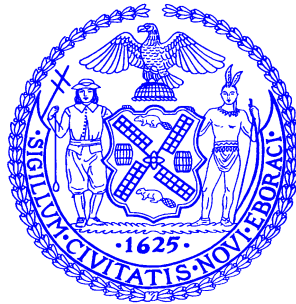


CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2014



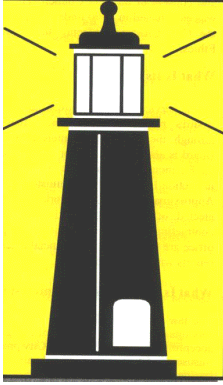
Richard Briffault
Chair

Fernando Bohorquez
Anthony Crowell
Andrew Irving
Erika Thomas-Yuille
Members

Mark Davies
Executive Director

2 Lafayette Street, Suite 1010
New York, New York 10007

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INTRODUCTION

This Annual Report for 2014 summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board (“COIB” or “the Board”), which is charged with administering, interpreting, and enforcing the City’s Conflicts of Interest Law. Found in Chapter 68 of the City Charter (<http://on.nyc.gov/1aZtHKB>), that law is applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which, together with the Lobbyist Gift Law enacted in 2006 as Sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68's ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City's Annual Disclosure Law contained in Section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>).

This Report reviews the Board's accomplishments during 2014, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) training and education; (3) requests for guidance and advice; (4) enforcement; (5) annual disclosure; (6) the amendments to Chapter 68 proposed by the Board; and (7) administration and information technology.

1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

The Board's full complement is five members. Appointed by the Mayor with the advice and consent of the City Council, each member serves a six-year term and is eligible for reappointment to one additional six-year term (City Charter §§ 2602(a) and (b)). Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards" (City Charter § 2602(c)).

Richard Briffault, Joseph P. Chamberlain Professor of Legislation at Columbia Law School, was appointed to the Board in March 2014 and serves as its Chair, succeeding Nicholas Scoppetta, of counsel to the law firm of Scoppetta Seiff Kretz & Abercrombie, who served as Chair of the Board from December 2012 to February 2014.

Fernando A. Bohorquez, Jr., a partner at Baker & Hostetler LLP, was appointed to the Board in March 2014, succeeding Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, who served from July 2009 to March 2014.

Anthony Crowell, Dean and President of New York Law School, was appointed to the Board in April 2013.

Andrew Irving, Area Senior Vice President and Area Counsel of Gallagher Fiduciary Advisors, LLC, was appointed to the Board in March 2005 and reappointed in April 2013.

Erika Thomas-Yuille, Associate General Counsel at McGraw Hill Financial, Inc., was appointed to the Board in March 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 22 is divided into six units: Training and Education, Legal Advice, Enforcement, Annual Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Mark Davies, who has served in that capacity since 1994.

2. TRAINING AND EDUCATION

The Board's Training and Education Unit carries out the mandate of Section 2603(b)(1) of the Conflicts of Interest Law that the Board "shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter." That responsibility was greatly magnified by the 2010 Charter amendment, now embodied in Section 2603(b)(2)(b), that "each public servant *shall undergo training* provided by the board in the provisions of this chapter" (emphasis added). It is the four-person Training Unit that shoulders this huge training responsibility.

Training Sessions

In 2014, the Unit conducted 599 classes (the highest number ever) and undertook several training initiatives. The number of classes taught in 2014 represents an 11% increase over the preceding year, as reflected in Exhibit 3 to this Report.

During 2014, the Unit trained the entire staffs of several agencies, including the Brooklyn Borough President's Office, the Campaign Finance Board, the City Council, the Comptroller's Office, the Department of City Planning, Department of Records & Information Services, the Department of Small Business Services, the Manhattan Borough President's Office, the Mayor's Office to Combat Domestic Violence, the Public Advocate's Office, and the Queens Borough President's Office. Training at the Department of Education increased dramatically, with a total of 320 classes. In all, as summarized in Exhibit 4 to this Report, during 2014 the Unit presented classes at 43 City agencies and offices, reaching approximately 20,453 City employees.¹

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and informing public servants how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or specific employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board's attorneys, conducted sixteen Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year, including a general two-hour course for City attorneys of various agencies; several shorter "Special Topics" classes; one class for new lawyers at the Law Department, continuing a model begun in 2004; two classes for new assistant district attorneys in Brooklyn and two classes for those in Manhattan; and one class for attorneys at the Department of Investigation. The Unit also continued to cooperate with the Department of Citywide Administrative Services ("DCAS") to offer Citywide CLE classes in Chapter 68, both general and specialized, at the Citywide Training Center.

¹ While impressive, that number falls far below the 300,000 public servants that the 2010 Charter amendment mandates receive training every two years.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, “Ask the City Ethicist,” in *The Chief* and the Board’s own newsletter, *The Ethical Times*. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads, and several agencies have reported that they electronically distribute the newsletter to their entire staff.

The Impact of the Mandatory Training Requirement

As noted above, in November 2010, the voters of New York City overwhelmingly approved a change to the City Charter making ethics training *mandatory* for all public servants of the City. While the Conflicts of Interest Law had always mandated that the Board *offer* training, there was no reciprocal mandate for public servants to *undergo* training; Chapter 68 training was largely optional. Now, all 300,000 public servants of the City *must* receive such training every two years.

One way to help meet the mandate of this amendment is to leverage the Board’s own ability to train public servants by training those in City agencies whose responsibilities include ethics training of their colleagues. This longstanding Board program is called “Train the Trainer.” In support of the “Train the Trainer” program, the Training and Education Unit in 2014 continued hosting a Brown Bag Lunch series, a monthly lunchtime discussion group, moderated by Board attorneys, that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants have included agency staff who are involved in teaching ethics, as well as attorneys who work directly with Chapter 68 issues at their agencies. CLE credit was offered at several of the Brown Bag sessions. The Training Unit also reinvigorated the Train the Trainer program established many years ago at the Parks Department, refreshing the content and training a new group of trainers, who began to teach classes at Parks in 2014. The Training Unit also developed a new semi-annual Ethics Liaison Meet-up, specifically targeted to agency ethics liaisons. The inaugural session took place in early December and was quite successful.

It is anticipated that the great majority of public servants will eventually be trained by some computer-based method, similar to the way many large organizations handle other types of mandatory training. The Department of Information Technology and Telecommunication (“DoITT”) has recommended a partnership with DCAS, which is developing a platform for citywide e-learning. We eagerly await the time when that platform is ready for use. Additionally, three

agencies have implemented their own electronic training systems for their employees: the New York City Housing Authority, the Department of Buildings, and the Department of Environmental Protection. The Training Unit served as the Chapter 68 content consultant for these three systems.

Website, Publications, and Media Outreach

The Internet remains an essential tool for Chapter 68 outreach. In 2014 the Board's website (<http://nyc.gov/ethics>) had 920,653 page views and 196,036 visits. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links. In 2014 the Training Unit undertook a study of the website's usability, using surveys, focus groups, and some comparative research. The Unit will use the results of this research to streamline and improve the website in 2015.

The Board continues to post new publications on its website, so that all Board publications, including the texts of Chapter 68, the Board's Rules, the Annual Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available for download from the website at <http://on.nyc.gov/1EMQTpm>, as well as from CityShare, the City's Intranet. Recent articles by Board attorneys and installments of "Ask the City Ethicist" have also added to the number of publications available online.

The Training Unit continued production on a series of short videos entitled "Ethics Express: Conflicts of Interest Explained in Five Minutes or Less." These short episodes use a "talking heads" format to present an aspect of Chapter 68. Five episodes were released in 2014: "Gifts" (Parts 1 and 2), "Personal Use of City Resources," "Political Activities," and "Post Employment."

Another monthly outreach effort was started with the creation of the Public Service Puzzler. Each month, the Training Unit emails contest information (the Puzzler) to City employees, inviting them to compete for Board-related token prizes and a mention in *The Ethical Times*. Contests have included crosswords, competitions for best pun or best cartoon caption, and word scrambles, among others.

2014 also saw the entrance of the Board into social media with the advent of the Training Unit's Twitter feed, called "The COIB Daily Dose." A sub-brand of the Training Unit, it seeks to drive engagement with social media-savvy stakeholders who have common conflicts of interest questions.

Seminar

The Board's Twentieth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 20, 2014, was a great success. More than 350 public servants attended, representing approximately 50 City agencies. At the Seminar's opening plenary session, Mayor de Blasio gave the keynote address. The Oliensis Award for Ethics in City Government was presented to Rose Gill Hearn, the longest-serving Commissioner of the Department of Investigation. The Pierpoint Award for Outstanding Service to the Board was presented to the former Board Member Burton Lehman. A list of past recipients of these awards may be found in Exhibit 5 to this Report.

The Board welcomes nominations for both awards, to be conferred at its Twenty-first Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 20, 2015.

The 2014 Seminar was offered at no charge for public servants. The Board thanks New York Law School for its support and generosity.

International Visitors and Government Ethics Associations

In 2014, Training Director Alex Kipp, Executive Director Mark Davies, Annual Disclosure Director Julia Davis, and Assistant Counsel Amber Gonzalez attended the annual conference of the Council on Government Ethics Laws ("COGEL"), the premier government ethics organization in North America. COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board's game show, an interactive ethics quiz, and electronic filing of annual disclosure reports. This year Mr. Kipp participated in a local agency round table discussion about approaches to Ethics training videos; and Ms. Davis participated in a panel on annual disclosure, moderated by Mr. Davies.

Executive Director Mark Davies continues to serve as the Co-Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association's Municipal Law Section, as well as Chair of the Section; as Co-Chair of the Board of Directors of Global Integrity, an independent provider of information on governance and corruption trends around the world; and as an advisor to the American Law Institute's Principles of Government Ethics Project. Assistant Counsel Amber Gonzalez co-chairs the Law School Committee of the Municipal Law Section of the State Bar. Deputy Director of Enforcement Bre

Injeski serves as a member of the Government Ethics Committee of the New York City Bar.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in developing and improving their ethics laws. Resources permitting, Board staff members respond to those requests, whenever possible by e-mail, although occasionally in person. In 2014, Board staff met with officials from the Federal Government and the People's Republic of China. Time permitting, Board staff also occasionally assist other jurisdictions seeking to revise their ethics laws. For example, Mr. Davies testified before the Legislation Committee of the Westchester County Board of Legislators on the possible revision of that county's ethics code and served as a panelist in the Best Practices Symposium of the Washington, D.C., Board of Ethics and Government Accountability. He also continued to answer questions by phone and e-mail from municipal attorneys and reporters on matters of government ethics and was interviewed, at the request of the U.S. State Department, by Global Reporters for the Caribbean for a news series on ethics for Television Jamaica. Director of Enforcement Carolyn Lisa Miller and Mark Davies served on a panel on "Politics, Elections and the Municipal Attorney" at the fall meeting of the New York State Bar Association's Municipal Law Section. Mr. Davies also participated in an American Bar Association Masters' Roundtable CLE panel on government ethics.

3. REQUESTS FOR GUIDANCE AND ADVICE

The Legal Advice Unit oversees the Board's responsibility under City Charter § 2603(c)(1) to "render advisory opinions with respect to the matters covered by" Chapter 68 "on the request of a public servant or a supervisory official of a public servant." Complying with written advice obtained from the Board affords public servants a safe harbor against future enforcement action: Section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action "shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion." Accordingly, the Board annually receives and responds to hundreds of written, and thousands of telephonic, requests for advice.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years; 2014 was no exception. Exhibits 1 and 6 to this Report summarize the Unit's work in 2014 and prior years.

As detailed in Exhibit 7 to the Report, the Board in 2014 received 597 written requests for advice. Recognizing that delayed advice is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in Exhibit 6, in 2014 the Board's median response time to written requests for advice was 28 days.

As shown in Exhibit 8 to this Report, in 2014, the Board responded in writing to 480 requests for its advice, consisting of 49 Board letters and orders reflecting Board action, 221 staff advice letters, and 210 waiver letters signed by the Chair on behalf of the Board.² While this total was lower than the 559 written outputs issued in 2013, the Board's Advice Unit was short one advice attorney for virtually all of 2014 while it worked to fill a staff vacancy. The 160 outputs per attorney was the highest level since 2001. At year end the number of pending advice requests awaiting written response was 174.

In 2014 Board staff also answered 4,353 telephone requests for advice, an increase of 23% over 2013 (which had been the second highest year on record) and 15% over the prior record annual high in 2008. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities. Such calls, however, consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for advising the Board on pending advice matters and drafting written advice.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Enforcement and Training and Education Units, the Legal Advice Unit has developed a large e-mail distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of all City agencies. Working in cooperation with New York Law School's Center for New York City Law, the Board makes its advisory opinions available on-line, free of charge, in full-text searchable form

² Under Section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action "otherwise prohibited" by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action "would not be in conflict with the purposes and interests of the city." By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

(www.CityAdmin.org). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help meet its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, one volunteer attorney, two law student interns, and one college intern worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2 to this Report, contributed meaningfully to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Ethan Carrier, Associate Counsel Jessie Beller, and Assistant Counsel Amber Gonzalez. Mr. Carrier assumed this position in the Unit in August 2014, moving from the Board's Enforcement Unit, whose caseload he continued to wind down during the balance of 2014.

4. ENFORCEMENT

A vigorous enforcement program is at the heart of the Board's efforts to preserve and promote public confidence in City government, to protect the integrity of government decision-making, and to enhance government efficiency. Public servants at all levels occasionally violate the Conflicts of Interest Law, either intentionally or inadvertently. Board enforcement actions send a clear message that Conflicts of Interest Law violations will be uncovered and violators punished.

The Board's enforcement powers include the authority to receive complaints, to direct the New York City Department of Investigation ("DOI") to investigate matters within the Board's jurisdiction, to create a public record of Conflicts of Interest Law violations, and to impose fines on violators. With the exception of imposing fines, which only the Board itself may do, these functions are discharged by the Board's Enforcement Unit. The Unit reviews complaints of possible violations of the Conflicts of Interest Law, initiates investigations conducted by DOI, brings civil charges in administrative proceedings for violations of the law, and negotiates settlements on the Board's behalf. In 2014, the Enforcement Unit opened 488 new enforcement cases, closed 524 cases, and concluded enforcement actions finding violations in 95 cases, many with sanctions. Those 95 public findings of violations included 78 dispositions imposing a fine (74

settlements and four cases in which the Board issued Findings of Fact, Conclusions of Law, and Order following a hearing before the New York City Office of Administrative Trials and Hearings (“OATH”) and seventeen public warning letters. Data on enforcement cases from 1995 through 2014 can be found in Exhibit 9 to this Report and more detailed information about the Board’s enforcement activity from 2006 through 2014 can be found in Exhibit 10 to this Report.

An integral part of the Board’s enforcement power is its ability to obtain monetary penalties and the disgorgement of ill-gotten gains, the latter a power given to the Board by the City’s voters in November 2010. In 2014, the Enforcement Unit, under the leadership of Director Carolyn Lisa Miller, collected \$184,405 in fines from violators. As reflected in Exhibit 11 to this Report, from 1990, when the Board gained enforcement authority, through 2014, Board fines and disgorgement penalties have totaled \$1,487,911. During that same period, fines paid to agencies, restitution, loan repayments, forfeiture of accrued leave, and suspensions without pay in Board cases have accounted for an additional \$1,532,747. But fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement actions by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain.

A vital component of the Board’s enforcement program is carried out by DOI. The City Charter entrusts investigations of possible violations of the Conflicts of Interest Law violations to DOI and also requires DOI to report the results of all its investigations involving violations of the Conflicts of Interest Law to the Board so that the Board may determine whether a violation has occurred. Consistent with these dual mandates, in 2014, the Board referred 56 cases to DOI for investigation and DOI provided the Board with 182 investigative reports, as reflected in Exhibit 10. In addition to DOI, the Board relies on the public, City employees and officials, and the media to bring possible violations to the Board’s attention. The Board encourages anyone with information about a possible violation to use the “File a Complaint” function on the homepage of the Board’s website (www.nyc.gov/ethics).

Enforcement Actions

In 2014, the Board concluded enforcement actions involving a wide range of conduct, from Commissioners at the New York City Board of Elections (“BOE”) who hired, promoted, and/or supervised their relatives to the dozens of employees

at different City agencies who misused City resources – including City computers, e-mail accounts, telephones, and vehicles – not for a City purpose but to advance their own private interests; these latter cases may not have generated headlines, but this conduct threatens the integrity of City government nonetheless. A description of every enforcement disposition finalized in 2014 can be found in the Appendix to this Report (Chapter 68 Enforcement Case Summaries (2014)), but the following brief survey highlights the extent and success of the Board’s efforts:

Adjudicated Cases. The vast majority of enforcement actions are resolved by negotiated settlements. However, if a settlement is not possible, the Enforcement Unit will proceed expeditiously to a hearing; in 2014, the Board issued Findings of Facts, Conclusions of Law, and Orders in four cases following hearings at OATH. The four cases that were tried by the Enforcement staff at OATH were as varied as the Board’s enforcement docket. The first involved a former Community Associate in the Transitional Child Care Unit at the New York City Administration for Children’s Services (“ACS”) who accepted \$100 to \$300 on three occasions from an individual acting on behalf of private day care centers in return for processing applications for day care subsidies; the Board imposed a \$3,000 fine on the former Community Associate for accepting compensation from a source other than the City for performing services as a City employee, in violation of City Charter § 2604(b)(13).³

Second, the Board imposed a \$6,000 fine on a former Associate Job Opportunity Specialist for the New York City Human Resources Administration (“HRA”) for soliciting and accepting loans totaling approximately \$6,740 from eight of his HRA subordinates; in many instances, the former Associate Job Opportunity Specialist asked to borrow money after calling the subordinate into his office, in some instances under the pretext of a false work-related complaint. The Conflicts of Interest Law prohibits using one’s City position to obtain a person financial gain (City Charter § 2604(b)(3)) and entering into a financial relationship with a superior or subordinate (City Charter § 2604(b)(14)).⁴

Third, the Board imposed a \$10,000 fine on a former Clerical Associate at the Staten Island District Attorney’s Office who violated the Conflicts of Interest Law by (1) using her position at the District Attorney’s Office to offer to obtain confidential information for a convicted drug dealer for the purpose of obtaining

³ *COIB v. Salce*, OATH Index No. 2379/13, COIB Case No. 2011-387 (Order Mar. 27, 2014).

