



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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May 17, 2017

Alberto Roman De Leon
Teacher
New York City Department of Education

Re: COIB Case No. 2016-235

Dear Mr. De Leon:

The New York City Conflicts of Interest Board (the "Board") is issuing this letter to you in connection with your use of a New York City Department of Education ("DOE") fax cover sheet to request that the New York City Office of Administrative Trials and Hearings ("OATH") waive a penalty imposed on you for a personal summons you received. You have agreed to make this letter public in order to provide guidance to other public servants.

You have been employed by DOE as a teacher since February 2011. As a DOE employee, you are a "public servant" within the meaning of and subject to New York City's conflicts of interest law, contained in Chapter 68 of the New York City Charter ("Chapter 68"). On September 16, 2015, you sent a fax on an East New York Middle School of Excellence fax cover sheet to the OATH Director of Appeals upon which you requested that OATH waive a fine for a personal summons you had received. The summons was not related to your City employment, but the fax cover sheet you used contained numerous indicia of official DOE business, including the seal of the City of New York, the name of the school, and the names of the school's principal and assistant principal.

The City's conflicts of interest law prohibits City employees, like you, from using City resources for personal purposes. More specifically, City Charter § 2604(b)(2) prohibits City employees from engaging in "any business, transaction or private employment . . . which is in conflict with the proper discharge of his or her official duties." Section 2604(b)(2), when read in conjunction with Board Rules § 1-13(b), prohibits a public servant from using "City letterhead, equipment, resources, or supplies for any non-City purpose."

The official City fax cover sheet you used was similar to official City letterhead in that it contained numerous indicia of official City correspondence. Due to the confusion that can result when City employees use City letterhead for personal purposes, the Board has consistently advised that City letterhead may *never* be used for a non-City purpose. Thus, the Board has determined that your conduct violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). However, given that you did not reference your City title, and given the possible confusion regarding the permissibility of using an official City fax cover sheet for a personal purpose, the Board will not impose any fine for this violation, and instead issues this letter to provide guidance to other public servants in similar situations.

This letter should be regarded as a formal reminder of the importance of strict compliance with the City's conflicts of interest law. Precise compliance with Chapter 68 avoids even the appearance of impropriety and helps to strengthen public confidence in City officials. Public servants who violate the conflicts of interest law may be subject to enforcement proceedings, which can result in civil fines of up to \$25,000 per violation, disciplinary action, and other penalties provided in City Charter § 2606, including disgorgement of any financial gain obtained as a result of the public servant's violation of Chapter 68.

In the future, if you have questions about the City's conflicts of interest law, call (212) 442-1400 or visit the Board's website at <http://nyc.gov/ethics>.

Very truly yours,



Richard Briffault
Chair

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I, Alberto Roman De Leon, hereby waive any right I may have to confidentiality in the above-referenced matter and thereby permit the Board to make this document public. I represent that I have entered into this agreement freely, knowingly, and intentionally without coercion or duress and that I have had a full opportunity to consult with counsel of my choice and have declined that opportunity.

Dated: 4/26/17



Alberto Roman De Leon
Respondent