500						
6/27/2011	2010-156	Belle	HRA			Due to showing of financial hardship, fine was forgiven in full			345.02	345.02 restitution		
6/23/2011	2011-230	Terracciano	DEP	X							3 annual leave forfeited	1,371
MAY												
5/25/2011	2011-187	Shaffer	DFTA	X	1,000	Due to showing of financial hardship, fine was reduced from \$7,500 to \$1,000						
5/19/2011	2010-873	Arowolo	NYCHA	X						Demoted & transferred, resulting in 20% salary reduction		
5/9/2011	2010-329	Barrington	DCAS	X					277.28	277.28 restitution	10	3,013
5/9/2011	2009-807	Solomon	DOE		1,000						20	2,423

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
5/4/2011	2010-842	Jordan	DoITT						15,000	Transferred, resulting in 15,000 salary reduction		
5/2/2011	2010-573	Lowe	ACS	X							30	3,352
APRIL												
4/21/2011	2010-335	Diggs	Parks		1,250							
4/7/2011	2009-553	Grant	DOE		300							
4/5/2011	2009-467	Tatum	DOE		20,000							
4/4/2011	2011-002	Ginty	DEP	X						Demoted & one year probation	30	3,772
MARCH												
3/29/2011	2010-439	Paige	FDNY		2,500	Respondent did not appear at the trial, so the Board fine has not yet been collected						
3/24/2011	2009-436	Szot	DOE		3,250		2,500	Criminal restitution				
3/21/2011	2008-963a	Concepcion	ACS		3,000							
3/10/2011	2009-651	Tabaei	HHC		3,500							
3/9/2011	2010-165	Walker	DOE	X						Resign & never return to DOE employment		
3/7/2011	2008-503	Armstead	DOC		4,000							
3/7/2011	2008-747	James	DOHMH		1,500							
FEBRUARY												
2/15/2011	2010-657	Lumpkins-Moses	DOE	X			7,500					
2/9/2011	2010-492	Hall	HRA	X							30	3,695
2/9/2011	2010-278	Wright	HRA	X							60	6,972
2/7/2011	2009-849a	Scissura	BBP		1,100							
2/7/2011	2009-849	Markowitz	BBP		2,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
2/2/2011	2010-540	Cadet	DOE								10	848.4
2/2/2011	2010-742	Padilla	HHC		2,000							
2/1/2011	2006-773	Koonce	HPD		1,500	Due to showing of financial hardship, fine was forgiven in full						
2/1/2011	2010-521	Graham	ACS	X						One year probation	45	9,079
2/1/2011	2010-442	Peruggia	FDNY	X	12,500							
JANUARY												
1/31/2011	2010-874	Mark	DOHMH	X			4,000				20 suspension & 20 annual leave forfeited	8,988.40
1/31/2011	2010-893	Anderson	DOHMH	X						Transferred to another unit	30	7,303.96
2010												
DECEMBER												
12/27/2010	2010-610	Rizzo	DOE		14,000							
12/22/2010	2010-126	Acevedo	HPD	X						Resign		
12/22/2010	2010-242	Karim	NYCHA	X							15	3,082
12/21/2010	2010-014	Crispiano	SCA		1,500							
12/20/2010	2010-234a	Angelidakis	DOE	X	2,250							
12/20/2010	2010-234b	Halpern	DOE	X	1,500							
12/20/2010	2010-234c	Nussbaum	DOE	X	1,500							
12/20/2010	2010-768	Vazquez	DOHMH	X						Resign & never return to DOHMH employment		
NOVEMBER												
11/18/2010	2010-296	Woods	HRA	X							20	2,490



**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
11/18/2010	2010-661	Orah	HPD	X							60	8,464.44
11/8/2010	2009-307	McNeil	DOHMH		2,000	Although respondent did appear at the trial, the Board fine has not yet been collected						
11/8/2010	2008-397	Mitchell	NYCHA		6,000							
11/8/2010	2010-035	Fischetti	NYCHA		20,000							
11/1/2010	2010-338	Mendez	HRA	X						Resign & never return to City employment		
11/1/2010	2010-558	Bradley	ACS	X							3	571
11/1/2010	2010-446	Bollera	DOE							Terminated		
OCTOBER												
10/20/2010	2008-602	Jones	HPD		2,000							
10/19/2010	2009-465	Yung	FDNY	X							6	2,060
10/14/2010	2009-514	Agbaje	HRA		1,500							
10/4/2010	2010-491	Kayola	DSNY		2,250							
10/4/2010	2010-051	Currie	DCAS		2,000							
SEPTEMBER												
9/30/2010	2010-345	Griffen-Cruz	HRA	X							10	1,161
9/23/2010	2010-433	Coward	DSNY	X						Retire & never return to DSNY employment or City for 5 years		
9/1/2010	2008-756	John	DOHMH	X						Resign & never return to City employment	suspension & 136 hours of annual leave forfeited	11,313.68

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
AUGUST												
8/26/2010	2010-067	Chabot	NYCHA		900	In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 30 days, valued at approx. \$3,890						
8/26/2010	2009-466	Holder	DOE	X	2,400							
8/26/2010	2010-245	Speranza	DEP	X							8	1,495
8/23/2010	2010-299	King	DOT		1,000							
8/23/2010	2010-424	Simpkins	DOHMH	X			2,500					
8/23/2010	2010-432	Oates	DOHMH	X						Resign	19	2,371
8/9/2010	2009-686	Romano	NYCHA	X	1,750							
JULY												
7/19/2010	2010-315	Clare	DEP	X					2,938.88			
										Criminal restitution, resign & never return to DEP employment or City for 5 years		
7/13/2010	2010-097	Simmons	DOHMH	X							7	1,083
7/12/2010	2009-815	Beers	DEP	X							30	4,884
7/12/2010	2010-005	Duncan	DCAS		1,750							
7/6/2010	2008-547	Reid	DOB		2,000							
JUNE												
6/29/2010	2009-598b	Williams	DOE								75	7,515

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
6/29/2010	2008-759	Macaluso	Parks		2,500							
6/29/2010	2009-398	Rubin	DOF		2,500							
6/29/2010	2009-265	Ingram	HRA								10	1,357
6/3/2010	2007-773a	Gill	DOHMH		950							
6/2/2010	2006-772	Kolowski	DOHMH	X	1,500							
6/2/2010	2006-772a	Fisher	DOHMH	X	1,500							
6/2/2010	2010-103	McKinney	Parks	X	800				801.95	801.95 restitution		
MAY												
5/19/2010	2009-687	Siyanbola	HRA	X						Resign		
5/19/2010	2009-814	Jamal	DEP	X	250						3	903
5/11/2010	2009-486	Aponte	NYCHA	X							5	612
5/11/2010	2009-099	Tieku	ACS		7,500	Due to showing of financial hardship, fine was forgiven in full						
5/11/2010	2009-403	Roberts	HRA		7,500							
5/4/2010	2010-212	Eliopoulos	DSNY	X							6	1,567.02
5/3/2010	2010-077a	Cid	DOE		1,250							
5/3/2010	2010-077	Piazza	DOE		3,000							
5/3/2010	2008-648a	Dunn	HHC		1,000							
5/3/2010	2008-346b	Stewart	City Council		1,250							
5/3/2010	2010-035a	Eng	NYCHA		1,500							
APRIL												
4/15/2010	2009-646	Wright	DOHMH	X	1,000						5 suspension & 5 annual leave	2,095.10
4/15/2010	2009-852	Williams	HRA	X							20	2,714
4/15/2010	2009-261	Hines	DEP	X	400						10	2,124.60

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
4/15/2010	2007-695	Colbert	ACS		1,500	Due to showing of financial hardship, fine was forgiven in full						
4/13/2010	2009-542	Velez Rivera	DOE	X	1,250							
4/13/2010	2009-445	Maliaros	DOE		900							
4/8/2010	2009-204	Paulk	HRA								6	1,144
MARCH												
3/5/2010	2008-562	Roberts	DORIS		1,000							
3/2/2010	2009-600	Robinson	DOE		1,250							
3/2/2010	2008-648	Ricciardi	HHC		13,500							
3/2/2010	2008-246	Reid	City Council		2,500							
3/1/2010	2009-723	Baker	DCAS		1,750							
FEBRUARY												
2/2/2010	2007-635	Holchendler	DSNY		6,000							
2/2/2010	2009-053a	Cohen-Brown	DOE	X			3,500					

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
2/1/2010	2007-155	Dzieskanowski	DOE		5,000	In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 30 days, valued at approx. \$6,747						
2/1/2010	2009-600	Keaney	City Council		2,500							
JANUARY												
1/28/2010	2009-312	Avinger	ACS		500	Due to showing of financial hardship, fine was reduced from \$3,000 to \$500						
1/11/2010	2009-062	Rosa	Parks	X	2,500							
1/6/2010	2009-226a	Wierson	NYC-TV		5,000							
<b>2009</b>												
DECEMBER												

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
12/22/2009	2009-351	Wright	ACS		1,000	Due to showing of financial hardship, fine was reduced from \$3,000 to \$1,000						
12/22/2009	2008-948	Gray	ACS		750	Due to showing of financial hardship, fine was reduced from \$1,500 to \$750						
12/22/2009	2008-805	Mateo	DOE		2,000	Due to showing of financial hardship, fine was forgiven in full						
12/16/2009	2009-391	Paige	FDNY	X				1,500	Loan repayment		5	1,136
12/15/2009	2008-923a	Jack	DSNY	X							9	2,412
12/15/2009	2008-923	Coward	DSNY	X							9	2,412
12/14/2009	2009-046	Racicot	DOF	X			3,000					
12/14/2009	2009-085	Hicks	DOE	X			750					
12/8/2009	2008-861	Smart	HRA		10,000	Respondent did not appear at the trial, so the Board fine has not yet been collected						
12/2/2009	2008-792	Bryant	ACS		1,250							
12/2/2009	2009-381	Watts	DHS	X							5	870

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
12/2/2009	2009-082	Winfrey	HRA	X		Due to showing of financial shardship, the Board accepted the penalty imposed by the agency of \$1,586, instead of the Board fine of \$3,000					10	1,586
12/1/2009	2008-911	Pettinato	DOE	X	6,000		1,500					
NOVEMBER												
11/24/2009	2008-271	Cuffy	HPD		1,500							
11/23/2009	2006-045	Williams	HRA		1,500							
11/23/2009	2008-390	Brewster	HRA		3,000							
OCTOBER												
10/26/2009	2007-588	Fox	DOE		1,000							
10/21/2009	2004-220	Perez	HHC		12,500							
10/21/2009	2009-416	Mason-Bell	DOE		1,250							
10/20/2009	2009-140	Brown	DOE	X	1,500		1,300					
10/20/2009	2009-024	Beza	HRA		7,500	Due to showing of financial hardship, fine was forgiven in full						
10/19/2009	2009-479	Anthony	DOHMH	X			1,400					
10/15/2009	2008-531	Maslin	DOE		1,000							
10/15/2009	2009-576	King	HRA	X							60	6,100.33
SEPTEMBER												
9/29/2009	2007-626	Eisenberg	DOE		1,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
9/29/2009	2009-482	Pittman	DOHMH	X							5 suspension & 5 annual leave forfeited	1,523
9/29/2009	2009-224	McNeil	ACS	X							10	1,420.08
9/29/2009	2008-274	Proctor	DHS		1,000							
9/9/2009	2009-481	Patrick	DOHMH	X							2 suspension & 3 annual leave forfeited	549.85
9/29/2009	2009-144	DeSanctis	NYCHA	X							15	4,695
9/29/2009	2008-303	Kundu	HRA		1,000							
9/29/2009	2008-802	Baksh	DOT	X							15	1,644
9/29/2009	2009-480	Ayinde	DOHMH	X							7	1,412.46
9/29/2009	2007-847	Sirefman	EDC		1,500							
9/8/2009	2009-122	Campbell	DCAS	X							15 suspension & 10 annual leave forfeited	\$4,993
AUGUST												



**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
8/27/2009	2008-872	Cora	DOE		500	Due to showing of financial hardship, after respondent paid \$500, the Board forgave the remainder of the \$2,500 fine						
8/27/2009	2009-029	Finkenberg	HRA		900	Due to showing of financial hardship, after respondent paid \$900, the Board forgave the remainder of the \$1,500 fine						
8/27/2009	2008-729	Calvin	ACS	X							16	2,491.55
8/27/2009	2008-582	Knowles	DOE		1,250							
8/27/2009	2009-498	Purvis	OCME	X							10	1,433
8/10/2009	2007-218; 2008-530	Dorsinville	DOHMH		3,500							
JULY												
7/28/2009	2008-881	Green	DOE		15,000							
7/28/2009	2008-825	Byrne	NYCHA		1,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
7/28/2009	2008-910	Samuels	NYCHA		1,000	In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 3 days, valued at approx. \$586						
7/23/2009	2009-399	Spann	HRA	X							10	1,325
7/20/2009	2008-348	Hall	NYCHA	X	2,000		1,500					
7/13/2009	2007-565	Keeney	DOF		1,450							
7/13/2009	2009-241	Vazquez	NYCHA	X							44	10,164
7/9/2009	2009-227	Miller	DOHMH	X							6	1,597
7/9/2009	2008-131	Edwards	ECB	X	2,500					Demoted & reassigned		
7/8/2009	2009-177	Sheiner	DOHMH	X							5	1,274
7/7/2009	2009-279	Belenky	ACS		2,000							
7/6/2009	2008-260	Keene	Parks	X							30	2,300
7/6/2009	2009-262	Fenves	DEP	X							12 annual leave forfeited	6,290
JUNE												
6/9/2009	2008-962a	Lucks	DOE		1,500							
6/8/2009	2008-355	Constantino	HHC		1,000							
6/1/2009	2008-929	Hahn	DOE		600							
6/1/2009	2009-192	Gabrielsen	DOHMH	X							7	1,492
MAY												
5/6/2009	2008-237a	Core	DOE	X							30	7,904

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
5/5/2009	2008-922	Guerrero	DSNY	X							15	3,822
5/4/2009	2008-960	O'Brien	DOE		20,000							
5/4/2009	2008-527	Richardson	NYCHA		1,500							
5/4/2009	2008-687	Purdie	HRA	X	400						11	1,671
5/4/2009	2008-236	Tharasavat	DEP		6,000							
5/4/2009	2008-744	Medal	HRA					41,035	41,035 Criminal restitution			
5/4/2009	2008-635	Davey	ACS		2,750							
5/4/2009	2005-612	Abiodun	HRA	X							13	1,466
APRIL												
4/16/2009	2008-823	Winfield	OPA		2,000							
4/13/2009	2007-565a	Horowitz	OATH		750							
4/8/2009	2009-063	Pottinger	DOHMH	X							5	817
4/8/2009	2008-688	Chen	City Planning		500							
4/7/2009	2008-478	Ribowsky	OCME		3,250							
4/6/2009	2008-192	Forsythe	DCAS		4,000							
4/6/2009	2008-301	Smith	Parks		1,200							
4/6/2009	2008-387	Candelario	HRA	X							21	3,074
4/6/2009	2008-555	Borowiec	DOE		1,150							
4/6/2009	2009-045	Bastawros	DOHMH	X							25	5,000
MARCH												
3/10/2009	2007-745	Piscitelli	SLA		12,000							
3/5/2009	2007-297	Benson	DEP		2,000							
3/4/2009	2006-462	James	DHS		2,000	Due to showing of financial hardship, fine was forgiven in full						
3/3/2009	2008-941	McFadzean	OCME	X							11	1,472
3/3/2009	2008-943	Hayes	DOHMH	X							3	699

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
3/2/2009	2008-006	Henry	ACS		6,626.04	Due to showing of financial hardship, fine was forgiven in full						
3/2/2009	2008-760	Qureshi	DSNY		1,000							
3/2/2009	2008-504	Kwok	FDNY		500							
FEBRUARY												
2/26/2009	2008-326	Burgos	HRA	X							60	8,232
2/19/2009	2008-681	King	DOHMH	X							3	562
2/18/2009	2008-581	Alejandro	DOE		2,000							
2/10/2009	2008-434	Tangredi	DEP	X							5	839
2/9/2009	2008-368a	Geraghty	DEP	X							30	4,826
2/9/2009	2008-481	Murrell	DOE		1,000	Due to showing of financial hardship, fine was reduced from \$3,000 to \$1,000						
2/4/2009	2008-719	Teriba	DOHMH	X							5 suspension & 10 annual leave	3,104.55
2/4/2009	2008-921	Conton	DOHMH	X							3 suspension & 3 annual leave	676.62
2/4/2009	2004-750	Buccigrossi	NYPD		2,000							
2/3/2009	2006-640	Leigh	ACS		500							
JANUARY												
1/29/2009	2008-716	Brenner	Parks				11,000					
1/29/2009	2007-330	Dodson	DDC		2,500							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension		
											# of Days	Value	
1/12/2009	2008-374	Santana	FDNY		1,000								
<b>2008</b>													
DECEMBER													
12/30/2008	2008-267a	Hubert	NYCHA	X								20	2,882
12/22/2008	2005-748	Bryan	DOE		7,500	Respondent did not appear at the trial, so the Board fine has not yet been collected							
12/22/2008	2008-604	Wiltshire	ACS	X								30 & restitution to ACS	3,495 290.80
12/18/2008	2008-478b	Shaler	OCME		2,500								
12/17/2008	2008-423b	Bradley	Parks		600								
12/17/2008	2005-588	LaBush	DCAS		750								
12/15/2008	2007-813	Miraglia	NYCHA		2,000								
12/15/2008	2007-686	Alfred	DOE	X	1,000								
12/10/2008	2007-479	Valvo	DOE		800								
NOVEMBER													
11/24/2008	2008-376	Rosado	DOE	X	3,000								
11/24/2008	2007-431	Ballard	DOE		3,000								
11/24/2008	2008-706	Bryk	DOC	X	1,800								
11/17/2008	2008-077	Pittari	Parks		1,000								
11/5/2008	2005-132	Okanome	ACS		7,000	Respondent did not appear at the trial, so the Board fine has not yet been collected							
11/5/2008	2007-627	Ramsami	NYCERS		750								
OCTOBER													
10/30/2008	2008-331	Elliott	DOE	X			1,000						

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
10/30/2008	2007-442	Bourbeau	DOE	X	3,000					Resign		
10/29/2008	2008-296	Salgado	DSNY	X							44	11,020
10/29/2008	2008-122	Geddes	DSNY	X	250						3	561
10/28/2008	2008-352	Ng-A-Qui	DOHMH	X							6	1,563
10/27/2008	2007-261	Soto	HRA		1,500	Due to showing of financial hardship, fine was reduced from \$3,500 to \$1,500						
10/27/2008	2007-680	DeFabbia	DOE		1,500							
10/22/2008	2008-543	Adkins	DOHMH	X							8	1,003.76
10/21/2008	2008-256	Proctor	DHS	X							10 suspension & 7 annual leave forfeited	1499.50 770
10/20/2008	2008-609	Grandt	DOE		500							
10/20/2008	2008-624	Tsarsis	DOB		750							
SEPTEMBER												

