

*New York City  
Conflicts of Interest Board  
Annual Report 1994*

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*Beryl R. Jones*

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## LETTER TO THE MAYOR

Honorable Rudolph W. Giuliani  
Mayor of the City of New York

Dear Mayor Giuliani:

The Conflicts of Interest Board respectfully submits this report on the Board's work in 1994.

Under the Charter Revision, which became effective January 1, 1990, the Board's responsibilities now include the *educational* function of making public servants aware of the law's requirements and how to comply with them; the *judicial* function of construing Chapter 68 (the City's conflicts of interest law), and issuing opinions for the guidance of present and former public servants; the *rulemaking* function, to refine and clarify Charter provisions, and the *prosecutorial* function of pressing charges of violations of Chapter 68. In addition, the Board is charged with responsibility for administering and enforcing the City's financial disclosure law. In 1994, great strides forward were made in each of these areas.

While the Board's accomplishments in 1994 are set out more fully in the body of this Report, a few highlights are worthy of special mention.

### **Training and Education**

In 1994, the Board expanded significantly its training and education of City employees. Because of the change in administrations, with many new City officials dealing with the City's ethics laws, the Board placed special emphasis on educational programs for targeted audiences of public servants: those who provide ethics advice to other employees of their agencies and those in sensitive positions where possible conflicts of interest are most likely to arise. Training programs were held for, among others, contracting officers of City agencies, agency procurement personnel, agency counsel, members of community boards and other staff of numerous City agencies.

The Board initiated in 1994 a special "Train the Trainers" program, presenting pilot ethics workshops for selected agency trainers. A comprehensive program covering all City ethics trainers will take place during 1995.

In September, the Board, in conjunction with the Association of the Bar of the City of New York, held its second annual Citywide seminar on Ethics in City Government, attended by some 300 agency heads, agency counsel, inspectors general, disciplinary advocates and other key agency staff members involved in the field of government ethics.

The keynote addresses were given by Mayor Rudolph W. Giuliani and City Council Speaker Peter F. Vallone, with further remarks by Barbara Paul Robinson, President of the Association and by the Chair of the Board.

The plenary session was followed by a panel discussion, evaluating the City's ethics laws, with panel members including Corporation Counsel Paul A. Crotty, Manhattan Borough President Ruth M. Messinger, Helen M. Marshall, Chair of the City Council's Committee on Standards and Ethics, *Newsday* reporter Michael Moss, Board member Beryl R. Jones, and moderated by Sam Roberts of *The New York Times*.

The final segment of the seminar was a briefing about moonlighting and post-employment issues, moderated by the Board's Executive Director/Counsel Mark Davies.

The Board developed new educational techniques to increase the Board's outreach to all public servants, while making the most efficient use of its scarce resources. Chief among these was a half-hour videotape summarizing important provisions of the City's ethics laws, co-produced at minimal cost with Crosswalks Television Network, the City's municipal cable network.

The tape was shown on cable in the summer and fall of 1994 and has been reproduced by the Board for distribution to City agencies for use in agency ethics training programs. The response to the videotape has been enthusiastic, and we have received requests for the tape from ethics commissions in California, Illinois, Kansas and Hawaii, evidence that we are achieving our goal of making New York City's ethics program a model for the entire country.

Another innovation in 1994, designed to reach the maximum number of public servants at minimum cost to the City and to the Board, is the "Myth of the Month" column, written by Board attorneys and other staff and published monthly in *The Chief-Leader*. The columns correct misconceptions in specific areas of the ethics law. Copies of the columns are regularly distributed at Board training seminars.

### **Advisory Opinions**

Even where a public servant has been made aware of the Charter's ethics provisions, it may be far from clear how they apply to a specific fact situation. In 1994, we received 398 written requests for guidance as to the applicability of the conflicts law and more than 1,400 telephonic requests. We provided appropriate responses to these requests, with practical guidance. We issued 29 formal advisory opinions, published and made available to public servants generally.

Because of the change of administrations in January, the Board issued particularly important opinions in two areas: First, the Charter's post-employment restrictions — important to outgoing public servants — providing guidelines as to the applicability of those restrictions and when the Board would exercise its power to waive them.

Second, important to incoming public servants were the Board's opinions relating to possible conflicts involving prior employers and the retention of investments, including two major opinions fleshing out the Board's rule on permissible blind trusts and on private investments. Other important opinions dealt with the complex questions of when gifts may properly be accepted on behalf of the City and when public servants may — and may not — engage in political and charitable fundraising.

### **Enforcement**

In our prosecutorial function, the Board continued its aggressive enforcement program. The Board received 31 complaints in 1994, including allegations concerning the 1994 election, impropriety in contract procurement, misuse of City resources, improper solicitation of employment, misuse of agency funds and improper financial relationships between public servants, among others.

The Board was fortunate in securing as its enforcement attorney Joan R. Salzman, an energetic and highly skilled lawyer who has already succeeded in expanding and accelerating our enforcement activities.

The Board also wishes to express its great gratitude to Roy L. Reardon and his firm, Simpson, Thacher & Bartlett and to Michael A. Cooper and Gandolfo V. DiBlasi and their firm, Sullivan & Cromwell, for their extraordinary contributions in handling, on a *pro bono* basis, major enforcement matters far beyond the Board's own limited resources.

### **Financial Disclosure**

Carrying out our responsibilities under the financial disclosure law is a major task of the Board, one for which Board member Shirley Adelson Siegel has provided expert guidance. In 1994, we received and processed close to 12,000 financial disclosure statements.

The Board is pleased to report that there are now no active City employees who have not filed financial disclosure reports required to be filed for calendar years 1989 through 1992. Only 19 active public servants have failed to file their 1993 reports, due on May 2, 1994.

The compliance rates for all public servants, present and former, for filing years 1989 to 1993, exceeds an extraordinary 99%. This remarkable record was achieved through the excellent administrative cooperation the Board has received from agency heads, together with the Board's active education program, alerting public servants to their financial disclosure obligations, and to the Board's vigorous enforcement program against non-filers.

The Board is particularly grateful to First Deputy Mayor Peter J. Powers and to Donna Lynne of the Mayor's Office of Operations, who put in place administrative measures to secure maximum compliance by active employees. That Office now has under consideration a procedure under which departing employees would be required to file their final financial disclosure reports, before receiving departure benefits.