⁴ *COIB v. Oni*, OATH Index No. 458/14, COIB Case No. 2013-299 (Order May 14, 2014).

drugs for her husband (City Charter § 2604(b)(3)); and (2) using her official District Attorney's Office identification, a City resource, for the non-City purpose of impeding and preventing the arrest of her husband (City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b)).⁵

Finally, the Board imposed a \$7,500 fine on a former Executive Agency Counsel at the New York City Taxi and Limousine Commission ("TLC") for, during times he was required to be working for TLC, making numerous telephone calls related to his campaign for City Council. The Conflicts of Interest Law prohibits the use of City time or City resources for any non-City purpose, in particular a private business, a second job, or political activities. In determining the penalty in this case, the Board considered the following aggravating factors: (1) the Respondent declined to accept responsibility for his conduct; (2) as an attorney, the Respondent is held to higher standard to comply with the conflicts of interest law; and (3) most significantly, the Respondent received both telephone and written advice from the Board and from the TLC attorney responsible for ethics matters that it would violate the Conflicts of Interest Law to use City time or City resources in connection with his political campaign, advice he failed to follow.⁶

Settlements: Significant Cases. The Board concluded settlements with four high-ranking officials in the New York City Board of Elections ("BOE") who each paid fines for the actions they took to benefit an "associated" relative in violation of the Conflicts of Interest Law. A Borough Manager for the BOE Queens Office paid a \$1,500 fine for directly supervising her daughter's employment in the same Borough Office from 2009 to 2014.⁷ Similarly, a Borough Manager for the BOE Bronx Office paid a \$1,500 fine for supervising his brother's employment in the same Borough Office from March 2010 to February 2014 and for having discussions with the Bronx BOE Commissioners about promoting his brother to a supervisor position.⁸ A now former BOE Commissioner paid a \$5,500 fine for using her BOE position to help her sister get a job at BOE by submitting her sister's resume to the other Commissioners of Election for consideration for hiring during a September 2008 Commissioners' Meeting; the

⁵ *COIB v. Collins*, OATH Index No. 556/14, COIB Case No. 2013-258 (Order July 30, 2014).

⁶ *COIB v. Oberman*, OATH Index No. 1657/14, COIB Case No. 2013-609 (Order Nov. 6, 2014).

⁷ *COIB v. Conacchio*, COIB Case No. 2014-060 (2014).

⁸ *COIB v. Ribustello*, COIB Case No. 2014-059 (2014).

Commissioners voted to approve the hire.⁹ Finally, the BOE Queens Democratic Commissioner paid a \$10,000 fine to the Board, the maximum fine possible, for misusing his BOE position to obtain a financial gain for himself and for his wife by hiring his wife in February 2010 to work in the BOE Queens Borough Office in order to obtain health insurance for their family.¹⁰

Settlements: Three-Way Settlements. The Board’s Enforcement Unit continued to enhance its effectiveness in 2014 by strengthening its coordination with disciplinary counsel at City agencies in cases where Board action would overlap with agency disciplinary charges. Through the so-called “referral back” process, by which the Board refers an alleged violation of the Conflicts of Interest Law to an agency if related disciplinary charges are pending at the agency (City Charter § 2603(e)(2)(d)), the Board resolved Chapter 68 violations simultaneously with related disciplinary charges brought by the respondent’s agency. In 2014, the Board referred 64 such cases to agencies, including the Administration for Children’s Services, the Comptroller’s Office, the Department of Correction, the Department of Design and Construction, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Homeless Services, the Department of Housing Preservation and Development, the Department of Parks and Recreation, the Department of Records and Information Services, the Department of Sanitation, the Fire Department, the Housing Authority, the Human Resources Administration, and the Law Department. Settlements reached in conjunction with agencies frequently result in penalties of loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation.

In one such case, the Board reached a three-way settlement with the New York City Department of Design and Construction (“DDC”) and a Deputy Budget Director in DDC’s Interfund Agreement Unit for the Deputy Budget Director’s three violations of the Conflicts of Interest Law. The Deputy Budget Director owns a firm that owns a ten-unit apartment building in Manhattan for which he received a construction loan through the New York City Department of Housing Preservation and Development (“HPD”) and for which he receives payment for low-income housing units from HPD and the New York City Housing Authority (“NYCHA”); this ownership interest violates City Charter § 2604(a)(1)(b), which prohibits a public servant from owning a firm with business dealings with any City

⁹ *COIB v. Dent*, COIB Case No. 2014-061 (2014).

¹⁰ *COIB v. Araujo*, COIB Case No. 2013-426 (2014).

agency. Second, the Deputy Budget Director used his City e-mail account and his City telephone over a seven-year period to conduct private business related to his firm; the Conflicts of Interest Law prohibits the use of any City resource, such as a City e-mail account or telephone, for any non-City purpose, particularly a private business interest (City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b)). Finally, the Deputy Budget Director communicated with and appeared in person before City agencies on behalf of his firm; the Conflicts of Interest Law prohibits such appearances before the City on behalf of a private interest (City Charter § 2604(b)(6)). To resolve these violations, the Deputy Budget Director agreed to pay a \$2,170 fine to the Board, to be suspended for seven days (valued at approximately \$2,170), and to forfeit seven days of annual leave (valued at approximately \$2,170). The Board also issued an order permitting the Deputy Budget Director to retain his ownership interest in his firm and, with certain limitations, to continue to communicate with and receive payments from HPD and NYCHA for low-income housing in his building.¹¹

Settlements: Former City Employees. The Board’s authority to prosecute public servants for violations that occurred while they were public servants continues even after they leave City service. For example, a former member of Manhattan Community Board 2 paid a \$10,660 fine for accepting ten years of free membership to Soho House, an entity with matters before Community Board 2. Soho House provided the complimentary membership for reasons related to the Respondent’s position on the community board. The amount of the fine represents the total value of the membership, estimated to be \$8,160, plus a \$2,500 penalty. The Conflicts of Interest Law prohibits a public servant from accepting a gratuity from any person whose interests may be affected by the public servant’s official action (City Charter § 2604(b)(13)).¹²

The Board also prosecutes cases against former public servants for violations that occur after they leave City service. In 2014, the Board concluded enforcement actions it brought against multiple former public servants for violating the Charter’s “post-employment provisions,” which prohibit former public servants from communicating for compensation with their former City agencies within one year after leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not

¹¹ *COIB v. F. Brown*, COIB Case No. 2013-305 (2014).

¹² *COIB v. Hamilton*, COIB Case No. 2013-374a (2014).

otherwise available to the public. In one such case, the Board fined the former Director of Audit Operations for the New York City Department of Finance \$5,000 for contacting his former Finance subordinates on eight occasions on matters related to the clients of his new employer.¹³

Summaries of all of the Board’s public enforcement actions from 1990 to the present are available on the Enforcement page of the Board’s website. Each settlement and order is available in full-text searchable form on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

In addition to public sanctions, the Board may, where appropriate, choose to educate public servants privately about the implications of Chapter 68 on their past conduct. These confidential warnings – of which the Board sent 62 such letters in 2014 – carry no findings of fact or violation by the Board, but instead serve as a formal reminder of the importance of strict compliance with the Conflicts of Interest Law.

For all their hard work, the Board thanks Carolyn Lisa Miller, Director of Enforcement; Bre Injeski, Deputy Director of Enforcement; Jeff Tremblay, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. The Board also thanks Ethan Carrier for his service until August 2014 as Associate Counsel for Enforcement.¹⁴ The Board also extends its sincere thanks to the DOI Commissioner, the Special Commissioner of Investigation for the New York City School District (“SCI”), and their entire staffs for their investigating and reporting on complaints of violations of the Conflicts of Interest Law.

5. ANNUAL DISCLOSURE

Under Section 2603(d) of Chapter 68, the Board receives “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law...” Under the Annual Disclosure Law, set forth in Section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>), over 9,000 City public servants are required to file annual disclosure reports with the Board. Significant changes to the City’s Annual Disclosure Law contained in

¹³ *COIB v. Rabinowitz*, COIB Case No. 2013-279 (2014).

¹⁴ As previously noted, Mr. Carrier assumed the role of Deputy General Counsel in the Board’s Advice Unit that month.

Local Law 58 of 2012, including additional substantive disclosure requirements and expansion of the categories of filers, became effective in 2014.

Filing and Review of Annual Disclosure Reports

City employees continue to show an excellent compliance rate in filing their mandated annual disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Annual Disclosure Law has exceeded 98% over the past six years. This superb record must be attributed in large part to the excellent work of the Annual Disclosure Unit: Julia Davis, Director of Annual Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Annual Disclosure; Holli Hellman, Associate Electronic Financial Disclosure Project Manager and Supervising Annual Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Garay, Annual Disclosure Analyst and Agency Receptionist.¹⁵

Annual disclosure reports filed in 2014 for calendar year 2013¹⁶ contained some important changes implemented by Local Law 58 of 2012. For the first time, filers were required to report relatives in City service and agreements for future payments and to differentiate between gifts from donors with and without City business. Filers are also now required to report gifts, investments in a business, securities, and real property for any unemancipated children.

During this year's annual four-week filing period, the Annual Disclosure Unit responded to 1,535 callers requesting assistance with filing, representing an 11% increase over the 2013 filing period. The aforementioned changes in the application, as well as a change in administration that resulted in additional filers, may have caused the increase in call volume.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2014, the Unit conducted 7,647 reviews of the 2013 reports filed by non-terminating public servants. The Unit reviewed these annual disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. It also reviewed Board waiver letters, issued pursuant to City Charter § 2604(e), granting permission for second

¹⁵ Ms. Garay resigned from the Board on June 27, 2014.

¹⁶ Reports are filed in the year following the year to which they pertain. Thus, 2013 reports, covering calendar year 2013, were filed in 2014.

jobs to insure that these jobs were properly reported on the filer's annual disclosure report.

Reviews conducted during the year resulted in 87 letters sent to filers. Thirteen letters were sent concerning 2012 reports, ten of which advised the filers that it was necessary for them to obtain agency head permission and then a Board waiver pursuant to City Charter § 2604(e) in order to retain their second, non-City positions and three of which requested the filer seek the advice of the Board. At year's end, one filer had sought the advice of the Board, four had obtained waivers, six had provided explanations for, or additional information concerning, the second positions reported, and two had left City service.

Seventy-four letters were sent concerning 2013 reports,¹⁷ 51 of which advised the filers that it was necessary to obtain agency head permission and then a Board waiver pursuant to City Charter § 2604(e) in order to retain their second, non-City positions, one of which instructed a filer to obtain an order for ownership interests pursuant to City Charter § 2604(a)(4), seven of which requested that filers amend their annual disclosure reports to reflect a second job, six of which advised the filer to seek the advice of the Board, five of which of which asked that the filer confirm that his or her City position did not involve the employer of the filer's spouse, two of which asked filers to confirm that they were not in a superior-subordinate position in either their City agency or at the business where both had second jobs, and two of which directed filers to obtain requisite permission from their City agency for the filer's volunteer position (City Charter § 2604(c)(6)). At year's end, three filers had been issued waivers, 40 had submitted explanations for, or additional information concerning, the second positions reported, one had sought the Board's advice, two left City service, two quit their second jobs, and four had amended their reports.

Finally, the reviews also resulted in two matters being referred to the Board's Enforcement Unit, one for the filer's failure to obtain a Board waiver for a second job reported again after having previously been advised to obtain the waiver and a second for a filer's representation of a client in Family Court.

As a result of the new question requiring disclosure of relatives in City service, the Unit's review of filed reports expanded to determine whether a conflict

¹⁷ The 74 letters reflect a significant -- over 20% -- increase compared to the number of letters sent concerning 2012 annual disclosure reports. This increase may be largely attributable to the change in administration and the need to ensure that the non-City jobs reported by first-time filers predated their City service and that the filers did not require permission for these positions.

of interest existed where a filer and his or her relative work in the same City agency. The Unit reviewed 218 reports and contacted 19 ethics liaisons to inquire whether any of 223 pairs of relatives were in superior-subordinate positions. By year's end, 21 liaisons had reported that there was no supervisory relationship for 97 pairs of relatives, with the agency and the Board looking at the work relationship of one pair of relatives to ensure no conflict exists.

The Annual Disclosure Unit receives requests for the certification of compliance that departing City employees have complied with their obligations under the annual disclosure law. Pursuant to Section 12-110 (b)(3)(b) of the Administrative Code, departing employees must obtain such a certification before they can receive their final paychecks and/or any lump sum payments. In 2014, 828 certifications were issued. This number, which represents a 40% increase over 2013, was the highest in the Board's history and likely attributable to the change of administration that took place on January 1, 2014. Finally, the Unit continued its annual disclosure liaison trainings with seven trainings in 2014.

Policymaking Boards and Commissions

As amended by Local Law 58 of 2012 and to conform to state law, for the first time in 2014 uncompensated members of City policymaking boards and commissions were required to file a short paper annual disclosure form. Eighteen policymaking boards and commissions participated in the 2014 filing period, representing 136 required filers, 15 of whom sat on multiple boards or commissions. Thanks to the outstanding work of the Unit, agency annual disclosure liaisons, and general counsels of these boards and commissions, the compliance rate for this category of filers for its first filing period was 100%.

Public Authorities Accountability Act

The Public Authorities Accountability Act ("PAAA") requires directors, officers, and employees of certain City-affiliated entities to file annual disclosure reports with the Board. Thirty-three PAAA entities -- including four entities filing for the first time -- participated in the 2014 filing period. These entities represented 298 filers. Of those 298 filers, 147 individuals had previously submitted annual disclosure reports pursuant to their City positions and thus were not required to file a PAAA annual disclosure report; 27 of those 147 filers were required to file by virtue of service with more than one PAAA entity. The remaining 151 individuals filed their short 2013 paper PAAA reports; of those 151

filers, five were required to file by virtue of service with more than one PAAA entity.

Annual Disclosure Appeals

Pursuant to Section 12-110 (c) of the Administrative Code, an employee may appeal his or her agency's determination that the employee is required to file a report. During 2014, the Board issued the following appeal order:

On March 19, 2014, the Board dismissed the Department of Citywide Administrative Services' motion for reconsideration of the Board's November 7, 2013, decision granting appeals on default. The Board found that the only remedy in the Financial Disclosure Appeals Process for an appeal being granted on default was for an agency to place the employee on the list of required filers the following year and that no remedy of appeal or reconsideration exists under the Process. The order and decision may be found on the Board's website at:

http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/coib_fdorder_2014-1.pdf.

Annual Disclosure Enforcement

Section 12-110(g) of the City's Annual Disclosure Law empowers the Board to impose fines of up to \$10,000 for the non-filing or late filing of an annual disclosure report. During 2014, the Board collected \$19,000 in late filing fines, reflecting \$13,000 from 2013 late filers, \$1,500 from 2012 late filers, \$1,000 from a 2011 late filer, and \$3,500 from one late filer for 2010, 2009, and 2008. Since the Board assumed responsibility for annual disclosure in 1990, the Board has collected \$621,448 in annual disclosure fines.

Public Inspection of Annual Disclosure Reports

Section 12-110(e) of the City's Annual Disclosure Law provides that certain information contained in annual disclosure reports shall be made available for public inspection. In 2014, there were 2,693 requests to inspect filed reports, a 127% increase from 2013 and the highest in the Board's history. 2,082 of these requests were from the media,¹⁸ which resulted in numerous news articles and reports, of which a representative sampling organized by subject matter follows.

¹⁸ Of the 2,082 requests from the media, 1,582 were emailed directly to reporters pursuant to an Annual Disclosure Unit initiative permitting reporters to register with the Board. Reporters from

The race for Speaker of the City Council:

Numerous articles in the *Daily News* on January 6, 7, and 8, 2014, discussed the annual disclosure reports of Councilmember Melissa Mark-Viverito, who was then a leading candidate to become Speaker of the City Council.

A January 6, 2014, post on *Politicker* commented on the reports of both Councilmember Mark-Viverito and Councilmember Daniel Garodnick, then candidates to become Speaker of the City Council.

The race for Brooklyn District Attorney:

A February 24, 2014, article in *DNAinfo New York* discussed Brooklyn District Attorney Kenneth Thompson's annual disclosure report and his involvement in the movie business.

The June 3, 2014, *New York Times* website posting of the Department of Investigation's report concerning former Brooklyn District Attorney Charles Hynes revealed his concern with the timely filing of his report and that of his opponent, Kenneth Thompson.

Annual Disclosure Reports of the Mayor, Comptroller, Public Advocate, and Speaker of the City Council released on June 5, 2014:

On June 5, 2014, the *Daily News* posted two articles: The first reported that Mayor de Blasio and cable personality Robin Byrd belong to the same political club, and the second discussed Speaker Mark-Viverito's real estate, rental income, and credit card debt. That day's issue of *Capital Pro* compared Mayor de Blasio's wealth with that of former Mayor Michael Bloomberg.

A June 6, 2014, *Daily News* article expanded on the previous day's article to include a discussion of the Mayor's assets; a *New York Post* article assessed the Speaker's real estate holdings; and the *Wall Street Journal* questioned the propriety of a private firm paying for a trip of the Speaker that included her attendance at a fundraiser.

established publications may receive reports by email to their work email address after registering with the Board.

Articles in the June 5, 2014, issue of the *New York Daily News* and the June 9, 2014, issue of *El Diario* remarked on the size of the Mayor's retirement accounts.

Release of the Annual Disclosure Reports of the members of the City Council, the borough presidents, and the district attorneys on July 15, 2014, resulted in the following articles on July 16, 2014:

NYI reported that the annual disclosure reports of City Council members showed less outside income than in years past.

The *Daily News* and the *New York Observer* reported that Councilmember Maria del Carmen Arroyo wins thousands of dollars during monthly gambling trips.

The *New York Observer* claimed Brooklyn Borough President Eric Adams failed to report income on rental property, noted Councilmember Stephen Levin, an opponent of fracking, collected royalties from natural gas drilling companies, and revealed the credit card debt of various Councilmembers.

Capital Pro named two Councilmembers who requested privacy for certain information disclosed in their reports, commented on the credit card debt and multiple pensions of other Councilmembers, and highlighted Borough President Brewer's stock market investments while she was a Councilmember.

An August 1, 2014, *Queens Ledger* article discussed the annual disclosure reports of Councilmembers from that borough.

Trial of Councilmember Dan Halloran:

NYI reported that the annual disclosure report of former Councilmember Dan Halloran played a part in his testimony at his corruption trial and displayed the actual report.

Wealth of Public Servants:

The July 21, 2014, *New York Observer* noted that Kenneth Thompson took a significant pay cut to become Brooklyn District Attorney.

The August 27, 2014, issue of *Capital New York* commented on the wealth of high level City officials. Specifically, an August 28, 2014, *Daily News* article noted the wealth of Police Commissioner William Bratton, and the August 29, 2014, issue of *City and State* named three City officials as winners for their personal wealth. In addition, a September 2, 2014, *New York Post* article mentioned the investments of three City commissioners in a pizza restaurant, sneaker company, and energy supplier.

Public Libraries:

A February 9, 2014, *Daily News* article noted that senior library officials were not required to file annual disclosure reports, which City Councilmembers vowed to change.

An October 27, 2014, *Library Journal* article reported that Councilmember Van Bramer had introduced legislation requiring the libraries to be subject to oversight, including senior officials being required to file annual disclosure reports.