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
9/29/2008	2005-243	Byrne	NYPD		5,000	In setting the amount of the fine, the Board took into consideration that respondent forfeited terminal leave valued at approximately \$37,000						
9/24/2008	2008-472	Nash-Daniel	DOHMH	X							8	1,496
9/24/2008	2008-536	Miller	DOHMH	X							5	550
9/24/2008	2008-585	Wordsworth	DOHMH	X							5	623
9/23/2008	2008-423	Greco	EDC		2,000							
9/22/2008	2007-777	Gray	DOE		2,500							
9/22/2008	2008-421	Mir	EDC		11,500							
9/17/2008	2007-672	Siegel	ACS		1,500							
9/16/2008	2008-396	Solo	DOE		1,250							
9/16/2008	2008-396a	Militano	DOE		1,250							
9/11/2008	2007-436h	Carmenaty	DSNY		1,500							
AUGUST												
8/25/2008	2007-827	Heaney	DOE	X	1,500							
8/14/2008	2008-436ss	Stephenson	DSNY		1,500							
JULY												
7/28/2008	2008-207	Berger	DCAS		1,750							
7/28/2008	2008-217	Passaretti	DSNY	X							30	7,306
7/23/2008	2008-295	Lowry	DSNY	X							30	7,307.10
7/15/2008	2007-436	Arzuza	DSNY	X							5	1,172.09
7/15/2008	2007-436a	Baerga	DSNY	X							5	1,206.09
7/15/2008	2007-436b	Baldi	DSNY	X							20	4,940.40

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
7/15/2008	2007-436c	Barone	DSNY	X							5	862.5
7/15/2008	2007-436d	Bellucci	DSNY	X							5	1,172.09
7/15/2008	2007-436e	Bostic	DSNY	X							5	1,172.09
7/15/2008	2007-436f	Bracone	DSNY	X							5	1,223.81
7/15/2008	2007-436g	Branaccio	DSNY	X							15	2,587.50
7/15/2008	2007-436i	Castro	DSNY	X							15	3,705.30
7/15/2008	2007-436j	Cato	DSNY	X							5	1,189.33
7/15/2008	2007-436k	Colorundo	DSNY	X							5	1,206.57
7/15/2008	2007-436l	Congimi	DSNY	X							5	1,235.10
7/15/2008	2007-436m	Cutrone	DSNY	X							5	1,252.30
7/15/2008	2007-436n	Damers	DSNY	X							5	1,235.10
7/15/2008	2007-436o	Desanctis	DSNY	X							5	1,189.33
7/15/2008	2007-436p	Dixon	DSNY	X							5	1,252.30
7/15/2008	2007-436q	Drogsler	DSNY	X							5	829.31
7/15/2008	2007-436r	Gallo	DSNY	X							15	3,808.65
7/15/2008	2007-436s	Garcia	DSNY	X							5	1,217.85
7/15/2008	2007-436t	Georgios	DSNY	X							5	821.4
7/15/2008	2007-436u	Grey	DSNY	X							30	7,410.60
7/15/2008	2007-436v	Harley	DSNY	X							5	1,172.09
7/15/2008	2007-436w	Hayden	DSNY	X							5	1,189.33
7/15/2008	2007-436x	Jaouen	DSNY	X							5	1,252.30
7/15/2008	2007-436y	Kane	DSNY	X							5	1,217.85
7/15/2008	2007-436z	Keane	DSNY	X							5	1,206.57
7/15/2008	2007-436aa	Kopczynski	DSNY	X							4	1,223.81
7/15/2008	2007-436bb	Lagalante	DSNY	X							5	1,206.57
7/15/2008	2007-436cc	Lampasona	DSNY	X							5	959.7
7/15/2008	2007-436dd	La Rocca	DSNY	X							15	3,705.30
7/15/2008	2007-436ee	La Salle	DSNY		1,500							
7/15/2008	2007-436ff	MacDonald	DSNY	X							15	3,705.30
7/15/2008	2007-436gg	Mann, A.	DSNY	X							15	3,757.05
7/15/2008	2007-436hh	Mann, C.	DSNY	X							5	1,189.33
7/15/2008	2007-436ii	Mastrocco	DSNY	X							15	3,808.68
7/15/2008	2007-436jj	McDermott	DSNY	X							5	829.31
7/15/2008	2007-436kk	McMahon	DSNY	X							5	1,172.09
7/15/2008	2007-436ll	Morales, A.	DSNY	X							5	1,252.30



**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension		
											# of Days	Value	
7/15/2008	2007-436mm	Morales, J.	DSNY	X							15	3,705.30	
7/15/2008	2007-436nn	Moscarelli	DSNY	X							5	1,217.85	
7/15/2008	2007-436oo	Prendergrast	DSNY	X							15	2,587.50	
7/15/2008	2007-436pp	Puhi	DSNY	X							5	1,206.57	
7/15/2008	2007-436qq	Ruocco	DSNY	X							5	1,269.55	
7/15/2008	2007-436rr	Smith, M.	DSNY	X							5	1,217.85	
7/15/2008	2007-436tt	Sterbenz	DSNY	X							5	2,217.85	
7/15/2008	2007-436uu	Taylor	DSNY	X							4	1,189.33	
7/15/2008	2007-436vv	Torres	DSNY	X							5	1,206.57	
7/15/2008	2007-436ww	Valerio	DSNY	X							5	1,172.09	
7/15/2008	2007-436xx	Wallace	DSNY	X							5	1,217.85	
7/15/2008	2007-436yy	Williams	DSNY	X							15	3,705.30	
7/15/2008	2007-436zz	Zaborsky	DSNY		1,500								
7/15/2008	2007-436ab	Guifre	DSNY	X							5	821.4	
7/15/2008	2007-436ac	Sullivan	DSNY	X							5	821.4	
7/15/2008	2007-436ae	Pretakiewicz	DSNY	X							5	1,252.30	
7/8/2008	2008-132	Hwang	DCA		1,250								
7/8/2008	2007-015c	Klein	DOE		1,500								
7/8/2008	2007-015	Montemarano	DOE		2,500								
7/7/2008	2008-025	Harmon	DOHMH		7,500								
7/7/2008	2007-237	Philemy	DOE	X	2,250								
7/7/2008	2007-774	Harrington	DEP		1,000								
7/7/2008	2004-746	Lemkin	NYPD		500								
7/7/2008	2004-746a	Renna	NYPD		500								
7/7/2008	2004746b	Schneider	NYPD		500								
JUNE													

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension		
											# of Days	Value	
6/17/2008	2002-325	Anderson	HHC		7,100	Due to showing of financial hardship, fine was reduced from \$20,000 to \$7,100							
MAY													
5/22/2008	2006-559a	Cross	DOE	X	500								
5/22/2008	2006-559	Richards	DOE	X	500								
5/22/2008	2007-433	Jafferalli	ACS	X							30	4,151	
5/22/2008	2007-433a	Edwards	ACS	X							21	3,872	
5/22/2008	2007-570	Mouzon	ACS	X			1,279.48				10	1,046	
5/20/2008	2007-636	Blundo	DOE	X	1,000								
5/9/2008	2006-617	Johnson	DOE	X	300								
5/8/2008	2008-037	Zigelman	DOE	X	1,500		1,500						
5/1/2008	2006-775	Childs	HRA	X	500						5	1,795	
APRIL													
4/30/2008	2003-373k	Rider	DEP		1,000								
4/29/2008	2007-873	Shaler	OCME		2,000								
4/29/2008	2005-236	Mizrahi	HPD		2,000								
4/29/2008	2007-744	Deschamps	NYCHA	X	1,500						5	892	
MARCH													
3/20/2008	2003-373a	Lee	DOC		3,000								
3/20/2008	2003-373k	Gwiazdzinski	DOC		3,000								
3/6/2008	2004-530	Murano	NYPD		1,250								
3/5/2008	2007-058	Saigbovo	DOP		750								
3/5/2008	2007-157	Aldorasi	DOE	X	3,000		1,500						
3/4/2008	2003-550	Amar	DCAS		4,500								
3/3/2008	2007-723	Namnum	DOE	X	1,250								
3/3/2008	2005-665	Osindero	HRA	X	500						15	2,205.97	
3/3/2008	2007-825	Namyotova	HRA	X	1,000						15	1,952	
FEBRUARY													
2/7/2008	2001-566d	Moran	DOE	X	1,500								

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension		
											# of Days	Value	
2/7/2008	2001-566c	Guarino	DOE	X	1,500								
2/7/2008	2001-566b	Sender	DOE	X	5,000								
2/7/2008	2001-566a	Diaz	DOE	X	1,500								
2/7/2008	2001-566	Ferro	DOE	X	2,500								
JANUARY													
1/28/2008	2004-610	Riccardi	DOT		1,500								
1/23/2008	2006-350	Schlein	CCSC		15,000								
<b>2007</b>													
DECEMBER													
12/17/2007	2006-632	Blenman	ACS		2,000								
12/17/2007	2006-233	Osagie	DOP	X	5,000								
12/4/2007	2004-188	Pratt	DJJ		500	Due to showing of financial hardship, fine was reduced from \$4,750 to \$500			3,961	Restitution			
NOVEMBER													
11/29/2007	2007-519	Tamayo	DOE	X	100				900	Loan repayment	Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	52,649	
11/29/2007	2006-562b	McLeod	NYCHA	X								5 1,105.62	

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
11/27/2007	2006-618	Hall	DHS		1,500							
11/27/2007	2004-517	Williams	City Planning		4,000							
11/5/2007	2005-365	Norwood	DOC		4,000	Respondent did not appear at the trial, so the Board fine has not yet been collected						
OCTOBER												
10/29/2007	2006-423	S. Fraser	Bk CB 17		2,000							
10/29/2007	2003-785a	Speiller	City Council		1,000							
10/29/2007	2007-138	Basile	FDNY		2,000							
10/26/2007	2007-039	Tulce	HRA	X							30	4,550
10/9/2007	2003-200	Lastique	DOHMH	X	2,000						21 plus reassignment & probation	1,971.69
10/2/2007	2007-441	Larson	HPD		1,000							
10/2/2007	2006-423a	Russell	Bk CB 17		1,000							
SEPTEMBER												
9/26/2007	2006-411	Allen	HRA		5,000	Respondent did not appear at the trial, so the Board fine has not yet been collected						
9/18/2007	2004-246	Margolin	DOE		3,250							
9/12/2007	2006-551	Davis	HPD		700							
9/4/2007	2007-016	Graham	ACS								5	896
AUGUST												
8/30/2007	2007-362	Lucido	NYCHA		500							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
JULY												
7/31/2007	2003-785	Gennaro	City Council		2,000							
7/23/2007	2003-152a	Bergman	Bk CB 2		1,000							
7/18/2007	1999-026	Pentangelo	DOT		1,500							
7/16/2007	2006-706	Carlson	DOE	X	500		4,820.92					
7/12/2007	2006-461	Greenidge	HRA		500							
7/11/2007	2006-098	Barreto	DOE	X	2,500							
7/11/2007	2005-244	Clair	FDNY		6,500							
7/10/2007	2007-056	Glover	HRA	X							30	7,742
JUNE												
6/29/2007	2005-200	Cetera	DDC	X	2,000							
6/5/2007	2005-442	Sanders	City Council		1,000							
6/4/2007	2005-240	Mazer	TLC		2,000							
DECEMBER												
5/31/2007	2006-383	Ianniello	DOE	X	1,000							
5/31/2007	2006-684	Cooper	DOE	X	2,500		2,500					
5/31/2007	2006-684a	Reilly	DOE	X	750		750					
5/31/2007	2006-460	Amofo-Danquah	DHS	X	3,000						5	1,273.25
5/30/2007	2007-053	Cammarata	HHC		1,500							
5/30/2007	2002-678	Murphy	DOT		750							
5/30/2007	2004-556	Cagadoc	HHC		500							
5/2/2007	2005-690	Cantwell	SCA		1,500							
APRIL												
4/30/2007	2006-068	Henry	ACS		1,000							
4/30/2007	2005-739a	Oquendo	DOE		500							
4/25/2007	2004-570	Matos	DOE	X	1,000							
4/17/2007	2006-562a	Wade	NYCHA		500							
MARCH												
3/28/2007	2006-554	Bassy	HRA		500							
3/27/2007	2006-349	Vale	NYCHA		2,250							
3/27/2007	2005-240	Sahm	DDC		1,250							
FEBRUARY												

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension		
											# of Days	Value	
2/28/2007	2005-505	Martino-Fisher	Qns CB 13		1,000								
2/28/2007	2003-752	Kessock	TRS		500								
2/28/2007	2006-519	Lepkowski	DOC		500								
2/28/2007	2002-503	Maith	DOHMH		500								
2/5/2007	2002-458	Aquino	NYCHA		500								
2/5/2007	2006-064	Tarazona	NYCHA		2,000								
2/5/2007	2001-494	Russo	DSNY	X	2,000								
JANUARY													
1/29/2007	2005-031	Marchuk	DOE		750								
1/29/2007	2006-635	Bayer	DDC	X	1,000					Retire from DDC	18	1,000	
1/24/2007	2005-178	Davis	DOE	X	1,000								
1/24/2007	2005-098	Rosenfeld	NYCERS		500								
1/5/2007	2004-697	Della Monica	DOE		1,500								
1/3/2007	2004-712	McHugh	DOT		2,000								
<b>2006</b>													
DECEMBER													
12/19/2006	2005-685	Diaz	DOE		500								
12/15/2006	2002-140	Fenster	DYCD		500								
12/11/2006	2006-562b	Jefferson	NYCHA	X							25	3,085	
12/11/2006	2006-562	Nelson	NYCHA	X							25	4,262	
NOVEMBER													
11/10/2006	2003-655	Sorkin	FDNY		500								
11/10/2006	2005-271a	Parlante	DEP	X	460								
11/10/2006	2005-271	Marchesi	DEP	X	750								
AUGUST													
8/24/2006	2004-324a	Neira	DDC		4,500								
8/24/2006	2006-048	Tyner	HRA	X							45	6,224	
JULY													
7/28/2006	2004-700a	L. Golubchick	DOE		4,000								
7/28/2006	2004-700	J. Golubchick	DOE		1,000								
JUNE													
6/30/2006	2003-097	Kerik	DOC		10,000				211,000	5,000 FD & 206,000 Criminal			
6/20/2006	2004-159	Goyol	HHC		2,500								

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
6/6/2006	2005-155	Okowitz	HRA	X	1,250							
MAY												
5/10/2006	2003-423a	Coppola	DOE		500							
APRIL												
4/3/2006	2005-590	Whitlow	DOE	X			1,818					
FEBRUARY												
2/23/2006	2005-238	Valsamedis	FDNY	X							50 w/o pay plus 10 days annual leave	11,267.50
2/15/2006	2005-146	Vance	SCI		1,500						Annual leave	1,122
2/3/2006	2002-716	Green	DOE	X	2,500		1,500					
<b>2005</b>												
NOVEMBER												
11/16/2005	2004-214	Guttman	DOE		2,800							
11/16/2005	2004-418	Trica	FDNY		4,000							
JULY												
7/23/2005	2002-677y	Serra	DOC		10,000	This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law						
JUNE												
6/22/2005	2005-151	Carroll	DDC	X	3,000						Suspension w/out pay	3,000
6/7/2005	2004-082a	Romano	DOE		4,000							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
MAY												
5/25/2005	2004-082	Hoffman	DOE		4,000							
MARCH												
3/29/2005	2003-788	Asemota	HRA	X	500						Annual leave	1,000
3/29/2005	2004-466	Powery	DOE		1,000							
FEBRUARY												
2/28/2005	2004-515	Genao	DOE		1,000							
2/28/2005	2004-321a	Vasquez	HRA	X	1,750						Annual leave	1,600
JANUARY												
1/31/2005	2003-127	Thomas	DOS		2,000						Annual leave	3,915
1/31/2005	2002-782	Bonamarte	HRA		3,000							
<b>2004</b>												
DECEMBER												
12/21/2004	2004-180	Berkowitz	OEM		3,500							
OCTOBER												
10/30/2004	2002-770	W. Fraser	DOC		500							
10/21/2004	2004-305	McKen	DOE	X	450		450					
JUNE												
6/22/2004	2003-359	Campbell	NYCHA		2,000							
MARCH												
3/5/2004	2001-618	Anderson	DORIS		1,000							
FEBRUARY												
2/25/2004	2002-528	Fleishman	DOE		1,000		5,000		1,300	1,300 Restitution		
<b>2003</b>												
APRIL												
4/3/2003	2002-304	Arriaga	DOE	X	1,000		2,500				30	
MARCH												
3/25/2003	2002-088	Adams	DOE		1,500							
JANUARY												
1/7/2003	2002-463	Mumford	DOE				2,500		5,000	5,000 for violation of Reg. C-110		



**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settle- ment	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
<b>2002</b>												
JULY												
7/1/2002	2001-593	Cottes	DCA	X	500							
7/18/2002	2002-188	Blake-Reid	DOE		4,000						Annual leave	4,000
JUNE												
6/21/2002	2000-456	Silverman	DFTA		500							
MARCH												
3/27/2002	2000-192	Smith	ACS			The fine was forgiven if by 3/1/04, respondent had fully paid restitution for out-standing loan amount.			2,433	2,433 restitution		
FEBRUARY												
2/27/2002	2001-569	Kerik	NYPD		2,500							
2/22/2002	2000-407	Loughran	NYCHA		800							
<b>2001</b>												
DECEMBER												
12/13/2001	1998-508	King	DOT	X	1,000							
NOVEMBER												
11/13/2001	2000-581	Hill-Grier	ACS	X	700							
SEPTEMBER												
9/30/2001	1998-437	Jones	DOC	X							5 annual leave	
9/25/2001	2000-533	Denizac	BOE	X			4,000					
AUGUST												