It is the Board's goal, through these measures, to reduce to a minimum the time-consuming process of initiating and prosecuting formal enforcement proceedings, which has been a major drain on the Board's resources.

The Board has, since its inception, collected almost \$150,000 in fines for failure to file and for late filing, sums which are paid into the City treasury.

The Board hopes to institute electronic filing, a technological advance which will not only ease the burden on filers, but will permit us to discharge our obligations of collection and review of financial disclosure reports with maximum efficiency. This innovation will place New York City at the very forefront in the use of cutting-edge technology for ethics enforcement.

A further change initiated by the Board to husband its resources, was the Financial Disclosure Record Retention Rule adopted by the Board in 1994. The Rule was authorized by legislation passed by the City Council and signed into law by the Mayor, at the Board's request. Under prior law, the Board was required, as a practical matter, to retain all financial disclosure reports indefinitely, and, by 1994, 140,000 reports had accumulated, with an additional 12,000 added every year.

Under the new Rule, the Board has the authority to eliminate, with limited exceptions, all reports after six years, and we have already done so for all years from 1978 through 1987.

### **Budget and Staff**

The Board suffered particularly severe financial constraints in 1994, as a result of the City's budget cutbacks. The Board lost six of the 26 positions of our budgeted headcount, a 23% staff reduction.

In addition, the Board's OTPS funding was cut by 34% in 1994, including \$75,000 earmarked for training and education. Our financial disclosure unit was particularly hard hit, compelling us, in late 1994, to suspend substantive review of most financial disclosure reports — a Charter obligation which we hope to meet through electronic filing.

Our ability to keep up as well as we have in complying with our Charter obligations is due in large measure to the dedication of our staff, under the leadership of our Executive Director/Counsel Mark Davies, who is responsible for many of the administrative efficiencies, educational initiatives and technological innovations described above. Our staff has worked long and hard to carry out the Board's mission, despite constantly shrinking resources. We owe them an enormous debt of gratitude.

For the first time since the Board's establishment in 1990, two Board members, who have served long and well, completed their terms and left the Board. Robert J. McGuire and Benjamin Gim. The Board has functioned since its inception as a close, collegial group, and we will sorely miss the wisdom, insights and excellent judgment of Mr. McGuire and Mr. Gim.

We are, however, fortunate that in their places, the Mayor has appointed two extraordinarily talented lawyers, Jane W. Parver and Benito Romano, both of whom have already immersed themselves in the Board's work and have proved invaluable additions.

I am profoundly grateful to all my fellow Board members who, in addition to their many other heavy responsibilities, cheerfully and effectively assumed the additional burdens of Board service and have been tireless in their dedication and support.

Finally, we wish to express our deep appreciation to you, to your counsel, Dennison Young, your Corporation Counsel, Paul A. Crotty, and your Commissioner of Investigation, Howard Wilson, for the wholehearted cooperation we have received in carrying out our Chapter 68 obligations. The Board's achievements in 1994 would have been impossible without their unfailing support and aid.

Respectfully submitted,



Sheldon Oliensis  
Chair

## INTRODUCTION

At the close of 1994, the Conflicts of Interest Board had completed its first five years of operation. The Board, and the ethics laws it administers and enforces, were created by the revised City Charter that took effect in January 1990. Under Charter Chapter 68, the Board has the authority to issue advisory opinions interpreting the law, promulgate rules, conduct training and education programs for public servants, and administer and enforce the City's financial disclosure law.

In furtherance of its Chapter 68 enforcement obligations, the Board directs the Department of Investigation to conduct investigations concerning possible Charter violations, and holds hearings and imposes penalties for violations of the conflicts of interest and financial disclosure laws.

## MEMBERS OF THE CONFLICTS OF INTEREST BOARD

The Board's five members are appointed by the Mayor and confirmed by the City Council to serve six-year terms. (Some of the original members were appointed for shorter terms in order to allow the terms to be staggered.)

As required by the Charter, the members are selected on the basis of their "independence, integrity, civic commitment and high ethical standards." They may not hold any public office or political party office while serving on the Board.

### BOARD MEMBERS

Board Chair Sheldon Oliensis was appointed in September 1990. He is Special Counsel to the law firm of Kaye, Scholer, Fierman, Hays & Handler.

Beryl R. Jones, professor of law at Brooklyn Law School, has served on the Board since October 1989. After the expiration of her first term in March 1992, she was reappointed for a six-year term.

Jane W. Parver, a partner at Kaye, Scholer, Fierman, Hays & Handler, was appointed to the Board in August 1994.

Benito Romano, a partner in the law firm of Wilkie, Farr & Gallagher, was also appointed to the Board in August 1994.

Shirley Adelson Siegel, an Adjunct Professor of Urban Planning at Columbia University, has served as a Board member since September 1990. She was reappointed for a six-year term after her first term expired in March 1992.

## BUDGET AND STAFF

In 1994, the Board lost six of the 26 positions of its budgeted headcount, representing a 23% reduction in staff, as a result of staff and budget cuts imposed as part of the Citywide staff reduction program.

At the close of 1994, the Board had 18 full-time staff, headed by Mark Davies, who became the Board's Executive Director/Counsel in January 1994.

The staff includes five attorneys, in addition to the Executive Director. The position of enforce-

ment attorney was vacant for six months after the incumbent in that post accepted the City's severance offer in May. The new enforcement attorney joined the staff in December.

The Board's staff also includes a Director of Communications, a Director of Administration, a Financial Disclosure Director and Deputy Director, four financial disclosure investigators, and four support staff.

The Board hires temporary personnel to assist in processing financial disclosure reports during peak reporting periods.

In 1994, the Board's OTPS funding was cut by 34%, including \$75,000 which had been earmarked for the Board's training and education function. The Board's current training and education staff consists of one half-time person, who must direct all ethics training and education programs for the City's more than 200,000 public servants.

## ADVISORY OPINIONS AND RULEMAKING

The Board's issuance of advisory opinions and rules performs both an adjudicatory and an educational function. The opinions provide guidance not only to the individual public servants who request them but also to the many other public servants with similar problems. These opinions are written so that they provide an informed basis for agency counsel to give guidance to agency employees without the necessity of bringing each individual matter to the Board. They also enable the Board staff, through staff letters, to give expeditious responses on the broad range of matters covered by these opinions, without formal Board action.

