

**THE CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD**

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In the Matter of

The Annual Disclosure Appeal of:

COIB Case No. 2023-431

Ewa Sromek

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**FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER**

Upon consideration of all the evidence presented in this matter, and upon the full record herein, the New York City Conflicts of Interest Board (the “Board”) finds that, pursuant to Section 12-110(b)(3)(a)(4) of the New York City Administrative Code (“Admin. Code”) and Section 4-04 of the Rules of the Board, Title 53, Rules of the City of New York (the “Board Rules”), Ewa Sromek is not required to file an annual disclosure report for calendar year 2022.

**Procedural History**

Sromek was an Agency Attorney Level III at the New York City Department of Transportation (“DOT”) serving as an Assistant General Counsel in DOT’s Division of Legal Affairs, Office of the General Counsel (“DOT Legal”) from January 1 through May 6, 2022. On May 8, 2022, Sromek started working at the New York City Taxi and Limousine Commission. In March 2023, Sromek was notified that she had been designated by DOT as a required filer pursuant to Admin. Code Section 12-110(b)(3)(a)(4) and was required to file an annual disclosure report for calendar year 2022.<sup>1</sup> In accordance with the appeals process, Sromek fully and timely appealed her designation as a required filer to DOT and the Board.

**Analysis**

Admin. Code Section 12-110(b) sets forth the categories of required filers of annual disclosure reports. In the present appeal, whether Sromek is required to file an annual disclosure report depends on whether she meets the filing criteria set forth in Admin. Code Section 12-110(b)(3)(a)(4). This section requires a City employee to file an annual disclosure report when the employee’s:

duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes,

<sup>1</sup> Annual disclosure reports pertaining to a particular calendar year are filed in the following calendar year, like tax returns. Thus, reports covering 2022 are filed in 2023.

variances and special permits, as defined by rule of the board and as annually determined by his or her agency head, subject to review by the board.

Board Rules Section 4-04 clarifies which employees with these duties are required to file, including any employee who “[n]egotiates or determines the substantive content of a contract.”<sup>2</sup> DOT argues that Sromek meets these filing criteria because she was involved in the drafting of maintenance agreements, a franchise agreement, and a gift agreement during 2022.

Sromek worked on two maintenance agreements – one with a Business Improvement District (“BID”) and another with a not-for-profit corporation that managed a BID (the “Maintenance Entities”) – to install and maintain streetscape amenities such as planters, benches, bicycle corrals, illuminated signage, and special street lighting poles and fixtures. For both agreements, staff from DOT’s Manhattan Borough Commissioner’s Office (“MBCO”) communicated with the Maintenance Entities about the terms and conditions of the agreement and informed DOT Legal when an agreement, or an amendment to an agreement, was needed. Sromek reviewed the draft maintenance agreements and recommended revisions to the text to accurately reflect the amenities to be provided and the terms and conditions identified by MBCO’s staff. There is no evidence that Sromek negotiated with the Maintenance Entities or determined the substantive content of the agreements.

Sromek also worked on an amendment to a franchise agreement between DOT and a private transportation company (the “Franchisee”) to provide public bus service in Brooklyn; the private company charged a fare to riders and paid a percentage of its revenue to DOT. Sromek communicated with DOT’s Franchise Unit to obtain details about the changes to be made to the agreement and, based on the information provided, recommended adding a new table and revising the text to accurately reflect the requested changes. There is no evidence that Sromek negotiated with the Franchisee or determined the substantive content of the amendment.

Lastly, Sromek worked on a gift agreement between DOT and a private entity (the “Donor”), which had installed additional lighting equipment and fixtures and wanted to donate them to the City. An MBCO Senior Borough Planner sent a draft gift agreement to Sromek for review. Sromek recommended that an inapplicable clause be removed from the agreement. There is no evidence that Sromek negotiated with the Donor or determined the substantive content of the amendment.

While Sromek was involved in the drafting of these agreements, she was not responsible for negotiating or determining their substantive content. Sromek’s involvement was limited to providing legal guidance to ensure that the content negotiated and determined by the programmatic DOT units was implemented in a valid legal agreement.

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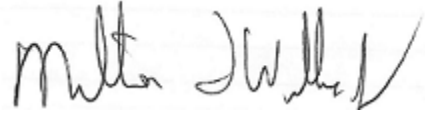
<sup>2</sup> Board Rules Section 4-04(a)(4).

**Conclusion**

The Board concludes that, based on the available evidence, Sromek's duties during 2022 did not meet the filing criteria of Admin. Code Section 12-110(b)(3)(a)(4) and Board Rules Section 4-04.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Admin. Code Section 12-110(b)(3)(a)(4), that Ewa Sromek is not required to file an annual disclosure report for calendar year 2022.

The Conflicts of Interest Board



Milton L. Williams Jr., Chair

Fernando A. Bohorquez Jr.  
Wayne G. Hawley  
Ifeoma Ike  
Georgia M. Pestana

Dated: October 17, 2023

cc: Ewa Sromek  
Janice M. Stroughter, DOT