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
8/15/2001	1999-501	Moran	DOT								Annual leave (plus 30 days w/out pay and demoted)	2,500
JULY												
7/16/2001	1999-157	Capetanakis	Bk CB 10		4,000							
JUNE												
6/25/2001	2000-005	Rieue	CHR		2,000							
6/7/2001	2000-231	Steinhandler	BOE	X	1,500							
MAY												
5/23/2001	1999-121	Camarata	DOE		1,000							
MARCH												
3/8/2001	1991-173	Peterson	DOPR		1,500							
FEBRUARY												
2/26/2001	1999-199	Finkel	NYCHA		2,250							
<b>2000</b>												
OCTOBER												
10/24/2000	1999-200	Hoover	HRA		8,500							
10/16/2000	1999-200	Turner	HRA		6,500							
AUGUST												
8/14/2000	1999-511	Paniccia	DOT		1,500							
8/7/2000	1999-500	Chapin	Cultural Affairs		500							
JULY												
7/24/2000	2000-254	Lizzio	HPD		250							
MAY												
5/24/2000	1999-358	Rosenberg	DoITT		1,000							
APRIL												
4/26/2000	1998-169	Marrone	SCA		5,000							
MARCH												
3/26/2000	1998-288	Sullivan	DOF	X	625							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
3/10/2000	1999-250	Carlin	DEP	X	800							
JANUARY												
1/6/2000	1997-237d	Rene	DOE	X			2,500					
1999												
NOVEMBER												
11/23/1999	1994-082	Davila	CHR		500							
11/22/1999	1999-334	McGann	DOB	X	3,000							
JUNE												
6/29/1999	1998-190	Sass	MPBO		20,000							
NOVEMBER												
2/3/1999	1997-247	Ludewig	NYFD	X	7,500							
1998												
OCTOBER												
10/9/1998	1997-247	Morello	NYFD		6,000					Resign	Forfeited annual leave	93,105
SEPTEMBER												
9/17/1998	1994-351	Katsorhis	Sheriff		84,000							
JULY												
7/14/1998	1997-394	Weinstein	DOH	X	1,250						Annual leave	3,750
JUNE												
6/22/1998	1996-404	Fodera	DCAS		3,000				100	100 for late FD filing		
6/22/1998	1995-045	Wills	CHR		1,500							
6/15/1998	1998-102	Hahn	DOB	X	1,000							
MAY												
5/22/1998	1997-368	Harvey	Manh CB 11		200	Due to showing of financial hardship, fine was reduced to \$200						
5/8/1998	1997-247	Cioffi	NYFD		100							

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
<b>1997</b>												
DECEMBER												
12/22/1997	1997-076	N. Ross	ADA		1,000							
12/10/1997	1997-225	M. Ross	BOE	X	1,000							
JUNE												
6/17/1997	1997-060	Quennell	Art Commission		100							
<b>1996</b>												
APRIL												
4/3/1996	1993-121	Holtzman	Compt.		7,500							
MARCH												
3/8/1996	1994-368	Matos	DEP		1,000	Due to showing of financial hardship, fine was reduced from \$1,000 to \$250						
<b>1995</b>												
AUGUST												
8/4/1995	1993-282a	Baer	Mayor's Office		5,000							
<b>1994</b>												
FEBRUARY												
2/11/1994	1993-282	Bryson	PVB		500							
JANUARY												
1/24/1994	1991-214	McAuliffe	Mayor's Office		2,500							
<b>1993</b>												
APRIL												
4/27/1993	1991-223	Ubinas	CSD 1									

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1990 to 2013**

Date	Case Number	Case Name	Agency	3-Way Settlement	Amount Paid to COIB	Breakdown of Amount Paid to COIB	Amount Paid to Agency	Breakdown of Amount Paid to Agency	Other Penalty	Breakdown of Other Penalty	Suspension	
											# of Days	Value
<b>TOTALS</b>					1,304,256		112,097.68		388,187.05			845,004.32

## EXHIBIT 12 ANNUAL DISCLOSURE REPORTS

Reporting Year <sup>1</sup> ("R.Y.")	Number of Reports Required for R.Y.	Reports Filed for R.Y.	Compliance Rate for R.Y. <sup>2</sup>	Number of Fines Waived for R.Y.	Number of Fines Paid for R.Y.	Amount of Fines Paid for R.Y.	Current Non-Filers for R.Y. Act.Inact. <sup>3</sup>		Current Non-Payers for R.Y. Act.Inact.	
2007*	7,770	7,557	98.1%	99	75	\$21,250	0	151	0	90
2008*	7,866	7,676	97.9%	117	41	\$12,625	0	63	0	44
2009*	7,921	7,763	98.7%	67	60	\$19,050	0	54	0	53
2010*	8,244	8,089	98.1%	63	50	\$16,250	0	67	0	93
2011*	8,242	8,117	98.8%	64	43	\$14,250	1	63	0	69
2012	8,777	8,572	98%	120	61	\$23,000	1	83	0	70
TOTALS	48,820	47,774	98.2%	530	330	\$85,725 <sup>4</sup>	2	481	0	419

<sup>1</sup> The reporting year is the year to which the annual disclosure report pertains; the report is submitted the following calendar year.

<sup>2</sup> Includes those individuals who have appealed their agency's determination that they were required filers.

<sup>3</sup> "Act." indicates active City employees; "inact." indicates inactive City employees.

<sup>4</sup> The total amount of fines collected since the Board assumed responsibility for financial disclosure in 1990 is \$602,448.

\* The numbers reported in this chart have been updated to reflect activity since the 2012 annual report.

# ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

## SUMMARIES AND INDEXES

*A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.*

## OPINION SUMMARY

**OPINION NO:** 2013-1

**DATE:** 11/07/13

**CHARTER SECTION(S) INTERPRETED:** 2601(5), (8)  
2604(b)(2), (b)(3), (b)(5), (b)(9),  
2604(b)(11), (b)(14)  
2606(b), (b-1)

**SUBJECT(S):** Gifts between City Employees

**OTHER OPINION(S) CITED:** 98-12

### SUMMARY:

1. It will not violate the conflicts of interest law for a City employee to give a gift to or receive a gift from a peer City employee.
2. Except in unusual circumstances, it will not violate the conflicts of interest law for a City superior to give a gift to a subordinate or for a subordinate to accept a gift from a superior.
3. It will violate the conflicts of interest law for a superior to solicit a gift from a subordinate and it will violate the conflicts of interest law for a superior to accept a gift from a subordinate, except on special occasions. On special occasions, such as a wedding or the birth or adoption of a child, a superior may accept an appropriate gift from a subordinate, that is, a gift of the type and value customary to the occasion in question, so long as it is clear that, under all relevant circumstances, it is the occasion and not the superior's position that is the controlling factor in the giving. If a



superior has any doubt as to whether the gift is of the type and value appropriate to the occasion, the superior may and should consult with the Board before accepting the gift, and a subordinate may do likewise before offering a gift to a superior.

## OPINION SUMMARY

**OPINION NO:** 2013-2

**DATE:** 12/17/13

**CHARTER SECTION(S) INTERPRETED:** 2604(b)(2)

**SUBJECT(S):** Use of City Letterhead for  
Letters of Reference

**SUMMARY:** It will violate the conflicts of interest law for a City employee to use City letterhead for a reference letter for a fellow City employee, unless the writer is the superior of that City employee or is otherwise authorized by that City agency's leadership to write a reference letter with respect to that employee.

**CUMULATIVE INDEX TO ADVISORY OPINIONS  
BY CHARTER CHAPTER 68 SECTION  
1990-2013**

<u>CHARTER §</u>	<u>OPINION #</u>				
2601(1)	03-5	04-1	09-3	09-4	
2601(2)	90-2 03-1	91-3 08-5	91-12 09-3	93-11 09-6	01-2 10-1
2601(3)	90-7 96-1	90-8	91-14	93-11	93-19
2601(4)	91-8 92-38 01-3 08-5	92-13 93-12 03-6 09-5	92-17 93-18 05-2 12-2	92-32 94-5 08-1	92-36 00-2 08-4
2601(5)	90-4 92-4 00-2 07-2 09-1 13-1	90-5 92-7 01-3 07-4 09-2	90-6 92-14 02-1 08-2 09-7	91-3 93-21 03-7 08-3 11-1	91-15 98-1 04-2 08-6 12-1
2601(6)	91-3	94-18	03-7	07-4	12-1
2601(8)	90-1 93-7 02-1 12-1	90-2 94-27 03-6 13-1	90-3 95-11 03-7	92-5 98-2 05-3	92-7 00-4 07-4
2601(9)	03-1	09-3	09-6		
2601(10)	03-1	09-2			
2601(11)	90-1 93-1 94-6 99-6	91-2 93-3 94-10 05-2	92-11 93-5 94-13 07-2	92-16 93-17 95-26 09-7	92-31 94-1 98-5
2601(12)	90-2 93-3 94-1 95-26 03-2 07-4	92-7 93-7 94-6 98-7 03-7 09-2	92-22 93-17 94-8 99-6 05-2 09-7	92-31 93-22 94-18 01-03 06-1 12-1	92-34 93-29 95-18 02-1 07-2

2601(15)	91-8 92-38 09-5	92-5 93-12 12-2	92-17 94-5	92-32 08-4	92-36 08-5
2601(16)	90-1 92-9 94-10 95-21 02-1 09-7	91-2 93-7 94-13 97-3 03-2 12-1	92-5 93-17 94-18 98-2 03-7	92-6 93-22 95-10 98-3 07-2	92-7 94-3 95-18 98-5 07-4
2601(17)	93-8 12-2	93-12	95-23	00-2	08-4
2601(18)	91-14 92-30 93-22 98-8	92-5 93-5 93-29 99-6	92-6 93-7 94-6 01-3	92-7 93-16 98-5 07-2	92-9 93-17 98-7 09-2
2601(19)	90-7 93-10 (Revised) 98-7 09-6	91-2 03-5 10-1	91-3 93-29 04-1	91-12 94-6 09-3	93-7 98-5 09-4
2601(20)	91-12 01-3	93-7 08-5	94-6 09-2	98-5	98-7
2603	07-2				
2603(a)	09-7				
2603(c)	90-2	92-19			
2603(c)(2)	11-2				
2603(c)(3)	92-6 08-3	92-9 12-1	02-1	03-7	07-4
2603(j)	03-1				
2604(a)	91-2	92-7	92-22		
2604(a)(1)	90-1	91-14	98-8		
2604(a)(1)(a)	91-2 93-3 93-19	91-3 93-7 93-22	92-5 93-10 (Revised) 93-29	92-31 93-32	93-2 93-17 94-6

	95-8	95-12	95-18	95-26	96-4
	98-5	98-7	01-3	02-1	03-2
	06-1	07-1	07-2	07-1	07-4
	08-2	09-2	10-1		
2604(a)(1)(b)	90-2	91-7	92-6	92-9	92-11
	92-30	92-34	92-35	93-4	
	93-10 (Revised)		93-16	93-20	93-27
	94-1	94-3	94-8	94-10	94-11
	94-13	94-16	94-18	94-20	94-25
	94-26	94-27	95-3	95-8	95-10
	95-11	95-15	95-16	95-17	95-21
	95-25	95-26	96-2	97-3	98-2
	98-3	98-5	98-7	99-2	99-6
	00-1	01-3	03-6	03-7	05-2
	09-2	09-4	09-7	12-1	12-5
2604(a)(3)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-01
	07-4	12-1			
2604(a)(4)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-1
	07-4	12-1			
2604(a)(5)(a)	02-1	07-4			
2604(a)(5)(b)	91-14				
2604(b)(1)(a)	92-22	94-28 (Revised)		05-3	08-3
	09-2				
2604(b)(1)(b)	91-3	93-2	93-3	95-18	96-4
	99-1	03-2	04-1	05-3	08-2
	10-1				
2604(b)(2)	90-2	90-4	90-5	90-7	91-1
	91-3	91-4	91-5	91-6	91-7
	91-10	91-11	91-16	91-18	92-7
	92-8	92-20	92-25	92-28	92-30
	92-34	92-36	93-1	93-5	93-9
	93-12	93-15	93-16	93-17	93-19
	93-21	93-24	93-25	93-26	93-28

	93-31	93-32	94-1	94-8	94-11
	94-13	94-14	94-16	94-24	94-25
	94-26	94-29	95-2	95-3	95-7
	95-9	95-11	95-12	95-16	95-17
	95-19	95-20	95-22	95-24	95-25
	95-26	95-27	95-28	95-29	96-2
	96-5	98-2	98-5	98-6	98-7
	98-8	98-10	98-12	98-13	98-14
	99-2	99-4	99-5	99-6	00-3
	01-2	01-3	02-01	03-1	03-3
	03-4	03-6	03-7	04-2	04-3
	05-1	05-2	06-2	06-3	06-5
	07-2	07-4	08-3	08-6	09-1
	09-2	09-3	09-7	10-1	12-1
	12-5	13-1	13-2		
2604(b)(3)	90-4	90-5	90-6	90-9	91-1
	91-4	91-5	91-6	91-7	91-11
	91-15	91-16	91-18	92-3	92-4
	92-6	92-7	92-10	92-12	92-14
	92-23	92-25	92-28	92-30	92-31
	92-33	92-36	93-1	93-4	93-9
	93-10 (Revised)		93-12	93-14	93-16
	93-19	93-21	93-23	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-9	94-11
	94-12	94-13	94-16	94-17	94-20
	94-24	94-25	94-26	94-27	
	94-28 (Revised)		94-29	95-3	95-5
	95-9	95-11	95-12	95-14	95-16
	95-17	95-19	95-20	95-21	95-22
	95-24	95-25	95-26	95-27	95-28
	95-29	96-2	97-2	97-3	98-1
	98-2	98-3	98-5	98-7	98-8
	98-10	98-12	98-13	99-2	99-4
	99-5	99-6	00-3	00-4	01-1
	01-2	01-3	02-1	03-1	03-2
	03-3	03-4	03-6	03-7	04-2
	04-3	05-2	05-3	06-2	06-3
	06-4	06-5	07-2	07-4	08-2
	08-3	08-6	09-1	09-2	09-3
	09-7	11-1	11-2	12-1	12-3
	12-5	13-1			
2604(b)(4)	91-11	92-30	92-34	92-36	
	93-10 (Revised)		93-16	93-24	93-25
	93-26	93-28	93-31	93-32	94-1

	94-2	94-6	94-8	94-11	94-13
	94-16	94-20	94-25	94-26	94-29
	95-3	95-9	95-12	95-16	95-17
	95-19	95-20	95-21	95-26	95-29
	96-2	97-3	98-1	98-3	98-5
	98-7	98-8	98-10	98-13	99-2
	99-4	99-5	99-6	01-2	01-3
	02-1	03-6	03-7	05-1	05-2
	07-4	11-1	12-1	12-5	
2604(b)(5)	90-3	92-19	92-33	93-10 (Revised)	
	94-4	94-9	94-23	95-28	96-3
	99-4	00-1	00-4	03-4	06-2
	06-3	06-4	06-5	07-3	09-4
	10-2	11-2	12-3	12-4	13-1
2604(b)(6)	91-7	92-7	92-26 (Revised)		92-28
	92-36	93-10 (Revised)		93-32	94-24
	95-6	95-8	95-9	95-15	96-4
	96-5	98-2	98-9	98-10	00-1
	01-3	03-6	05-2	06-1	07-2
	08-1	08-5	11-1	12-5	
2604(b)(7)	90-7	91-7	92-18	92-28	
	93-10 (Revised)		93-23	95-8	98-10
	01-3	08-5			
2604(b)(8)	91-7				
2604(b)(9)	93-24	95-13	95-24	01-1	01-2
	03-1	03-6	12-5	13-1	
2604(b)(11)	93-24	95-13	01-1	01-2	03-1
	03-6	12-5	13-1		
2604(b)(12)	91-12	92-25	93-6	93-24	95-13
	01-1	01-2	03-1	03-5	03-6
	09-6	12-5			
2604(b)(13)	92-34	93-25	95-28	99-4	99-5
	99-6	00-4	05-1	06-3	06-4
	06-5	09-4	10-2	12-3	
2604(b)(14)	92-28	98-12	01-3	03-6	04-2
	04-3	06-3	08-3	09-3	12-5
	13-1				

2604(b)(15)	91-12	91-17	93-20	03-1	03-5
2604(c)	93-10 (Revised)				
2604(c)(1)	90-6	91-10			
2604(c)(5)	98-4				
2604(c)(6)	92-22 94-18 98-8 07-2	92-24 94-25 99-1 12-1	93-9 94-26 00-1	93-26 95-7 01-3	94-13 95-12 05-2
2604(c)(6)(a)	92-25				
2604(c)(6)(b)	09-2				
2604(c)(7)	91-18				
2604(d)	89-1	90-8	92-37	93-13	
2604(d)(1)	92-37	93-8	93-18	93-31	95-4
2604(d)(1)(ii)	92-16		92-37		
2604(d)(2)	90-8 92-36 93-10 (Revised) 93-30 95-1 97-1 07-1 09-5	91-8 92-37 93-31 95-4 98-11 08-1 12-2	91-19 92-38 93-11 94-7 95-8 99-1 08-4	92-17 93-8 93-12 94-15 96-1 99-3 09-3	92-32 93-18 94-22 96-6 00-2 09-4
2604(d)(3)	92-13	94-19	94-21	98-11	99-1
2604(d)(4)	90-8 93-8 93-30 94-21 96-1 08-4	92-2 93-10 (Revised) 93-31 94-22 96-6 09-4	92-36 94-5 95-1 97-1 12-2	92-37 93-11 94-7 95-4 99-1	92-38 93-12 94-19 95-23 00-2
2604(d)(5)	92-38 95-4	93-8 96-6	93-11 00-2	93-30 08-4	94-5 09-4



2604(d)(6)	93-12 95-1 00-2	93-13 97-1 05-2	93-31 99-1 08-4	94-7 99-3 12-2	94-21 99-6
2604(d)(7)	93-11	08-4			
2604(e)	90-2 92-17 93-4 93-22 94-6 94-19 95-16 98-5 99-2 00-1 05-2 09-2 12-5	91-8 92-30 93-5 93-26 94-8 94-22 95-17 98-7 99-3 00-2 06-1 09-4	92-5 92-31 93-7 93-27 94-11 95-1 95-26 98-8 99-4 01-3 07-1 10-2	92-6 92-34 93-18 93-30 94-15 95-3 96-1 98-9 99-5 03-6 07-2 11-1	92-9 92-37 93-20 94-1 94-16 95-15 96-2 99-1 99-6 05-1 08-4 12-2
2605	94-28 (Revised)		09-2		
2606(b)	01-02	11-2	13-1		
2606(b-1)	13-1				
2606(d)	01-2	02-1	04-2	12-5	
2607	09-6				
2700	03-3				
2800	91-3 08-2	03-2	03-3	04-1	
2800(d)(7)	91-12				
2800(c)(9)	92-27				
2800(f)	91-12	92-27	04-3		
2800(g)	04-3				

**CUMULATIVE INDEX TO ADVISORY OPINIONS  
BY SUBJECT  
1990-2013**

<u>SUBJECT</u>	<u>OPINION #</u>				
Advisory Board	90-9	92-1	98-8		
Agency Charging Fees	94-14				
Agency Heads	90-2 92-15	90-9 98-6	91-13 00-3	92-8	92-12
Agency Served	93-19	95-8			
Appearance Before City Agency	90-8 92-32 93-12 93-32 94-21 95-15	91-8 92-36 93-13 94-5 94-22 96-4	91-19 92-37 93-18 94-7 94-24 98-9	92-13 92-38 93-28 94-15 95-1	92-17 93-11 93-31 94-19 95-6
Appearance of Impropriety	90-3 91-4 91-16 92-10 92-23 93-15 94-28 (Revised) 95-17	90-4 91-5 91-18 92-14 92-25 93-22 98-6	90-5 91-7 92-3 92-15 92-28 94-2 95-7 00-3	90-8 91-10 92-4 92-17 92-33 94-17 95-10	91-1 91-15 92-6 92-21 93-14 95-11
Appearance on Matter Involving Public Servant's City Agency	96-5				
Awards – see Gifts					
Blind Trust	94-18	94-25	94-26		
Brooklyn Public Library	97-1				