Finally, as the advisory opinions are brought to public servants' attention through the Board's education program, City employees will come to a fuller understanding of the requirements of Chapter 68, thus minimizing the possibility of inadvertent violations.

### ADVISORY OPINIONS

In 1994, the Board issued 29 advisory opinions. A number of them are worthy of special comment, including opinions addressing post-employment restrictions on former City employees, acceptance of gifts to the City, investments by public servants, and application of the Board's Blind Trust Rule.

During the year, the Board issued several opinions analyzing the Charter's post-employment rules. In Advisory Opinion No. 94-7, the Board determined that a certain local development corporation was an arm of local government for purposes of the post-employment provisions of Chapter 68 and that, therefore, the public servant, under the government-to-government exception, could appear before his former City agency less than one year after leaving City service. While this case applies only to the specific local development corporation, the Advisory Opinion sets forth criteria that will assist in determining whether other LDCs are arms of local government.

In Advisory Opinion Nos. 94-15 and 94-19, the Board outlined the factors it looks to in determining whether to exercise its power to waive the post-employment restrictions of Chapter 68. These opinions have been enormously helpful in providing guidance to public servants on the factors considered by the Board in making such waiver determinations.

In Advisory Opinion No. 94-4, the Board considered whether a public servant may accept, on behalf of the City, a computer from a private company that has business dealings with the City. The Board noted that contributions from non-governmental sources which benefit the City should be encouraged and that, under certain circumstances, agencies, as distinct from individual public servants may accept gifts from private entities engaged in business dealings with the City. In this case, the



Board determined that the gift could be accepted, provided that the company was put on notice, in writing, that receipt of the gift would not result in preferential treatment of the company in any of its dealings with the City.

Also, in Advisory Opinion No. 94-29, the Board determined, among other things, that a City agency may accept funds raised by the employees of a not-for-profit organization which has a long history of working closely with the City agency on various programs. The funds raised are intended to support these City programs.

In Advisory Opinion No. 94-10, the Board considered the permissibility of a public servant's investments, including pension funds, mutual funds, bond portfolios, state authority bonds, and U.S. Treasury notes. This Opinion provides broad guidance to other public servants with similar investments.

In another case involving investments, Advisory Opinion No. 94-18, the Board examined whether a blind trust established on behalf of a public servant complied with the Board's Blind Trust Rule. This Opinion discusses the Rule in depth and provides substantial guidance on its interpretation and application.

The Board believes that it is important to offer City employees guidance in these and all other areas covered by Chapter 68. Accordingly, the Board continues to issue opinions of broad application which provide interpretation and clarification of Chapter 68 and the Board's rules. The end result will be, the Board hopes, a clear and comprehensive body of law, easier for public servants to understand and comply with.

## **RULES**

Over the past four years, the Board has issued ten rules interpreting provisions of Charter Chapter 68. Among these are a rule concerning prohibited appearances by City Planning Commissioners before City agencies, procedural rules for Board hearings and definitions of valuable gifts, public servants charged with substantial policy discretion, publicly traded shares of firms and blind trusts.

In addition, the Board has promulgated two rules interpreting Section 12-110 of the City's Administrative Code (the financial disclosure law).

Two rules were issued by the Board in 1994: one prescribing the period for retention of Financial Disclosure Reports and one on increasing the dollar amount in the definition of "ownership interest."

The Financial Disclosure Retention Rule (Board Rule § 1-10) provides that Financial Disclosure Reports will be maintained by the Board for six years from December 31 of the year to which the report relates, unless a law enforcement agency requests, in an individual case, that the report be kept for a longer period for purposes of an ongoing investigation.

This Rule will greatly increase the efficiency of the financial disclosure procedures. It will enable the Board to maintain the most recent, and thus most useful, Financial Disclosure Reports for review, without using valuable space to store outdated reports. The Board does not have sufficient space to house in perpetuity a collection of reports that grows by 12,000 every year. As of January 1994, the Board had over 100,000 Financial Disclosure Reports on file.

The other rule adopted by the Board in 1994 (Board Rule § 1-11) increased the dollar amount in the definition of "ownership interest" in Chapter 68 from \$25,000 to \$29,000, to reflect the increase in the Consumer Price Index. Chapter 68 requires that the Board make such an adjustment every four years.

## EDUCATION

One of the most important activities of the Board is its education function. In 1994 the Board conducted a variety of seminars which were targeted at public servants who provide information and/or advice to their agencies' employees about the conflicts of interest law and at those public servants who themselves are most likely to encounter conflicts of interest issues.

### **Citywide Seminar**

In September, the Board held its Second Annual Ethics in City Government Seminar, co-sponsored with the Association of the Bar of the City of New York.

The seminar opened with a plenary session, with keynote addresses by Mayor Rudolph W. Giuliani and City Council Speaker Peter F. Vallone, and remarks by Bar Association President Barbara Paul Robinson and Conflicts of Interest Board Chair Sheldon Oliensis.

Following the plenary session, a panel discussion analyzed and evaluated the City's ethics laws. The panel was moderated by Sam Roberts, Urban Affairs columnist for *The New York Times* and host of the *New York 1 News* program, "New York Close-Up." The panel participants included City Corporation Counsel Paul A. Crotty, Helen M. Marshall, Chair of the City Council's Committee on Standards and Ethics, Manhattan Borough President Ruth M. Messinger, Conflicts of Interest Board member Beryl R. Jones, and *New York Newsday* reporter Michael Moss.

The program's final segment was a briefing about the City Charter's provisions on moonlighting and post-employment. The briefing, moderated by the Board's Executive Director/Counsel Mark Davies, was co-presented by Peter Bienstock, Chair of the Bar Association's Committee on Government Ethics, New York City Law Department Senior Litigator Laurence A. Levy, Richard M. Weinberg, General Counsel and Director of the City Council's Legal Division, and two of the Board's attorneys, Deputy Executive Director Jo-Ann Frey and Deputy Counsel Hugh B. Weinberg.

The seminar was taped in its entirety by Crosswalks Television, the municipal cable television network, and broadcast over cable Channel 74 during the fall.

### **Procurement Training Institute**

The Board conducted nine half-day training sessions for the Procurement Training Institute. As of this year, the conflicts of interest course is taught in conjunction with the City-specific contracting course.

### **Community Boards**

In February, the Board conducted a briefing for Brooklyn community boards about the sections of Chapter 68 that affect community boards. Briefings for community boards in the other four boroughs had been held in 1993.

