

IN THE MATTER OF TYRONE PETERS
COIB CASE NO. 2016-002
ACS FILE NO. 66053-176-002
FEBRUARY 17, 2017

SUMMARY: In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Laborer agreed to serve a fifteen-workday suspension, valued at approximately \$4,000, for using his ACS-issued purchase card to make 104 purchases on behalf of ACS, totaling over \$71,000, from a retail establishment owned by the Laborer and his father. The Laborer acknowledged that, by making ACS purchases from a business in which he has an ownership interest, he violated City Charter § 2604(b)(3). Further, the Laborer acknowledged that, by holding an ownership interest in a store doing business with ACS, he violated City Charter § 2604(a)(1)(a). *COIB v. T. Peters*, COIB Case No. 2016-002 (2017).

STIPULATION AND DISPOSITION:

WHEREAS, the New York City Administration for Children’s Services (“ACS”) served disciplinary charges against Tyrone Peters (“Respondent”), pursuant to Section 75 of the Civil Service Law, alleging violations of Chapter 68 of the City Charter (“Chapter 68”) and the ACS Code of Conduct; and

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

WHEREAS, the Board, ACS, and Respondent wish to resolve these matters 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 ACS since September 28, 1998, most recently as a Laborer. As such, I am a “public servant” within the meaning of and subject to Chapter 68.
 - b. Along with my father, I own a retail establishment called Ideal Magic 99 Cent Discount Store (“Ideal Magic”).
 - c. I was given access to an ACS purchase card (“P-Card”) as part of my official City duties for the purpose of making purchases for ACS. A P-Card is a credit card issued to ACS employees so they can purchase goods and services for ACS.

- d. Between January 2014 and October 2015, I used my ACS-issued P-Card to make one hundred and four (104) purchases at Ideal Magic for ACS, totaling over \$71,000.
- e. I acknowledge that, by making ACS purchases from a business in which I have an ownership interest, I violated 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. I acknowledge that, by holding an ownership interest in a store that was doing business with ACS, I violated City Charter § 2604(a)(1)(a), which 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.

- d. On or about June 28, 2016, ACS served me with disciplinary charges, pursuant to Section 75 of the Civil Service Law, relating to the above-described conduct.

2. ACS and the Board are aware of no evidence that Respondent's violation resulted in overpayment of Respondent or Ideal Magic, or payment for goods not delivered to ACS. ACS considered that fact, and that Respondent's supervisor knew of Respondent's interest in Ideal Magic and approved Respondent's purchases from the store, and determined that a fifteen (15) workday suspension without pay is the appropriate penalty to resolve this matter.

3. The Board accepts Respondent's suspension without pay as sufficient penalty for the violations of Chapter 68 cited above and imposes no additional penalty.

4. Respondent also agrees to the following:

- a. I accept this determination and agree to serve a fifteen workday suspension, valued at approximately \$4,000, on dates to be determined by ACS.
- b. I agree that this Disposition is a public and final resolution of the ACS charges and the Board's action 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 ACS 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 ACS, 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 had the opportunity to be represented by the 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 ACS; 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 ACS 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 ACS against Respondent based upon the facts and circumstances set forth herein, except that the Board and ACS 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: December 8, 2016

_____/s/
Tyrone Peters
Respondent

Dated: December 8, 2016

_____/s/
Chandler Henderson
Council Representative
Blue Collar Division
District Council 37
Union Representative for Respondent

Dated: February 10, 2017

_____/s/
Joseph Cardieri
General Counsel and Deputy Commissioner
NYC Administration for Children's Services

Dated: February 17, 2017

_____/s/
Richard Briffault
Chair
NYC Conflicts of Interest Board