Business Dealings with the City	90-1 91-14 92-11 92-26 (Revised) 92-33 93-22 94-16 95-16	90-2 92-5 92-22 92-34 93-27 94-20 95-17	90-3 92-6 92-24 92-28 93-9 94-6 94-29 95-21	91-4 92-7 92-25 92-30 93-16 94-9 95-3 96-2	91-10 92-9  92-31 93-20 94-13 95-15 98-2
Campaign-Related Activities	12-5				
Charitable Fundraising – see Fundraising					
Charter Schools	00-01	05-2			
City Planning Commissioners	07-2				
City Position, Use of	90-6 91-15 92-12 93-23 94-28 (Revised) 97-2	90-9 91-16 92-33 93-25 98-1	91-1 91-18 92-35 94-2 95-2 08-3	91-5 92-3 93-9 94-12 95-5 09-7	91-10 92-10 93-14 94-17 95-14 11-1
City Vehicles, Use of	09-1				
Commercial Discounts	06-4				
Community Boards	91-3 93-2 96-4 04-3	91-9 93-3 98-9 05-3	91-12 93-21 03-2 08-2	92-27 95-18 03-3 10-1	92-31 95-27 04-1
Community Education Councils	06-1	07-1	10-1		
Community School Boards	90-7	98-10	01-02		
Consulting	91-9 93-24	91-16 95-15	92-2 98-7	93-12	93-19
Contracts	91-2	91-15	92-2		

Cooperative Corporations	92-7 95-25	94-25	94-27	95-11	95-22
Council Discretionary Funding	09-2				
Dual City Employment	95-26				
Elected Officials	90-3 92-10 93-21	90-4 92-22 95-20	90-5 92-23 98-14	90-6 93-6 99-1	91-10 93-15
Endorsements	98-6	00-03			
Ex Officio	99-1				
Expert Witness	91-9	96-6			
Family Relationships	90-1 91-15 94-3	90-4 92-4 94-13	90-5 92-14 94-20	90-6 93-21 98-1	91-2 93-28
FOIL	91-19				
Franchises	90-4	90-5			
Frequent Flyer Miles	06-5				
Fundraising	91-10 93-15 98-14	92-15 93-26 01-01	92-25 94-29 01-02	92-29 95-7 03-4	93-6 95-27 08-6
Gifts	91-20 94-4 95-28 06-4 12-4	92-21 94-9 96-3 06-5	92-27 94-12 00-04 07-3	92-29 94-23 06-2 10-2	92-33 94-29 06-3 11-2
Gifts between City Employees	13-1				
Gifts – Sporting Events	12-4				
Gifts-Travel	90-3	92-10	92-19	92-23	11-2
Honoraria	91-4	91-6	94-29		

Labor Union Conventions	06-3				
Lectures	91-6				
Letterhead	90-9	13-2			
Letters of Reference	13-2				
Lobbyists	07-3				
Local Development Corporation	93-1	93-3	93-13	94-7	
Mayor	90-4				
Ministerial Matters	92-32	92-36	94-5	95-6	
Moonlighting	90-2	91-7	91-9	91-13	91-16
	92-6	92-28	92-30	92-34	92-36
	93-4	93-5	93-24	93-25	94-1
	94-8	94-16	95-6	95-9	95-16
	95-17	95-19	95-20	95-22	96-2
	98-4	98-5	98-7	99-2	99-4
	99-5	99-6	00-1	01-3	06-1
Municipal Bonds, NYC	09-7				
Not-For-Profit Organizations	91-10	91-16	92-8	92-14	92-15
	92-22	92-24	92-25	92-28	92-31
	92-34	92-37	93-1	93-4	93-9
	93-14	93-15	93-26	94-6	94-13
	94-15	94-18	94-19	94-25	94-26
	95-2	95-5	95-7	95-12	98-8
	98-14	99-1			
Orders - see Waivers/Orders					
Outside Practice of Law	91-7	93-23	95-17	01-3	08-5
Ownership Interests	90-1	91-2	91-3	92-5	92-6
	92-7	92-9	92-11	92-26 (Revised)	
	92-30	92-35	93-7	93-16	93-22
	93-27	93-32	94-1	94-3	94-8
	94-10	94-11	94-13	94-20	94-25
	94-26	95-10	95-12	95-18	95-21

	97-3 07-4	98-2 09-7	98-3 12-1	02-01	03-7
Particular Matter	92-37	93-8	95-23		
Pension Funds	09-3				
Personnel Order 88/5	91-12	92-25			
Police Officers	97-2	98-4			
Political Activities	91-12 93-24 12-5	91-17 95-13	92-25 95-24	93-6 03-5	93-20 03-6
Political Fundraising	01-1	01-2	03-1	09-6	
Political Endorsements	09-5				
Post-Employment Restrictions	89-1 92-13 92-38 93-18 94-15 95-4 98-11 08-1	90-8 92-16 93-8 93-30 94-19 95-23 99-1 08-4	91-8 92-17 93-11 93-31 94-21 96-1 99-3 09-5	91-19 92-32 93-12 94-5 94-22 96-6 00-2 12-2	92-2 92-37 93-13 94-7 95-1 97-1 07-1
Practice of Law – see Outside Practice of Law					
Prizes – see Gifts					
Prohibited Interests	90-1 92-5 92-26 (Revised) 93-3 93-22 94-3 94-13 95-10 98-3	90-2 92-6 93-4 93-27 94-5 94-16 95-12 03-2	91-2 92-7 92-30 93-7 93-29 94-8 94-20 95-18	91-3 92-9 92-35 93-9 93-32 94-10 94-25 95-21	91-15 92-11 93-1 93-16 94-1 94-11 94-26 96-2
Public Benefit Corporation	93-17				

Public Servants	91-14 94-6	93-10 (Revised) 09-4		93-29	93-32
Real Property	93-16				
Raffle Prizes	12-3				
Recusal	90-4 92-5 92-20 92-30 93-19 94-18	90-5 92-6 92-25 93-1 93-31 94-24	91-3 92-8 92-26 (Revised) 93-4 94-6 96-2	91-11 92-9 93-7 94-11 98-1	91-15 92-18 92-28 93-17 94-17
Receipt of Prizes and Awards – see Gifts					
Regular Employees	93-10 (Revised)		95-8		
Renting Property to Public Assistance Recipients	95-29	98-13			
Salary Supplements	05-1				
Sale of Products	98-12				
Savings Clubs	04-2				
School Boards	93-2				
Separation from City Service	98-11				
Sole Proprietorship	98-7				
Subcontractors	99-2				
Superior-Subordinate Relationship	98-12	04-2	04-3		
Tax Assessors	93-16				
Teaching	90-2 96-2	91-5 99-4	93-20 99-5	94-16 99-6	95-3
Temporary Employment	98-5				
Term Limits	08-3				

Tickets	00-4	06-2			
Travel – see Gifts, Travel					
Uncompensated Appearances	98-10				
Use of City Position – see City Position, Use of					
Use of City Vehicles – see City Vehicles, Use of					
Volunteer Activities	98-10				
Voting & Chairing Meetings	08-2				
Waivers/Orders	90-2	91-8	92-6	92-9	92-13
	92-17	92-37	93-18	93-20	93-22
	93-27	93-30	94-1	94-3	94-6
	94-8	94-11	94-15	94-16	94-19
	94-20	94-22	95-1	95-3	95-16
	95-17	96-1	96-2	98-8	98-9
	99-2	99-4	99-5	99-6	00-2
	06-1	07-1	08-4	12-2	
Water Board	09-6				



## CHAPTER 68 ENFORCEMENT CASE SUMMARIES 2013

*Note: Some of the following summaries include more than one case, and some cases appear in more than one category.*

### **MOONLIGHTING WITH A FIRM ENGAGED IN CITY BUSINESS DEALINGS**

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)<sup>1</sup>

The Board, joined by the New York City Department of Education (“DOE”), issued a public warning letter to an Associate Educational Officer who, while on an unpaid leave of absence from her previous DOE position as a teacher, worked for a private tutoring company that had business dealings with DOE and appeared before DOE on behalf of the tutoring company on multiple occasions. The former teacher’s leave of absence occurred from 2001 to 2012, during the duration of which she worked for the tutoring company, first as an administrative assistant (since 1995) and then as Chief Operating Officer from 2008 to 2012. The tutoring company entered into its first contract with DOE in 2002. On behalf of the tutoring company, the former teacher contacted DOE via email and phone on multiple occasions and attended a meeting between DOE and the tutoring company in 2005 where the language of a DOE-tutoring company contract was discussed. In the public warning letter, the Board informed the Associate Educational Officer that, as it stated in Advisory Opinion No. 98-11, City employees are still subject to Chapter 68 during unpaid leaves of absence, and she therefore violated City Charter § 2604(a)(1)(a) by working for a private company doing business with her City agency and City Charter § 2604(b)(6) by appearing before her City agency on behalf of that private company. *COIB v. Mulgrew Daretany*, COIB Case No. 2013-308 (2013).

The Board, joined by the New York City Department of Education (“DOE”), issued a public warning letter to a Speech Therapist at IS/HS 270, in the Bronx, who held the position of unpaid board member at the non-profit Belmont Community Day Care Center at a time when Belmont was engaged in business dealings with DOE and failed to comply with the requirements of the “safe harbor” provision of City Charter § 2604(c)(6). At a different time, the Speech Therapist also held a paid position at Belmont while Belmont was engaged in business dealings with DOE and another City agency, but appeared not to have been involved in Belmont’s City

---

<sup>1</sup> City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

business dealings. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants of the requirements of the safe harbor provision for volunteering with non-profits with City business dealings and the prohibition on moonlighting in compensated positions with firms with City business dealings absent a waiver from the Board. *COIB v. Cavagna*, COIB Case No. 2013-357 (2013).

A Project Officer for the New York City School Construction Authority (“SCA”) agreed to serve a six-week suspension, valued at approximately \$10,400, for soliciting a \$15,000 loan from a SCA contractor and for soliciting and accepting a part-time position with a firm while actively supervising that firm’s work for the SCA and then repeatedly interfered in SCA projects on that firm’s behalf. The subject’s conduct violated SCA Policy and Guidelines and the City’s conflicts of interest law, which prohibits City officials and employees from asking for or entering into business, financial, or employment relationships with a private party whom the public servant is dealing with in performing his or her official duties for the City. This case was resolved in a joint effort by the Board and SCA. *COIB v. Giwa*, COIB Case No. 2013-306 (2013).

The Board reached a settlement with a former Lieutenant-in-Charge of the Emergency Vehicle Operation Course training program at the New York City Fire Department (“FDNY”), who paid a \$7,000 fine to the Board. As part of his official FDNY duties, the former Lieutenant-in-Charge programmed and operated a FAAC emergency vehicle driving simulator in order to train FDNY personnel in emergency vehicle operation. FAAC has been engaged in business dealings with FDNY since 2004. In 2006, the former Lieutenant-in-Charge submitted to FDNY a written request for an outside employment waiver from the Board so that he could perform part-time consulting work for FAAC. FDNY denied the former Lieutenant-in-Charge’s waiver request and informed him that his proposed employment with FAAC would be in direct conflict with his FDNY duties. Despite the denial of his waiver request, the former Lieutenant-in-Charge worked for FAAC as a consultant from 2007 until his retirement in 2009. The former Lieutenant-in-Charge admitted that his conduct violated the City’s conflicts of interest law’s prohibitions against (1) a City employee having an interest in a firm, which includes employment by a firm, that the public servant knows or should know is engaged in business dealings with the agency served by the public servant and (2) a City employee using his or her City position to obtain a personal benefit, such as a compensated position. *COIB v. Raheb*, COIB Case No. 2012-461 (2013).

The Board and the New York Department of Health and Mental Hygiene (“DOHMH”) concluded a joint settlement with a Public Health Sanitarian in the DOHMH Division of Environmental Health, Bureau of Food Safety and Community Sanitation, who, since he began working at DOHMH, had a second job with each of the firms that provided health care services on Rikers Island, all of those firms having business dealings with DOHMH. Starting in May 2012, through September 2012, at which time he resigned his second job, the Public Health Sanitarian conducted monthly inspections on behalf of DOHMH in the medical facilities run by his private employer at Rikers Island. The Public Health Sanitarian admitted that his conduct violated the City’s conflicts of interest law, which prohibits City employees from having a position with a firm with business dealings with any City agency, and prohibits City employees from using their City position to benefit a person or firm with whom or which the City employee

is associated. The Public Health Sanitarian acknowledged that that he was “associated” with his private employer within the meaning of the City’s conflicts of interest law. For these violations, the Public Health Sanitarian agreed to pay a \$1,500 fine to the Board and a \$2,500 fine to DOHMH, for a total financial penalty of \$4,000. *COIB v. V. James*, COIB Case No. 2012-710 (2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) teacher at PS 80 in Queens who was concurrently employed as a Custodial Helper at the same school in the evenings during the school year, failing to comply with the conditions of a 2008 mass waiver. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits a public servant from having an interest in a firm which has business dealings with his or her City agency, including working as a Custodial Helper for a Custodial Engineer at a DOE school. While the Board issued a mass waiver in 2008 to allow certain DOE employees to also work as Custodial Helpers, this mass waiver requires such Custodial Helper employment to be conducted only during the summer and only at a school other than the one to which the DOE employee is assigned for the following school year. *COIB v. Pauline*, COIB Case No. 2012-807 (2013).

The Board fined a former Elevator Mechanic Helper for the New York Housing Authority (“NYCHA”) \$1,000 for working full-time as an Elevator Mechanic Helper for a firm with NYCHA business dealings while he was on a leave of absence from his NYCHA position. In a public disposition of the Board’s charges, the former Elevator Mechanic Helper acknowledged that his position with the private elevator maintenance firm violated the City’s conflicts of interest law, which prohibits public servants from working for any firm that is engaged in business dealings with any agency of the City, including when the public servant is on leave of absence from the agency. *COIB v. J. Romeo*, COIB Case No. 2012-808 (2013).

#### **OWNERSHIP INTEREST IN A FIRM ENGAGED IN BUSINESS DEALINGS WITH THE CITY**

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)<sup>2</sup>

The Board and the New York City Comptroller’s Office concluded a settlement with an Accountant in the Comptroller’s Bureau of Accountancy who had an ownership interest in two taxi cab medallions – his wife’s since December 1989 and his own since October 2006 – which interests involve business dealings with the New York City Taxi and Limousine Commission

---

<sup>2</sup> City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

(“TLC”). The Accountant acknowledged that he communicated with TLC on behalf of his ownership interests in the two taxi cab medallions. This conduct violated the Comptroller’s Office Rules and Procedures and the City’s conflicts of interest law, which prohibits City employees from (a) having an ownership interest in a firm doing business with any City agency; and (b) communicating with any City agency on behalf of any private interest. During the pendency of this proceeding, with the approval of the Comptroller, the Board issued an order permitting the Accountant to retain his ownership interest in the two taxi cab medallions and a waiver to permit the Accountant to appear before TLC in connection with those medallions. For the violations that occurred before the issuance of the Board order and waiver, the Accountant agreed to pay a fine equal to five days’ pay, valued at \$942. *COIB v. Mohamed*, COIB Case No. 2013-158 (2013).

**VOLUNTEERING FOR A NOT-FOR-PROFIT  
ENGAGED IN BUSINESS DEALINGS WITH THE CITY**

- **Relevant Charter Sections:** Charter §§ 2604(a)(1)(a), 2604(a)(1)(b), 2604(c)(6)<sup>3</sup>

The Board and the New York City Administration for Children’s Services (“ACS”) concluded a joint settlement with an ACS employee to address violations related to his long-term role on the board of Trabajamos Community Head Start, Inc., a not-for-profit with business dealings with ACS. The ACS employee served as a volunteer board member of Trabajamos from 1993 through 2013 and as its Chair from 2006 to 2013. City employees are permitted under the City’s conflicts of interest law to volunteer at not-for-profits having business dealings with City agencies, including serving as a volunteer Board member. However, if the not-for-profit has business dealings with the City employee’s own agency, the City employee must get

---

<sup>3</sup> City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

City Charter § 2604(c)(6) states: “This section shall not prohibit a public servant from acting as an attorney, agency, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or any other such entity which operates on a not-for-profit basis, interest in business dealings with the city, provided that:

- (a) such public servant takes no direct or indirect part in such business dealings;
- (b) such not-for-profit entity has no direct or indirect interest in any business dealings with the city agency in which the public servant is employed and is not subject to supervision, regulation or control by such agency, except where it is determined by the head of an agency, or by the mayor where the public servant is an agency head, that such activity is in furtherance of the purposes and interests of the city;
- (c) all such activities by such public servant shall be performed at times during which the public servant is no required to perform services for the city; and
- (d) such public servant receives no salary or other compensation in connection with such activities.”

permission from the employee's agency head before serving in a leadership role at the not-for-profit, which this ACS employee failed to do. Second, City employees cannot be involved in the business dealings between the City and the not-for-profit; this ACS employee attended a meeting at ACS on behalf of Trabajamos between officials of ACS and employees of Trabajamos. Third, City employees cannot do work for the not-for-profit during times when the employee is required to be performing work for the City; this ACS employee, from at least September 2005 through August 2013, during times he was required to be performing work for ACS, used his City computer and e-mail account to send, receive, and store a number of e-mails related to Trabajamos. The ACS employee also used his City position to obtain a criminal history check and a criminal background check on Trabajamos employees. Finally, he asked another ACS employee to run a license plate for him and then used the confidential information he thereby obtained for a personal, non-City purpose. For these violations, ACS reassigned the employee from his prior position as the Director of Field Operations to his underlying civil service title of Child Protective Specialist Supervisor II; in connection with that reassignment, his annual salary was reduced from \$111,753 to \$77,478. The Board imposed no additional penalty. *COIB v. Antonetty*, COIB Case No. 2013-462 (2013).

The Board, joined by the New York City Department of Education ("DOE"), issued a public warning letter to a Speech Therapist at IS/HS 270, in the Bronx, who held the position of unpaid board member at the non-profit Belmont Community Day Care Center at a time when Belmont was engaged in business dealings with DOE and failed to comply with the requirements of the "safe harbor" provision of City Charter § 2604(c)(6). At a different time, the Speech Therapist also held a paid position at Belmont while Belmont was engaged in business dealings with DOE and another City agency, but appeared not to have been involved in Belmont's City business dealings. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants of the requirements of the safe harbor provision for volunteering with non-profits with City business dealings and the prohibition on moonlighting in compensated positions with firms with City business dealings absent a waiver from the Board. *COIB v. Cavagna*, COIB Case No. 2013-357 (2013).