### **Agency Counsel**

Two classes on the conflicts of interest law were taught by the Board in March and April for agency counsel taking the Associate Attorney exam.

### **Comptroller's Office**

In May, the Board conducted a workshop about Chapter 68 for auditors of the New York City Comptroller's Office.

## Programs for Agency Trainers

In preparation for a comprehensive "Train the Trainers" program to be launched in 1995, the Board presented pilot workshops about Chapter 68 in February and November for selected agency trainers.

### Post-Employment Briefings

In December, the Board held two briefings for agency counsel about the post-employment restrictions of the conflicts of interest law. The briefings provided counsel with information with which to assist employees of their agencies who are leaving City government, due to the current budget cut-backs.

### Training Videotape

In 1994, the Board developed an important new educational aid to assist in its training efforts: a half-hour videotape that summarizes important provisions of the conflicts of interest law. Entitled "IT'S A QUESTION OF ETHICS: Avoiding Conflicts of Interest in Your City Job," the tape was co-produced by the Board and Crosswalks Television Network, the City's municipal cable network, for airing on cable Channel 74 in the summer and fall of 1994. The program features actors portraying City employees in scenarios involving conflicts of interest situations, followed by commentary by Board attorneys.

Prior to the airing of the program on Channel 74, the Board and Crosswalks distributed information about the air dates through a paycheck insert received by City employees.

The tape, which cost the Board less than \$1,300 to produce, has been reproduced by the Board for distribution to City agencies and will be used as the centerpiece of a conflicts of interest training program for City agency training directors, to be launched in 1995.

Several City agencies are already making use of the tape to develop their own ethics training programs.

Ethics commissions across the country, including San Francisco, Chicago, Cook County, Kansas, and Hawaii, requested and were sent copies of the videotape.

Crosswalks Television has agreed to work with the Board on co-production of a second ethics television program and videotape in 1995.

### "Ethics Myth of the Month" Column

The Board is working with *The Chief-Leader*, the City civil service newspaper, to educate the City's public servants about specific provisions of the conflicts of interest law. Once each month, since May, the *Chief* has published a column written by Board staff correcting a popular misconception that City employees may have about the ethics law, explaining in plain English that area of the law in detail. The response to the column has been excellent, and the columns are reproduced as hand-outs at Board training seminars.

### Publication and Distribution of Opinions and Rules

Opinions and rules of the Board are distributed on a regular basis to agency counsel, the City Law Department, the Municipal Reference Library, the New York Public Library, the Association of the Bar of the City of New York, and the New York County Lawyers Association.

All of the Board's rules and formal opinions are regularly published in *The City Record* and are the subject of articles in *The Chief-Leader*.

## FINANCIAL DISCLOSURE

The Board is responsible for administration of Section 12-110 of the City's Administrative Code, the financial disclosure law.

Administering the financial disclosure law is a monumental task. The Board's duties in this area include preparing and distributing 12,000 annual report forms, collecting and filing these reports, identifying late filers and non-filers, considering late filers' requests for waivers of fines, collecting fines, tracking public servants' appeals from their agency's determination that they must file, filing amendments to reports already on file, initiating enforcement proceedings against non-filers and late filers, evaluating filers' privacy requests, and responding to disclosure requests from the media and others.

As a result of the excellent cooperation of agency heads and the Board's own vigorous enforcement program, the Board has an excellent compliance record. As of December 31, 1994, the Board received:

- 12,515 reports for calendar year 1990, a compliance rate of 99.3%,
- 11,805 reports for calendar year 1991, a 99.3% compliance rate,
- 11,950 reports for calendar year 1992, a 99.6% compliance rate, and
- 11,812 reports for calendar year 1993, with a required filing date of May 2, 1994, a 98.6% compliance rate.

The Board, however, views anything less than a 100% compliance rate as unacceptable. In 1994, the Board continued to pursue vigorously those public servants who violated the law by failing to file, or by filing late, and to impose the applicable fine under the law.

The Board is pleased to report that there are no active City employees who have not filed Financial Disclosure Reports for calendar years 1989 through 1992. For calendar year 1993, only 19 active public servants had failed to file their Reports with the Board as of December 31, 1994. Their names were published in *The City Record*, and their agency heads were notified of their failure to file. If these individuals remain non-filers, the Board will commence enforcement proceedings against them.

Additionally, during 1994, the Board issued 557 probable cause letters to former public servants, and three probable cause letters against candidates who failed to file their Financial Disclosure Reports or who failed to pay a \$100 late fine for filing their 1990, 1991, or 1992 reports after their due date. Thus, the total number of financial disclosure enforcement actions initiated since the Board's inception is 1,124.

As a result of the 560 probable cause letters issued in 1994, 179 former public servants either filed the required Financial Disclosure Report with the Board and/or paid the late filing fine. In 1994, the Board issued 98 orders to former public servants and candidates who had failed to file their 1991 Financial Disclosure Reports with the Board. These 98 individuals were assessed civil penalties ranging from \$200 to \$2,500.

In November 1994, a memorandum was sent to the agency head of each active non-filer and late filer of 1993 reports, requesting the agency's assistance in securing compliance. Almost without exception, the agency heads were extremely cooperative with the Board. Their intervention has been highly effective in securing the filing of outstanding reports and payment of fines. In 1994, the Board collected late fines from 234 late filers of 1993 reports, totalling over \$25,000. The Board waived fines in 389 cases where an individual demonstrated a medical excuse satisfactory to the Board or where the agency failed to timely notify the individual of his or her requirement to file a Financial Disclosure Report.

In the entire period since it assumed responsibility for financial disclosure in 1990, the Board has collected \$146,018 in fines, \$44,165 of which was collected during calendar year 1994.

In anticipation of the special election, held April 26, 1994, for the 51st Councilmanic District, Board staff met with the Board of Elections to insure that all candidates running in the special election would be notified of their obligation to file a Report. This effort was an unqualified success; all seven candidates who ran in this special election filed their 1993 Financial Disclosure Reports on time.

### **Retention Rule**

As previously noted, the Board adopted a new Retention Rule for Financial Disclosure Reports, which became effective on August 13, 1994. Staff began the elimination of the Reports for calendar years 1978 to 1987. In January 1995, the Financial Disclosure Reports for calendar year 1988 will be eliminated in accordance with the new Retention Rule.