Miscellaneous:

A May 28, 2014, *Wall Street Journal* article noted Councilmember King's failure to timely submit his 2013 annual disclosure report.

In October and November, numerous articles in various news publications reported on the failure of Rachel Noerdlinger, Chief of Staff to the First Lady, to make full disclosure on her annual disclosure reports. The *New York Times* noted the information that was added and changed when she amended her report and, in an article and in an appearance by its reporter on *NY1*, *The Wall Street Journal* noted the number of times the report was amended.

An October 12, 2014, *New York Post* article about the Medical Examiner's Office noted that the Board permitted a City employee to

supervise his former employer as part of his City position but that he did not disclose any outside income from this former employer.

A November 16, 2014, *New York Times* article discussing landlords' dissatisfaction with the Mayor mentioned the Mayor's annual disclosure report and his response to the claim that he had failed to report rental income in that report.

6. PROPOSED AMENDMENTS TO CHAPTER 68

The Board had a busy and successful year providing advice to City employees, enforcing violations of the City's ethics law, administering annual disclosure, and training City employees. However, Chapter 68 of the New York City Charter has gone largely unchanged since it was first enacted almost 25 years ago, and some changes are needed. Indeed, City Charter § 2603(j) requires that, at least once every five years, the Board "shall review the provisions of this chapter and shall recommend to the council . . . such changes or additions as it may consider appropriate or desirable." The Board did so in August 2009, when it issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law. A handful of those proposals were enacted in 2010 upon recommendation of the Charter Revision Commission.¹⁹ But the Board's other proposals have not been considered.

In particular, one of the Board's highest legislative priorities for many years has been a Charter amendment providing the Board with an independent budget. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget. The Board believes that is in itself an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials who are subject to the Board's jurisdiction.

¹⁹ In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: mandating that every City public servant obtain training in the Conflicts of Interest Law, increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and empowering the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. Those provisions are now part of Chapter 68, in Sections 2603(b), 2606(b), and 2606(b-1) of the Charter.

7. ADMINISTRATION AND INFORMATION TECHNOLOGY

The Board thanks its Director of Administration, Varuni Bhagwant, and Administrative Coordinator, Iris Wright, for their continued perseverance in the face of increasing administrative burdens. The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running. He has provided the Board with the technical expertise necessary to implement changes to the Board's electronic financial disclosure application and develop the Board's case management software and has supervised the implementation of upgrades to the Board's IT infrastructure, including the pending replacement of the agency's phone system with Voice Over Internet Protocol.

EXHIBITS
AND
APPENDICES

EXHIBIT 1
CONFLICTS OF INTEREST BOARD: 1993, 2001, 2013, 2014

| Agencywide | 1993 | 2001 | 2013 | 2014 |
|--|--------------------|--------------------------------|--------------------|--------------------------|
| Adopted Budget (Fiscal Year) | \$1,132,000 (FY94) | \$1,698,669 (FY02) | \$2,033,472 (FY14) | \$2,117,472 (FY15) |
| Staff (budgeted) | 26 | 23 ³ / ₅ | 22 | 22 |
| | | | | |
| Legal Advice | 1993 | 2001 | 2013 | 2014 |
| Staff | 6½ (4½ attorneys) | 4 (3 attorneys) | 4 attorneys | 3 attorneys ¹ |
| Telephone requests for advice | N/A | 1,650 | 3,536 | 4,353 |
| Written requests for advice | 321 | 539 | 552 | 597 |
| Issued opinions, letters, waivers, orders | 266 | 501 | 559 | 480 |
| Opinions, etc. per attorney | 53 | 167 | 140 | 160 |
| Pending requests at year end | 151 | 40 | 107 | 174 |
| Median time to respond to requests | N/A | N/A | 22 days | 28 days |
| | | | | |
| Enforcement | 1993 | 2001 | 2013 | 2014 |
| Staff | ½ | 5 (4 attorneys) | 5 (4 attorneys) | 5 (4 attorneys) |
| New complaints received | 29 | 124 | 506 | 488 |
| Cases closed | 38 | 152 | 508 | 524 |
| Dispositions imposing fines | 1 | 9 | 62 | 78 |
| Public warning letters | 0 | 2 | 26 | 17 |
| Fines imposed | \$500 | \$20,450 | \$124,050 | \$184,405 |
| Referrals to DOI | 19 | 49 | 71 | 55 |
| Reports from DOI | N/A | 43 | 108 | 181 |

¹ The Deputy General Counsel line was vacant for eight months in 2014, and the new Deputy General Counsel had to spend much of his time disposing of enforcement cases.

| <i>Training and Education</i> | 1993 | 2001 | 2013 | 2014 |
|-------------------------------|---|---|---|---|
| Staff | 1 | 4 ^{3/5} | 4 | 4 |
| Training sessions | 10 | 190 24 agencies; CLE | 542 42 agencies; Brown Bag Lunches; multiple CLE offerings; training for all employees of 15 agencies; new presentation for Citywide seminar | 599 43 agencies; Brown Bag Lunches; Ethics Liaison Meet-up; multiple CLE offerings; training for all employees of 11 agencies; new presentation for Citywide seminar |
| Dept. of Education training | None | 116 training sessions; BOE leaflet, booklet, videotape | 18 classes taught | 320 classes taught; new handbook for Therapists |
| Publications | 6 Poster, Chapter 68, Plain Language Guide, Annual Reports | Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter | Over 50 Continued monthly column in <i>The Chief</i> | Over 50 Continued monthly column in <i>The Chief</i> |
| Ethics newsletter | None | <i>Ethical Times</i> (Quarterly) | <i>Ethical Times</i> switched to monthly | <i>Ethical Times</i> (Monthly), <i>Public Service Puzzler</i> (Monthly) |

| <i>Training and Education (cont'd)</i> | 1993 | 2001 | 2013 | 2014 |
|--|--------------|--|--|--|
| Videotapes | None | 3 half-hour training films; 2 PSA's | New video series, "Ethics Express: Conflicts of Interest in Five Minutes or Less" begun. First clip completed. | "Ethics Express: Conflicts of Interest in Five Minutes or Less" five clips posted. |
| Electronic training | None | Computer game show; Crosswalks appearances | Development plan with DCAS agreed upon for 2014; revamped computer game show | Development with DCAS on hold until they find the appropriate vendor; Training Twitter feed begun. |
| | | | | |
| <i>Annual Disclosure</i> | 1993 | 2001 | 2013 | 2014 |
| Staff | 12 | 5 | 5 | 5 ² |
| 6-year compliance rate | 99% | 98.6% | 98.2% | 98.2% |
| Fines collected | \$36,051 | \$31,700 | \$27,750 | \$19,000 |
| Reports reviewed for completeness (mandated by Charter & NYS law) | All (12,000) | 400 | 6,661 | 7,647 |
| Reports reviewed for conflicts (mandated by law) | 350 | 38 | 6,661 | 7,647 |
| Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA | 0 | 0 | 29 PAAA entities filed | 33 PAAA entities filed |
| Electronic filing | None | In development | With limited exceptions (PAAA filers, candidates, and assessors), all filers file electronically | With limited exceptions (PAAA filers, uncompensated members of policymaking boards and commissions, candidates, and assessors), all filers file electronically |

² The Unit consisted of four staff members from July through December after the departure of the Board's annual disclosure analyst.

EXHIBIT 2

COIB MEMBERS, STAFF, AND FORMER MEMBERS 2014

Members

Nicholas Scoppetta, Chair (*until February 2014*)
Richard Briffault, Chair (*beginning March 2014*)
Fernando Bohorquez (*beginning April 2014*)
Anthony Crowell
Andrew Irving
Burton Lehman (*until March 2014*)
Erika Thomas-Yuille

Staff

Executive

Mark Davies, Executive Director

Legal Advice

Wayne G. Hawley, Deputy Executive Director & General Counsel
Ethan Carrier, Deputy General Counsel (*beginning part-time Aug. 2014*)
Jessie Beller, Associate Counsel
Amber Gonzalez, Assistant Counsel

Enforcement

Carolyn Lisa Miller, Director of Enforcement
Bre Injeski, Deputy Director of Enforcement
Ethan Carrier, Associate Counsel (*full-time until Aug. 2014, part-time thereafter*)
Jeffrey Tremblay, Assistant Counsel
Maritza Fernandez, Litigation Coordinator

Annual Disclosure

Julia Davis, Director of Annual Disclosure & Special Counsel
Joanne Giura-Else, Deputy Director of Annual Disclosure
Holli R. Hellman, Associate Electronic Financial Disclosure Project Manager and
Supervising Annual Disclosure Analyst
Veronica Martinez Garcia, Administrative Assistant
Daisy Garay, Annual Disclosure Analyst and Agency Receptionist (*until June 2014*)

Training and Education

Alex Kipp, Director of Training and Education
Philip Weitzman, Senior Trainer
Rob Casimir, Trainer
Samantha Quinn Haisley, Trainer

Administrative

Varuni Bhagwant, Director of Administration
Iris Wright, Administrative Coordinator

Information Technology

Derick Yu, Director of Information Technology

Interns and Volunteers

Volunteer Attorneys

Seth Cummins

Law School Interns

Terrence Griffiths
Rachel Scall

College Interns

Sara A. Koutcher

Former Members of the Board

| | |
|---|-----------|
| Merrill E. Clarke, Jr., Chair | 1989 |
| Beryl Jones | 1989-1995 |
| Robert J. McGuire | 1989-1994 |
| Sheldon Oliensis, Chair | 1990-1998 |
| Shirley Adelson Siegel | 1990-1998 |
| Benjamin Gim | 1990-1994 |
| Benito Romano, Acting Chair (1998-2002) | 1994-2004 |
| Jane W. Parver | 1994-2006 |
| Bruce A. Green | 1995-2005 |
| Angela Mariana Freyre | 2002-2011 |
| Steven B. Rosenfeld, Chair | 2002-2012 |
| Kevin J. Frawley | 2006-2009 |
| Monica Blum | 2004-2013 |
| Burton Lehman | 2009-2014 |
| Nicholas Scoppetta, Chair | 2012-2014 |

EXHIBIT 3
TRAINING AND EDUCATION CLASSES ON CHAPTER 68

| <u>Year</u> | <u>DOE Classes</u> | <u>Other Agency Classes</u> | <u>Total Classes¹</u> |
|-------------------|--------------------|-----------------------------|----------------------------------|
| 1996 | 0 | 30 | 30 |
| 1997 | 0 | 90 | 90 |
| 1998 | 10 | 53 | 63 |
| 1999 | 23 | 69 | 92 |
| 2000 | 221 | 156 | 377 |
| 2001 | 116 | 74 | 190 |
| 2002 | 119 | 167 | 286 |
| 2003 ² | 43 | 139 | 182 |
| 2004 | 119 | 169 | 288 |
| 2005 | 80 | 162 | 242 |
| 2006 ³ | 43 | 151 | 194 |
| 2007 | 75 | 341 | 416 |
| 2008 | 51 | 484 | 535 |
| 2009 ⁴ | 33 | 253 | 286 |
| 2010 ⁵ | 9 | 270 | 279 |
| 2011 | 21 | 297 | 318 |
| 2012 ⁶ | 34 | 307 | 341 |
| 2013 | 18 | 524 | 542 |
| 2014 | 320 | 279 | 599 |

¹ These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

² As a result of mandated layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15 to October 15, 2003.

³ From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December 2005 to mid-July 2006, and the new trainer then needed to be trained before he could begin teaching classes.

⁴ For five months during 2009 the Unit had a staff of only one.

⁵ For eight months during 2010 the Unit had a staff of only one.

⁶ The Unit's complement was expanded from two to four in July 2012.

EXHIBIT 4

COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold.
 Agencies that held three to nine classes are in italics.
 Agencies that held one or two classes are not separately listed.

| 2007 | 2008 | 2009 ¹ | 2010 ² | 2011 | 2012 ³ | 2013 | 2014 |
|--|---|--|---|--|---|--|---|
| Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA TLC CCRB Community Boards DCP DoITT DYCD EDC HPD HRA NYCERS NYPD Parks | Buildings DCAS DDC Education OATH/ECB Health Sanitation TLC ACS Aging City Council Community Boards Correction DoITT EDC Finance Fire Dept. Law MOCS NYCERS NYCHA | Buildings City Council DCAS DoITT Education FISA NYCHA TLC CCHR CCRB Community Boards DCA DDC DOHMH DOF DOT DPR DSNY DYCD EDC FDNY HRA NYCERS OATH SBS | Buildings City Council DCAS DOF DOT HRA Not-for-profits Receiving Discretionary Grants Bronx Borough President Community Boards DDC DOHMH DoITT DPR FDNY HHC HPD | Buildings City Council DCAS DDC DOE DOF OATH SCA Community Boards DOHMH DoITT DYCD EDC FDNY HRA Manhattan BP MOCS NYCERS Not-for-profits Receiving Discretionary Grants OEM SBS | ACS City Council Comptroller DCAS DOE DOHMH DOT HRA NYCERS TLC Borough President (M) Community Boards DDC DEP DOB DOF DoITT DSNY EDC FDNY FISA OLR Police Pension Richmond Cty. DA's Office | ACS City Council BOE BoERS DA (M) DCAS DDC DFTA DHS DOB DOE DOF DoITT DOT HRA SCA TRS Parks Community Boards DA - Bx DEP DOHMH DSNY DYCD EDC FDNY HDC MOCS OEM OPA | City Council Community Boards Comptroller DDC DOE DOF DOHMH DoITT DOT HRA Parks COIB DA - M DCAS DEP DOB DOC DSNY EDC FDNY Mayor's Office Mayor's Office Vs. Domestic Violence NYCHA OEM Public Advocate SBS |
| Agencies Holding One or Two Classes: 39 | Agencies Holding One or Two Classes: 23 | Agencies Holding One or Two Classes: 24 | Agencies Holding One or Two Classes: 20 | Agencies Holding One or Two Classes: 16 | Agencies Holding One or Two Classes: 17 | Agencies Holding One or Two Classes: 13 | Agencies Holding One or Two Classes: 17 |
| Total Classes: 416 | Total Classes: 535 | Total Classes: 286 | Total Classes: 279 | Total Classes: 318 | Total Classes: 341 | Total Classes: 542 | Total Classes: 599 |

¹ For five months during 2009 the Unit had a staff of one.

² For eight months during 2010 the Unit had a staff of one.

³ The Training Unit's complement was expanded from two to four in July 2012.

EXHIBIT 5
RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS

Sheldon Oliensis Ethics in City Government Award

| | |
|------|--|
| 2014 | Rose Gill Hearn (Department of Investigation) |
| 2013 | Samantha Biletsky (Department of Education) |
| 2012 | Marla Simpson (Mayor's Office of Contract Services) |
| 2010 | Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene) |
| 2009 | Ricardo Morales (New York City Housing Authority) |
| 2007 | Department of Buildings |
| 2005 | The Center for New York City Law at New York Law School |
| 2004 | Saphora Lefrak (City Council) |
| 2003 | Department of Investigation |
| 2002 | Department of Environmental Protection |
| 2001 | Department of Transportation |
| 1999 | Sheldon Oliensis (Conflicts of Interest Board) |

Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board

| | |
|------|----------------------------------|
| 2014 | Burton Lehman |
| 2013 | Steven Rosenfeld and Monica Blum |
| 2012 | Wayne Hawley |
| 2011 | Angela Mariana Freyre |
| 2009 | Mark Davies |
| 2008 | Robert Weinstein |
| 2007 | Jane Parver |
| 2006 | Bruce Green |
| 2005 | Benito Romano |
| 2003 | Andrea Berger |
| 1999 | Shirley Adelson Siegel |

EXHIBIT 6
LEGAL ADVICE SUMMARY: 1993 TO 2014

| | 1993 | 2009 (Increase v. 2008) | 2010 (Increase v. 2009) | 2011 (Increase v. 2010) | 2012 (Increase v. 2011) | 2013 (Increase v. 2012) | 2014 (Increase v. 2013) |
|---|-------------|--|--|--|--|--|--|
| Staff | 5 attorneys | 4 attorneys | 4 attorneys | 4 attorneys | 4 attorneys | 4 attorneys | 3 attorneys ¹ |
| Telephone requests for advice | N/A | 3277 (-14%) | 3246 (-1%) | 3310 (+2%) | 3213 | 3536 (+10%) | 4,353 (+23%) |
| Written requests for advice | 321 | 557 (-11%) | 599 (+8%) | 582 (-3%) | 581 | 552 (-5%) | 597 (+8%) |
| Issued opinions, letters, waivers, orders | 266 | 484 (-16%) | 523 (+8%) | 523 | 471 (-10%) | 559 (+19%) | 480 (-14%) |
| Opinions, etc. per attorney | 53 | 121 (-16%) | 131 (+8%) | 131 | 118 (-10%) | 140 (+19%) | 160 (+14%) |
| Pending written requests at year end | 151 | 138 (-14%) | 162 (+17%) | 166 (+2%) | 221 (+33%) | 107 (-52%) | 174 (+63%) |
| Median time to respond to requests | N/A | 24 days | 24 days | 29 days | 28 days | 22 days | 28 days |

¹ The Deputy General Counsel line was vacant for eight months in 2014, and the new Deputy General Counsel had to spend much of his time disposing of enforcement cases.