The Board issued a public warning letter to a former teacher at the New York City Department of Education ("DOE") who was also the founder and executive in charge of Team Footprintz, a non-profit basketball outreach organization that had been registered as a DOE vendor in 2009. The teacher used the gym at his school to make videos to promote Team Footprints; the letter advised that by using DOE property, namely the gym, for the non-City purpose of creating publicity materials for Team Footprintz, the teacher violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). The team also rented his school's gym for Team Footprintz events, mainly basketball clinics for which Team Footprintz charged fees to participants. Renting a City facility constitutes "business dealings with the city" within the meaning of Chapter 68; thus, Team Footprintz was a firm with business dealings with the City. The letter advised the former teacher that, for him to have maintained his position with that firm, he should have first obtained a waiver from the Board. *COIB v. Mark Williams*, COIB Case No. 2012-625 (2013).

## MISUSE OF CITY TIME & CITY RESOURCES

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules §§ 1-13(a), 1-13(b)<sup>4</sup>

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Computer Aide in the Bureau of Child Care agreed to resign from DOHMH, effective February 14, 2014, to resolve violations of the DOHMH Standards of Conduct plus two violations of the City’s conflicts of interest law. First, the Computer Aide admitted that he asked a child care facility license applicant to whose case he was assigned to work as part of his official DOHMH duties to provide him with the contact information of a physician that the applicant knew in the Dominican Republic for the purpose of enabling the Computer Aide to sell medical supplies from India in the Dominican Republic. The Computer Aide had the applicant pick him up at his DOHMH work location and drive him to her child care facility in order to obtain the physician’s contact information. Second, the Computer Aide used his City computer to store advertisements related to his work for Primerica, a multi-level marketing company that sells insurance and other financial products. *COIB v. Bansi*, COIB Case No. 2013-656 (2013).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a settlement with an Associate Staff Analyst in the Bureau of Veterinary and Pest Control Services, who in August and September 2013, during hours she was required to be performing work for DOHMH, used her City computer and e-mail account to send and receive e-mails related to her private interests in developing and building a real estate investment venture. As a penalty, the Associate Staff Analyst agreed to pay a \$2,000 fine, split equally between the Board and DOHMH. *COIB v. F. Diaz*, COIB Case No. 2013-661 (2013).

The Board fined a former Administrative Staff Analyst at the New York City Housing Authority (“NYCHA”) \$3,000 in resolution of his violations of the City’s conflicts of interest law. In addition to his work at NYCHA, the Administrative Staff Analyst also provided private tax preparation services – and used City time and resources in furtherance of that private business. First, between February 2004 and October 2012, during hours when he was required to be performing work for NYCHA, the Administrative Staff Analyst used his NYCHA computer to create or modify 134 documents related to his private tax preparation business. Second, between January 2011 and February 2013, sometimes during hours he was required to be performing work for NYCHA, the Administrative Staff Analyst used his NYCHA computer and e-mail account to send 322 e-mails and receive 298 e-mails related to his private tax preparation business. Third, between January 2011 and

---

<sup>4</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(a) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City.”

Board Rules § 1-13(b) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.”

February 2013, sometimes during hours he was required to be performing work for NYCHA, the Administrative Staff Analyst used a NYCHA photocopier to scan and e-mail to his NYCHA computer 64 documents related to his private tax preparation business. Lastly, in September 2012, the Administrative Staff Analyst used a NYCHA fax machine to send two faxes to the Internal Revenue Service in connection with his private tax preparation business. *COIB v. Bazile*, COIB Case No. 2013-198 (2013).

In a joint settlement with the Board and the New York City Comptroller's Office, an Economist in the Bureau of Audits Economist agreed to pay a fine equal to twenty days' pay, valued at \$4,480, for, from March 2009 through July 2013, during hours she was required to be performing work for the Comptroller's Office, using her City computer and e-mail account to engage in political activities related to her work as the founder and president of the Great Alliance Democratic Club, the District Leader for the 86<sup>th</sup> Assembly District, and her campaign for New York City Council. The Economist also attended a hearing at the New York City Campaign Finance Board related to her campaign for City Council during times she was required to be performing work for the Comptroller's Office. *COIB v. Tapia*, COIB Case No. 2013-468 (2013).

As a penalty, the In a joint settlement with the Board and the New York Department of Health and Mental Hygiene ("DOHMH"), a Procurement Analyst, working as a Supervisor at the IT Helpdesk at DOHMH, paid a \$1,000 fine to the Board for copying DOHMH-licensed Microsoft Office software and giving it to her former landlord. The Procurement Analyst acknowledged that her conduct violated the DOHMH Standards of Conduct and the City's conflicts of interest law, which prohibits a public servant from using City resources, which would include City-licensed software, for any personal, non-City purpose. *COIB v. Dalton*, COIB Case No. 2013-414 (2013).

For this violation, the Procurement Analyst agreed to pay a \$1,000 fine to the Board. The Board and the New York City Housing Authority ("NYCHA") concluded a joint settlement with a Principal Administrative Associate in the NYCHA Law Department who used her NYCHA e-mail account and a NYCHA conference room, at times she was required to be performing work for NYCHA, to promote a cupcake business run by her adult daughter. As a penalty, the Principal Administrative Associate agreed to serve a fifteen work-day suspension, valued at \$3,180, to be imposed by NYCHA. *COIB v. C. James*, COIB Case No. 2013-277 (2013).

The Board concluded a settlement with a former Parent Coordinator at Mosaic Preparatory Academy ("Mosaic Prep") who, while employed by the New York City Department of Education ("DOE"), used a DOE tax exempt form to make tax-free personal purchases for her daughters-in-law. As Parent Coordinator at Mosaic Prep, she was authorized to have the tax exempt form, but was only permitted to use it to make purchases for Mosaic Prep. For this conduct, DOE terminated the employment of the Parent Coordinator; the Board imposed no additional penalty. *COIB v. M. Torres*, COIB Case No. 2013-384 (2013).

The Board imposed a \$2,500 fine on an Administrative Manager at the New York City Office of the Comptroller who, from at least February 1, 2012, through September 30, 2012, during hours she was required to be performing work for the Comptroller's Office, used her City

computer and e-mail account to perform work for the political campaign of a candidate for the New York State Assembly, such as reviewing and editing campaign and fundraising materials and coordinating attendance at campaign events. *COIB v. Mosley*, COIB Case No. 2013-044 (2013).

The Board issued a public warning letter to a former teacher at the New York City Department of Education (“DOE”) who was also the founder and executive in charge of Team Footprintz, a non-profit basketball outreach organization that had been registered as a DOE vendor in 2009. The teacher used the gym at his school to make videos to promote Team Footprints; the letter advised that by using DOE property, namely the gym, for the non-City purpose of creating publicity materials for Team Footprintz, the teacher violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). The team also rented his school’s gym for Team Footprintz events, mainly basketball clinics for which Team Footprintz charged fees to participants. Renting a City facility constitutes “business dealings with the city” within the meaning of Chapter 68; thus, Team Footprintz was a firm with business dealings with the City. The letter advised the former teacher that, for him to have maintained his position with that firm, he should have first obtained a waiver from the Board. *COIB v. Mark Williams*, COIB Case No. 2012-625 (2013).

The Board and the New York City Department of Sanitation (“DSNY”) concluded a joint settlement with a Sanitation Worker who, between 2009 and 2012, took DSNY property from various DSNY facilities without authorization for his personal purposes, including 44 DSNY truck batteries, 10 car batteries, 2 DSNY truck steps, and 5 bags full of computer cables, telephone cables, data cables, and extension cords. All of this property was ultimately reclaimed by DSNY. As a penalty, the Sanitation Worker agreed to be suspended for 39 work days, valued at \$10,718.84. *COIB v. Hila*, COIB Case No. 2012-493 (2013).

The Board reached a settlement with the District Manager for Bronx Community Board 9 (“CB 9”), who paid a \$7,500 fine to the Board. The District Manager has been the President of the Bronx Puerto Rican Day Parade (the “Parade”) since 2000. By letter dated March 22, 2000, the Board issued the District Manager a waiver to serve as President of the Parade, explicitly advising the District Manager that his work for the Parade must be performed at times when he is not required to perform services for the City and that he may not use City equipment, letterhead, personnel, or other City resources in connection with his work for the Parade. The District Manager admitted that, despite this instruction from the Board, he coordinated and operated the Parade’s activities out of the CB 9 office during times when he was required to be performing work for CB 9, using CB 9 resources, including its personnel, office, conference room, copier, fax machine, phones, and computers, to operate the Parade, since at least 2005. Specifically, the District Manager admitted that he held Parade-related meetings approximately five to eight times each year in the CB 9 conference room and arranged for Parade volunteers to use the CB 9 copier, fax machine, and phones during these meetings; used his City desktop computer and laptop computer to store and review documents related to the Parade during his CB 9 work day; used the CB 9 phones to receive and make Parade-related calls; instructed CB 9 employees to perform Parade work during times when they were required to be performing work for CB 9, including making and answering Parade-related calls and drafting Parade-related documents on CB 9 computers; and arranged for Vice President of the Parade, who is not a City employee, to



work daily from the CB 9 office on Parade business, including meeting in the CB 9 office with visitors seeking information about the Parade, storing Parade materials, such as applications to participate in the Parade, Parade business cards, and posters promoting the Parade in the CB 9 office, instructing persons interested in the Parade to fax their completed applications for participation in the Parade to the CB 9 fax number, and using the CB 9 fax machine and copier for Parade business. *COIB v. F. Gonzalez*, COIB Case No. 2011-145 (2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) teacher for using her DOE classroom to conduct private, compensated tutoring sessions. In the public warning letter, the Board informed the Teacher that her conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from using City resources, which includes a City workspace, for any non-City purpose. *COIB v. Krings*, COIB Case No. 2012-737 (2013).

The Board fined a former New York City Department of Education (“DOE”) Principal \$2,500 for entering into a financial relationship with his DOE subordinate and for misusing City time and resources. The Principal admitted that, while he served as a Principal, he paid his subordinate, a Paraprofessional, at least \$1,888.15 for working on projects related to his private music business, he met with his subordinate during his work hours to discuss his subordinate’s work for his music business, and he used his City email account and telephone to work on his music business. *COIB v. W. Rodriguez*, COIB Case No. 2013-044 (2013). The Paraprofessional was fined \$1,500 for accepting at least \$1,888.15 from the Principal for working on projects related to the Principal’s private music business and for doing that work during his City work hours using his City computer. *COIB v. Greene*, COIB Case No. 2013-044a (2013). Both the Principal and the Paraprofessional acknowledged that their conduct violated the City’s conflicts of interest law, which prohibits a City employee from entering into any financial relationship with a superior or a subordinate and from using City time and resources for a personal, non-City purpose.

The Board and the New York City Department of Environmental Protection (“DEP”) concluded a joint settlement with a DEP Accountant who paid a \$2,000 fine to the Board. The Accountant admitted that, during hours when he was required to be performing work for the City, he used his DEP email account and DEP computer to send emails pertaining to his private tax preparation business from his private email account to his DEP email account. The Accountant then used the information in the emails to work on his clients’ tax returns using his DEP computer. The Accountant also used his DEP telephone to place calls to the Electronic Federal Tax System in order to conduct business on behalf of his tax preparation clients. The Accountant also gave the number for a DEP fax machine to his tax preparation clients and used this fax machine to receive documents faxed to him by his clients. The Accountant acknowledged that his conduct violated the prohibitions in the City’s conflicts of interest law against (1) using City resources, including a City email account, computer, telephone, or fax machine, for the non-City purpose of working on a private business; and (2) working on a private business during hours when the City employee is required to be performing work for the City. *COIB v. Marerro*, COIB Case No. 2012-338 (2013).

The Board reached settlements with a former New York City Department of Correction (“DOC”) Special Operations Officer, who paid a \$4,500 fine to the Board, and a former DOC Department Chief, who paid a \$6,000 fine to the Board. The former Special Operations Officer used DOC gas and DOC vehicles without authorization almost every day from January 2011 until August 2011 to commute to his workplace on Rikers Island, New York, from his residence in Port Jefferson, Long Island. The former Special Operations Officer acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using City resources, such as gas or vehicles, for a non-City purpose. The former Department Chief requested that the former Special Operations Officer, his subordinate, repair and enhance the former Department Chief’s personal vehicle. The former Special Operations Officer purchased between \$400 and \$500 worth of car parts and worked on the former Department Chief’s personal vehicle for several weeks. The former Department Chief did not pay or reimburse the former Special Operations Officer for this work or these purchases. The former Department Chief acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit. *COIB v. D. Reyes*, COIB Case No. 2012-365 (2013); *COIB v. L. Davis*, COIB Case No. 2012-365a (2013).

Four employees of the New York City Department of Environmental Protection (“DEP”) misused DEP “swipe cards” to gain unauthorized access to a parking garage and avoided paying between \$800 and \$1,322 for parking. DEP authorizes its employees to use swipe cards—either a DEP vehicle access card or an activated employee ID card—to access the DEP-designated area of the garage, which the agency rents from the garage’s operator to park agency vehicles. No DEP employee is authorized to use a swipe card to park in the public area of the garage. In joint settlements with the Board and DEP, each of the four DEP employees acknowledged this conduct violated the DEP Uniform Code of Discipline and the City’s conflicts of interest law, which prohibit using City resources for non-City purposes. As a penalty, each agreed to make full restitution to the private parking garage for the value of their illicit parking. In addition, to resolve the agency’s disciplinary charges, one employee agreed to resign, one employee agreed to a fifteen-day suspension, and two employees forfeited fifteen days of annual leave. The Board did not seek additional penalties in any of these cases. *COIB v. E. Hernandez*, COIB Case No. 2012-894 (2013); *COIB v. Valencia*, COIB Case No. 2012-894a (2013); *COIB v. Abrams*, COIB Case No. 2012-894b (2013); *COIB v. Ramnarine*, COIB Case No. 2012-894c (2013).

In a joint disposition with the Board and the New York City Comptroller’s Office, a Claims Specialist in the Classifications Unit of the Comptroller’s Bureau of Labor Law agreed to pay a fine equal to twenty-five days’ pay, valued at \$5,513. The Claims Specialist admitted that from March 2007 through December 2012, during hours he was required to be performing work for the Comptroller’s Office, he used his City computer and e-mail account to perform work for his private job as a real estate agent. This conduct violated the Comptroller’s Office Rules and Procedures and the City’s conflicts of interest law, which prohibit the use of City time or resources for any non-City purpose. *COIB v. Starkey*, COIB Case No. 2013-135 (2013).

The Board issued a public warning letter to a Probation Officer with the New York City Department of Probation (“DOP”) for unauthorized use of his assigned agency vehicle to pick up and drop off his daughter from school, thus making an unauthorized detour from his permitted route in order to transport an unauthorized passenger for a personal, non-City purpose. The

Probation Officer acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. The Public Warning Letter acknowledged that the Probation Officer had agreed to the forfeiture of three days of accrued annual leave, with the approximate value of \$526.33, to resolve a related DOP disciplinary action. *COIB v. G. Hall*, COIB Case No. 2013-073 (2013).

The Board and the New York Department of Health and Mental Hygiene ("DOHMH") concluded a joint settlement with a Supervising Public Health Advisor in the DOHMH Division of Disease Control, Bureau of STD Prevention and Control, who made an unauthorized duplicate of an official DOHMH parking placard and altered it so that it appeared that it had not expired in order to enable her to park her personal vehicle without receiving parking tickets. The Supervising Public Health Advisor also used an official City parking placard, to be used exclusively in City vehicles, to park her personal vehicle without receiving parking tickets. The Supervising Public Health Advisor admitted that her conduct violated the City's conflicts of interest law, which prohibits the use of any City resource – which would include a City parking placard – for any personal, non-City purpose. The Supervising Public Health Advisor paid a \$2,000 fine to the Board *COIB v. Wilson*, COIB Case No. 2012-766 (2013).

The Board and the New York Department of Health and Mental Hygiene ("DOHMH") concluded a joint settlement with a Supervising Public Health Advisor in the DOHMH Bureau of Health Insurance Services who made an unauthorized duplicate of an official DOHMH parking placard and altered it so that it appeared that it had not expired in order to enable him to park his personal vehicle without receiving parking tickets. The Supervising Public Health Advisor admitted that his conduct violated the City's conflicts of interest law, which prohibits the use of any City resource – which would include a City parking placard – for any personal, non-City purpose. As a penalty, the Supervising Public Health Advisor agreed to pay a \$1,250 fine to DOHMH and to forfeit accrued annual leave in the amount of \$500, for a total penalty valued at \$1,750. *COIB v. W. Singleton*, COIB Case No. 2012-765 (2013).

In a settlement with the Board, an employee of the New York City Department of Housing Preservation and Development ("HPD") admitted to violating the City's conflicts of interest law by repeatedly using her HPD office computer for the non-City purpose of working on matters related to two private entities in which she had a personal financial interest. The HPD employee agreed to pay a \$3,000 fine as penalty. *COIB v. Booker*, COIB Case No. 2012-412 (2013).

The Board reached a settlement with the former Senior Director of the Corporate Support Services ("CCS") Division of the New York City Health and Hospitals Corporation ("HHC"), who paid a \$9,500 fine to the Board. The former Senior Director admitted that he wrote letters to the company that leases vehicles to HHC, requesting that the company add a vehicle repair shop owned by the former Senior Director's son to its list of HHC-approved repair shops and subsequently asking the company to promptly pay his son's shop for repairs to three CSS vehicles. Second, the former Senior Director admitted that he repeatedly asked three of his subordinates to perform personal errands for him during City work hours and to use their City computers during their City work hours to produce a number of personal or non-City-business-related documents for the former Senior Director and his son. Finally, the former Senior Director

admitted that he suggested to a CCS Director that she ask her subordinate, a CCS Institutional Aide, to refinish the floors in her personal residence. The CCS Director paid the CCS Institutional Aide \$100 for performing this service. The former Senior Director acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit for the City employee or any person, such as a child, or firm associated with the City employee; from using City personnel for any non-City purpose, such as personal tasks or errands; and from causing another City employee to violate the conflicts of interest law, such as by entering into a financial relationship with his or her subordinate. *COIB v. Pack*, COIB Case No. 2012-473 (2013).

A payroll secretary for the New York City Department of Education ("DOE") misused City time and misused her City position for personal gain. In a joint settlement of an agency disciplinary action and a Board enforcement action, the payroll secretary admitted she falsified payroll records to receive compensation for working at times when she was not. She also admitted that she participating in the hiring of her sister for substitute teaching assignments on at least nine separate dates between December 2011 and March 2012. As a penalty for these violations of the City's conflicts of interest law and the Chancellor's Regulations, the payroll secretary agreed to pay a \$6,500 fine. *COIB v. DeMaio*, COIB Case No. 2012-819 (2013).

The Board issued public warning letters to two teachers at the New York City Department of Education ("DOE") for using the DOE e-mail system to send an e-mail to all the staff at their school attaching a letter the teacher had written soliciting votes for the teacher's campaign as Chapter Leader for the United Federation of Teachers ("UFT"), for which position the winner would be compensated. The Board advised the teachers that by using the DOE e-mail system to send a letter concerning the teacher's campaign for UFT Chapter Leader, the teachers misused City resources for a non-City purpose. *COIB v. Marcillo*, COIB Case No. 2012-502 (2013); *COIB v. Malchi*, COIB Case No. 2012-502a (2013).

