

the Ethical Times

Confidentiality Confidential

Part One

By Roy Koshy

As the Private Eye for the City of New York, I've been everywhere and seen it all: the gritty garages of Sanitation, the sturdy structures of DDC, the tranquil trails of the Parks Department, the dependable drive-ways of the TLC — you get the idea. But one night I was working late at my corner office on Lafayette Street, my only company a couple of empty "Happy to Serve You" coffee cups and a half-eaten egg salad sandwich from Civic Deli. Then she walked in.

Marielle Haywood, TV star turned aspiring public servant. Like everyone else I'd read in the dailies that Ms. Haywood was planning to sacrifice her career as the lead of the hit show *Restaurant PD*, where she played a no-nonsense health inspector, to become a real Health Inspector for the City. Her fans were up in arms and she was hemorrhaging followers. She had issued strenuous denials, trying to manage the chaos, to no avail. But what was she doing in my office?

"Mr. Koshy," Haywood said. "As you may have seen, the papers have been covering my impending career change."

"So the stories *are* true!" I murmured. What a scoop — to hear it from the lady herself. But of course, I'd never be able to share that straight dope with the public — information I had only by virtue of my City position. Keeping secrets like this was a serious responsibility of the City Private Eye gig.

Ms. Haywood nodded curtly. "This was not

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supposed to be public yet. I've spent weeks putting out fires caused by this disclosure, and I believe it's the fault of someone at the Department of Exams."

"I'm certainly intrigued, Ms. Haywood, but they keep a tight lid on that kind of info over at Exams. And why would someone even want to leak it in the first place?"

"That's what I intend to find out, with your help of course," Haywood said, handing me an email printout. It was a mass mailing for "Bee Four" water, a high-end honey water subscription service with a logo of four bees flying around a waterfall. "But I'm sure it was an inside job. Shortly after the press got wind of my plans to enter public service, my private email — the one I used for exam registration because it was supposed to be kept confidential — ended up on this email list for



Bee Four honey water. Why would I be on that list? As everyone knows, I make my own honey water, so I'd never sign up for a subscription for someone else's. Surely you can understand my suspicions here?"

I certainly could, because I can understand any suspicion, and I'd read several articles about Haywood's forays into the honey water hobby. This case was getting stickier by the second. "Well Ms. Haywood," I began.

"Please, call me Marielle," she interrupted.

"Okay, Marielle, I will look into this matter for you, first thing tomorrow."

And with that, she turned and walked out of my office, leaving behind the printout and the scent of her perfume. My office smelled of honey, public service, and impending justice: three of my favorite things.

The next morning I arrived at the Department of Exams. It was on the fourth floor of a nondescript office building in the Financial District. A lone security guard wearing a grey uniform and a thick scowl sat at the front desk. "Commissioner Corte will see you now. He's in Suite B, down the hall." He gestured at an ornate door, which I opened.

"Ah, Mr. Koshy, so nice to meet you," Commissioner Corte greeted me as I walked into his office, which offered a panoramic view of the East River. "Please, have a seat."

I sat down in a big leather chair opposite his opulent oak desk. Mr. Corte was dressed in a three-piece suit and wore a gold-plated monocle over his left eye. My rumpled ID lanyard suddenly felt tight around my throat.

"Thank you for seeing me, Commissioner Corte," I said, shifting in the chair. "I'll get right to it. Marielle Haywood came by my office last night. As you may know, she's planning to take the civil service exam to become a Health Inspector."

"I hadn't heard; we keep such information strictly confidential, of course."

"That's just it, Commissioner. After she registered, that fact was leaked to the press without her permission. There's reason to believe that someone employed here at Exams may be responsible."

"Well now," Corte responded. "Our staff is dedicated to the security of all applicants, so I have a hard time believing that."

This wasn't working, so I tried a new play and pushed the "Bee Four" water email across his desk. "Anyone on your staff run a honey water company?"

He aimed his monocle at the printout and shrugged. "We require all our employees to disclose any outside employment, so if that were so, I surely would have known about this."

Corte was clearly stonewalling me, but I had nothing on him. I was at an end so dead the Department of Transportation would have handed it off to the Office of Chief Medical Examiner. I headed back to my office in defeat, walking in just as the phone was ringing. I jumped to pick it up before it went to voicemail.

"City Private Eye, how can I help you?"

"Perhaps it is I who can help *you*, Mr. Koshy," a gravelly voice whispered.

"I need all the help I can get," I retorted. "Who is this?"

"This is Hal Brubeck. I used to be the Chief Procurement Officer at the Department of Karaoke, now retired."

"How's post-City life, Mr. Brubeck? Do you miss the warbled sounds of pop favorites?"

Brubeck laughed. "If it's music you like, I will be singing some tunes in City Hall Park this evening around 9pm. I can provide information concerning this honey water/email registration/leak that you're looking into."

"What could you know about that? You're retired!"

Brubeck chuckled. "Which means I have nothing to lose. See you tonight, Mr. Koshy. It will all be clear then." And then he hung up.

Will Koshy track down the menace who leaked the information? What secrets will Brubeck reveal at City Hall Park? How deep does this honeyed conspiracy go? All these questions, and more, will be answered in the next issue of The Ethical Times!

But if you have a Conflicts of Interest question that needs answering now, you don't need to wait. You can contact our Advice Line at 212-442-1400 (or [online](#)) for confidential legal advice any day of the work week.



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Recent Enforcement Cases

Misuse of City Resources. A Laborer in the Medical Supply Unit at the NYC Fire Department (FDNY) created two fake parking placards, one with the City of New York seal and the other with the FDNY shield. He displayed the first in his personal vehicle and gave the second to his coworker, a FDNY Supervising Stock Worker, who displayed it in his personal vehicle. Each was used once when parked illegally to avoid receiving a parking ticket. In a joint settlement with the Board and FDNY, the Laborer agreed to a six-day pay fine, valued at approximately \$1,746. To resolve related disciplinary charges, the Supervising Stock Worker agreed to a three-day pay deduction, valued at approximately \$540. The Board accepted the FDNY-imposed penalty as sufficient to address his violation and imposed no additional penalty.

Prohibited Appearances by an Attorney Against the City. A teacher for the NYC Department of Education (DOE), who was also an attorney, worked for a private law

firm representing plaintiffs in nine civil rights lawsuits against the City concerning the conduct of NYC Police Department officers. In performing this work, the teacher communicated with nine NYC Law Department attorneys, including to request the production of documents, take the deposition of a defendant, and finalize settlements. The teacher paid a \$5,500 fine to the Board. In setting the penalty, the Board considered that the teacher had previously worked for a decade as an attorney for the City, including nine years at the Law Department.

Misuse of City Time & City Resources. An Actuarial Specialist at the NYC Office of the Actuary (OA) also runs a toy business with his wife. He used his OA email account to send and receive 112 emails arranging sales booths for that toy business at various events in and around the City and sent 45 of those emails during his OA work hours. In a joint settlement with the Board and OA, the Actuarial Specialist agreed to forfeit 18 days of annual leave, valued at \$4,686, and pay a \$500 fine to the Board.

A [searchable index](#) of all COIB Enforcement Dispositions is available courtesy of New York Law School.

THE PUBLIC SERVICE PUZZLER

It's a [caption contest](#)! Send us your ethics-related [punchline](#) by 5 PM on **Friday, Oct 1st** (deadline extended!).



This month, we profile Heather Murakami of the Honolulu Ethics Commission, who is an outrigger canoe paddling enthusiast!



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