### **Review of Financial Disclosure Forms**

The Board receives approximately 12,000 Financial Disclosure Reports for each calendar year. The Financial Disclosure staff began reviewing 1993 Financial Disclosure Reports for completeness to determine whether all questions had been answered, the cover page had been completed, and the filer had signed the Report. By December 31, 1994, Board staff had reviewed over 3,500 Reports for completeness. Of these, 198 Reports were found to contain incomplete information. At year end, the Board was in the process of notifying these individuals that they are required to amend their Reports to provide complete information.

Because of the loss of two senior investigators in 1994, the Board was forced to suspend a substantive review of Financial Disclosure Reports. Before that loss, Board investigators conducted a substantive review of 941 selected Disclosure Reports. These Reports were selected on the basis of the Board's review of computer scannable forms, which each filer is required to complete. Use of these forms was initiated by the Board last year, to permit us to comply with our Charter-mandated obligation to review all forms.

## **ENFORCEMENT**

The Board is responsible for enforcing both Chapter 68 and the City's financial disclosure law.

### **Chapter 68**

The Board regularly receives complaints of possible Chapter 68 violations. In 1994, 31 complaints were received by the Board, as compared with 8 in 1990, 20 in 1991, 22 in 1992, and 29 in 1993. Of these 110 complaints, at year end 22 were in active litigation, triggered by the service of a letter notifying the public servant of the Board's initial determination of probable cause. Thirty-seven enforcement cases were referred for investigation in preparation for litigation; two were disposed of by stipulation; and 49 were dismissed for failure to state a violation or for insufficient evidence to warrant proceeding.

The issues in enforcement proceedings in 1994 included allegations concerning the 1994 election, impropriety in contract procurement, misuse of City resources, improper solicitation for employment, misuse of agency funds, and improper financial relationships between public servants, among others.

As of December 31, 1994, the Board had 96 cases in various stages of enforcement.

## SUMMARY OF RULES OF THE BOARD ADOPTED IN 1994

Rules of the Conflicts of Interest Board are published in *The Official Compilation of the Rules of the City of New York*, Volume 12, Title 53.

Public servants are advised to consult the full text of the rule, available from agency counsel, rather than rely on the summary below.

### **§ 1-10 Retention of Financial Disclosure Reports**

A Financial Disclosure Report is to be retained by the Board from the date the Report was filed with the Board until the sixth anniversary of December 31 of the calendar year to which the Report relates.

Upon the expiration date, the Board destroys the Report, or returns the Report to the individual who filed the Report if he or she requests, in writing, no later than 10 days prior to the expiration of the retention period, that the Report be returned.

The Board retains the Report after the standard retention period upon request of a law enforcement agency where there is an ongoing investigation of the individual who filed the Report.

### **§ 1-11 Amending the Dollar Amount with Respect to "Ownership Interest"**

The dollar amount in the Charter's definition of "ownership interest" (§ 2601(16)) was increased from \$25,000 to \$29,000.

Charter § 2603(a) requires the Board to adjust the dollar amount of an "ownership interest" every four years to reflect changes in the Consumer Price Index for the metropolitan New York-New Jersey region.

**ADVISORY OPINIONS OF  
THE BOARD  
SUMMARIES**

## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-1</b>
DATE:	1/31/94
CHARTER SECTION(S) INTERPRETED:	2601(11), (12) 2604(a)(1)(b) 2604(a)(3), (a)(4) 2604(b)(2), (b)(3), (b)(4) 2604(e)
SUBJECT(S):	Outside Employment Ownership Interest
OTHER OPINION(S) CITED:	n/a

SUMMARY: A public servant may, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, contract with a City agency other than the agency which employs her. The public servant's official duties involve mediating complaints and conducting training seminars, and the agency which wishes to retain the public servant's training services as an independent contractor has established a new mediation unit. The Board has determined, for the reasons stated in the Opinion, that the public servant's work under the contract would not conflict with her official duties, provided that she acts in accordance with the conditions discussed in the Opinion.



## OPINION SUMMARY

**OPINION NO:** 94-2

**DATE:** 2/7/94

**CHARTER SECTION(S) INTERPRETED:** 2604(b)(3), (b)(4)

**SUBJECT(S):** Appearance of Impropriety  
Use of City Position

**OTHER OPINION(S) CITED:** 93-11

**SUMMARY:** It would not violate Chapter 68 for the public servant's former firm (the "Firm") to bid on design work for the City, with the exception of projects involving the public servant's agency, provided the public servant does not use his official position to obtain any private advantage for himself or the Firm and the public servant does not disclose any confidential information concerning the City. However, the Firm may not list the public servant's name on its stationery, telephone listings, invoices, and similar documents, while the public servant is employed by the City, since the Firm's use of the public servant's name may create an appearance of impropriety.

## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-3</b>
DATE:	2/22/94
CHARTER SECTION(S) INTERPRETED:	2601(16) 2604(a)(1)(b) 2604(a)(3), (a)(4)
SUBJECT(S):	Spouse's Ownership Interest
OTHER OPINION(S) CITED:	n/a

SUMMARY: The Board issued an order allowing a public servant's spouse to lease premises owned and controlled by the agency for which the public servant worked where the spouse had an interest in the property prior to the City acquiring it. Since it did not appear that the public servant could use his official position to gain any private advantage for himself or his wife with respect to the lease of the property, it was the opinion of the Board that, under the particular circumstances of the case, it would not be a conflict of interest for his wife to lease the property from the City.

OPINION SUMMARY

**OPINION NO:** 94-4

DATE: 2/22/94

CHARTER SECTION(S) INTERPRETED: 2604(b)(5)

SUBJECT(S): Gifts

OTHER OPINION(S) CITED: 92-21

SUMMARY: A high-level public servant was advised that he could accept a computer as a gift to the City from a private company which had business dealings with the City and the public servant's own agency, provided that a letter was sent to the donor company informing it that acceptance of the gift would not affect the bidding processes of the public servant's agency or serve as a *quid pro quo* in securing any future contracts with the City.

OPINION SUMMARY

**OPINION NO:** 94-5

DATE: 3/4/94

CHARTER SECTION(S) INTERPRETED: 2601(4), (15)  
2604(d)(4), (d)(5)

SUBJECT(S): Post-Employment Restrictions  
Testimony

OTHER OPINION(S) CITED: n/a

SUMMARY: A former public servant's uncompensated testimony before his former City agency concerning factual matters with respect to which he participated personally and substantially would not violate Chapter 68, but he would be prohibited from disclosing any confidential information gained from his City service which is not otherwise available to the public, except for any information concerning waste, inefficiency, corruption, criminal activity or conflict of interest.