An Administrative Director of Social Services for the New York City Department of Homeless Services ("DHS") misused an agency vehicle for unauthorized personal purposes. The Administrative Director had been authorized, by DHS, to use an agency vehicle only for her daily commute from her residence to her DHS workplace and to respond to emergencies at DHS facilities on a 24-hour basis as needed. In a joint settlement of an agency disciplinary action and a Board enforcement action, the Administrative Director admitted to using the vehicle to travel outside of City limits and to take her daughter to and from school; she agreed to pay a \$3,750 fine to DHS to resolve the charges. *COIB v. Chavez-Downes*, COIB Case No. 2012-746 (2013).

A Borough Supervisor (Custodians) for the New York City Department of Citywide Administrative Services ("DCAS") misused her position and City resources for personal gain. In a joint settlement of an agency disciplinary action and a Board enforcement action, the now former Borough Supervisor admitted she misused her position over DCAS employees who reported to her. Specifically, she regularly asked two subordinates to buy her lunch, borrowed at a total of at least \$600 from six subordinates, and arranged for three subordinates to come to her home on the weekends to paint a bedroom, repair a leak in her sink, and clean her carpets using DCAS-owned equipment. She also admitted to misusing City resources by taking her grandchild to school in a DCAS vehicle. As a penalty, the Borough Supervisor agreed to irrevocably resign

from DCAS, to never seek employment with any City agency in the future, and to forfeit \$1,000 of accrued annual leave. *COIB v. Blackman*, COIB Case No. 2012-605 (2013).

A Construction Project Manager for the New York City Department of Design and Construction (“DDC”) misused DDC office and technology resources to manage his private rental properties on City time. In a joint settlement of an agency disciplinary action and a Board enforcement action, the Construction Project Manager admitted that, to conduct his private business, he used a DDC computer to create and store documents relating to his rental properties and used his DDC office phone and email account to communicate with attorneys and others about managing and financing those rental properties. As a penalty for these conflicts of interest law violations and for unrelated misconduct that violated agency rules, the Construction Project Manager served a 30-day suspension without pay, worth \$5,195, and agreed to forfeit thirteen days of annual leave, valued at \$3,376. *COIB v. Patel*, COIB Case No. 2011-816 (2013).

### **AIDING OR INDUCING A VIOLATION OF THE CONFLICTS OF INTEREST LAW**

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(d)<sup>5</sup>

The Board reached a settlement with the former Senior Director of the Corporate Support Services (“CCS”) Division of the New York City Health and Hospitals Corporation (“HHC”), who paid a \$9,500 fine to the Board. The former Senior Director admitted that he wrote letters to the company that leases vehicles to HHC, requesting that the company add a vehicle repair shop owned by the former Senior Director’s son to its list of HHC-approved repair shops and subsequently asking the company to promptly pay his son’s shop for repairs to three CSS vehicles. Second, the former Senior Director admitted that he repeatedly asked three of his subordinates to perform personal errands for him during City work hours and to use their City computers during their City work hours to produce a number of personal or non-City-business-related documents for the former Senior Director and his son. Finally, the former Senior Director admitted that he suggested to a CCS Director that she ask her subordinate, a CCS Institutional Aide, to refinish the floors in her personal residence. The CCS Director paid the CCS Institutional Aide \$100 for performing this service. The former Senior Director acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit for the City employee or any person, such as a child, or firm associated with the City employee; from using City personnel for any non-City purpose, such as personal tasks or errands; and from causing another City employee to violate the conflicts of interest law, such as by entering into a financial relationship with his or her subordinate. *COIB v. Pack*, COIB Case No. 2012-473 (2013).

---

<sup>5</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(d)(1) states in relevant part: “It shall be a violation of City Charter § 2604(b)(2) for any public servant to intentionally or knowingly solicit, request, command, importune, aid, induce or cause another public servant to engage in conduct that violates any provision of City Charter § 2604.”

## MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)<sup>6</sup>

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Computer Aide in the Bureau of Child Care agreed to resign from DOHMH, effective February 14, 2014, to resolve violations of the DOHMH Standards of Conduct plus two violations of the City’s conflicts of interest law. First, the Computer Aide admitted that he asked a child care facility license applicant to whose case he was assigned to work as part of his official DOHMH duties to provide him with the contact information of a physician that the applicant knew in the Dominican Republic for the purpose of enabling the Computer Aide to sell medical supplies from India in the Dominican Republic. The Computer Aide had the applicant pick him up at his DOHMH work location and drive him to her child care facility in order to obtain the physician’s contact information. Second, the Computer Aide used his City computer to store advertisements related to his work for Primerica, a multi-level marketing company that sells insurance and other financial products. *COIB v. Bansi*, COIB Case No. 2013-656 (2013).

In a joint disposition with the Board and the New York City Department of Education (“DOE”), an Assistant Principal paid a \$1,250 fine to the Board for asking her subordinate, a DOE teacher, to stay in her rental apartment due to a family emergency, to which the subordinate agreed. The Assistant Principal then stayed in her subordinate’s rental apartment for eight days, without paying any rent. The Assistant Principal acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits City employees from using their City positions to obtain a personal benefit. *COIB v. Hasberry*, COIB Case No. 2013-296 (2013).

The Board and the New York City Administration for Children’s Services (“ACS”) concluded a joint settlement with an ACS employee to address violations related to his long-term role on the board of Trabajamos Community Head Start, Inc., a not-for-profit with business dealings with ACS. The ACS employee served as a volunteer board member of Trabajamos from 1993 through 2013 and as its Chair from 2006 to 2013. City employees are permitted under the City’s conflicts of interest law to volunteer at not-for-profits having business dealings with City agencies, including serving as a volunteer Board member. However, if the not-for-profit has business dealings with the City employee’s own agency, the City employee must get permission from the employee’s agency head before serving in a leadership role at the not-for-profit, which this ACS employee failed to do. Second, City employees cannot be involved in the business dealings between the City and the not-for-profit; this ACS employee attended a meeting at ACS on behalf of Trabajamos between officials of ACS and employees of Trabajamos. Third, City employees cannot do work for the not-for-profit during times when the employee is required to be performing work for the City; this ACS employee, from at least September 2005 through

---

<sup>6</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

City Charter § 2604(b)(3) 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.”

August 2013, during times he was required to be performing work for ACS, used his City computer and e-mail account to send, receive, and store a number of e-mails related to Trabajamos. The ACS employee also used his City position to obtain a criminal history check and a criminal background check on Trabajamos employees. Finally, he asked another ACS employee to run a license plate for him and then used the confidential information he thereby obtained for a personal, non-City purpose. For these violations, ACS reassigned the employee from his prior position as the Director of Field Operations to his underlying civil service title of Child Protective Specialist Supervisor II; in connection with that reassignment, his annual salary was reduced from \$111,753 to \$77,478. The Board imposed no additional penalty. *COIB v. Antonetty*, COIB Case No. 2013-462 (2013).

The Board and the New York Department of Education (“DOE”) concluded a joint settlement with an Assistant Principal who paid a \$6,000 fine to the Board. The Assistant Principal admitted that he misused his position by having a subordinate babysit his three children in the mornings before school and allowing his daughter to attend the DOE school where the Assistant Principal worked without enrolling her, thus avoiding payment of non-resident tuition, in violation of City Charter § 2604(b)(3). The Assistant Principal also admitted that he entered into a financial relationship with a subordinate by signing a lease for an apartment owned by his subordinate, in violation of City Charter § 2604(b)(14). *COIB v. L. Castro*, COIB Case No. 2013-097 (2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) Principal at the Magnet School of Multicultural Humanities (PS 253) in Brooklyn who, at her subordinate’s invitation, took advantage of her subordinate’s membership in a timeshare exchange program in order to stay at a resort in the Dominican Republic by paying only an exchange fee to the timeshare program, the guest fee, and the significantly discounted cost of staying at the resort, in violation of City Charter § 2604(b)(3). No compensation was exchanged between the Principal and her subordinate for the use of the timeshare. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits public servants from accepting gifts from their subordinates. *COIB v. Ditillo Speroni*, COIB Case No. 2013-422 (2013).

The Board and the New York City Department of Design and Construction (“DDC”) concluded joint settlements with a DDC Assistant Commissioner and with a DDC Program Director who used their City positions to solicit funds from a DDC vendor for a non-profit professional organization in which they held positions. Both the Assistant Commissioner and the Program Director were responsible for overseeing the construction of an Emergency Medical Service Station in Brooklyn, including overseeing the DDC vendor’s work on a construction management contract. On two occasions, prior to soliciting funds, the Assistant Commissioner told the DDC vendor that it was at risk of receiving a poor performance evaluation. The Assistant Commissioner agreed to pay an \$8,000 fine and resign from City employment; the Program Director agreed to pay a \$2,500 fine and be placed on an indefinite probation. *COIB v. Devgan*, COIB Case No. 2013-177 (2013); *COIB v. Shah*, COIB Case No. 2013-177a (2013).

The Board and the Office of the Bronx Borough President (“BBPO”) concluded a settlement with an Education and Community Liaison who agreed to serve a 30 work-day suspension, valued at \$5,066, for her violations of the City’s conflicts of interest law and the

BBPO Employee Manual. As part of her official duties at BBPO, the Education and Community Liaison was responsible for addressing constituent issues related to Bronx public schools and regularly communicating with Bronx public schools regarding those issues. In a joint disposition with the Board and BBPO, the Liaison admitted to: (1) asking a New York City Department of Education (“DOE”) employee to provide her with non-public information concerning her son, a student at a DOE school in the Bronx, which the employee declined to do; (2) attempting to obtain an exemption for her son from the decision of DOE administrators to exclude her son from his school’s “Senior Activities” because he had not met the eighth-grade promotional criteria; and (3) soliciting employment and personal assistance from the Chief of Staff of a New York City Council Member and the chairs of the Bronx Borough President’s Education Consortia, officials with whom she dealt in the course of performing her official duties. This conduct violated the BBPO Employee Manual and the City’s conflicts of interest law, which prohibits City employees from using their City positions to benefit themselves or someone with whom they are associated, which includes a parent, child, sibling, spouse, domestic partner, or person or firm with whom or which the employee has a business or financial relationship. *COIB v. Veras*, COIB Case No. 2013-444 (2013).

The Board and the New York City Housing Authority (“NYCHA”) concluded a joint settlement with the NYCHA Director of the Family Services Department, who paid a \$2,300 fine to the Board for helping her daughter obtain a position with a non-profit organization that receives funding from the City and works extensively with the Director’s department. Specifically, the Director spoke to an associate vice president at the non-profit organization after a business meeting about employing her daughter and emailed her daughter’s résumé to two employees of the non-profit organization. The Director acknowledged that, by this conduct, she violated the City’s conflicts of interest law, which prohibits a public servant from using his or her City position to obtain a financial gain, direct or indirect, for a person associated with the public servant, which includes a child. *COIB v. Reissig*, COIB Case No. 2012-831 (2013).

Following a hearing at the City’s Office of Administrative Trials and Hearings, the Board issued a final determination finding that a Construction Project Manager for the New York City Department of Housing Preservation and Development (“HPD”) solicited an architect and a construction laborer over whose work he had authority in his HPD position to perform architectural and carpentry services, respectively, at his daughter’s home and at his summer home. In each case, the work was performed and paid for. The Board imposed a \$5,000 fine on Construction Project Manager for violating the City’s conflicts of interest law, which prohibits using one’s City position to obtain a personal financial gain. *COIB v. Enright*, OATH Index No. 1293/13, COIB Case No. 2013-469 (Order Aug. 7, 2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) Principal who violated the City’s conflicts of interest law by accepting a resort’s offer of free accommodations, valued at approximately \$164, so his son and granddaughter could accompany him on a “familiarization trip”—that is, a complimentary stay prior to booking a class trip to determine whether the resort would be appropriate for his school’s students. The Board advised the Principal that, if he wants to bring a guest with him when he travels on City business, he may not accept his guest’s travel expenses as a gift. *COIB v. E. Strauss*, COIB Case No. 2013-069 (2013).



A Project Officer for the New York City School Construction Authority (“SCA”) agreed to serve a six-week suspension, valued at approximately \$10,400, for soliciting a \$15,000 loan from a SCA contractor and for soliciting and accepting a part-time position with a firm while actively supervising that firm’s work for the SCA and then repeatedly interfered in SCA projects on that firm’s behalf. The subject’s conduct violated SCA Policy and Guidelines and the City’s conflicts of interest law, which prohibits City officials and employees from asking for or entering into business, financial, or employment relationships with a private party whom the public servant is dealing with in performing his or her official duties for the City. This case was resolved in a joint effort by the Board and SCA. *COIB v. Giwa*, COIB Case No. 2013-306 (2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) Teacher for paying a student, over whom she had disciplinary authority, to walk her grandchild to school over a period of two months. In the public warning letter, the Board informed the Teacher that her conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from using her City position to benefit herself. *COIB v. Dickerson*, COIB Case No. 2013-252 (2013).

The Board and the New York City Department of Environmental Protection (“DEP”) concluded a joint settlement with a DEP Administrative Project Manager who paid a \$5,000 fine to the Board. The Administrative Project Manager admitted that he failed to report administrative positions at the New York branch of the Arondizuogu Patriotic Union (“APU”), a non-profit organization for the support of the community of Arondizuogu, Nigeria, to the Board on the annual Financial Disclosure Reports he was required to file for 2009, 2010, and 2011. The Administrative Project Manager also admitted that he emailed DEP vendors asking them to sponsor and attend APU fundraising events. The Administrative Project Manager acknowledged that his conduct violated (1) the prohibition in the City’s Administrative Code § 12-110 against intentional failures to make complete annual disclosures; and (2) the prohibition in the City’s conflicts of interest law against a public servant using his position for the benefit of a firm with which he is associated, which would include a non-profit at which he holds a leadership position. *COIB v. Madu*, COIB Case No. 2013-111 (2013).

The Board fined two former Sanitation Workers with the New York City Department of Sanitation (“DSNY”) \$2,000 each for soliciting money from a Queens resident to collect his household garbage. The resident told the Sanitation Workers he only had \$10; they took \$5 each. The Sanitation Workers acknowledged that their conduct violated two provisions of the City’s conflicts of interest law. First, by soliciting money from a City resident to collect his household garbage, the Sanitation Workers misused their City positions to obtain a personal benefit; second, by accepting that money, the Sanitation Workers improperly accepted compensation from a source other than the City for doing their City jobs. *COIB v. Bracone*, COIB Case No. 2012-238 (2013); *COIB v. Torres*, COIB Case No. 2012-238a (2013).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) Principal at North Star Academy (IS 340) in Brooklyn who used a subordinate DOE School Aide to pick up the Principal’s son at the son’s school and transport him back to North Star Academy on approximately three occasions, in violation of City Charter § 2604(b)(3). The

School Aide performed the personal errand using his private vehicle after his DOE work hours and did not receive any compensation for this errand. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City's conflicts of interest law prohibits a public servant from using a subordinate City employee to perform personal errands. *COIB v. Jean Williams*, COIB Case No. 2013-136 (2013).

The Board reached a settlement with a former Lieutenant-in-Charge of the Emergency Vehicle Operation Course training program at the New York City Fire Department ("FDNY"), who paid a \$7,000 fine to the Board. As part of his official FDNY duties, the former Lieutenant-in-Charge programmed and operated a FAAC emergency vehicle driving simulator in order to train FDNY personnel in emergency vehicle operation. FAAC has been engaged in business dealings with FDNY since 2004. In 2006, the former Lieutenant-in-Charge submitted to FDNY a written request for an outside employment waiver from the Board so that he could perform part-time consulting work for FAAC. FDNY denied the former Lieutenant-in-Charge's waiver request and informed him that his proposed employment with FAAC would be in direct conflict with his FDNY duties. Despite the denial of his waiver request, the former Lieutenant-in-Charge worked for FAAC as a consultant from 2007 until his retirement in 2009. The former Lieutenant-in-Charge admitted that his conduct violated the City's conflicts of interest law's prohibitions against (1) a City employee having an interest in a firm, which includes employment by a firm, that the public servant knows or should know is engaged in business dealings with the agency served by the public servant and (2) a City employee using his or her City position to obtain a personal benefit, such as a compensated position. *COIB v. Raheb*, COIB Case No. 2012-461 (2013).

The Board reached settlements with a former New York City Department of Correction ("DOC") Special Operations Officer, who paid a \$4,500 fine to the Board, and a former DOC Department Chief, who paid a \$6,000 fine to the Board. The former Special Operations Officer used DOC gas and DOC vehicles without authorization almost every day from January 2011 until August 2011 to commute to his workplace on Rikers Island, New York, from his residence in Port Jefferson, Long Island. The former Special Operations Officer acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using City resources, such as gas or vehicles, for a non-City purpose. The former Department Chief requested that the former Special Operations Officer, his subordinate, repair and enhance the former Department Chief's personal vehicle. The former Special Operations Officer purchased between \$400 and \$500 worth of car parts and worked on the former Department Chief's personal vehicle for several weeks. The former Department Chief did not pay or reimburse the former Special Operations Officer for this work or these purchases. The former Department Chief acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit. *COIB v. D. Reyes*, COIB Case No. 2012-365 (2013); *COIB v. L. Davis*, COIB Case No. 2012-365a (2013).

The Board and the New York City Housing Authority ("NYCHA") concluded a joint settlement with a NYCHA Construction Project Manager who recommended his stepson for a job with a NYCHA vendor that the Construction Project Manager supervised as part of his official NYCHA duties. Specifically, the Construction Project Manager verified the site

conditions of the project and communicated with the vendor's employees. The vendor hired the Construction Project Manager's stepson. As a penalty, the Construction Project Manager agreed to serve a five work-day suspension, valued at \$1,393.61, and to pay a \$1,250 fine to the Board. *COIB v. G. Jones*, COIB Case No. 2012-458 (2013).

The Board concluded a settlement with the Director of Radiology at Metropolitan Hospital Center, part of the New York City Health and Hospitals Corporation ("HHC"). Among his official duties as Director of Radiology was the negotiation and oversight of a five-year contract with MRI Enterprises to provide and operate an MRI machine at Metropolitan. In October 2007, after a meeting to discuss MRI Enterprises' business dealings with Metropolitan and with another HHC hospital, the Director of Radiology approached the Chief Operating Officer ("COO") of MRI Enterprises and solicited and accepted a \$1,500 loan. The Director of Radiology acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using his City position to obtain a personal benefit. The Director of Radiology also acknowledged that, on two occasions in January 2009, the COO of MRI Enterprises gave him two tickets to a New York Knicks game – the cost of each ticket exceeding \$50 in value – which tickets the Director then gave to another Metropolitan employee. The Director of Radiology acknowledged that his conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. The Board's Valuable Gift Rule prohibits the acceptance of two or more gifts if valued in the aggregate at \$50.00 or more during any twelve-month period from the same person or firm. For these violations, the Director of Radiology paid a \$2,500 fine to the Board and repaid the COO \$500, the outstanding balance on the loan. *COIB v. M. Taylor*, COIB Case No. 2012-828 (2013).