EXHIBIT 7
WRITTEN REQUESTS FOR ADVICE ON CHAPTER 68

| <u>Year</u> | <u>Requests Received</u> |
|-------------|--------------------------|
| 1996 | 359 |
| 1997 | 364 |
| 1998 | 496 |
| 1999 | 461 |
| 2000 | 535 |
| 2001 | 539 |
| 2002 | 691 |
| 2003 | 559 |
| 2004 | 535 |
| 2005 | 515 |
| 2006 | 568 |
| 2007 | 613 |
| 2008 | 624 |
| 2009 | 557 |
| 2010 | 599 |
| 2011 | 582 |
| 2012 | 581 |
| 2013 | 552 |
| 2014 | 597 |

EXHIBIT 8
WRITTEN RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

| <u>Year</u> | <u>Staff Letters</u> | <u>Waivers/ (b)(2) Letters</u> | <u>Board Letters, Orders, Opinions</u> | <u>Total</u> |
|-------------|----------------------|------------------------------------|--|--------------|
| 1996 | 212 | 49 | 25 | 286 |
| 1997 | 189 | 116 | 24 | 329 |
| 1998 | 264 | 111 | 45 | 420 |
| 1999 | 283 | 152 | 28 | 463 |
| 2000 | 241 | 179 | 52 | 472 |
| 2001 | 307 | 148 | 46 | 501 |
| 2002 | 332 | 147 | 26 | 505 |
| 2003 | 287 | 165 | 83 | 535 |
| 2004 | 252 | 157 | 61 | 470 |
| 2005 | 241 | 223 | 79 | 543 |
| 2006 | 178 | 158 | 79 | 415 |
| 2007 | 269 | 246 | 90 | 605 |
| 2008 | 253 | 226 | 95 | 574 |
| 2009 | 170 | 231 | 83 | 484 |
| 2010 | 208 | 234 | 81 | 523 |
| 2011 | 188 | 250 | 85 | 523 |
| 2012 | 155 | 246 | 70 | 471 |
| 2013 | 210 | 282 | 67 | 559 |
| 2014 | 221 | 210 | 49 | 480 |

EXHIBIT 9
CHAPTER 68 ENFORCEMENT CASES

| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|--------------------------------|------|------|------|------|------|------|------|------|------|------|
| New Complaints | 29 | 50 | 64 | 63 | 81 | 148 | 124 | 221 | 346 | 307 |
| Cases Closed | 33 | 32 | 54 | 76 | 83 | 117 | 152 | 179 | 243 | 266 |
| Dispositions Imposing Fines | 1 | 1 | 2 | 9 | 4 | 10 | 9 | 6 | 3 | 6 |
| Public Warning Letters | 0 | 1 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 |

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|--------------------------------|------|------|------|------|------|------|------|------|------|------|
| New Complaints | 370 | 330 | 466 | 510 | 445 | 526 | 441 | 437 | 506 | 488 |
| Cases Closed | 234 | 557 | 426 | 508 | 476 | 523 | 507 | 446 | 508 | 524 |
| Dispositions Imposing Fines | 11 | 21 | 62 | 136 | 98 | 74 | 66 | 89 | 67 | 78 |
| Public Warning Letters | 1 | 6 | 26 | 16 | 23 | 37 | 19 | 14 | 29 | 17 |

EXHIBIT 10
ENFORCEMENT SUMMARY: 2006 to 2014

| | 2006 (Increase v. 2005) | 2007 (Increase v. 2006) | 2008 (Increase v. 2007) | 2009 (Increase v. 2008) | 2010 (Increase v. 2009) | 2011 (Increase v. 2010) | 2012 (Increase v. 2011) | 2013 (Increase v. 2012) | 2014 (Increase v. 2013) |
|-----------------------------|--|--|--|--|--|--|--|--|--|
| Staff | 4 (2 attorneys ¹) | 5 (4 attorneys) | 5 (4 attorneys ²) | 5 (4 attorneys ³) | 5 (4 attorneys) | 5 (4 attorneys ⁴) | 5 (4 attorneys ⁵) | 5 (4 attorneys ⁶) | 5 (4 attorneys ⁷) |
| New complaints received | 330 | 466 (+41%) | 510 (+9%) | 445 (-13%) | 526 (+18%) | 441 (-16%) | 437 (-0.1%) | 506 (+14%) | 488 (-4%) |
| Cases closed | 557 | 426 (-24%) | 508 (+19%) | 476 (-6%) | 523 (+10%) | 507 (-3%) | 446 (-12%) | 508 (+16%) | 524 (+3%) |
| Dispositions imposing fines | 21 | 62 (+195%) | 136 (+119%) | 98 (-28%) | 74 (-24%) | 66 (-11%) | 89 (+35%) | 67 (-25%) | 78 (+16%) |
| Public warning letters | 6 | 26 (+333%) | 16 (-38%) | 23 (+44%) | 37 (+61%) | 19 (-49%) | 14 (-26%) | 29 (+101%) | 17 (-41%) |
| Fines imposed | \$30,460 | \$87,300 | \$155,600 | \$161,076 | \$145,850 | \$145,769 | \$198,876 | \$131,750 | \$184,405 |
| Referrals to DOI | 171 | 115 (-33%) | 112 (-3%) | 74 (-34%) | 77 (+4%) | 64 (-17%) | 67 (+5%) | 75 (+12%) | 56 (-25%) |
| Reports from DOI | 225 | 282 (+25%) | 310 (+10%) | 187 (-40%) | 259 (+39%) | 169 (-35%) | 204 (+21%) | 193 (-5%) | 182 (-6%) |

¹ The Enforcement Unit had only two attorneys for several months in 2006.

² The Enforcement Unit had one attorney on leave for several months in 2008.

³ The Enforcement Unit had one attorney on leave for several months in 2009.

⁴ The Enforcement Unit lacked one attorney for 3½ months in 2011.

⁵ The Enforcement Unit lacked one attorney for 7½ months in 2012.

⁶ The Enforcement Unit lacked one attorney for two months in 2013.

⁷ The Enforcement Unit lacked one attorney for five months in 2014.