## OPINION SUMMARY

**OPINION NO:** 94-6

**DATE:** 3/14/94

**CHARTER SECTION(S) INTERPRETED:** 2601(11), (12), (18), (19), (20)  
2604(a)(1)(a)  
2604(b)(3), (b)(4)  
2604(e)

**SUBJECT(S):** Officer of Not-for-Profit Organization

**OTHER OPINION(S) CITED:** 92-8, 92-9

**SUMMARY:** A high-level public servant was permitted to retain his position as president and chief executive officer of a not-for-profit community service organization which receives funding from several City agencies, including the public servant's own agency. Based on the particular circumstances of the case, the Board determined that the public servant could effectively recuse himself from participating in all discussions, approvals and recommendations with respect to the funding that the not-for-profit organization received from the agency.

OPINION SUMMARY

**OPINION NO:** **94-7**

DATE: 3/30/94

CHARTER SECTION(S) INTERPRETED: 2604(d)(2), (d)(4), (d)(6)

SUBJECT(S): Local Development Corporation  
Post-Employment Restrictions

OTHER OPINION(S) CITED: 93-13

SUMMARY: A public servant may accept employment with a newly forming local development corporation (the "LDC") as the Director of the LDC because this particular LDC, as established and operated, is an arm of local government for purposes of Chapter 68. In carrying out his duties, the public servant may appear before his former City agency and other City agencies.

## OPINION SUMMARY

**OPINION NO:****94-8**

DATE:

3/31/94

CHARTER SECTION(S) INTERPRETED:

2601(12)  
2604(a)(1)(b)  
2604(a)(3), (a)(4)  
2604(b)(2), (b)(3), (b)(4)  
2604(e)

SUBJECT(S):

Outside Employment  
Ownership Interest

OTHER OPINION(S) CITED:

n/a

SUMMARY: The Board has determined that it would not conflict with the proper discharge of a public servant's official duties for him to maintain both his ownership interest in and position with a small consulting firm (the "Firm"), which sometimes seeks permits from the City on behalf of its clients, inasmuch as his official duties are not related in any way to his work for the Firm. The public servant's work for the Firm is, however, subject to the limitations contained in Charter Sections 2604(b)(2), (b)(3), and (b)(4).

## OPINION SUMMARY

**OPINION NO:** 94-9

DATE: 4/11/94

CHARTER SECTION(S) INTERPRETED: 2604(b)(3), (b)(5)

SUBJECT(S): Gifts

BOARD RULE(S) CITED: 1-01

OTHER OPINION(S) CITED: 92-21, 94-4

SUMMARY: The Board determined that two public servants could accept as gifts to the City prizes they had won in random drawings at conferences they had attended as part of their official duties. However, the Board also stated that a letter must be sent to the prize donors stating that acceptance of the prizes would not be a basis for preferential treatment in any business dealings with the City.



## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-10</b>
DATE:	4/15/94
CHARTER SECTION(S) INTERPRETED:	2601(11), (16) 2604(a)(1)(b)
SUBJECT(S):	Investments Ownership Interests
OTHER OPINION(S) CITED:	n/a

**SUMMARY:** It is the opinion of the Board that a high-level public servant's investments are consistent with the conflicts of interest provisions of Chapter 68 of the City Charter. These investments consist of the following: pension funds, including an Investment Retirement Account, two Keogh accounts and two deferred compensation plans from the public servant's former firm; mutual funds; units in bond portfolios; a single bond of a State authority; and United States Treasury notes.

## OPINION SUMMARY

**OPINION NO:** **94-11**

DATE: 5/2/94

CHARTER SECTION(S) INTERPRETED: 2604(a)(1)(b), (a)(3), (a)(4)  
2604(b)(2), (b)(3), (b)(4)  
2604(e)

SUBJECT(S): Prohibited Ownership Interests  
Prohibited Positions

OTHER OPINION(S) CITED: n/a

SUMMARY: The Board has determined that a high-level public servant may maintain his ownership interest in residential and commercial real property. The City agency which he serves neither does business with nor has regulatory authority over these properties and, accordingly, the retention of these interests would not conflict with the proper discharge of his official duties. Furthermore, since the public servant's positions with the firms managing these properties are passive in nature, the Board has determined that the public servant may continue serving in these positions, provided that he acts in accordance with Charter Sections 2604(b)(2), (b)(3), and (b)(4).

OPINION SUMMARY

**OPINION NO:** 94-12

DATE: 5/16/94

CHARTER SECTION(S) INTERPRETED: 2604(b)(3)

SUBJECT(S): Gifts

OTHER OPINION(S) CITED: 94-4

SUMMARY: The Board determined that a high-level public servant must return to the donor a ceremonial sword which had been presented to him after he performed his official duties with respect to the firm.

## OPINION SUMMARY

**OPINION NO:** **94-13**

DATE: 5/16/94

CHARTER SECTION(S) INTERPRETED: 2601(11), (16)  
2604(a)(1)(b), (a)(3), (a)(4)  
2604(b)(2), (b)(3), (b)(4)  
2604(c)(6)

SUBJECT(S): Business Dealings with the City  
Spouse's Ownership Interest

OTHER OPINION(S) CITED: 94-10

SUMMARY: The Board has determined, pursuant to Charter Section 2604(a)(4), that an individual can enter City service even though that individual's spouse maintains an ownership interest in a firm which does business with the City but not with the public servant's agency, because the interest will not conflict with the proper discharge of her official duties, once she has become a public servant. Further, it is the opinion of the Board that the prospective public servant's investments in municipal bonds and publicly traded securities are not prohibited by Chapter 68 and that the prospective public servant may continue serving on the boards of directors of various professional and not-for-profit organizations, provided that she acts in accordance with Charter Sections 2604(b)(2), (b)(3), (b)(4), and (c)(6).

OPINION SUMMARY

**OPINION NO:** 94-14

DATE: 5/31/94

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

SUBJECT(S): Agency Charging Fees

OTHER OPINION(S) CITED: n/a

SUMMARY: The Board advised the Commission on Human Rights (the "Commission") that it could, through its Training Institute, charge fees, and in some circumstances waive or reduce those fees, from organizations which have matters pending, or have been the subject of past matters, before the Commission. However, the Commission is required to adopt safeguards, which are enumerated in the Opinion, to protect against the appearance that certain organizations might receive preferential treatment from the Commission based on whether, or how much, they pay for training.