The Board and the New York Department of Health and Mental Hygiene ("DOHMH") concluded a joint settlement with a Public Health Sanitarian in the DOHMH Division of Environmental Health, Bureau of Food Safety and Community Sanitation, who, since he began working at DOHMH, had a second job with each of the firms that provided health care services on Rikers Island, all of those firms having business dealings with DOHMH. Starting in May 2012, through September 2012, at which time he resigned his second job, the Public Health Sanitarian conducted monthly inspections on behalf of DOHMH in the medical facilities run by his private employer at Rikers Island. The Public Health Sanitarian admitted that his conduct violated the City's conflicts of interest law, which prohibits City employees from having a position with a firm with business dealings with any City agency, and prohibits City employees from using their City position to benefit a person or firm with whom or which the City employee is associated. The Public Health Sanitarian acknowledged that that he was "associated" with his private employer within the meaning of the City's conflicts of interest law. For these violations, the Public Health Sanitarian agreed to pay a \$1,500 fine to the Board and a \$2,500 fine to DOHMH, for a total financial penalty of \$4,000. *COIB v. V. James*, COIB Case No. 2012-710 (2013).

The Board reached a settlement with the former Senior Director of the Corporate Support Services ("CCS") Division of the New York City Health and Hospitals Corporation ("HHC"), who paid a \$9,500 fine to the Board. The former Senior Director admitted that he wrote letters to

the company that leases vehicles to HHC, requesting that the company add a vehicle repair shop owned by the former Senior Director's son to its list of HHC-approved repair shops and subsequently asking the company to promptly pay his son's shop for repairs to three CSS vehicles. Second, the former Senior Director admitted that he repeatedly asked three of his subordinates to perform personal errands for him during City work hours and to use their City computers during their City work hours to produce a number of personal or non-City-business-related documents for the former Senior Director and his son. Finally, the former Senior Director admitted that he suggested to a CCS Director that she ask her subordinate, a CCS Institutional Aide, to refinish the floors in her personal residence. The CCS Director paid the CCS Institutional Aide \$100 for performing this service. The former Senior Director acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit for the City employee or any person, such as a child, or firm associated with the City employee; from using City personnel for any non-City purpose, such as personal tasks or errands; and from causing another City employee to violate the conflicts of interest law, such as by entering into a financial relationship with his or her subordinate. *COIB v. Pack*, COIB Case No. 2012-473 (2013).

A payroll secretary for the New York City Department of Education ("DOE") misused City time and misused her City position for personal gain. In a joint settlement of an agency disciplinary action and a Board enforcement action, the payroll secretary admitted she falsified payroll records to receive compensation for working at times when she was not. She also admitted that she participating in the hiring of her sister for substitute teaching assignments on at least nine separate dates between December 2011 and March 2012. As a penalty for these violations of the City's conflicts of interest law and the Chancellor's Regulations, the payroll secretary agreed to pay a \$6,500 fine. *COIB v. DeMaio*, COIB Case No. 2012-819 (2013).

An Associate Job Opportunity Specialist with the New York City Human Resources Administration ("HRA") accepted a 60-day suspension, valued at \$9,972, for misusing his position in the HRA Rental Assistance Unit to issue an assistance check from HRA to his stepdaughter and for repeatedly misusing confidential information from his stepdaughter's public assistance records. In a public disposition of the charges, the Associate Job Opportunity Specialist acknowledged violating the City's conflicts of interest law by using his position in the HRA Rental Assistance Unit to authorize payment of rental assistance benefits to his stepdaughter and by misusing confidential information from public assistance case records to resolve a personal dispute. *COIB v. J. Purvis*, COIB Case No. 2012-898a (2013).

The Board fined a New York City Department of Education ("DOE") Children First Network Leader \$7,500 for soliciting business for a private firm where he planned to take a position. The Children First Network Leader admitted that he met with principals whose schools were supported by his Children First Network, an internal DOE school support organization, and informed them that he would be taking a position at the Center for Educational Innovation - Public Education Association ("CEI-PEA"), a private school support organization. The Children First Network Leader admitted that he deliberately ignored the subtext of his remarks to those principals, with its purport that they elect CEI-PEA to be their school support organization. All of the principals notified DOE that they wished to transfer to the CEI-PEA support network, but later changed their election back to the Children First Network when DOE denied permission for

some of the schools to transfer. The Children First Network Leader acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a City employee from attempting to obtain an advantage for a firm with which he or she is associated by virtue of a job offer and which additionally prohibits a City employee from representing private interests before a City agency for compensation. *COIB v. R. Cohen*, COIB Case No. 2012-322 (2013).

A secretary for the New York City Department of Education ("DOE") agreed to pay a \$6,500 fine for using her DOE position to benefit her husband's company. At the School for the Democracy and Leadership, the secretary was responsible for, among other things, purchasing supplies for the school. She married in December 2010 and, shortly thereafter, began ordering school supplies from her husband's company, which had not been an approved DOE vendor previously, for a total of 12 purchase orders between December 2010 and October 2011. The secretary acknowledged that, by directing DOE purchase orders to and executing purchase orders for her husband's company, she used her DOE position to obtain a financial gain for herself and for someone "associated" with her, in violation of the City's conflicts of interest law. *COIB v. Baptiste*, COIB Case No. 2012-313 (2013).

A Borough Supervisor (Custodians) for the New York City Department of Citywide Administrative Services ("DCAS") misused her position and City resources for personal gain. In a joint settlement of an agency disciplinary action and a Board enforcement action, the now former Borough Supervisor admitted she misused her position over DCAS employees who reported to her. Specifically, she regularly asked two subordinates to buy her lunch, borrowed at a total of at least \$600 from six subordinates, and arranged for three subordinates to come to her home on the weekends to paint a bedroom, repair a leak in her sink, and clean her carpets using DCAS-owned equipment. She also admitted to misusing City resources by taking her grandchild to school in a DCAS vehicle. As a penalty, the Borough Supervisor agreed to irrevocably resign from DCAS, to never seek employment with any City agency in the future, and to forfeit \$1,000 of accrued annual leave. *COIB v. Blackman*, COIB Case No. 2012-605 (2013).

## **USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION**

- **Relevant Charter Sections:** City Charter § 2604(b)(4)<sup>7</sup>

The Board and the New York City Administration for Children's Services ("ACS") concluded a joint settlement with an ACS employee to address violations related to his long-term role on the board of Trabajamos Community Head Start, Inc., a not-for-profit with business dealings with ACS. The ACS employee served as a volunteer board member of Trabajamos from 1993 through 2013 and as its Chair from 2006 to 2013. City employees are permitted under the City's conflicts of interest law to volunteer at not-for-profits having business dealings

---

<sup>7</sup> City Charter § 2604(b)(4) states: "No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest."

with City agencies, including serving as a volunteer Board member. However, if the not-for-profit has business dealings with the City employee's own agency, the City employee must get permission from the employee's agency head before serving in a leadership role at the not-for-profit, which this ACS employee failed to do. Second, City employees cannot be involved in the business dealings between the City and the not-for-profit; this ACS employee attended a meeting at ACS on behalf of Trabajamos between officials of ACS and employees of Trabajamos. Third, City employees cannot do work for the not-for-profit during times when the employee is required to be performing work for the City; this ACS employee, from at least September 2005 through August 2013, during times he was required to be performing work for ACS, used his City computer and e-mail account to send, receive, and store a number of e-mails related to Trabajamos. The ACS employee also used his City position to obtain a criminal history check and a criminal background check on Trabajamos employees. Finally, he asked another ACS employee to run a license plate for him and then used the confidential information he thereby obtained for a personal, non-City purpose. For these violations, ACS reassigned the employee from his prior position as the Director of Field Operations to his underlying civil service title of Child Protective Specialist Supervisor II; in connection with that reassignment, his annual salary was reduced from \$111,753 to \$77,478. The Board imposed no additional penalty. *COIB v. Antonetty*, COIB Case No. 2013-462 (2013).

The Board issued a public warning letter to a New York City Department of Education ("DOE") School Psychologist at PS 22 in Staten Island who accessed confidential information from the Special Education Student Information System about a student at PS 257 in Brooklyn and disclosed that confidential information to the parent of that student at the request of the parent without DOE authorization, in violation of City Charter § 2604(b)(4). The School Psychologist had not been assigned to the PS 257 student and was not the School Psychologist for PS 257. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that that even the well-intentioned disclosure of confidential information is prohibited by the City's conflicts of interest law. *COIB v. Posadas*, COIB Case No. 2013-516 (2013).

The Board issued a public warning letter to an Eligibility Specialist at the New York City Human Resources Administration ("HRA") who accessed the Welfare Management System ("WMS") database on seventeen occasions to view the confidential case records of two relatives who are "associated" with the Eligibility Specialist within the meaning of Chapter 68. The Eligibility Specialist's purpose for accessing her relatives' WMS records was to obtain the recertification dates for their Medicaid and Food Stamp cases to ensure that they did not miss the recertification deadlines. The Board concluded that the Eligibility Specialist's unauthorized use of WMS to obtain confidential information to advance her associates' interests violated City Charter § 2604(b)(4). *COIB v. Gutierrez*, COIB Case No. 2013-228 (2013).

The Board and the New York Department of Health and Mental Hygiene ("DOHMH") concluded a joint settlement with a City Research Scientist in the Bureau of STD Prevention and Control who, as part of her official DOHMH duties, had access to two confidential DOHMH databases that receive, track, and store data concerning STD infections from medical providers and clinical laboratories in New York City. The City Research Scientist downloaded and used confidential information from these databases to complete an assignment in furtherance of her

graduate studies. The City Research Scientist did not disclose any confidential information from these records. The City Research Scientist admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing for any purpose, or using to advance any private interest of the employee or of the employee's associate, confidential information obtained as result of the employee's official duties. For this violation, the City Research Scientist agreed to pay a \$750 fine to the Board and a \$750 fine to DOHMH, for a total financial penalty of \$1,500. *COIB v. Choden*, COIB Case No. 2013-124 (2013).

The Board issued a public warning letter to a New York City Department of Education ("DOE") Teacher for disclosing the names of her DOE students, which are confidential, in a book she self-published. In the public warning letter, the Board informed the Teacher that her conduct violated the City's conflicts of interest law, which prohibits public servants from disclosing confidential information they learn in the course of their City employment. The Teacher informed the Board that she had instructed her publisher to replace the names of the DOE students with their initials and that all further sales of her book be of this modified version. *COIB v. Walters*, COIB Case No. 2012-548 (2013).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with an HIV/AIDS Services Administration Caseworker who agreed to pay HRA a fine equivalent to twenty days' pay, valued at approximately \$3,082, for accessing the Welfare Management System to view the public assistance of her two tenants, HRA clients, in order to see if they had applied for benefits to pay their rent arrears. The HIV/AIDS Services Administration Caseworker admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee. *COIB v. Bessem*, COIB Case No. 2012-233 (2013).

The Board and the New York City Administration for Children's Services ("ACS") reached a joint settlement with an ACS Child Protective Manager who paid a \$1,500 fine to the Board for disclosing confidential information from the records of an ACS client for an unauthorized purpose. In a public disposition, the Child Protective Manager admitted she got the information she needed through unauthorized access to a New York State Central Register's database, CONNECTIONS, a confidential database of child abuse and maltreatment investigations used by ACS and other child protective services throughout New York State, and then disclosed information from the ACS client's file to the paternal grandmother of the client's child after the grandmother, a friend of the Child Protective Manager, asked her for information. The Child Protective Manager acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her. *COIB v. B. Davis*, COIB Case No. 2012-624 (2013).

In a joint settlement with the Board and the New York City Department of Homeless Services ("DHS"), a LAN Administrator at DHS admitted that, acting without authorization and for his own private benefit, he used his access to his agency's confidential case management database to locate his associate in the DHS shelter system and to obtain contact information for

his associate's case manager. The actual presence of an individual in the shelter system is confidential and protected information; the associate's identity is being withheld for confidentiality reasons. At the time in question, the LAN Administrator worked at a helpdesk, providing technical support for the DHS case management system. The LAN Administrator admitted to violating the City's conflicts of interest law by using his position as a LAN Administrator to obtain and to act on confidential information to which he otherwise would not have been entitled. The LAN Administrator served a 30-day suspension, which has a value of approximately \$6,622, and agreed to irrevocably resign from DHS and to never seek employment with DHS or any other City agency in the future. *COIB v. Muniz*, COIB Case No. 2012-426 (2013).

An Associate Job Opportunity Specialist with the New York City Human Resources Administration ("HRA") accepted a 60-day suspension, valued at \$9,972, for misusing his position in the HRA Rental Assistance Unit to issue an assistance check from HRA to his stepdaughter and for repeatedly misusing confidential information from his stepdaughter's public assistance records. In a public disposition of the charges, the Associate Job Opportunity Specialist acknowledged violating the City's conflicts of interest law by using his position in the HRA Rental Assistance Unit to authorize payment of rental assistance benefits to his stepdaughter and by misusing confidential information from public assistance case records to resolve a personal dispute. *COIB v. J. Purvis*, COIB Case No. 2012-898a (2013).

The Board and the New York City Human Resources Administration ("HRA") reached a joint settlement with an HRA Eligibility Specialist who agreed to pay HRA a fine equivalent to two days' pay, valued at approximately \$280, for accessing the Welfare Management System to view the public assistance records of her niece, an HRA client, and then disclosing confidential information from these records, although solely to her niece. The Eligibility Specialist admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing confidential information obtained as a result of his or her official duties for any purpose. *COIB v. N. Rodriguez*, COIB Case No. 2012-464 (2013).

A Secretary for the New York City Human Resources Administration ("HRA") improperly used confidential public assistance records for her personal benefit. To perform the official duties of her position, HRA gave the Secretary access to the Welfare Management System ("WMS"), which is an electronic database of confidential records concerning public assistance cases. Without authorization from HRA, the Secretary repeatedly used WMS to obtain confidential information concerning her own public assistance case to advance her own personal financial interests. In a public disposition of the Board's charges, the Secretary acknowledged that her unauthorized use of WMS violated the City's conflicts of interest law. To resolve related disciplinary charges that HRA had previously brought against the secretary, she agreed, in a separate settlement with HRA, to serve an eight-day suspension without pay, valued at \$1,076. The Board imposed no additional penalties in this case. *COIB v. Stevenson-Hull*, COIB Case No. 2012-140 (2013).

In a joint resolution of agency disciplinary charges and a Board enforcement action, a Child Protective Specialist at the New York City Administration for Children's Services ("ACS") was issued a public warning letter for accessing confidential information in



CONNECTIONS concerning a complaint filed against the mother of a child for whom the Child Protective Specialist intended to file an application for guardianship if needed. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Board issued the warning letter having been informed that the Child Protective Specialist had accessed CONNECTIONS only once and for the purpose of determining who was going to care for the child; nonetheless, the Board reminded the Child Protective Specialist, and other public servants, that a public servant may not use confidential information to advance any personal interest. *COIB v. Means*, COIB Case No. 2012-578 (2013).

## **GIFTS**

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)<sup>8</sup>

The Board concluded a settlement with the Director of Radiology at Metropolitan Hospital Center, part of the New York City Health and Hospitals Corporation (“HHC”). Among his official duties as Director of Radiology was the negotiation and oversight of a five-year contract with MRI Enterprises to provide and operate an MRI machine at Metropolitan. In October 2007, after a meeting to discuss MRI Enterprises’ business dealings with Metropolitan and with another HHC hospital, the Director of Radiology approached the Chief Operating Officer (“COO”) of MRI Enterprises and solicited and accepted a \$1,500 loan. The Director of Radiology acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his City position to obtain a personal benefit. The Director of Radiology also acknowledged that, on two occasions in January 2009, the COO of MRI Enterprises gave him two tickets to a New York Knicks game – the cost of each ticket exceeding \$50 in value – which tickets the Director then gave to another Metropolitan employee. The Director of Radiology acknowledged that his conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. The Board’s Valuable Gift Rule prohibits the acceptance of two or more gifts if valued in the

---

<sup>8</sup> City Charter § 2604(b)(5) states: “No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.”

Board Rules § 1-01(a) defines “valuable gift” to mean “any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. Two or more gifts to a public servant shall be deemed to be a single gift for the purposes of this subdivision and Charter § 2604(b)(5) if they are given to the public servant within a twelve-month period under one or more of the following circumstances (1) they are given by the same person; and/or (2) they are given by persons who the public servant knows or should have know are (i) relatives or domestic partners of one another; or (ii) are directors, trustees, or employees of the same firm or affiliated firm.”

aggregate at \$50.00 or more during any twelve-month period from the same person or firm. For these violations, the Director of Radiology paid a \$2,500 fine to the Board and repaid the COO \$500, the outstanding balance on the loan. *COIB v. M. Taylor*, COIB Case No. 2012-828 (2013).

The former Executive Vice President for the Southern Brooklyn/Staten Island Network and Executive Director of Coney Island Hospital, part of the New York City Health and Hospitals Corporation (“HHC”), agreed to pay a \$6,000 fine for violating the Board’s Valuable Gift Rule. Among his official duties as Executive Director of Coney Island Hospital was the negotiation, implementation, and oversight of the hospital’s contract with University Group Medical Associates (“UGMA”) to provide clinical staffing to the hospital. At two events in 2005, the former Executive Director accepted from UGMA (1) four or five bottles of wine; (2) a customized fountain pen; (3) a \$500 gift card from Macy’s; and (4) the \$110.97 balance from two other gift cards. The former Executive Director acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. *COIB v. Wolf*, COIB Case No. 2012-848 (2013).

#### **APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST**

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(6)<sup>9</sup>

The Board, joined by the New York City Department of Education (“DOE”), issued a public warning letter to an Associate Educational Officer who, while on an unpaid leave of absence from her previous DOE position as a teacher, worked for a private tutoring company that had business dealings with DOE and appeared before DOE on behalf of the tutoring company on multiple occasions. The former teacher’s leave of absence occurred from 2001 to 2012, during the duration of which she worked for the tutoring company, first as an administrative assistant (since 1995) and then as Chief Operating Officer from 2008 to 2012. The tutoring company entered into its first contract with DOE in 2002. On behalf of the tutoring company, the former teacher contacted DOE via email and phone on multiple occasions and attended a meeting between DOE and the tutoring company in 2005 where the language of a DOE-tutoring company contract was discussed. In the public warning letter, the Board informed the Associate Educational Officer that, as it stated in Advisory Opinion No. 98-11, City employees are still subject to Chapter 68 during unpaid leaves of absence, and she therefore violated City Charter § 2604(a)(1)(a) by working for a private company doing business with her City agency and City

---

<sup>9</sup> City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

City Charter § 2604(b)(6) states: “No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.”