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------------|-------------|--------------|----------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 2014 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/17/2014 | 2014-414 | Harish | NYCERS | | 800 | | | | | | | |
| 12/17/2014 | 2014-307 | Kwon | DOE | | 2,250 | | | | | | | |
| 12/9/2014 | 2014-751a | Reid | DHS | X | | | 750 | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/21/2014 | 2013-605 | Parker | HRA | | 10,000 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 11/21/2014 | 2013-853 | Ellis | KCHC | | 4,500 | | | | | | | |
| 11/21/2014 | 2009-376 | Amato | HHC | | 1,000 | | | | | | | |
| 11/21/2014 | 2014-479 | Buenaventura | DOHMH | X | | | | | | Resign from DOHMH | | |
| 11/21/2014 | 2014-061 | Dent | BOE | | 5,500 | | | | | | | |
| 11/21/2014 | 2013-374a | Hamilton | Manh CB2 | | 10,660 | 2,500 fine + 8,160 value of benefit received | | | | | | |
| 11/21/2014 | 2014-768a | Williams | DPR | X | | | | | | 90 days probation | 15 | 4,952 |
| 11/6/2014 | 2013-609 | Oberman | TLC | | 7,500 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/29/2014 | 2014-059 | Ribustello | BOE | | 1,500 | | | | | | | |
| 10/24/2014 | 2013-426 | Araujo | BOE | | 10,000 | | | | | | | |
| 10/24/2014 | 2014-201a | Shin | DOE | | 2,000 | | | | | | | |
| 10/24/2014 | 2014-561 | Thomas | HPD | X | 500 | | 250 | | | | | |
| 10/24/2014 | 2013-913 | Ross | DOHMH | X | 250 | | 1,100 | | | | | |
| 10/24/2014 | 2013-817 | Rogers | ACS | | 2,500 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/22/2014 | 2014-280 | Morris | HRA | X | | | | | | | 30 | 3,164 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|---------------|-------------|--------------|----------------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|-------------------------------|---------------------|--------|
| | | | | | | | | | | | # of Days | Value |
| 9/22/2014 | 2012-518a | Maldonado | HHC | X | 4,000 | | | | | | | |
| 9/22/2014 | 2012-518 | LaRosa | HHC | X | 6,000 | | | | | | | |
| 9/22/2014 | 2013-815 | Osei-Boateng | DOE | | 500 | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/28/2014 | 2014-498 | Avellino | Compt. | X | | | | | | | 2 | 388 |
| 8/28/2014 | 2013-358 | Paul | DOE | X | 2,400 | | | | | | | |
| 8/28/2014 | 2013-439 | Judin | DOE | X | 1,600 | | | | | | | |
| 8/28/2014 | 2014-458 | Chien | Compt. | X | | | | | | | 45 | 13,891 |
| 8/27/2014 | 2014-188a | Mas | HPD | X | 1,000 | | 1,000 | | | | | |
| 8/27/2014 | 2014-188 | Ruiz | HPD | X | 1,250 | | 1,250 | | | | | |
| 8/27/2014 | 2013-633 | Ali | DOE | X | 7,000 | | | | | | | |
| 8/26/2014 | 2013-714 | Luong | Mayor's Office | | 2,000 | | | | | | | |
| 8/26/2014 | 2014-310 | Mischel | Mayor's Office | | 1,000 | | | | | | | |
| 8/20/2014 | 2013-535 | King | NYCHA | X | | | | | | | 20 | 4,194 |
| 8/20/2014 | 2014-060 | Conacchio | BOE | | 1,500 | | | | | | | |
| 8/20/2014 | 2013-305 | Brown, F. | DDC | X | 2,170 | | | | 2,170 | 7 days annual leave forfeited | 7 | 2,170 |
| 8/20/2014 | 2011-659 | Romano | QBPO | | 2,000 | | | | | | | |
| 8/20/2014 | 2014-449 | Meloy | DEP | X | | | | | | | 30 | 5,228 |
| 8/20/2014 | 2014-174 | Bediako | DOHMH | X | 1,500 | | 1,500 | | | | | |
| 8/19/2014 | 2013-258 | Collins | DA | | 10,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 8/6/2014 | 2014-321 | DiBerardino | DSNY | X | 4,000 | | | | | Resign from DSNY | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settle- ment | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-------------|-------------|------------|-----------|--------------------------|------------------------|--|--------------------------|--|------------------|---|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 8/6/2014 | 2013-607 | Jenkins | OEM | | 25,000 | Due to showing of financial hardship, fine was forgiven | | | 23,900 | Pleaded guilty in NYS Criminal Ct. to Welfare Fraud | 30 | 2,700 |
| JULY | | | | | | | | | | | | |
| 7/22/2014 | 2013-279 | Rabinowitz | DOF | | 5,000 | | | | | | | |
| 7/1/2014 | 2013-829 | Nealy | DOHMH | X | | | | | 4,781 | Demoted, resulting in 4,781 annual salary reduction | | |
| 7/1/2014 | 2013-474 | Rosal | DOHMH | X | | | | | | | 13 | 4,202 |
| JUNE | | | | | | | | | | | | |
| 6/26/2014 | 2014-038a | Malloy | DSNY | | 1,500 | | | | | | | |
| 6/26/2014 | 2014-038 | Nichilo | DSNY | | 1,500 | | | | | | | |
| 6/26/2014 | 2013-299 | Oni | HRA | | 6,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 6/25/2014 | 2014-067 | Schlansky | DOE | X | | | 6,000 | | | | | |
| 6/25/2014 | 2014-165 | Darwin | Law Dept. | X | | | | | | | 4 | 755 |
| 6/23/2014 | 2014-200 | Sainbert | DCAS | X | | | | | | | 10 | 2,001 |
| 6/23/2014 | 2013-460 | Moore | ACS | X | 500 | | 500 | | | | | |
| 6/23/2014 | 2013-001 | Washington | NYCHA | | 1,300 | | | | | | | |
| 6/18/2014 | 2014-240 | Martinez | Compt. | | | | 4,852 | | | Forfeit half of remaining annual leave and retire from Comptroller's Office | | |
| 6/18/2014 | 2014-261 | Joseph | DHS | X | 500 | | | | 2,503 | Reimburse Agency for repair to damages on City vehicle | | |
| 6/18/2014 | 2014-286 | Shapiro | NYCHA | | 1,250 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|--------------|---------------------|----------------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|--|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 6/5/2014 | 2013-222a | Cassidy | FDNY | X | 750 | | 750 | | 1,898 | 6 days annual leave forfeited | | |
| 6/2/2014 | 2013-222 | Del Re | FDNY | X | 5,500 | | 1,500 | | | | | |
| MAY | | | | | | | | | | | | |
| 5/12/2014 | 2013-870 | Vazquez | ACS | X | | | | | | | 6 | 1,821 |
| 5/12/2014 | 2012-836b | Fraraccio | NYCHA | | 1,200 | | | | | | | |
| 5/12/2014 | 2013-863 | Akinboye | DOHMH | X | 500 | | 3,500 | | | | | |
| 5/12/2014 | 2012-687 | Ortiz-Melendez | HRA | X | | | | | | | 7 | 950 |
| 5/12/2014 | 2013-424 | Phifer | DOE | X | 2,500 | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/28/2014 | 2011-700 | Hederman | DOE | | 1,000 | Fine would have been substantially higher but for showing of financial hardship | | | | | | |
| 4/28/2014 | 2013-669 | Cotto | ACS | X | 625 | | 625 | | | | | |
| 4/28/2014 | 2013-644 | Rao | DEP | X | | | 775 | | 4,423 | Restitution and 10 days annual leave forfeited | | |
| 4/24/2014 | 2012-870 | Massuridis | NYCHA | | 3,000 | | | | | | | |
| 4/24/2014 | 2012-321 & 2012-827 | Hinds | DOE | | 2,500 | Due to showing of financial hardship, fine was reduced from \$12,500 to \$2,500 | | | | | | |
| 4/24/2014 | 2013-307 | Casal | DOE | | 1,000 | | | | | | | |
| 4/15/2014 | 2011-387 | Salce | ACS | | 5,000 | | | | | | | |
| MARCH | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------------|-------------|-------------|--------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|---|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 3/31/2014 | 2013-622 | Saint-Louis | DEP | X | | | 3,090 | | 1,565 | Restitution and 5 days annual leave forfeited | | |
| 3/27/2014 | 2013-623 | Simpson | HPD | | 2,400 | | | | | | | |
| 3/27/2014 | 2013-072 | Green | DOE | | 2,000 | | | | | | | |
| 3/27/2014 | 2014-017 | Lebron | ACS | X | | | | | | | 5 | 1,472 |
| 3/20/2014 | 2013-534 | Ivey | HRA | X | | | | | | | 12 | 4,466 |
| 3/4/2014 | 2013-711 | Brown | ACS | X | | | | | | | 5 | 995 |
| FEBRUARY | | | | | | | | | | | | |
| 2/3/2014 | 2013-816 | Yndigoyen | Compt. | X | | | | | | | 10 | 2,300 |
| 2/3/2014 | 2013-782a | Dixon | DSNY | X | 1,500 | | | | | Retire from DSNY | | |
| JANUARY | | | | | | | | | | | | |
| 1/30/2014 | 2013-627 | Zima | DHS | | 1,000 | | | | 575 | Restitution | | |
| 1/30/2014 | 2013-296 | Kwait | DOE | X | 4,500 | | | | | | | |
| 2013 | | | | | | | | | | | | |
| 12/30/2013 | 2013-656 | Bansi | DOHMH | X | | | | | | Resign from DOHMH & never return to DOHMH employment | | |
| 12/30/2013 | 2013-661 | Diaz | DOHMH | X | 1,000 | | 1,000 | | | | | |
| 12/26/2013 | 2013-462 | Antonetty | ACS | X | | | | | 34,275 | Reassigned, resulting in 34,275 annual salary reduction | | |
| 12/26/2013 | 2013-296 | Hasberry | DOE | X | 1,250 | | | | | | | |
| 12/23/2013 | 2013-198 | Bazile | NYCHA | | 3,000 | | | | | | | |
| 12/23/2013 | 2013-468 | Tapia | Compt. | X | | | | | | | 20 | 4,480 |
| 12/23/2013 | 2013-097 | Castro | DOE | X | 6,000 | | | | | | | |
| 12/3/2013 | 2013-414 | Dalton | DOHMH | X | 1,000 | | | | | | | |
| 12/2/2013 | 2013-277 | James | NYCHA | X | | | | | | 18 months probation | 15 | 3,180 |
| NOVEMBER | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------------|-------------|--------------|---------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|---|---------------------|--------|
| | | | | | | | | | | | # of Days | Value |
| 11/26/2013 | 2013-196 | Namnum | DOE | | 3,000 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/29/2013 | 2013-044a | Greene | DOE | | 1,500 | | | | | | | |
| 10/29/2013 | 2012-836 | Mignogna | NYCHA | | | | | | 5,475 | Demoted, resulting in 5,475 annual salary reduction | | |
| 10/29/2013 | 2012-836a | Cavero | NYCHA | | 1,600 | | | | | | | |
| 10/29/2013 | 2012-836c | Augustyn | NYCHA | | 1,000 | | | | | | | |
| 10/29/2013 | 2012-836d | Santaniello | NYCHA | | 900 | | | | | | | |
| 10/24/2013 | 2013-384 | Torres | DOE | | | | | | | Terminated | | |
| 10/2/2013 | 2013-177 | Devgan | DDC | X | 8,000 | | | | | Resign from DDC | | |
| 10/2/2013 | 2013-177a | Shah | DDC | X | 2,500 | | | | | Indefinite probation | | |
| 10/1/2013 | 2013-444 | Veras | Bx B.P. | X | | | | | | | 30 | 5,066 |
| 10/1/2013 | 2012-831 | Reissig | NYCHA | X | 2,300 | | | | | | | |
| 10/1/2013 | 2013-004 | Mosley | Compt. | | 2,500 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/3/2013 | 2012-469 | Enright | HPD | | 5,000 | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/29/2013 | 2013-306 | Giwa | SCA | X | | | | | | | 30 | 10,400 |
| 8/26/2013 | 2013-380 | Compton | HPD | | 1,000 | | | | | | | |
| 8/13/2013 | 2012-493 | Hila | DSNY | X | | | | | | | 39 | 10,719 |
| 8/12/2013 | 2011-145 | Gonzalez | Bx CB 9 | | 7,500 | | | | | | | |
| 8/1/2013 | 2013-253 | Trambitskaya | ACS | | 1,000 | | | | | | | |
| 8/1/2013 | 2013-158 | Mohamed | Compt. | X | | | | | | | 5 | 942 |
| JUNE | | | | | | | | | | | | |
| 6/27/2013 | 2012-880b | Woods | DOHMH | X | 1,250 | | | | | | | |
| 6/26/2013 | 2013-111 | Madu | DEP | X | 5,000 | | | | | | | |
| 6/24/2013 | 2013-044 | Rodriguez | DOE | | 2,500 | | | | | | | |
| 6/24/2013 | 2012-238 | Bracone | DSNY | | 2,000 | | | | | | | |
| 6/24/2013 | 2012-238a | Torres | DSNY | | 2,000 | | | | | | | |
| MAY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|------------|--------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|---|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 5/20/2013 | 2013-124 | Choden | DOHMH | X | 750 | | 750 | | | | | |
| 5/16/2013 | 2012-338 | Marrero | DEP | X | 2,000 | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/29/2013 | 2012-458 | Jones | NYCHA | X | 1,250 | | | | | One year probation | 5 | 1,394 |
| 4/29/2013 | 2012-365 | Reyes | DOC | | 4,500 | | | | | | | |
| 4/29/2013 | 2012-365a | Davis | DOC | | 6,000 | | | | | | | |
| 4/29/2013 | 2012-233 | Bessem | HRA | X | | | | | | | 20 | 3,083 |
| 4/29/2013 | 2012-461 | Raheb | FDNY | | 7,000 | | | | | | | |
| 4/25/2013 | 2012-897a | Valencia | DEP | X | | | | | 3,838 | 800 in restitution & 15 days annual leave forfeited = 3,038 | | |
| 4/25/2013 | 2012-897b | Abrams | DEP | X | | | | | 4,088 | 946 in restitution & 15 days annual leave forfeited = 3,142 | | |
| 4/25/2013 | 2012-897c | Ramnarine | DEP | X | | | | | 1,229 | Restitution & resign from DEP | | |
| 4/25/2013 | 2012-897 | Hernandez | DEP | X | | | | | 1,322 | Restitution | 15 | 5,777 |
| 4/25/2013 | 2013-135 | Starkey | Compt. | X | | | | | | | 25 | 5,512 |
| 4/24/2013 | 2012-828 | Taylor | HHC | | 2,500 | | | | 500 | Loan repayment | | |
| 4/17/2013 | 2012-848 | Wolf | HHC | | 6,000 | | | | | | | |
| 4/15/2013 | 2012-710 | James | DOHMH | X | 1,500 | | 2,500 | | | | | |
| 4/1/2013 | 2012-766 | Wilson | DOHMH | X | 2,000 | | | | | | | |
| 4/1/2013 | 2012-765 | Singleton | DOHMH | X | 1,250 | | | | | | | 500 |
| 4/1/2013 | 2012-712a | Piccirillo | DOE | | 250 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/21/2013 | 2011-412 | Booker | HPD | | 3,000 | | | | | | | |
| 3/18/2013 | 2012-362 | Theodore | HPD | | 1,250 | | | | | | | |
| 3/7/2013 | 2012-473 | Pack | HHC | | 9,500 | | | | | | | |
| 3/7/2013 | 2012-624 | Davis | ACS | X | 1,500 | | | | | | | |
| 3/4/2013 | 2012-819 | DeMaio | DOE | X | 2,300 | | 4,200 | | | | | |
| FEBRUARY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|----------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|---|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 2/28/2013 | 2012-426 | Muniz | DHS | X | | | | | | Resign from DHS & never return to City | 30 | 6,622 |
| 2/28/2013 | 2012-808 | Romeo | NYCHA | | 1,000 | | | | | | | |
| 2/25/2013 | 2010-747 | Findley | HRA | | 1,400 | | | | | | | |
| 2/6/2013 | 2011-898a | Purvis | HRA | X | | | | | | | 60 | 9,972 |
| 2/5/2013 | 2012-464 | Rodriguez | HRA | X | | | | | | | 2 | 280 |
| JANUARY | | | | | | | | | | | | |
| 1/23/2013 | 2012-322 | Cohen | DOE | | 7,500 | | | | | | | |
| 1/23/2013 | 2012-313 | Baptiste | DOE | | 6,500 | | | | | | | |
| 1/17/2013 | 2012-140 | Stevenson-Hull | HRA | | | | | | | | 8 | 1,076 |
| 1/7/2013 | 2012-605 | Blackman | DCAS | X | | | | | 1,000 | Resign from DCAS & never return to City employment; forfeit annual leave in the amount of 1,000 | | |
| 1/7/2013 | 2011-816 | Patel | DDC | X | | | | | 2,591 | 13 days annual leave forfeited | 30 | 5,980 |
| 1/7/2013 | 2012-746 | Chavez-Downes | DHS | X | | | 3,750 | | | | | |
| 2012 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/27/2012 | 2012-568 | DiVittorio | DOE | X | 1,000 | | | | | | | |
| 12/27/2012 | 2012-473a | Rodriguez | HHC | | 1,750 | | | | | | | |
| 12/26/2012 | 2011-750 | Vera | DOE | | 9,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 12/26/2012 | 2010-880 | Dockery | ACS | | 7,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|--------------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|---|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 12/13/2012 | 2012-583 | Sivilich | DoITT | X | 5,000 | | | | | Resign & never return to DoITT employment | 30 | 7,144.78 |
| 12/13/2012 | 2012-582 | Ervin-Turner | HRA | X | | | | | | | 20 | 3,780 |
| 12/3/2012 | 2012-329 | Zerilli | Parks | X | 1,750 | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/28/2012 | 2011-860 | Namnum | DOE | | 47,929.29 | 15,000 fine + 32,929.29 value of benefit received | | | | | | |
| 11/26/2012 | 2012-270b | Cohen | HRA | | 3,000 | | | | | | | |
| 11/26/2012 | 2012-228 | Fogel | DOE | | 2,500 | | | | | | | |
| 11/26/2012 | 2012-540 | Brennan | DOE | | 500 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/25/2012 | 2012-169 | Agius | SCA | | 1,000 | | | | | | | |
| 10/24/2012 | 2009-493 | Knowlin | DOE | | 2,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 10/24/2012 | 2011-636 | Nero | DOE | | 4,000 | | | | | | | |
| 10/17/2012 | 2012-328 | Scanterbury | DOE | | 4,000 | | | | | | | |
| 10/17/2012 | 2012-364 | Lim | EDC | | 7,500 | | | | | | | |
| 10/4/2012 | 2012-581 | Jimenez | HRA | X | | | | | | | 7 | 3,363.94 |
| 10/3/2012 | 2012-486 | Dance | DEP | X | | | | | | | 15 | 3,790 |
| 10/3/2012 | 2012-316 | Ojudun | HRA | X | | | | | | Resign & never return to HRA employment | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/12/2012 | 2009-845 | Thompson | DOE | | | | | | | Resign & never return to DOE employment | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 9/5/2012 | 2011-193 | Taylor | DSNY | | 9,196.82 | 7,500 fine + 1,696.82 value of benefit received | | | | | | |
| 9/4/2012 | 2012-314 | Marinello | DCAS | X | | | | | | | | |
| 9/4/2012 | 2012-367 | Williams | DOHMH | X | | | | | | | 25 | 4,686.35 |
| 9/4/2012 | 2012-399 | Hayes | DOHMH | X | 6,000 | | | | | No longer use any affiliation in publications other than DOHMH | | |
| 9/4/2012 | 2011-531 | Passarella | DOE | | 3,500 | | | | | | | |
| 9/4/2012 | 2012-492a | Perez | Compt. | X | | | | | | | 3 | 1,316.45 |
| 9/4/2012 | 2012-492 | Innamorato | Compt. | X | | | | | | | 10 | 3,000.88 |
| AUGUST | | | | | | | | | | | | |
| 8/22/2012 | 2012-021 | Baksh | Parks | X | | | | | | | 60 | 11,478 |
| 8/22/2012 | 2011-720 | O'Mahoney | DOE | X | 4,000 | | | | | | | |
| 8/22/2012 | 2011-055 | Gonzalez | ACS | X | 1,250 | | | | | | 5 | 1,256 |
| 8/22/2012 | 2011-898 | Purvis | HRA | X | | | | | | | 20 | 3,530 |
| 8/22/2012 | 2012-115 | Washington | HRA | X | | | | | | | 5 | 758 |
| 8/8/2012 | 2010-479 | Thornton | DOE | | 3,500 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/31/2012 | 2012-230 | Hope, K. | HRA | X | | | | | | Resign & never return to HRA employment | | |
| 7/31/2012 | 2011-622b | Charbonier | NYCHA | X | | | | | | One year probation | 5 | 812 |
| 7/31/2012 | 2011-622e | Shepard | NYCHA | X | | | | | | One year probation | 5 | 1,421 |
| 7/25/2012 | 2012-187 | Balkcom | DFTA | X | | | | | | 9 month probation | 45 | 4,757.12 |
| 7/25/2012 | 2012-204 | Murph | HRA | X | | | | | | | 8 | 1,085.97 |
| 7/25/2012 | 2012-114 | Tomkins | HRA | X | | | | | | | 5 | 1,244 |
| 7/23/2012 | 2012-339 | Cortez | ACS | X | | | | | | | 12 | 3,861 |
| 7/23/2012 | 2012-246 | Paci | DEP | X | | | | | 1,573.60 | 4 days annual leave forfeited | 1 | 393 |
| 7/23/2012 | 2010-541 | Rodriguez | HHC | | 1,250 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/28/2012 | 2011-429a | Glover, M. | HRA | X | | | | | | | 10 | 1,584 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|------------|---------------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 6/28/2012 | 2011-429 | Glover, B. | HRA | | | | | | | | 30 | 4,307 |
| 6/26/2012 | 2012-095 | Gomez | HRA | X | 3,750 | | | | | | | |
| 6/26/2012 | 2009-598 | Shepherd | DOE | | | | | | 39,003 | Demoted, resulting in 39,003 annual salary reduction | | |
| 6/26/2012 | 2010-762 | Strauss | DOE | X | 2,500 | | | | | | | |
| 6/26/2012 | 2010-335a | McCrorey | Parks | | 250 | | | | | | | |
| 6/26/2012 | 2010-335b | Williams | Parks | | 250 | | | | | | | |
| 6/26/2012 | 2010-335c | James | Parks | | 750 | | | | | | | |
| 6/26/2012 | 2010-335d | Hill | Parks | | 500 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 6/26/2012 | 2010-335e | Simms | Parks | | 250 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 6/25/2012 | 2012-162 | Stewart | City Planning | | 6,500 | | | | | | | |
| 6/11/2012 | 2010-015 | Neblett | DOE | | 1,000 | | | | | Resign from DOE & return piano | | |
| 6/11/2012 | 2011-478 | Mercado | DOE | | 1,000 | | | | | | | |
| 6/6/2012 | 2012-326 | Mayo | DoITT | X | | | | | | Resign & never return to DoITT employment | | |
| 6/6/2012 | 2010-672 | Silver | DOE | X | 1,500 | | | | | | | |
| 6/4/2012 | 2012-098 | Bennett | DOHMH | X | | | | | | | | |
| 6/4/2012 | 2012-150a | Borrero | DOE | X | | | | | | | | |
| 6/4/2012 | 2012-231 | Thomas | HRA | X | | | | | | | 20 | 2,252.11 |
| 6/4/2012 | 2011-151 | Tirado | HHC | | 1,750 | | | | | | | |
| 6/4/2012 | 2012-229 | Hope | HRA | X | | | | | | | 30 | 5,304.74 |
| 6/4/2012 | 2012-045 | Gamble | ACS | X | | | | | | | 12 | 2,348 |
| 6/4/2012 | 2010-276a | Mattern | DOE | X | 1,500 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|----------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|---|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| APRIL | | | | | | | | | | | | |
| 4/30/2012 | 2011-445 | Shapiro | DOE | X | 2,000 | | | | | | | |
| 4/30/2012 | 2010-836 | Connell-Cowell | DOE | X | 4,500 | | | | | | | |
| 4/25/2012 | 2011-591 | Nelson | DOE | | 3,500 | | | | | | | |
| 4/24/2012 | 2011-480 | Stark | DOF | | 22,000 | | | | | | | |
| 4/23/2012 | 2011-302 | Trezevantte | DOE | X | 1,250 | | | | | | | |
| 4/16/2012 | 2011-868 | Perotti | DOF | X | | | | | 15,900 | Demoted, resulting in 8,000 salary reduction + 7,900 in loan repayment | | |
| MARCH | | | | | | | | | | | | |
| 3/26/2012 | 2011-544 | Fabrikant | DOE | | 2,500 | | | | | | | |
| 3/21/2012 | 2012-041 | Gibson | DOHMH | X | | | 1,500 | | | | | |
| 3/12/2012 | 2011-724 | Edwards | DOC | X | | | | | 7,235.22 | 24 days annual leave forfeited | 21 | 4,539.40 |
| 3/12/2012 | 2011-456 | Wiltshire | ACS | | 3,000 | | | | | | | |
| 3/12/2012 | 2012-121 | Congo | DOHMH | X | | | | | | Resign & never return to City employment | | |
| 3/6/2012 | 2012-014 | Mark | DOHMH | X | | | 4,000.00 | | 4,494.20 | 20 days annual leave forfeited and resign & never return to City employment | 20 | 4,494.20 |
| 3/5/2012 | 2011-765 | Pawar | NYPD | | 1,000 | | | | | | | |
| 3/5/2012 | 2011-627 | Singleton | DOHMH | X | | | 2,000 | | | | | |
| 3/5/2012 | 2011-727 | Dumeng | ACS | X | | | | | | | 5 | 1,000 |
| 3/5/2012 | 2011-734 | Vasquez | ACS | X | | | | | | | 15 | 4,369 |
| FEBRUARY | | | | | | | | | | | | |
| 2/21/2012 | 2011-664 | Hines | ACS | X | | | | | | | 30 | 3,926.67 |
| 2/8/2012 | 2011-547 | Harris | ACS | X | | | | | | | 4 | 1,172.20 |
| 2/7/2012 | 2010-609 | Zackria | DOE | | 7,500 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|-------------------|---------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|---|---------------------|-----------|
| | | | | | | | | | | | # of Days | Value |
| 2/6/2012 | 2011-473 | Vazgryn | Parks | X | | | 4,500 | | | | 30 | 5,300 |
| 2/6/2012 | 2011-768 | Taylor-Williamson | DDC | X | | | | | | | 7 | 1,743 |
| JANUARY | | | | | | | | | | | | |
| 1/31/2012 | 2010-842a | Lugo | DoITT | | 2,500 | | | | | | | |
| 1/26/2012 | 2007-269 | James | DSNY | X | | | | | | | 90 | 25,046.10 |
| 1/26/2012 | 2007-269a | Gilbert | DSNY | X | | | | | | | 60 | 16,697.47 |
| 1/26/2012 | 2007-269b | Maurice | DSNY | X | | | | | | | 90 | 24,425.57 |
| 2011 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/20/2011 | 2010-548 | Maldonado | DOB | | 2,500 | | | | | | | |
| 12/20/2011 | 2010-285a | LaBella | FDNY | | 1,500 | | | | | | | |
| 12/20/2011 | 2010-285 | Zerillo | FDNY | | 12,500 | | | | | | | |
| 12/15/2011 | 2011-726 | Burgos | DOHMH | X | 1,000 | | | | | | | |
| 12/15/2011 | 2011-663 | Williams | DOHMH | X | | | 2,440 | | | | | |
| 12/8/2011 | 2011-443 | Akinoye | HRA | X | | | 700 | | | | | |
| 12/6/2011 | 2011-368 | Raab | DOE | | 6,500 | | | | | | | |
| 12/5/2011 | 2010-831 | Glanz | DOC | | 2,500 | | | | | | | |
| 12/1/2011 | 2009-159 | Carrion | Bx B.P. | | 10,000 | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/14/2011 | 2011-392 | Robertson | OATH | X | | | | | 596 | 4 days annual leave forfeited | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/28/2011 | 2010-258a | Garvin | ACS | X | | | | | 706.3 | 5 days annual leave forfeited | 10 | 1,412.60 |
| 9/19/2011 | 2011-361 | Udeh | DOHMH | X | 2,000 | | | | | Demoted, resulting in 8% salary reduction | | |
| 9/19/2011 | 2011-427 | Capellan | DOE | | 2,000 | | | | | | | |
| 9/19/2011 | 2011-003 | Vielle | DOHMH | X | | | | | | Resign & never return to DOHMH employment | | |
| AUGUST | | | | | | | | | | | | |
| 8/29/2011 | 2011-360 | Marandi | DEP | X | 1,269 | | | | 1,268.97 | Restitution | | |
| JULY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|--------------|---------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 7/25/2011 | 2009-700 | McNair | HRA | | 7,500 | Although respondent did appear at the trial, the Board fine has not yet been collected | | | | | | |
| 7/25/2011 | 2009-181 | Markowitz | Bk B.P. | | 20,000 | | | | | | | |
| 7/25/2011 | 2011-343 | Godfrey | DOHMH | | 1,000 | | | | | | | |
| 7/6/2011 | 2008-880 | Julien | DOT | | 2,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/30/2011 | 2010-723 | Pizarro | DOHMH | X | 600 | | | | 1,098.98 | 3 days annual leave forfeited & 111.92 restitution | | |
| 6/30/2011 | 2010-276 | Kelly-Ennis | DOE | | 1,250 | | | | | | | |
| 6/30/2011 | 2010-430 | Mitchell | HRA | X | | | | | | | 5 | 799.61 |
| 6/30/2011 | 2010-063 | Naidu-Walton | HPD | X | 2,500 | | | | | | | |
| 6/30/2011 | 2009-434 | Hedrington | HRA | | 1,000 | | | | | | | |
| 6/30/2011 | 2009-434a | Barthelemy | HRA | | 1,250 | | | | | | | |
| 6/29/2011 | 2011-189 | Olsen | DOE | X | 4,000 | | | | | | | |
| 6/28/2011 | 2011-084 | Smolkin | DOE | X | | | 5,000 | | 764.03 | Restitution | | |
| 6/28/2011 | 2010-406 | Garcia | HRA | X | | | | | | | 10 | 2,033.60 |
| 6/28/2011 | 2010-830 | Lee | BIC | X | | | | | | | 30 | 3,403 |
| 6/28/2011 | 2011-156 | Andrews | NYCHA | | 2,000 | | | | | | | |
| 6/27/2011 | 2011-015 | Ruiz | NYCHA | X | | | | | | | 40 | 7,616 |
| 6/27/2011 | 2010-282 | Baez | HRA | | 500 | Due to showing of financial hardship, fine was reduced from \$5,000 to \$500 | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|-------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 6/27/2011 | 2010-156 | Belle | HRA | | | Due to showing of financial hardship, fine was forgiven | | | 345.02 | Restitution | | |
| 6/23/2011 | 2011-230 | Terracciano | DEP | X | | | | | 1,371 | 3 days annual leave forfeited | | |
| MAY | | | | | | | | | | | | |
| 5/25/2011 | 2011-187 | Shaffer | DFTA | X | 1,000 | Due to showing of financial hardship, fine was reduced from \$7,500 to \$1,000 | | | | Demoted & transferred, resulting in 20% salary reduction | | |
| 5/19/2011 | 2010-873 | Arowolo | NYCHA | X | | | | | | One year probation | 10 | 3,013 |
| 5/9/2011 | 2010-329 | Barrington | DCAS | X | | | | | 277.28 | Restitution | 20 | 2,423 |
| 5/9/2011 | 2009-807 | Solomon | DOE | | 1,000 | | | | | | | |
| 5/4/2011 | 2010-842 | Jordan | DoITT | | | | | | 15,000 | Transferred, resulting in 15,000 salary reduction | | |
| 5/2/2011 | 2010-573 | Lowe | ACS | X | | | | | | | 30 | 3,352 |
| APRIL | | | | | | | | | | | | |
| 4/21/2011 | 2010-335 | Diggs | Parks | | 1,250 | | | | | | | |
| 4/7/2011 | 2009-553 | Grant | DOE | | 300 | | | | | | | |
| 4/5/2011 | 2009-467 | Tatum | DOE | | 20,000 | | | | | | | |
| 4/4/2011 | 2011-002 | Ginty | DEP | X | | | | | | Demoted & one year probation | 30 | 3,772 |
| MARCH | | | | | | | | | | | | |
| 3/29/2011 | 2010-439 | Paige | FDNY | | 2,500 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|----------------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|---|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 3/24/2011 | 2009-436 | Szot | DOE | | 3,250 | | 2,500 | Criminal restitution | | | | |
| 3/21/2011 | 2008-963a | Concepcion | ACS | | 3,000 | | | | | | | |
| 3/10/2011 | 2009-651 | Tabaei | HHC | | 3,500 | | | | | | | |
| 3/9/2011 | 2010-165 | Walker | DOE | X | | | | | | Resign & never return to DOE employment | | |
| 3/7/2011 | 2008-503 | Armstead | DOC | | 4,000 | | | | | | | |
| 3/7/2011 | 2008-747 | James | DOHMH | | 1,500 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/15/2011 | 2010-657 | Lumpkins-Moses | DOE | X | | | 7,500 | | | | | |
| 2/9/2011 | 2010-492 | Hall | HRA | X | | | | | | | 30 | 3,695 |
| 2/9/2011 | 2010-278 | Wright | HRA | X | | | | | | | 60 | 6,972 |
| 2/7/2011 | 2009-849a | Scissura | BBP | | 1,100 | | | | | | | |
| 2/7/2011 | 2009-849 | Markowitz | BBP | | 2,000 | | | | | | | |
| 2/2/2011 | 2010-540 | Cadet | DOE | | | | | | | | 10 | 848.4 |
| 2/2/2011 | 2010-742 | Padilla | HHC | | 2,000 | | | | | | | |
| 2/1/2011 | 2006-773 | Koonce | HPD | | 1,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 2/1/2011 | 2010-521 | Graham | ACS | X | | | | | | One year probation | 45 | 9,079 |
| 2/1/2011 | 2010-442 | Peruggia | FDNY | X | 12,500 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/31/2011 | 2010-874 | Mark | DOHMH | X | | | 4,000 | | 4,494.20 | 20 days annual leave forfeited | 20 | 4,494.20 |
| 1/31/2011 | 2010-893 | Anderson | DOHMH | X | | | | | | Transferred to another unit | 30 | 7,303.96 |
| 2010 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/27/2010 | 2010-610 | Rizzo | DOE | | 14,000 | | | | | | | |
| 12/22/2010 | 2010-126 | Acevedo | HPD | X | | | | | | Resign | | |
| 12/22/2010 | 2010-242 | Karim | NYCHA | X | | | | | | | 15 | 3,082 |
| 12/21/2010 | 2010-014 | Crispiano | SCA | | 1,500 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|--------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 12/20/2010 | 2010-234a | Angelidakis | DOE | X | 2,250 | | | | | | | |
| 12/20/2010 | 2010-234b | Halpern | DOE | X | 1,500 | | | | | | | |
| 12/20/2010 | 2010-234c | Nussbaum | DOE | X | 1,500 | | | | | | | |
| 12/20/2010 | 2010-768 | Vazquez | DOHMH | X | | | | | | Resign & never return to DOHMH employment | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/18/2010 | 2010-296 | Woods | HRA | X | | | | | | | 20 | 2,490 |
| 11/18/2010 | 2010-661 | Orah | HPD | X | | | | | | | 60 | 8,464.44 |
| 11/8/2010 | 2009-307 | McNeil | DOHMH | | 2,000 | Although respondent did appear at the trial, the Board fine has not yet been collected | | | | | | |
| 11/8/2010 | 2008-397 | Mitchell | NYCHA | | 6,000 | | | | | | | |
| 11/8/2010 | 2010-035 | Fischetti | NYCHA | | 20,000 | | | | | | | |
| 11/1/2010 | 2010-338 | Mendez | HRA | X | | | | | | Resign & never return to City employment | | |
| 11/1/2010 | 2010-558 | Bradley | ACS | X | | | | | | | 3 | 571 |
| 11/1/2010 | 2010-446 | Bollera | DOE | | | | | | | Terminated | | |
| OCTOBER | | | | | | | | | | | | |
| 10/20/2010 | 2008-602 | Jones | HPD | | 2,000 | | | | | | | |
| 10/19/2010 | 2009-465 | Yung | FDNY | X | | | | | | | 6 | 2,060 |
| 10/14/2010 | 2009-514 | Agbaje | HRA | | 1,500 | | | | | | | |
| 10/4/2010 | 2010-491 | Kayola | DSNY | | 2,250 | | | | | | | |
| 10/4/2010 | 2010-051 | Currie | DCAS | | 2,000 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/30/2010 | 2010-345 | Griffen-Cruz | HRA | X | | | | | | | 10 | 1,161 |
| 9/23/2010 | 2010-433 | Coward | DSNY | X | | | | | | Retire & never return to DSNY employment or City for 5 years | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|-----------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|---|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 9/1/2010 | 2008-756 | John | DOHMH | X | | | | | 5,303.48 | 136 hours of annual leave forfeited; resign & never return to City employment | 22 | 6,005.34 |
| AUGUST | | | | | | | | | | | | |
| 8/26/2010 | 2010-067 | Chabot | NYCHA | | 900 | In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 30 days, valued at approx. \$3,890 | | | | | 30 | 3,890 |
| 8/26/2010 | 2009-466 | Holder | DOE | X | 2,400 | | | | | | | |
| 8/26/2010 | 2010-245 | Speranza | DEP | X | | | | | | | 8 | 1,495 |
| 8/23/2010 | 2010-299 | King | DOT | | 1,000 | | | | | | | |
| 8/23/2010 | 2010-424 | Simpkins | DOHMH | X | | | 2,500 | | | | | |
| 8/23/2010 | 2010-432 | Oates | DOHMH | X | | | | | | Resign | 19 | 2,371 |
| 8/9/2010 | 2009-686 | Romano | NYCHA | X | 1,750 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/19/2010 | 2010-315 | Clare | DEP | X | | | | | 2,938.88 | Restitution | | |
| | | | | | | | | | | Criminal restitution, resign & never return to DEP employment or City for 5 years | | |
| 7/13/2010 | 2010-097 | Simmons | DOHMH | X | | | | | | | 7 | 1,083 |
| 7/12/2010 | 2009-815 | Beers | DEP | X | | | | | | | 30 | 4,884 |
| 7/12/2010 | 2010-005 | Duncan | DCAS | | 1,750 | | | | | | | |
| 7/6/2010 | 2008-547 | Reid | DOB | | 2,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/29/2010 | 2009-598b | Williams | DOE | | | | | | | | 75 | 7,515 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|--------------|--------------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|-------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 6/29/2010 | 2008-759 | Macaluso | Parks | | 2,500 | | | | | | | |
| 6/29/2010 | 2009-398 | Rubin | DOF | | 2,500 | | | | | | | |
| 6/29/2010 | 2009-265 | Ingram | HRA | | | | | | | | 10 | 1,357 |
| 6/3/2010 | 2007-773a | Gill | DOHMH | | 950 | | | | | | | |
| 6/2/2010 | 2006-772 | Kolowski | DOHMH | X | 1,500 | | | | | | | |
| 6/2/2010 | 2006-772a | Fisher | DOHMH | X | 1,500 | | | | | | | |
| 6/2/2010 | 2010-103 | McKinney | Parks | X | 800 | | | | 801.95 | Restitution | | |
| MAY | | | | | | | | | | | | |
| 5/19/2010 | 2009-687 | Siyanbola | HRA | X | | | | | | Resign | | |
| 5/19/2010 | 2009-814 | Jamal | DEP | X | 250 | | | | | | 3 | 903 |
| 5/11/2010 | 2009-486 | Aponte | NYCHA | X | | | | | | | 5 | 612 |
| 5/11/2010 | 2009-099 | Tieku | ACS | | 7,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 5/11/2010 | 2009-403 | Roberts | HRA | | 7,500 | | | | | | | |
| 5/4/2010 | 2010-212 | Eliopoulos | DSNY | X | | | | | | | 6 | 1,567.02 |
| 5/3/2010 | 2010-077a | Cid | DOE | | 1,250 | | | | | | | |
| 5/3/2010 | 2010-077 | Piazza | DOE | | 3,000 | | | | | | | |
| 5/3/2010 | 2008-648a | Dunn | HHC | | 1,000 | | | | | | | |
| 5/3/2010 | 2008-346b | Stewart | City Council | | 1,250 | | | | | | | |
| 5/3/2010 | 2010-035a | Eng | NYCHA | | 1,500 | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/15/2010 | 2009-646 | Wright | DOHMH | X | 1,000 | | | | 1,047.55 | 5 days annual leave forfeited | 5 | 1,047.55 |
| 4/15/2010 | 2009-852 | Williams | HRA | X | | | | | | | 20 | 2,714 |
| 4/15/2010 | 2009-261 | Hines | DEP | X | 400 | | | | | | 10 | 2,124.60 |
| 4/15/2010 | 2007-695 | Colbert | ACS | | 1,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 4/13/2010 | 2009-542 | Velez Rivera | DOE | X | 1,250 | | | | | | | |
| 4/13/2010 | 2009-445 | Maliaros | DOE | | 900 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|--------------|--------------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 4/8/2010 | 2009-204 | Paulk | HRA | | | | | | | | 6 | 1,144 |
| MARCH | | | | | | | | | | | | |
| 3/5/2010 | 2008-562 | Roberts | DORIS | | 1,000 | | | | | | | |
| 3/2/2010 | 2009-600 | Robinson | DOE | | 1,250 | | | | | | | |
| 3/2/2010 | 2008-648 | Ricciardi | HHC | | 13,500 | | | | | | | |
| 3/2/2010 | 2008-246 | Reid | City Council | | 2,500 | | | | | | | |
| 3/1/2010 | 2009-723 | Baker | DCAS | | 1,750 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/2/2010 | 2007-635 | Holchendler | DSNY | | 6,000 | | | | | | | |
| 2/2/2010 | 2009-053a | Cohen-Brown | DOE | X | | | 3,500 | | | | | |
| 2/1/2010 | 2007-155 | Dziewanowski | DOE | | 5,000 | In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 30 days, valued at approx. \$6,747 | | | | | 30 | 6,747 |
| 2/1/2010 | 2009-600 | Keaney | City Council | | 2,500 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/28/2010 | 2009-312 | Avinger | ACS | | 500 | Due to showing of financial hardship, fine was reduced from \$3,000 to \$500 | | | | | | |
| 1/11/2010 | 2009-062 | Rosa | Parks | X | 2,500 | | | | | | | |
| 1/6/2010 | 2009-226a | Wierson | NYC-TV | | 5,000 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------------|-------------|-----------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 2009 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/22/2009 | 2009-351 | Wright | ACS | | 1,000 | Due to showing of financial hardship, fine was reduced from \$3,000 to \$1,000 | | | | | | |
| 12/22/2009 | 2008-948 | Gray | ACS | | 750 | Due to showing of financial hardship, fine was reduced from \$1,500 to \$750 | | | | | | |
| 12/22/2009 | 2008-805 | Mateo | DOE | | 2,000 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 12/16/2009 | 2009-391 | Paige | FDNY | X | | | | | 1,500 | Loan repayment | 5 | 1,136 |
| 12/15/2009 | 2008-923a | Jack | DSNY | X | | | | | | | 9 | 2,412 |
| 12/15/2009 | 2008-923 | Coward | DSNY | X | | | | | | | 9 | 2,412 |
| 12/14/2009 | 2009-046 | Racicot | DOF | X | | | 3,000 | | | | | |
| 12/14/2009 | 2009-085 | Hicks | DOE | X | | | 750 | | | | | |
| 12/8/2009 | 2008-861 | Smart | HRA | | 10,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 12/2/2009 | 2008-792 | Bryant | ACS | | 1,250 | | | | | | | |
| 12/2/2009 | 2009-381 | Watts | DHS | X | | | | | | | 5 | 870 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|------------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|-------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 12/2/2009 | 2009-082 | Winfrey | HRA | X | | Due to showing of financial hardship, the Board accepted the penalty imposed by the agency of \$1,586, instead of the Board fine of \$3,000 | | | | | 10 | 1,586 |
| 12/1/2009 | 2008-911 | Pettinato | DOE | X | 6,000 | | 1,500 | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/24/2009 | 2008-271 | Cuffy | HPD | | 1,500 | | | | | | | |
| 11/23/2009 | 2006-045 | Williams | HRA | | 1,500 | | | | | | | |
| 11/23/2009 | 2008-390 | Brewster | HRA | | 3,000 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/26/2009 | 2007-588 | Fox | DOE | | 1,000 | | | | | | | |
| 10/21/2009 | 2004-220 | Perez | HHC | | 12,500 | | | | | | | |
| 10/21/2009 | 2009-416 | Mason-Bell | DOE | | 1,250 | | | | | | | |
| 10/20/2009 | 2009-140 | Brown | DOE | X | 1,500 | | 1,300 | | | | | |
| 10/20/2009 | 2009-024 | Beza | HRA | | 7,500 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 10/19/2009 | 2009-479 | Anthony | DOHMH | X | | | 1,400 | | | | | |
| 10/15/2009 | 2008-531 | Maslin | DOE | | 1,000 | | | | | | | |
| 10/15/2009 | 2009-576 | King | HRA | X | | | | | | | 60 | 6,100.33 |
| SEPTEMBER | | | | | | | | | | | | |
| 9/29/2009 | 2007-626 | Eisenberg | DOE | | 1,000 | | | | | | | |
| 9/29/2009 | 2009-482 | Pittman | DOHMH | X | | | | | 761.5 | 5 days annual leave forfeited | 5 | 762 |
| 9/29/2009 | 2009-224 | McNeil | ACS | X | | | | | | | 10 | 1,420.08 |
| 9/29/2009 | 2008-274 | Proctor | DHS | | 1,000 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-----------------------|-------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 9/9/2009 | 2009-481 | Patrick | DOHMH | X | | | | | 329.91 | 3 days annual leave forfeited | 2 | 219.94 |
| 9/29/2009 | 2009-144 | DeSanctis | NYCHA | X | | | | | | | 15 | 4,695 |
| 9/29/2009 | 2008-303 | Kundu | HRA | | 1,000 | | | | | | | |
| 9/29/2009 | 2008-802 | Baksh | DOT | X | | | | | | | 15 | 1,644 |
| 9/29/2009 | 2009-480 | Ayinde | DOHMH | X | | | | | | | 7 | 1,412.46 |
| 9/29/2009 | 2007-847 | Sirefman | EDC | | 1,500 | | | | | | | |
| 9/8/2009 | 2009-122 | Campbell | DCAS | X | | | | | 1,994 | 10 days annual leave forfeited | 15 | \$2,999 |
| AUGUST | | | | | | | | | | | | |
| 8/27/2009 | 2008-872 | Cora | DOE | | 500 | Due to showing of financial hardship, after respondent paid \$500, the Board forgave the remainder of the \$2,500 fine | | | | | | |
| 8/27/2009 | 2009-029 | Finkenberg | HRA | | 900 | Due to showing of financial hardship, after respondent paid \$900, the Board forgave the remainder of the \$1,500 fine | | | | | | |
| 8/27/2009 | 2008-729 | Calvin | ACS | X | | | | | | | 16 | 2,491.55 |
| 8/27/2009 | 2008-582 | Knowles | DOE | | 1,250 | | | | | | | |
| 8/27/2009 | 2009-498 | Purvis | OCME | X | | | | | | | 10 | 1,433 |
| 8/10/2009 | 2007-218; 2008-530 | Dorsinville | DOHMH | | 3,500 | | | | | | | |
| JULY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|-------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--------------------------------|---------------------|--------|
| | | | | | | | | | | | # of Days | Value |
| 7/28/2009 | 2008-881 | Green | DOE | | 15,000 | | | | | | | |
| 7/28/2009 | 2008-825 | Byrne | NYCHA | | 1,000 | | | | | | | |
| 7/28/2009 | 2008-910 | Samuels | NYCHA | | 1,000 | In setting the amount of the fine, the Board took into consideration that respondent was suspended by his agency for 3 days, valued at approx. \$586 | | | | | 3 | 586 |
| 7/23/2009 | 2009-399 | Spann | HRA | X | | | | | | | 10 | 1,325 |
| 7/20/2009 | 2008-348 | Hall | NYCHA | X | 2,000 | | 1,500 | | | | | |
| 7/13/2009 | 2007-565 | Keeney | DOF | | 1,450 | | | | | | | |
| 7/13/2009 | 2009-241 | Vazquez | NYCHA | X | | | | | | | 44 | 10,164 |
| 7/9/2009 | 2009-227 | Miller | DOHMH | X | | | | | | | 6 | 1,597 |
| 7/9/2009 | 2008-131 | Edwards | ECB | X | 2,500 | | | | | Demoted & reassigned | | |
| 7/8/2009 | 2009-177 | Sheiner | DOHMH | X | | | | | | | 5 | 1,274 |
| 7/7/2009 | 2009-279 | Belenky | ACS | | 2,000 | | | | | | | |
| 7/6/2009 | 2008-260 | Keene | Parks | X | | | | | | | 30 | 2,300 |
| 7/6/2009 | 2009-262 | Fenves | DEP | X | | | | | 6,290 | 12 days annual leave forfeited | | 6,290 |
| JUNE | | | | | | | | | | | | |
| 6/9/2009 | 2008-962a | Lucks | DOE | | 1,500 | | | | | | | |
| 6/8/2009 | 2008-355 | Constantino | HHC | | 1,000 | | | | | | | |
| 6/1/2009 | 2008-929 | Hahn | DOE | | 600 | | | | | | | |
| 6/1/2009 | 2009-192 | Gabrielsen | DOHMH | X | | | | | | | 7 | 1,492 |
| MAY | | | | | | | | | | | | |
| 5/6/2009 | 2008-237a | Core | DOE | X | | | | | | | 30 | 7,904 |
| 5/5/2009 | 2008-922 | Guerrero | DSNY | X | | | | | | | 15 | 3,822 |
| 5/4/2009 | 2008-960 | O'Brien | DOE | | 20,000 | | | | | | | |
| 5/4/2009 | 2008-527 | Richardson | NYCHA | | 1,500 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|------------|---------------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 5/4/2009 | 2008-687 | Purdie | HRA | X | 400 | | | | | | 11 | 1,671 |
| 5/4/2009 | 2008-236 | Tharasavat | DEP | | 6,000 | | | | | | | |
| 5/4/2009 | 2008-744 | Medal | HRA | | | | | | 41,035 | Criminal restitution | | |
| 5/4/2009 | 2008-635 | Davey | ACS | | 2,750 | | | | | | | |
| 5/4/2009 | 2005-612 | Abiodun | HRA | X | | | | | | | 13 | 1,466 |
| APRIL | | | | | | | | | | | | |
| 4/16/2009 | 2008-823 | Winfield | OPA | | 2,000 | | | | | | | |
| 4/13/2009 | 2007-565a | Horowitz | ALJ-OATH | | 750 | | | | | | | |
| 4/8/2009 | 2009-063 | Pottinger | DOHMH | X | | | | | | | 5 | 817 |
| 4/8/2009 | 2008-688 | Chen | City Planning | | 500 | | | | | | | |
| 4/7/2009 | 2008-478 | Ribowsky | OCME | | 3,250 | | | | | | | |
| 4/6/2009 | 2008-192 | Forsythe | DCAS | | 4,000 | | | | | | | |
| 4/6/2009 | 2008-301 | Smith | Parks | | 1,200 | | | | | | | |
| 4/6/2009 | 2008-387 | Candelario | HRA | X | | | | | | | 21 | 3,074 |
| 4/6/2009 | 2008-555 | Borowiec | DOE | | 1,150 | | | | | | | |
| 4/6/2009 | 2009-045 | Bastawros | DOHMH | X | | | | | | | 25 | 5,000 |
| MARCH | | | | | | | | | | | | |
| 3/10/2009 | 2007-745 | Piscitelli | SLA | | 12,000 | | | | | | | |
| 3/5/2009 | 2007-297 | Benson | DEP | | 2,000 | | | | | | | |
| 3/4/2009 | 2006-462 | James | DHS | | 2,000 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 3/3/2009 | 2008-941 | McFadzean | OCME | X | | | | | | | 11 | 1,472 |
| 3/3/2009 | 2008-943 | Hayes | DOHMH | X | | | | | | | 3 | 699 |
| 3/2/2009 | 2008-006 | Henry | ACS | | 6,626.04 | Due to showing of financial hardship, fine was forgiven | | | | | | |
| 3/2/2009 | 2008-760 | Qureshi | DSNY | | 1,000 | | | | | | | |
| 3/2/2009 | 2008-504 | Kwok | FDNY | | 500 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/26/2009 | 2008-326 | Burgos | HRA | X | | | | | | | 60 | 8,232 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|-------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 2/19/2009 | 2008-681 | King | DOHMH | X | | | | | | | 3 | 562 |
| 2/18/2009 | 2008-581 | Alejandro | DOE | | 2,000 | | | | | | | |
| 2/10/2009 | 2008-434 | Tangredi | DEP | X | | | | | | | 5 | 839 |
| 2/9/2009 | 2008-368a | Geraghty | DEP | X | | | | | | | 30 | 4,826 |
| 2/9/2009 | 2008-481 | Murrell | DOE | | 1,000 | Due to showing of financial hardship, fine was reduced from \$3,000 to \$1,000 | | | | | | |
| 2/4/2009 | 2008-719 | Teriba | DOHMH | X | | | | | 2,069.70 | 10 days annual leave forfeited | 5 | 1,034.85 |
| 2/4/2009 | 2008-921 | Conton | DOHMH | X | | | | | 338.31 | 3 days annual leave forfeited | 3 | |
| 2/4/2009 | 2004-750 | Buccigrossi | NYPD | | 2,000 | | | | | | | |
| 2/3/2009 | 2006-640 | Leigh | ACS | | 500 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/29/2009 | 2008-716 | Brenner | Parks | | | | 11,000 | | | | | |
| 1/29/2009 | 2007-330 | Dodson | DDC | | 2,500 | | | | | | | |
| 1/12/2009 | 2008-374 | Santana | FDNY | | 1,000 | | | | | | | |
| 2008 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/30/2008 | 2008-267a | Hubert | NYCHA | X | | | | | | | 20 | 2,882 |
| 12/22/2008 | 2005-748 | Bryan | DOE | | 7,500 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 12/22/2008 | 2008-604 | Wiltshire | ACS | X | | | | | 290.8 | Restitution | 30 | 3,495 |
| 12/18/2008 | 2008-478b | Shaler | OCME | | 2,500 | | | | | | | |
| 12/17/2008 | 2008-423b | Bradley | Parks | | 600 | | | | | | | |
| 12/17/2008 | 2005-588 | LaBush | DCAS | | 750 | | | | | | | |
| 12/15/2008 | 2007-813 | Miraglia | NYCHA | | 2,000 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|-----------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|-------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 12/15/2008 | 2007-686 | Alfred | DOE | X | 1,000 | | | | | | | |
| 12/10/2008 | 2007-479 | Valvo | DOE | | 800 | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/24/2008 | 2008-376 | Rosado | DOE | X | 3,000 | | | | | | | |
| 11/24/2008 | 2007-431 | Ballard | DOE | | 3,000 | | | | | | | |
| 11/24/2008 | 2008-706 | Bryk | DOC | X | 1,800 | | | | | | | |
| 11/17/2008 | 2008-077 | Pittari | Parks | | 1,000 | | | | | | | |
| 11/5/2008 | 2005-132 | Okanome | ACS | | 7,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| 11/5/2008 | 2007-627 | Ramsami | NYCERS | | 750 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/30/2008 | 2008-331 | Elliott | DOE | X | | | 1,000 | | | | | |
| 10/30/2008 | 2007-442 | Bourbeau | DOE | X | 3,000 | | | | | Resign | | |
| 10/29/2008 | 2008-296 | Salgado | DSNY | X | | | | | | | 44 | 11,020 |
| 10/29/2008 | 2008-122 | Geddes | DSNY | X | 250 | | | | | | 3 | 561 |
| 10/28/2008 | 2008-352 | Ng-A-Qui | DOHMH | X | | | | | | | 6 | 1,563 |
| 10/27/2008 | 2007-261 | Soto | HRA | | 1,500 | Due to showing of financial hardship, fine was reduced from \$3,500 to \$1,500 | | | | | | |
| 10/27/2008 | 2007-680 | DeFabbia | DOE | | 1,500 | | | | | | | |
| 10/22/2008 | 2008-543 | Adkins | DOHMH | X | | | | | | | 8 | 1,003.76 |
| 10/21/2008 | 2008-256 | Proctor | DHS | X | | | | | 770 | 7 days annual leave forfeited | 10 | 1,499.50 |
| 10/20/2008 | 2008-609 | Grandt | DOE | | 500 | | | | | | | |
| 10/20/2008 | 2008-624 | Tsarsis | DOB | | 750 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|-------------|--------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|----------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 9/29/2008 | 2005-243 | Byrne | NYPD | | 5,000 | In setting the amount of the fine, the Board took into consideration that respondent forfeited terminal leave valued at approximately \$37,000 | | | 37,000 | Terminal leave forfeited | | |
| 9/24/2008 | 2008-472 | Nash-Daniel | DOHMH | X | | | | | | | 8 | 1,496 |
| 9/24/2008 | 2008-536 | Miller | DOHMH | X | | | | | | | 5 | 550 |
| 9/24/2008 | 2008-585 | Wordsworth | DOHMH | X | | | | | | | 5 | 623 |
| 9/23/2008 | 2008-423 | Greco | EDC | | 2,000 | | | | | | | |
| 9/22/2008 | 2007-777 | Gray | DOE | | 2,500 | | | | | | | |
| 9/22/2008 | 2008-421 | Mir | EDC | | 11,500 | | | | | | | |
| 9/17/2008 | 2007-672 | Siegel | ACS | | 1,500 | | | | | | | |
| 9/16/2008 | 2008-396 | Solo | DOE | | 1,250 | | | | | | | |
| 9/16/2008 | 2008-396a | Militano | DOE | | 1,250 | | | | | | | |
| 9/11/2008 | 2007-436h | Carmenaty | DSNY | | 1,500 | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/25/2008 | 2007-827 | Heaney | DOE | X | 1,500 | | | | | | | |
| 8/14/2008 | 2008-436ss | Stephenson | DSNY | | 1,500 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/28/2008 | 2008-207 | Berger | DCAS | | 1,750 | | | | | | | |
| 7/28/2008 | 2008-217 | Passaretti | DSNY | X | | | | | | | 30 | 7,306 |
| 7/23/2008 | 2008-295 | Lowry | DSNY | X | | | | | | | 30 | 7,307.10 |
| 7/15/2008 | 2007-436 | Arzuza | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436a | Baerga | DSNY | X | | | | | | | 5 | 1,206.09 |
| 7/15/2008 | 2007-436b | Baldi | DSNY | X | | | | | | | 20 | 4,940.40 |
| 7/15/2008 | 2007-436c | Barone | DSNY | X | | | | | | | 5 | 862.5 |
| 7/15/2008 | 2007-436d | Bellucci | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436e | Bostic | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436f | Bracone | DSNY | X | | | | | | | 5 | 1,223.81 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settle- ment | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|--------------|--------|--------------------------|------------------------|--|--------------------------|--|------------------|-------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 7/15/2008 | 2007-436g | Branaccio | DSNY | X | | | | | | | 15 | 2,587.50 |
| 7/15/2008 | 2007-436i | Castro | DSNY | X | | | | | | | 15 | 3,705.30 |
| 7/15/2008 | 2007-436j | Cato | DSNY | X | | | | | | | 5 | 1,189.33 |
| 7/15/2008 | 2007-436k | Colorundo | DSNY | X | | | | | | | 5 | 1,206.57 |
| 7/15/2008 | 2007-436l | Congimi | DSNY | X | | | | | | | 5 | 1,235.10 |
| 7/15/2008 | 2007-436m | Cutrone | DSNY | X | | | | | | | 5 | 1,252.30 |
| 7/15/2008 | 2007-436n | Damers | DSNY | X | | | | | | | 5 | 1,235.10 |
| 7/15/2008 | 2007-436o | Desanctis | DSNY | X | | | | | | | 5 | 1,189.33 |
| 7/15/2008 | 2007-436p | Dixon | DSNY | X | | | | | | | 5 | 1,252.30 |
| 7/15/2008 | 2007-436q | Drogsler | DSNY | X | | | | | | | 5 | 829.31 |
| 7/15/2008 | 2007-436r | Gallo | DSNY | X | | | | | | | 15 | 3,808.65 |
| 7/15/2008 | 2007-436s | Garcia | DSNY | X | | | | | | | 5 | 1,217.85 |
| 7/15/2008 | 2007-436t | Georgios | DSNY | X | | | | | | | 5 | 821.4 |
| 7/15/2008 | 2007-436u | Grey | DSNY | X | | | | | | | 30 | 7,410.60 |
| 7/15/2008 | 2007-436v | Harley | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436w | Hayden | DSNY | X | | | | | | | 5 | 1,189.33 |
| 7/15/2008 | 2007-436x | Jaouen | DSNY | X | | | | | | | 5 | 1,252.30 |
| 7/15/2008 | 2007-436y | Kane | DSNY | X | | | | | | | 5 | 1,217.85 |
| 7/15/2008 | 2007-436z | Keane | DSNY | X | | | | | | | 5 | 1,206.57 |
| 7/15/2008 | 2007-436aa | Kopczynski | DSNY | X | | | | | | | 4 | 1,223.81 |
| 7/15/2008 | 2007-436bb | Lagalante | DSNY | X | | | | | | | 5 | 1,206.57 |
| 7/15/2008 | 2007-436cc | Lampasona | DSNY | X | | | | | | | 5 | 959.7 |
| 7/15/2008 | 2007-436dd | La Rocca | DSNY | X | | | | | | | 15 | 3,705.30 |
| 7/15/2008 | 2007-436ee | La Salle | DSNY | | 1,500 | | | | | | | |
| 7/15/2008 | 2007-436ff | MacDonald | DSNY | X | | | | | | | 15 | 3,705.30 |
| 7/15/2008 | 2007-436gg | Mann, A. | DSNY | X | | | | | | | 15 | 3,757.05 |
| 7/15/2008 | 2007-436hh | Mann, C. | DSNY | X | | | | | | | 5 | 1,189.33 |
| 7/15/2008 | 2007-436ii | Mastrocco | DSNY | X | | | | | | | 15 | 3,808.68 |
| 7/15/2008 | 2007-436jj | McDermott | DSNY | X | | | | | | | 5 | 829.31 |
| 7/15/2008 | 2007-436kk | McMahon | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436ll | Morales, A. | DSNY | X | | | | | | | 5 | 1,252.30 |
| 7/15/2008 | 2007-436mm | Morales, J. | DSNY | X | | | | | | | 15 | 3,705.30 |
| 7/15/2008 | 2007-436nn | Moscarelli | DSNY | X | | | | | | | 5 | 1,217.85 |
| 7/15/2008 | 2007-436oo | Prendergrast | DSNY | X | | | | | | | 15 | 2,587.50 |
| 7/15/2008 | 2007-436pp | Puhi | DSNY | X | | | | | | | 5 | 1,206.57 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settle- ment | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-----------|-------------|--------------|--------|--------------------------|------------------------|---|--------------------------|--|------------------|-------------------------------|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 7/15/2008 | 2007-436qq | Ruocco | DSNY | X | | | | | | | 5 | 1,269.55 |
| 7/15/2008 | 2007-436rr | Smith, M. | DSNY | X | | | | | | | 5 | 1,217.85 |
| 7/15/2008 | 2007-436tt | Sterbenz | DSNY | X | | | | | | | 5 | 2,217.85 |
| 7/15/2008 | 2007-436uu | Taylor | DSNY | X | | | | | | | 4 | 1,189.33 |
| 7/15/2008 | 2007-436vv | Torres | DSNY | X | | | | | | | 5 | 1,206.57 |
| 7/15/2008 | 2007-436ww | Valerio | DSNY | X | | | | | | | 5 | 1,172.09 |
| 7/15/2008 | 2007-436xx | Wallace | DSNY | X | | | | | | | 5 | 1,217.85 |
| 7/15/2008 | 2007-436yy | Williams | DSNY | X | | | | | | | 15 | 3,705.30 |
| 7/15/2008 | 2007-436zz | Zaborsky | DSNY | | 1,500 | | | | | | | |
| 7/15/2008 | 2007-436ab | Guifre | DSNY | X | | | | | | | 5 | 821.4 |
| 7/15/2008 | 2007-436ac | Sullivan | DSNY | X | | | | | | | 5 | 821.4 |
| 7/15/2008 | 2007-436ae | Pretakiewicz | DSNY | X | | | | | | | 5 | 1,252.30 |
| 7/8/2008 | 2008-132 | Hwang | DCA | | 1,250 | | | | | | | |
| 7/8/2008 | 2007-015c | Klein | DOE | | 1,500 | | | | | | | |
| 7/8/2008 | 2007-015 | Montemarano | DOE | | 2,500 | | | | | | | |
| 7/7/2008 | 2008-025 | Harmon | DOHMH | | 7,500 | | | | | | | |
| 7/7/2008 | 2007-237 | Philemy | DOE | X | 2,250 | | | | | | | |
| 7/7/2008 | 2007-774 | Harrington | DEP | | 1,000 | | | | | | | |
| 7/7/2008 | 2004-746 | Lemkin | NYPD | | 500 | | | | | | | |
| 7/7/2008 | 2004-746a | Renna | NYPD | | 500 | | | | | | | |
| 7/7/2008 | 2004746b | Schneider | NYPD | | 500 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/17/2008 | 2002-325 | Anderson | HHC | | 7,100 | Due to showing of financial hardship, fine was reduced from \$20,000 to \$7,100 | | | | | | |
| MAY | | | | | | | | | | | | |
| 5/22/2008 | 2006-559a | Cross | DOE | X | 500 | | | | | | | |
| 5/22/2008 | 2006-559 | Richards | DOE | X | 500 | | | | | | | |
| 5/22/2008 | 2007-433 | Jafferalli | ACS | X | | | | | | | 30 | 4,151 |
| 5/22/2008 | 2007-433a | Edwards | ACS | X | | | | | | | 21 | 3,872 |
| 5/22/2008 | 2007-570 | Mouzon | ACS | X | | | 1,279.48 | | | | 10 | 1,046 |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | | |
|------------|-------------|--------------|--------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|----------------------------|---------------------|----------|--|
| | | | | | | | | | | | # of Days | Value | |
| 5/20/2008 | 2007-636 | Blundo | DOE | X | 1,000 | | | | | | | | |
| 5/9/2008 | 2006-617 | Johnson | DOE | X | 300 | | | | | | | | |
| 5/8/2008 | 2008-037 | Zigelman | DOE | X | 1,500 | | 1,500 | | | | | | |
| 5/1/2008 | 2006-775 | Childs | HRA | X | 500 | | | | | | 5 | 1,795 | |
| APRIL | | | | | | | | | | | | | |
| 4/30/2008 | 2003-373k | Rider | DEP | | 1,000 | | | | | | | | |
| 4/29/2008 | 2007-873 | Shaler | OCME | | 2,000 | | | | | | | | |
| 4/29/2008 | 2005-236 | Mizrahi | HPD | | 2,000 | | | | | | | | |
| 4/29/2008 | 2007-744 | Deschamps | NYCHA | X | 1,500 | | | | | | 5 | 892 | |
| MARCH | | | | | | | | | | | | | |
| 3/20/2008 | 2003-373a | Lee | DOC | | 3,000 | | | | | | | | |
| 3/20/2008 | 2003-373k | Gwiazdzinski | DOC | | 3,000 | | | | | | | | |
| 3/6/2008 | 2004-530 | Murano | NYPD | | 1,250 | | | | | | | | |
| 3/5/2008 | 2007-058 | Saigbovo | DOP | | 750 | | | | | | | | |
| 3/5/2008 | 2007-157 | Aldorasi | DOE | X | 3,000 | | 1,500 | | | | | | |
| 3/4/2008 | 2003-550 | Amar | DCAS | | 4,500 | | | | | | | | |
| 3/3/2008 | 2007-723 | Namnum | DOE | X | 1,250 | | | | | | | | |
| 3/3/2008 | 2005-665 | Osindero | HRA | X | 500 | | | | | | 15 | 2,205.97 | |
| 3/3/2008 | 2007-825 | Namyotova | HRA | X | 1,000 | | | | | | 15 | 1,952 | |
| FEBRUARY | | | | | | | | | | | | | |
| 2/7/2008 | 2001-566d | Moran | DOE | X | 1,500 | | | | | | | | |
| 2/7/2008 | 2001-566c | Guarino | DOE | X | 1,500 | | | | | | | | |
| 2/7/2008 | 2001-566b | Sender | DOE | X | 5,000 | | | | | | | | |
| 2/7/2008 | 2001-566a | Diaz | DOE | X | 1,500 | | | | | | | | |
| 2/7/2008 | 2001-566 | Ferro | DOE | X | 2,500 | | | | | | | | |
| JANUARY | | | | | | | | | | | | | |
| 1/28/2008 | 2004-610 | Riccardi | DOT | | 1,500 | | | | | | | | |
| 1/23/2008 | 2006-350 | Schlein | CCSC | | 15,000 | | | | | | | | |
| 2007 | | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | | |
| 12/17/2007 | 2006-632 | Blenman | ACS | | 2,000 | | | | | | | | |
| 12/17/2007 | 2006-233 | Osagie | DOP | X | 5,000 | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|-----------|---------------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|--|---------------------|----------|
| | | | | | | | | | | | # of Days | Value |
| 12/4/2007 | 2004-188 | Pratt | DJJ | | 500 | Due to showing of financial hardship, fine was reduced from \$4,750 to \$500 | | | 3,961 | Restitution | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/29/2007 | 2007-519 | Tamayo | DOE | X | 100 | | | | 900 | Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08 | | 52,649 |
| 11/29/2007 | 2006-562b | McLeod | NYCHA | X | | | | | | | 5 | 1,105.62 |
| 11/27/2007 | 2006-618 | Hall | DHS | | 1,500 | | | | | | | |
| 11/27/2007 | 2004-517 | Williams | City Planning | | 4,000 | | | | | | | |
| 11/5/2007 | 2005-365 | Norwood | DOC | | 4,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/29/2007 | 2006-423 | S. Fraser | Bk CB 17 | | 2,000 | | | | | | | |
| 10/29/2007 | 2003-785a | Speiller | City Council | | 1,000 | | | | | | | |
| 10/29/2007 | 2007-138 | Basile | FDNY | | 2,000 | | | | | | | |
| 10/26/2007 | 2007-039 | Tulce | HRA | X | | | | | | | 30 | 4,550 |
| 10/9/2007 | 2003-200 | Lastique | DOHMH | X | 2,000 | | | | | plus reassignment & probation | 21 | 1,971.69 |
| 10/2/2007 | 2007-441 | Larson | HPD | | 1,000 | | | | | | | |
| 10/2/2007 | 2006-423a | Russell | Bk CB 17 | | 1,000 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |

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ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | | |
|-----------|-------------|---------------|--------------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|----------------------------|---------------------|----------|--|
| | | | | | | | | | | | # of Days | Value | |
| 9/26/2007 | 2006-411 | Allen | HRA | | 5,000 | Respondent did not appear at the trial, so the Board fine has not yet been collected | | | | | | | |
| 9/18/2007 | 2004-246 | Margolin | DOE | | 3,250 | | | | | | | | |
| 9/12/2007 | 2006-551 | Davis | HPD | | 700 | | | | | | | | |
| 9/4/2007 | 2007-016 | Graham | ACS | | | | | | | | 5 | 896 | |
| AUGUST | | | | | | | | | | | | | |
| 8/30/2007 | 2007-362 | Lucido | NYCHA | | 500 | | | | | | | | |
| JULY | | | | | | | | | | | | | |
| 7/31/2007 | 2003-785 | Gennaro | City Council | | 2,000 | | | | | | | | |
| 7/23/2007 | 2003-152a | Bergman | Bk CB 2 | | 1,000 | | | | | | | | |
| 7/18/2007 | 1999-026 | Pentangelo | DOT | | 1,500 | | | | | | | | |
| 7/16/2007 | 2006-706 | Carlson | DOE | X | 500 | | 4,820.92 | | | | | | |
| 7/12/2007 | 2006-461 | Greenidge | HRA | | 500 | | | | | | | | |
| 7/11/2007 | 2006-098 | Barreto | DOE | X | 2,500 | | | | | | | | |
| 7/11/2007 | 2005-244 | Clair | FDNY | | 6,500 | | | | | | | | |
| 7/10/2007 | 2007-056 | Glover | HRA | X | | | | | | | 30 | 7,742 | |
| JUNE | | | | | | | | | | | | | |
| 6/29/2007 | 2005-200 | Cetera | DDC | X | 2,000 | | | | | | | | |
| 6/5/2007 | 2005-442 | Sanders | City Council | | 1,000 | | | | | | | | |
| 6/4/2007 | 2005-240 | Mazer | TLC | | 2,000 | | | | | | | | |
| DECEMBER | | | | | | | | | | | | | |
| 5/31/2007 | 2006-383 | Ianniello | DOE | X | 1,000 | | | | | | | | |
| 5/31/2007 | 2006-684 | Cooper | DOE | X | 2,500 | | 2,500 | | | | | | |
| 5/31/2007 | 2006-684a | Reilly | DOE | X | 750 | | 750 | | | | | | |
| 5/31/2007 | 2006-460 | Amofo-Danquah | DHS | X | 3,000 | | | | | | 5 | 1,273.25 | |
| 5/30/2007 | 2007-053 | Cammarata | HHC | | 1,500 | | | | | | | | |
| 5/30/2007 | 2002-678 | Murphy | DOT | | 750 | | | | | | | | |
| 5/30/2007 | 2004-556 | Cagadoc | HHC | | 500 | | | | | | | | |
| 5/2/2007 | 2005-690 | Cantwell | SCA | | 1,500 | | | | | | | | |
| APRIL | | | | | | | | | | | | | |