## OPINION SUMMARY

**OPINION NO:****94-15**

DATE:

6/2/94

CHARTER SECTION(S) INTERPRETED:

2604(d)(2)  
2604(e)

SUBJECT(S):

Post-Employment Restrictions  
Waiver

OTHER OPINION(S) CITED:

91-8, 92-17, 93-8, 93-11,  
93-12, 93-13, 93-18

SUMMARY: The Board received a request from a public servant to waive the post-employment restriction contained in Charter Section 2604(d)(2). After considering the relationship of the City to the public servant's prospective employer, the possible benefits to the City (as opposed to the public servant), and the likelihood of harm to other organizations or companies similar to, or in competition with, the public servant's prospective employer, the Board granted a waiver of Charter Section 2604(d)(2). Thus, the former public servant was permitted to appear before his former City agency before the expiration of the one-year appearance ban.

## OPINION SUMMARY

**OPINION NO:** 94-16

DATE: 7/5/94

CHARTER SECTION(S) INTERPRETED: 2604(a)(1)(b)  
2604(b)(2), (b)(3), (b)(4)  
2604(e)

SUBJECT(S): Outside Employment  
Waiver

OTHER OPINION(S) CITED: n/a

SUMMARY: A public servant who is an agency head may, consistent with Chapter 68, teach a general survey course at a local college, on a limited, part-time basis. Furthermore, the City agency which the public servant heads may participate in an internship program for local college students, including students from the college where the public servant teaches, provided that, for the reasons stated in the Opinion, the public servant has no academic or administrative responsibilities with respect to the college interns.

## OPINION SUMMARY

OPINION NO:

94-17

DATE:

7/11/94

CHARTER SECTION(S) INTERPRETED:

2604(b)(3)

SUBJECT(S):

Use of Official Position to  
gain Private Advantage

OTHER OPINION(S) CITED:

n/a

SUMMARY: It is the opinion of the Board that a public servant who is a member of a City commission may not, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, vote on application for a project submitted by a private company, in light of his professional relationship with not-for-profit organization (the "NFP") which has publicly supported the company's project. The public servant's participation could be perceived as an attempt to obtain indirect private advantages for the NFP, including the assurance of generous donations from the company sponsoring the project and the benefit that would accrue to the NFP if the project were successfully completed in its neighborhood.



## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-18</b>
DATE:	7/20/94
CHARTER SECTIONS(S) INTERPRETED:	2601(6), (12), (16) 2604(a)(1)(b) 2604(c)(6)
SUBJECT(S):	Blind Trust Not-for-Profit Organizations
BOARD RULE(S) CITED:	1-05
OTHER OPINION(S) CITED:	n/a

SUMMARY: A high level public servant requested an opinion as to whether: (1) the blind trust established on his behalf complies with the Board's Blind Trust Rule; (2) he may maintain his position on the board of directors of a not-for-profit organization. The Board reviewed and analyzed the Blind Trust Rule § 1-05 and determined that the blind trust instrument complied with the Blind Trust Rule. The Board also determined that the public servant could continue his volunteer work for the not-for-profit organization.

## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-19</b>
DATE:	9/22/94
CHARTER SECTION(S) INTERPRETED:	2604(d)(3), (d)(4) 2604(e)
SUBJECT(S):	Post-Employment Restrictions Waiver
OTHER OPINION(S) CITED:	91-8, 92-17, 93-8, 93-11, 93-12, 93-13, 93-18, 94-7, 94-15

SUMMARY: The Board received a request from a high-level public servant to waive the post-employment restriction contained in Charter Section 2604(d)(3). After considering the relationship of the City to the public servant's prospective employer, the possible benefits to the City and the unlikelihood of harm to other organizations or companies similar to, or in competition with, the public servant's prospective employer, the Board granted a waiver of Charter Section 2604(d)(3). Thus, the former public servant was permitted to appear before his former branch of City government before the expiration of the one-year appearance ban.

## OPINION SUMMARY

**OPINION NO:** 94-20

DATE: 8/22/94

CHARTER SECTION(S) INTERPRETED: 2604(a)(1)(b), (a)(3), (a)(4)  
2604(b)(3), (b)(4)

SUBJECT(S): Ownership Interests  
Spouse's Position with a Firm Doing Business  
with the City

OTHER OPINION(S) CITED: n/a

SUMMARY: A City agency has requested an opinion as to whether two public servants may, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, continue serving in their present positions at their agency, notwithstanding that their husbands have interests in firms that do business with their agency. It would violate Chapter 68 for the first public servant to continue serving in her present position because neither the public servant nor her agency could ensure that the public servant could be effectively insulated from matters with the firm that employs her husband. The second public servant may, however, continue serving in her present position because the public servant would not work on matters involving that firm. The Board's approval is subject to the conditions discussed in the Opinion, which include requirements that the public servant recuse herself from matters involving her husband's firm and that she does not use or disclose confidential information concerning the City. See Charter Sections 2604(a)(4), (b)(3), and (b)(4).

## OPINION SUMMARY

**OPINION NO:** 94-21

DATE: 9/13/94

CHARTER SECTION(S) INTERPRETED: 2604(d)(3), (d)(4), (d)(6)

SUBJECT(S): Business Improvement District  
Post-Employment Restrictions

OTHER OPINION(S) CITED: 93-13, 94-7

SUMMARY: A public servant may accept employment with an incipient business improvement district (the "BID"). For the purposes of Chapter 68, the BID here involved is an arm of local government and the post-employment restrictions of Chapter 68 would therefore not apply to him. Thus, in carrying out his duties, the public servant may appear before the executive branch of City government and may, while employed by the BID, work on particular matters, with which he was involved while employed by the City.