Charter § 2604(b)(6) by appearing before her City agency on behalf of that private company. *COIB v. Mulgrew Daretany*, COIB Case No. 2013-308 (2013).

The Board and the New York City Comptroller's Office concluded a settlement with an Accountant in the Comptroller's Bureau of Accountancy who had an ownership interest in two taxi cab medallions – his wife's since December 1989 and his own since October 2006 – which interests involve business dealings with the New York City Taxi and Limousine Commission ("TLC"). The Accountant acknowledged that he communicated with TLC on behalf of his ownership interests in the two taxi cab medallions. This conduct violated the Comptroller's Office Rules and Procedures and the City's conflicts of interest law, which prohibits City employees from (a) having an ownership interest in a firm doing business with any City agency; and (b) communicating with any City agency on behalf of any private interest. During the pendency of this proceeding, with the approval of the Comptroller, the Board issued an order permitting the Accountant to retain his ownership interest in the two taxi cab medallions and a waiver to permit the Accountant to appear before TLC in connection with those medallions. For the violations that occurred before the issuance of the Board order and waiver, the Accountant agreed to pay a fine equal to five days' pay, valued at \$942. *COIB v. Mohamed*, COIB Case No. 2013-158 (2013).

The Board issued a public warning letter to a New York City Environmental Control Board ("ECB") Administrative Law Judge, whose duties included hearing cases concerning disputed tickets issued by the New York City Department of Sanitation ("DSNY") for sanitation violations, for representing his landlord before ECB in disputes over two DSNY sanitation violation fines. The Administrative Law Judge received compensation for this representation because he had an agreement with his landlord whereby his rent was lower than that for comparable apartments in the building and, in return, he assumed certain responsibilities vis-à-vis the apartment building, including dealing with and, if necessary, paying all fines resulting from sanitation violations. The Administrative Law Judge disputed the sanitation violations issued to his landlord by mail and also made at least one phone call to ECB in reference to the second violation. In the public warning letter, the Board informed the Administrative Law Judge that his conduct violated the City's conflicts of interest law, which, among other things, prohibits a public servant from representing, for compensation, private interests before any City agency and from appearing as an attorney against the interests of the City in any action or proceeding in which the City, or any public servant of the City, acting in the course of official duties, is a complainant. In deciding to issue a public warning letter instead of imposing a fine, the Board took into consideration that, prior to appearing before ECB, the Administrative Law Judge had a conversation with an ECB superior that may have led him to believe that he was permitted to make such appearances before ECB. The Board took the opportunity to remind public servants that the advice of superiors does not absolve public servants from liability under the conflicts of interest law. *COIB v. McAuliffe*, COIB Case No. 2012-532 (2013).

The Board fined a New York City Department of Education ("DOE") Children First Network Leader \$7,500 for soliciting business for a private firm where he planned to take a position. The Children First Network Leader admitted that he met with principals whose schools were supported by his Children First Network, an internal DOE school support organization, and informed them that he would be taking a position at the Center for Educational Innovation -

Public Education Association (“CEI-PEA”), a private school support organization. The Children First Network Leader admitted that he deliberately ignored the subtext of his remarks to those principals, with its purport that they elect CEI-PEA to be their school support organization. All of the principals notified DOE that they wished to transfer to the CEI-PEA support network, but later changed their election back to the Children First Network when DOE denied permission for some of the schools to transfer. The Children First Network Leader acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a City employee from attempting to obtain an advantage for a firm with which he or she is associated by virtue of a job offer and which additionally prohibits a City employee from representing private interests before a City agency for compensation. *COIB v. R. Cohen*, COIB Case No. 2012-322 (2013).

**APPEARANCE AS AN ATTORNEY  
IN LITIGATION AGAINST THE CITY**

- **Relevant Charter Sections:** City Charter § 2604(b)(7)<sup>10</sup>

The Board issued a public warning letter to a New York City Environmental Control Board (“ECB”) Administrative Law Judge, whose duties included hearing cases concerning disputed tickets issued by the New York City Department of Sanitation (“DSNY”) for sanitation violations, for representing his landlord before ECB in disputes over two DSNY sanitation violation fines. The Administrative Law Judge received compensation for this representation because he had an agreement with his landlord whereby his rent was lower than that for comparable apartments in the building and, in return, he assumed certain responsibilities vis-à-vis the apartment building, including dealing with and, if necessary, paying all fines resulting from sanitation violations. The Administrative Law Judge disputed the sanitation violations issued to his landlord by mail and also made at least one phone call to ECB in reference to the second violation. In the public warning letter, the Board informed the Administrative Law Judge that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from representing, for compensation, private interests before any City agency and from appearing as an attorney against the interests of the City in any action or proceeding in which the City, or any public servant of the City, acting in the course of official duties, is a complainant. In deciding to issue a public warning letter instead of imposing a fine, the Board took into consideration that, prior to appearing before ECB, the Administrative Law Judge had a conversation with an ECB superior that may have led him to believe that he was permitted to make such appearances before ECB. The Board took the opportunity to remind public servants

---

<sup>10</sup> City Charter § 2604(b)(7) states: “No public servant shall appear as attorney or counsel against the interests of the city in any litigation to which the city is a party, or in any action or proceeding in which the city, or any public servant of the city, acting in the course of official duties, is a complainant, provided that this paragraph shall not apply to a public servant employed by an elected official who appears as attorney or counsel for the elected official in any litigation, action or proceeding in which the elected official has standing and authority to participate by virtue of his or her capacity as an elected official, including any part of a litigation, action or proceeding prior to or at which standing or authority to participate is determined. This paragraph shall not in any way be construed to expand or limit the standing or authority of any elected official to participate in any litigation, action or proceeding, nor shall it in any way affect the powers and duties of the corporation counsel. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.”

that the advice of superiors does not absolve public servants from liability under the conflicts of interest law. *COIB v. McAuliffe*, COIB Case No. 2012-532 (2013).

### **ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY**

- **Relevant Charter Sections:** City Charter § 2604(b)(13)<sup>11</sup>

The Board fined two former Sanitation Workers with the New York City Department of Sanitation (“DSNY”) \$2,000 each for soliciting money from a Queens resident to collect his household garbage. The resident told the Sanitation Workers he only had \$10; they took \$5 each. The Sanitation Workers acknowledged that their conduct violated two provisions of the City’s conflicts of interest law. First, by soliciting money from a City resident to collect his household garbage, the Sanitation Workers misused their City positions to obtain a personal benefit; second, by accepting that money, the Sanitation Workers improperly accepted compensation from a source other than the City for doing their City jobs. *COIB v. Bracone*, COIB Case No. 2012-238 (2013); *COIB v. Torres*, COIB Case No. 2012-238a (2013).

### **SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS**

- **Relevant Charter Sections:** City Charter § 2604(b)(14)<sup>12</sup>

The Board and the New York Department of Education (“DOE”) concluded a joint settlement with an Assistant Principal who paid a \$6,000 fine to the Board. The Assistant Principal admitted that he misused his position by having a subordinate babysit his three children in the mornings before school and allowing his daughter to attend the DOE school where the Assistant Principal worked without enrolling her, thus avoiding payment of non-resident tuition, in violation of City Charter § 2604(b)(3). The Assistant Principal also admitted that he entered into a financial relationship with a subordinate by signing a lease for an apartment owned by his subordinate, in violation of City Charter § 2604(b)(14). *COIB v. L. Castro*, COIB Case No. 2013-097 (2013).

The Board concluded settlements with a former New York City Housing Authority (“NYCHA”) Supervisor Carpenter and three subordinate Carpenters for entering into prohibited superior-subordinate financial relationships. The former Supervisor Carpenter hired his NYCHA subordinates to assist him with private handyman jobs on Long Island. The City’s conflicts of interest law prohibits a superior and a subordinate from entering into a financial relationship with each other. The former Supervisor Carpenter acknowledged his violation and that he had been demoted by NYCHA for his violation, resulting in a loss of annual salary of \$5,475; the Board imposed no additional penalty. In their public dispositions, the three subordinate Carpenters acknowledged their violations and agreed to pay fines of \$1,600, \$1,000, and \$900 respectively.

---

<sup>11</sup> City Charter § 2604(b)(13) states: “No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose interests may be affected by the public servant’s official action.”

<sup>12</sup> City Charter § 2604(b)(14) 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.”

*COIB v. Mignogna*, COIB Case No. 2012-836 (2013); *COIB v. Cavero*, COIB Case No. 2012-836a (2013); *COIB v. Augustyn*, COIB Case No. 2012-836c (2013); *COIB v. Santaniello*, COIB Case No. 2012-836d (2013).

The Board and the New York Department of Health and Mental Hygiene (“DOHMH”) concluded seven joint resolutions with supervisors and subordinates in the DOHMH Bureau of Community Sanitation who participated together in a sou-sou. A “sou-sou” is an informal savings club, in which the participants pay a certain amount of money to the sou-sou coordinator at regularly scheduled times. At each such time, all the money collected from the group is dispersed to one of the participants in the sou-sou. A different participant receives the dispersed amount each time until all members of the sou-sou have received the lump-sum payment. In the sou-sou at issue here, each participant contributed \$200 each pay cycle, resulting in a lump sum payment of between \$2,000 and \$3,000. The City’s conflicts of interest law prohibits a superior and a subordinate from entering into a financial relationship with each other. In a sou-sou, each member is, at one time or another, borrowing from or lending to other participants in the sou-sou. For a public servant to enter into a sou-sou with his or her supervisor or subordinate would therefore violate the City’s conflicts of interest law. For this violation, the Assistant Director agreed to pay a \$1,250 fine to the Board. *COIB v. N. Woods*, COIB Case No. 2012-880b (2013). The subordinate participants, all of whom were Associate Public Health Sanitarians, agreed to receive public warning letters. *COIB v. Batisyan*, COIB Case No. 2012-880 (2013); *COIB v. Belo-Osagie*, COIB Case No. 2012-880e (2013); *COIB v. Javed*, COIB Case No. 2012-880a (2013); *COIB v. Lamarre*, COIB Case No. 2012-880f (2013); *COIB v. Omomoh*, COIB Case No. 2012-880g (2013); *COIB v. Russel*, COIB Case No. 2012-880d (2013). One subordinate participant, also an Associate Public Health Sanitarian, agreed to receive a public warning letter in which DOHMH did not participate. *COIB v. Ogubunka*, COIB Case No. 2012-880c (2013).

The Board fined a former New York City Department of Education (“DOE”) Principal \$2,500 for entering into a financial relationship with his DOE subordinate and for misusing City time and resources. The Principal admitted that, while he served as a Principal, he paid his subordinate, a Paraprofessional, at least \$1,888.15 for working on projects related to his private music business, he met with his subordinate during his work hours to discuss his subordinate’s work for his music business, and he used his City email account and telephone to work on his music business. *COIB v. W. Rodriguez*, COIB Case No. 2013-044 (2013). The Paraprofessional was fined \$1,500 for accepting at least \$1,888.15 from the Principal for working on projects related to the Principal’s private music business and for doing that work during his City work hours using his City computer. *COIB v. Greene*, COIB Case No. 2013-044a (2013). Both the Principal and the Paraprofessional acknowledged that their conduct violated the City’s conflicts of interest law, which prohibits a City employee from entering into any financial relationship with a superior or a subordinate and from using City time and resources for a personal, non-City purpose.

The Board fined a New York Department of Housing Preservation and Development (“HPD”) Administrative Staff Analyst \$1,250 for entering into financial relationships with her subordinates. The Administrative Staff Analyst admitted that she participated in a sou-sou savings club with a number of her HPD subordinates. A sou-sou is an informal saving and loan club where members agree to contribute an equal monetary share at certain intervals to a

common fund, forming a pool of money that is then dispersed as a lump sum payment to one designated member each round. The process repeats until everyone in the group receives the lump sum payment. The Administrative Staff Analyst acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a City employee from entering into any financial relationship with a superior or subordinate. *COIB v. Theodore*, COIB Case No. 2012-362 (2013).

The Board fined a New York City Human Resources Administration ("HRA") Principal Administrative Associate \$1,400 for entering into financial relationships with her subordinates. The Principal Administrative Associate admitted that she participated in a sou-sou savings club among the staff in the HRA Office of Child Support Enforcement. The participants in the sou-sou included a number of the Principal Administrative Associate's HRA subordinates. A sou-sou is an informal saving and loan club where members agree to contribute an equal monetary share at certain intervals to a common fund, forming a pool of money that is then dispersed as a lump sum payment to one designated member each round. The process repeats until everyone in the group receives the lump sum payment. The Principal Administrative Associate also admitted that she solicited orders from and sold Avon products to a number of her HRA subordinates. The Principal Administrative Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a City employee from entering into any financial relationship with a superior or subordinate. *COIB v. Findley*, COIB Case No. 2010-747 (2013).

The Board issued public warning letters to three New York City Department of Education employees for engaging in prohibited superior-subordinate financial relationships. First, the Board issued a public warning letter to an Assistant Principal who: (a) in 2007, loaned \$1,000 to a Shop Teacher whom she supervised and in 2009 loaned that same Teacher \$500; (b) in 2010, loaned \$500 to a School Aide whom she supervised and in 2011 loaned that same School Aide \$1,000; and (c) in 2012, loaned \$500 to a Math Teacher whom she supervised. The Board also issued public warning letters to the School Aide and the Math Teacher. At the time of the issuance of the warning letters, all the loans had been repaid. *COIB v. De Louise*, COIB Case No. 2012-712 (2013); *COIB v. Butz*, COIB Case No. 2012-712b (2013); *COIB v. Colon*, COIB Case No. 2012-712c (2013). By contrast, the Shop Teacher, who necessitated the Board filing a Petition at the New York City Office of Administrative Trials and Hearings, paid a \$250 fine to the Board. *COIB v. Piccirillo*, COIB Case No. 2012-712a (2013).

A Borough Supervisor (Custodians) for the New York City Department of Citywide Administrative Services ("DCAS") misused her position and City resources for personal gain. In a joint settlement of an agency disciplinary action and a Board enforcement action, the now former Borough Supervisor admitted she misused her position over DCAS employees who reported to her. Specifically, she regularly asked two subordinates to buy her lunch, borrowed at a total of at least \$600 from six subordinates, and arranged for three subordinates to come to her home on the weekends to paint a bedroom, repair a leak in her sink, and clean her carpets using DCAS-owned equipment. She also admitted to misusing City resources by taking her grandchild to school in a DCAS vehicle. As a penalty, the Borough Supervisor agreed to irrevocably resign from DCAS, to never seek employment with any City agency in the future, and to forfeit \$1,000 of accrued annual leave. *COIB v. Blackman*, COIB Case No. 2012-605 (2013).

## ONE-YEAR POST-EMPLOYMENT APPEARANCES

- **Relevant Charter Sections:** City Charter § 2604(d)(2)<sup>13</sup>

The Board fined a former Director of Central Budget at the New City Department of Education (“DOE”) \$3,000 for soliciting business for his private company from three DOE schools during his first post-employment year, in violation of the “revolving door” prohibition of the City’s conflicts of interest law; the company was to provide on-site, hands-on training for DOE staff in DOE’s specific, customized financial systems. Upon discovering that the contracts were negotiated in violation of the City’s conflicts of interest law, DOE cancelled the contracts and the former Director’s company did not receive any payments. *COIB v. Namnum*, COIB Case No. 2013-196 (2013).

The Board fined a former Agency Attorney for the New York City Department of Housing Preservation and Development (“HPD”) \$1,000 for representing a landlord, during the former Agency Attorney’s first post-employment year, in a matter in Housing Court in which HPD was the petitioner and was represented by an HPD attorney; the former Agency Attorney and the HPD attorney negotiated and signed a Consent Order and Judgment to resolve the matter. Because the matter had been pending at HPD while the Agency Attorney was still employed at HPD, his post-employment appearance violated the “revolving door” prohibition of the City’s conflicts of interest law. *COIB v. Compton*, COIB Case No. 2013-380 (2013).

The Board fined a former Agency Attorney IV for the New York City Administration for Children’s Services (“ACS”) \$1,000 for attending a meeting with senior ACS officials, including the Commissioner, as General Counsel to a private adoption agency less than two months after leaving ACS, in violation of the post-employment restriction barring certain appearances during the first year out of City service. *COIB v. Trambitskaya*, COIB Case No. 2013-253 (2013).

The Board issued a public warning letter to a former New York City Department of Buildings (“DOB”) Construction Inspector for calling the DOB Cranes and Derricks Unit on behalf of his new employer within his first post-employment year and for appearing before the New York City Environmental Control Board to represent a client who wished to dispute a Notice of Violation issued by DOB for failure to comply with a Stop Work Order that the former Construction Inspector had reviewed, approved, and signed when a DOB employee. The former Construction Inspector acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits former public servants from appearing before their former City agency within a year after leaving City service and from appearing before any City agency in connection

---

<sup>13</sup> City Charter § 2604(d)(2) states: “No former public servant shall, within a period of one year after termination of such person’s service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant’s service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.”



with a particular matter with which the former public servant had substantial personal participation while a public servant. *COIB v. Plass*, COIB Case No. 2009-725 (2013).

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Assistant Principal who violated the City’s conflicts of interest law by appearing before DOE on behalf of her new employer within one year of leaving City service. After leaving DOE, the former Assistant Principal went to work for a non-profit that provides mentoring programs to City public high schools. In her new position, she contacted DOE personnel at several high schools already enrolled in the program to discuss the program and to prepare for the upcoming school year. She also attempted to recruit another DOE school to enroll in the program. Although the Board may impose civil fines of up to \$25,000 and other penalties on violators, the Board determined that “no such sanctions are necessary in this case based on the particular circumstances presented here—in particular that, upon being notified of the violation, [the former Assistant Principal] self-reported [her] conduct to the Board and then voluntarily brought [her]self into compliance.” *COIB v. M. Grant*, COIB Case No. 2012-117 (2013).

#### **LIFETIME POST-EMPLOYMENT PARTICULAR MATTER BAN**

- **Relevant Charter Sections:** City Charter § 2604(d)(4)<sup>14</sup>

The Board issued a public warning letter to a former New York City Department of Buildings (“DOB”) Construction Inspector for calling the DOB Cranes and Derricks Unit on behalf of his new employer within his first post-employment year and for appearing before the New York City Environmental Control Board to represent a client who wished to dispute a Notice of Violation issued by DOB for failure to comply with a Stop Work Order that the former Construction Inspector had reviewed, approved, and signed when a DOB employee. The former Construction Inspector acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits former public servants from appearing before their former City agency within a year after leaving City service and from appearing before any City agency in connection with a particular matter with which the former public servant had substantial personal participation while a public servant. *COIB v. Plass*, COIB Case No. 2009-725 (2013).

---

<sup>14</sup> City Charter § 2604(d)(4) states: “No person who has served as a public servant shall appear, whether paid or unpaid, before the city, or receive compensation for any services rendered, in relation to any particular matter involving the same party or parties with respect to which particular matter such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities.”