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| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|----------------|-----------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 4/30/2007 | 2006-068 | Henry | ACS | | 1,000 | | | | | | | |
| 4/30/2007 | 2005-739a | Oquendo | DOE | | 500 | | | | | | | |
| 4/25/2007 | 2004-570 | Matos | DOE | X | 1,000 | | | | | | | |
| 4/17/2007 | 2006-562a | Wade | NYCHA | | 500 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/28/2007 | 2006-554 | Bassy | HRA | | 500 | | | | | | | |
| 3/27/2007 | 2006-349 | Vale | NYCHA | | 2,250 | | | | | | | |
| 3/27/2007 | 2005-240 | Sahm | DDC | | 1,250 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/28/2007 | 2005-505 | Martino-Fisher | Qns CB 13 | | 1,000 | | | | | | | |
| 2/28/2007 | 2003-752 | Kessock | TRS | | 500 | | | | | | | |
| 2/28/2007 | 2006-519 | Lepkowski | DOC | | 500 | | | | | | | |
| 2/28/2007 | 2002-503 | Maith | DOHMH | | 500 | | | | | | | |
| 2/5/2007 | 2002-458 | Aquino | NYCHA | | 500 | | | | | | | |
| 2/5/2007 | 2006-064 | Tarazona | NYCHA | | 2,000 | | | | | | | |
| 2/5/2007 | 2001-494 | Russo | DSNY | X | 2,000 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/29/2007 | 2005-031 | Marchuk | DOE | | 750 | | | | | | | |
| 1/29/2007 | 2006-635 | Bayer | DDC | X | 1,000 | | | | | Retire from DDC | 18 | 1,000 |
| 1/24/2007 | 2005-178 | Davis | DOE | X | 1,000 | | | | | | | |
| 1/24/2007 | 2005-098 | Rosenfeld | NYCERS | | 500 | | | | | | | |
| 1/5/2007 | 2004-697 | Della Monica | DOE | | 1,500 | | | | | | | |
| 1/3/2007 | 2004-712 | McHugh | DOT | | 2,000 | | | | | | | |
| 2006 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/19/2006 | 2005-685 | Diaz | DOE | | 500 | | | | | | | |
| 12/15/2006 | 2002-140 | Fenster | DYCD | | 500 | | | | | | | |
| 12/11/2006 | 2006-562b | Jefferson | NYCHA | X | | | | | | | 25 | 3,085 |
| 12/11/2006 | 2006-562 | Nelson | NYCHA | X | | | | | | | 25 | 4,262 |
| NOVEMBER | | | | | | | | | | | | |
| 11/10/2006 | 2003-655 | Sorkin | FDNY | | 500 | | | | | | | |
| 11/10/2006 | 2005-271a | Parlante | DEP | X | 460 | | | | | | | |
| 11/10/2006 | 2005-271 | Marchesi | DEP | X | 750 | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/24/2006 | 2004-324a | Neira | DDC | | 4,500 | | | | | | | |
| 8/24/2006 | 2006-048 | Tyner | HRA | X | | | | | | | 45 | 6,224 |