## OPINION SUMMARY

**OPINION NO:** 94-22

**DATE:** 10/3/94

**CHARTER SECTION(S) INTERPRETED:** 2604(d)(2), (d)(4)  
2604(e)

**SUBJECT(S):** Post-Employment Restrictions  
Waiver

**OTHER OPINION(S) CITED:** 94-15

**SUMMARY:** The Board received a request for an opinion from a public servant as to whether he could accept employment with a biomedical business center (the "Center") at a local university and perform the duties associated with that position, which include appearing before his former agency within a year of the termination of his City service and working on particular matters in which he was involved as a public servant. After considering the relationship of the City to the public servant's prospective employer, the possible benefits to the City, and the public servant's qualifications for the position, the Board granted a waiver of Charter Section 2604(d)(2) and (d)(4), thereby permitting the public servant to accept the position with the Center and, in performing the duties of that position, appear before his former City agency less than one year after the termination of his City employment and work on particular matters with which he was involved while he was employed by the City.

## OPINION SUMMARY

**OPINION NO:** 94-23

DATE: 11/14/94

CHARTER SECTION(S) INTERPRETED: 2604(b)(5)

SUBJECT(S): Gifts

BOARD RULE(S) CITED: 1-01(e)(4)

OTHER OPINION(S) CITED: n/a

SUMMARY: The Board determined that a high-level public servant could accept an invitation from a trade association, which does not have business dealings with the City but whose member firms do have such dealings, including with the public servant's agency, to attend an annual sporting event, pursuant to the Board's Valuable Gift Rule, Section 1-01(e)(4), which permits a public servant to attend an annual event of an organization under such circumstances.

## OPINION SUMMARY

**OPINION NO:** 94-24

**DATE:** 11/21/94

**CHARTER SECTION(S) INTERPRETED:** 2604(b)(2), (b)(3), (b)(6)

**SUBJECT(S):** Appearance by Public Servant's Firm Before  
his City Agency

**OTHER OPINION(S) CITED:** 93-11

**SUMMARY:** The Board determined that a law firm in which a newly appointed high-level public servant is a partner may not appear before the public servant's agency, except to the limited extent described in the Opinion. Thus, the firm must divest itself of any pending cases involving the public servant's agency which are in the preliminary stages of litigation, unless such divestiture would create a substantial hardship for the client. With respect to any cases which have progressed beyond the preliminary stages of litigation, the public servant's firm may retain such cases. However, the public servant must recuse himself, both as a member of the firm and as a City official, from all of the matters which the firm retains in accordance with this opinion. Furthermore, the public servant's name may not appear on any documents related to these matters, and the public servant may not share in the proceeds from these matters. Finally, the public servant's firm may not accept any new matters which involve appearances before the public servant's agency.

## OPINION SUMMARY

OPINION NO:

94-25

DATE:

11/21/94

CHARTER SECTION(S) INTERPRETED:

2604(a)(1)(b)  
2604(b)(2), (b)(3), (b)(4)  
2604(c)(6)

SUBJECT(S):

Blind Trust  
Not-for-Profit Organizations  
Ownership Interest

BOARD RULE(S) CITED:

1-05

OTHER OPINION(S) CITED:

94-18

SUMMARY: It is the opinion of the Board that a high-level public servant's blind trust, which holds otherwise prohibited ownership interests, complies with the Board's Blind Trust Rule (Board Rules §1-05). Also, the public servant may continue owning and renting out four cooperative apartments, since he was sufficiently removed from the operation of the cooperative corporation, and may continue serving on the board of directors of a not-for-profit organization which is not engaged in business dealings with the City.



## OPINION SUMMARY

OPINION NO:

94-26

DATE:

11/21/94

CHARTER SECTION(S) INTERPRETED:

2604(a)(1)(b)  
2604(b)(2), (b)(3), (b)(4)  
2604(c)(6)

SUBJECT(S):

Blind Trust  
Not-for-Profit Organizations  
Ownership Interests

BOARD RULE(S) CITED:

1-05

OTHER OPINIONS CITED:

94-18

SUMMARY: It is the opinion of the Board that a high-level public servant's blind trust, which holds otherwise prohibited ownership interests, complies with the Board's Blind Trust Rule (Board Rules §1-05). Also, the public servant may continue working for various not-for-profit organizations, some of which are engaged in business dealings with the City, provided he does so in accordance with the conditions discussed in the Opinion.

## OPINION SUMMARY

**OPINION NO:** **94-27**

**DATE:** 12/27/94

**CHARTER SECTION(S) INTERPRETED:** 2601(8)  
2604(a)(1)(b)  
2604(b)(3)

**SUBJECT(S):** Cooperatives and Condominiums

**OTHER OPINION(S) CITED:** 92-7

**SUMMARY:** A public servant who holds a high-level staff position in City government may continue serving on the board of directors of the cooperative corporation which owns the building where he resides because his official duties are sufficiently removed from the regulation of private cooperative corporations or related issues and, furthermore, the public servant has represented that he would not contact anyone in his City agency or in City government about the cooperative corporation or related issues.

## OPINION SUMMARY

**OPINION NO:** 94-28 (Revised)

DATE: 2/21/95

CHARTER SECTION(S) INTERPRETED: 2604(b)(1)(a), (b)(3)  
2605

SUBJECT(S): Use of City Position

OTHER OPINION(S) CITED: n/a

**SUMMARY:** It is the opinion of the the Board that it would violate Chapter 68 for a member of the City Council to assist a real estate developer with whom the Council Member has a financial relationship by contacting City agencies, other elected officials, community groups, community boards or other interested groups or persons on the developer's behalf. The Council Member may, however, propose or support local legislation or support the passage of State legislation which could benefit the developer, provided that the Council Member discloses his association with the developer on the official records of the Council, at the time the matter comes before the Council. He may also advocate to a State official or body the adoption of State legislation, provided that he discloses his association with the developer to the State official or body before which he appears in support of the legislation.

## OPINION SUMMARY

<b>OPINION NO:</b>	<b>94-29</b>
DATE:	12/30/94
CHARTER SECTION(S) INTERPRETED:	2604(b)(2), (b)(3), (b)(4)
SUBJECT(S):	Gifts to the City Fundraising Honoraria
OTHER OPINION(S) CITED:	92-21, 93-26

SUMMARY: The Department of Health ("DOH") may, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, accept funds raised by employees of the Medical and Health Research Association of New York City, Inc. ("MHRA"), a not-for-profit organization which has business dealings with DOH, provided that the fundraising is conducted in accordance with the conditions discussed in the Opinion. Also, DOH employees who are offered honoraria for speaking engagements or personal appearances may, rather than accepting the honoraria, request that the honoraria be contributed directly to MHRA for use on joint MHRA-DOH projects, provided that the DOH employees observe the conditions discussed in the Opinion.

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