

THE CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD and  
THE CITY OF NEW YORK  
DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

----- X  
:  
*In the Matter of* :  
:  
ERIC CHARLES : **DISPOSITION**  
:  
Respondent. : COIB Case No. 2018-269  
:  
DCAS Case No. 2017-0155  
:  
----- X

**WHEREAS**, the New York City Department of Citywide Administrative Services (“DCAS”) served disciplinary charges against Eric Charles (“Respondent”), pursuant to Section 75 of New York State Civil Service Law, alleging violations of the City’s conflicts of interest law, found in Chapter 68 of the New York City Charter (“Chapter 68”), and the DCAS Code of Conduct; and

**WHEREAS**, given that related disciplinary charges were pending at DCAS, the New York City Conflicts of Interest Board (the “Board”) referred this matter to DCAS pursuant to Section 2603(e)(2)(d) of Chapter 68; and

**WHEREAS**, the Board, DCAS, and Respondent wish to resolve this matter on the following terms,

**IT IS HEREBY AGREED** by and between the parties as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:

- a. I have been employed by DCAS since July 20, 2009, most recently as a Custodian II in the Division of Facilities Management. Thus, I am a “public servant” within the meaning of and subject to Chapter 68.
- b. As a Custodian II, I supervise City Custodial Assistants.
- c. In December 2016, I accepted a sweater and two pairs of pants, valued at approximately \$50 total, as Christmas gifts from a City Custodial Assistant, who was my DCAS subordinate at the time.
- d. In February 2017, I accepted a flower pot as a Valentine’s Day gift from the same City Custodial Assistant, who was my DCAS subordinate at the time.

- e. I acknowledge that, by accepting gifts from my DCAS subordinate, I used my City position to obtain a personal benefit, in violation of City Charter § 2604(b)(3), which 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.

- f. On April 25, 2018, DCAS served me with a Statement of Charges related to the above-described conduct and additional conduct that does not implicate Chapter 68. I acknowledge that my conduct, as set forth in the Statement of Charges, violated the DCAS Code of Conduct.

2. DCAS determined that the appropriate penalty for Respondent's violations of the DCAS Code of Conduct and Chapter 68 is a five-workday suspension, valued at approximately \$734.

3. After reviewing prior cases involving public servants who accepted gifts from their subordinates, the Board accepts the agency-imposed penalty as sufficient to resolve Respondent's Chapter 68 violations.

4. Respondent agrees to the following:

- a. I agree to serve a five-workday suspension, valued at approximately \$734, on dates to be determined by DCAS.
- b. I agree that this Disposition is a public and final resolution of DCAS's disciplinary action and the Board's charges against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or DCAS in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or DCAS, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.
- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and, after having been represented by a union representative of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or

tendered by any past or present representative of the Board or DCAS; and that I fully understand all the terms of this Disposition.

- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

5. The Board and DCAS accept this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that, other than as recited herein, no further action will be taken by the Board or DCAS against Respondent based upon the facts and circumstances set forth herein, except that the Board and DCAS shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

6. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: 7/12/, 2018



Eric Charles  
Respondent

Dated: 7/12/, 2018



George Wade  
Local 237  
Union Representative for Respondent

Dated: 7-13, 2018



Suzanne M. Lynn  
General Counsel  
NYC Department of Citywide Administrative Services

Dated: 8/22, 2018



Richard Briffault  
Chair  
NYC Conflicts of Interest Board