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ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|------------|-------------|---------------|--------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|--------------------------------|---------------------|-----------|
| | | | | | | | | | | | # of Days | Value |
| JULY | | | | | | | | | | | | |
| 7/28/2006 | 2004-700a | L. Golubchick | DOE | | 4,000 | | | | | | | |
| 7/28/2006 | 2004-700 | J. Golubchick | DOE | | 1,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/30/2006 | 2003-097 | Kerik | DOC | | 10,000 | | | | 211,000 | 5,000 FD & 206,000 Criminal | | |
| 6/20/2006 | 2004-159 | Goyol | HHC | | 2,500 | | | | | | | |
| 6/6/2006 | 2005-155 | Okowitz | HRA | X | 1,250 | | | | | | | |
| MAY | | | | | | | | | | | | |
| 5/10/2006 | 2003-423a | Coppola | DOE | | 500 | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/3/2006 | 2005-590 | Whitlow | DOE | X | | | 1,818 | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/23/2006 | 2005-238 | Valsamedis | FDNY | X | | | | | 2,253.50 | 10 days annual leave forfeited | 50 | 11,267.50 |
| 2/15/2006 | 2005-146 | Vance | SCI | | 1,500 | | | | 1,122 | Annual leave forfeited | | |
| 2/3/2006 | 2002-716 | Green | DOE | X | 2,500 | | 1,500 | | | | | |
| 2005 | | | | | | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/16/2005 | 2004-214 | Guttman | DOE | | 2,800 | | | | | | | |
| 11/16/2005 | 2004-418 | Trica | FDNY | | 4,000 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/23/2005 | 2002-677y | Serra | DOC | | 10,000 | This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/22/2005 | 2005-151 | Carroll | DDC | X | 3,000 | | | | | | 25 | 3,000 |
| 6/7/2005 | 2004-082a | Romano | DOE | | 4,000 | | | | | | | |
| MAY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-------------|-------------|-----------|--------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|-----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 5/25/2005 | 2004-082 | Hoffman | DOE | | 4,000 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/29/2005 | 2003-788 | Asemota | HRA | X | 500 | | | | 1,000 | Annual leave forfeited | | |
| 3/29/2005 | 2004-466 | Powery | DOE | | 1,000 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/28/2005 | 2004-515 | Genao | DOE | | 1,000 | | | | | | | |
| 2/28/2005 | 2004-321a | Vasquez | HRA | X | 1,750 | | | | 1,600 | Annual leave forfeited | | |
| JANUARY | | | | | | | | | | | | |
| 1/31/2005 | 2003-127 | Thomas | DOS | | 2,000 | | | | 3,915 | Annual leave forfeited | | |
| 1/31/2005 | 2002-782 | Bonamarte | HRA | | 3,000 | | | | | | | |
| 2004 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/21/2004 | 2004-180 | Berkowitz | OEM | | 3,500 | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/30/2004 | 2002-770 | W. Fraser | DOC | | 500 | | | | | | | |
| 10/21/2004 | 2004-305 | McKen | DOE | X | 450 | | 450 | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/22/2004 | 2003-359 | Campbell | NYCHA | | 2,000 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/5/2004 | 2001-618 | Anderson | DORIS | | 1,000 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/25/2004 | 2002-528 | Fleishman | DOE | | 1,000 | | 5,000 | | 1,300 | Restitution | | |
| 2003 | | | | | | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/3/2003 | 2002-304 | Arriaga | DOE | X | 1,000 | | | | | | 30 | 2,500 |
| MARCH | | | | | | | | | | | | |
| 3/25/2003 | 2002-088 | Adams | DOE | | 1,500 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/7/2003 | 2002-463 | Mumford | DOE | | | | 2,500 | | 5,000 | for violation of Reg. C-110 | | |
| 2002 | | | | | | | | | | | | |
| JULY | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-------------|-------------|-------------|----------|------------------|---------------------|--|-----------------------|------------------------------------|---------------|----------------------------|---|-------|
| | | | | | | | | | | | # of Days | Value |
| 7/1/2002 | 2001-593 | Cottes | DCA | X | 500 | | | | | | | |
| 7/18/2002 | 2002-188 | Blake-Reid | DOE | | 4,000 | | | | 4,000 | Annual leave forfeited | | |
| JUNE | | | | | | | | | | | | |
| 6/21/2002 | 2000-456 | Silverman | DFTA | | 500 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/27/2002 | 2000-192 | Smith | ACS | | | The fine was forgiven if by 3/1/04, respondent had fully paid restitution for outstanding loan amount. | | | | 2,433 | Restitution | |
| FEBRUARY | | | | | | | | | | | | |
| 2/27/2002 | 2001-569 | Kerik | NYPD | | 2,500 | | | | | | | |
| 2/22/2002 | 2000-407 | Loughran | NYCHA | | 800 | | | | | | | |
| 2001 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/13/2001 | 1998-508 | King | DOT | X | 1,000 | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/13/2001 | 2000-581 | Hill-Grier | ACS | X | 700 | | | | | | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/30/2001 | 1998-437 | Jones | DOC | X | | | | | | | 5 days annual leave forfeited | |
| 9/25/2001 | 2000-533 | Denizac | BOE | X | | | | 4,000 | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/15/2001 | 1999-501 | Moran | DOT | | | | | | | 3,768 | demotion to non-supervisory position with paycut of 1,268; 30 days annual leave forfeited = 2,500 | |
| JULY | | | | | | | | | | | | |
| 7/16/2001 | 1999-157 | Capetanakis | Bk CB 10 | | 4,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/25/2001 | 2000-005 | Rieue | CHR | | 2,000 | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-------------|-------------|--------------|------------------|------------------|---------------------|----------------------------------|-----------------------|------------------------------------|---------------|----------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| 6/7/2001 | 2000-231 | Steinhandler | BOE | X | 1,500 | | | | | | | |
| MAY | | | | | | | | | | | | |
| 5/23/2001 | 1999-121 | Camarata | DOE | | 1,000 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/8/2001 | 1991-173 | Peterson | DOPR | | 1,500 | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/26/2001 | 1999-199 | Finkel | NYCHA | | 2,250 | | | | | | | |
| 2000 | | | | | | | | | | | | |
| OCTOBER | | | | | | | | | | | | |
| 10/24/2000 | 1999-200 | Hoover | HRA | | 8,500 | | | | | | | |
| 10/16/2000 | 1999-200 | Turner | HRA | | 6,500 | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/14/2000 | 1999-511 | Paniccia | DOT | | 1,500 | | | | | | | |
| 8/7/2000 | 1999-500 | Chapin | Cultural Affairs | | 500 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/24/2000 | 2000-254 | Lizzio | HPD | | 250 | | | | | | | |
| MAY | | | | | | | | | | | | |
| 5/24/2000 | 1999-358 | Rosenberg | DoITT | | 1,000 | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/26/2000 | 1998-169 | Marrone | SCA | | 5,000 | | | | | | | |
| MARCH | | | | | | | | | | | | |
| 3/26/2000 | 1998-288 | Sullivan | DOF | X | 625 | | | | | | | |
| 3/10/2000 | 1999-250 | Carlin | DEP | X | 800 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/6/2000 | 1997-237d | Rene | DOE | X | | | 2,500 | | | | | |
| 1999 | | | | | | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 11/23/1999 | 1994-082 | Davila | CHR | | 500 | | | | | | | |
| 11/22/1999 | 1999-334 | McGann | DOB | X | 3,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/29/1999 | 1998-190 | Sass | MPBO | | 20,000 | | | | | | | |
| NOVEMBER | | | | | | | | | | | | |
| 2/3/1999 | 1997-247 | Ludewig | NYFD | X | 7,500 | | | | | | | |
| 1998 | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|-------------|-------------|-----------|----------------|------------------|---------------------|---|-----------------------|------------------------------------|---------------|---------------------------------|---------------------|-------|
| | | | | | | | | | | | # of Days | Value |
| OCTOBER | | | | | | | | | | | | |
| 10/9/1998 | 1997-247 | Morello | NYFD | | 6,000 | | | | 93,105 | Annual leave forfeited & resign | | |
| SEPTEMBER | | | | | | | | | | | | |
| 9/17/1998 | 1994-351 | Katsorhis | Sheriff | | 84,000 | | | | | | | |
| JULY | | | | | | | | | | | | |
| 7/14/1998 | 1997-394 | Weinstein | DOH | X | 1,250 | | | | 3,750 | Annual leave forfeited | | |
| JUNE | | | | | | | | | | | | |
| 6/22/1998 | 1996-404 | Fodera | DCAS | | 3,000 | | | | 100 | for late FD filing | | |
| 6/22/1998 | 1995-045 | Wills | CHR | | 1,500 | | | | | | | |
| 6/15/1998 | 1998-102 | Hahn | DOB | X | 1,000 | | | | | | | |
| MAY | | | | | | | | | | | | |
| 5/22/1998 | 1997-368 | Harvey | Manh CB 11 | | 200 | Due to showing of financial hardship, fine was reduced to \$200 | | | | | | |
| 5/8/1998 | 1997-247 | Cioffi | NYFD | | 100 | | | | | | | |
| 1997 | | | | | | | | | | | | |
| DECEMBER | | | | | | | | | | | | |
| 12/22/1997 | 1997-076 | N. Ross | ADA | | 1,000 | | | | | | | |
| 12/10/1997 | 1997-225 | M. Ross | BOE | X | 1,000 | | | | | | | |
| JUNE | | | | | | | | | | | | |
| 6/17/1997 | 1997-060 | Quennell | Art Commission | | 100 | | | | | | | |
| 1996 | | | | | | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/3/1996 | 1993-121 | Holtzman | Compt. | | 7,500 | | | | | | | |
| MARCH | | | | | | | | | | | | |

EXHIBIT 11

ENFORCEMENT FINES IMPOSED: 1990 to 2014

| Date | Case Number | Case Name | Agency | 3-Way Settlement | Amount Paid to COIB | Breakdown of Amount Paid to COIB | Amount Paid to Agency | Breakdown of Amount Paid to Agency | Other Penalty | Breakdown of Other Penalty | Suspension/Pay Fine | |
|---------------|-------------|-----------|----------------|------------------|---------------------|--|-----------------------|------------------------------------|-------------------|----------------------------|---------------------|-------------------|
| | | | | | | | | | | | # of Days | Value |
| 3/8/1996 | 1994-368 | Matos | DEP | | 250 | Due to showing of financial hardship, fine was reduced from \$1,000 to \$250 | | | | | | |
| 1995 | | | | | | | | | | | | |
| AUGUST | | | | | | | | | | | | |
| 8/4/1995 | 1993-282a | Baer | Mayor's Office | | 5,000 | | | | | | | |
| 1994 | | | | | | | | | | | | |
| FEBRUARY | | | | | | | | | | | | |
| 2/11/1994 | 1993-282 | Bryson | PVB | | 500 | | | | | | | |
| JANUARY | | | | | | | | | | | | |
| 1/24/1994 | 1991-214 | McAuliffe | Mayor's Office | | 2,500 | | | | | | | |
| 1993 | | | | | | | | | | | | |
| APRIL | | | | | | | | | | | | |
| 4/27/1993 | 1991-223 | Ubinas | CSD 1 | | | | | | | | | |
| TOTALS | | | | | 1,487,911 | | 131,350.53 | | 631,939.67 | | | 769,457.02 |

EXHIBIT 12 ANNUAL DISCLOSURE REPORTS

| Reporting Year ¹ ("R.Y.") | Number of Reports Required for R.Y. | Reports Filed for R.Y. | Compliance Rate for R.Y. ² | Number of Fines Waived for R.Y. | Number of Fines Paid for R.Y. | Amount of Fines Paid for R.Y. | Current Non-Filers for R.Y. Act.Inact. ³ | | Current Non-Payers for R.Y. Act.Inact. | |
|---|-------------------------------------|------------------------|---------------------------------------|---------------------------------|-------------------------------|-------------------------------|---|-----|--|-----|
| 2008* | 7,866 | 7,676 | 97.9% | 117 | 42 | \$13,625 | 0 | 63 | 0 | 43 |
| 2009* | 7,921 | 7,763 | 98.7% | 67 | 61 | \$20,550 | 0 | 54 | 0 | 52 |
| 2010* | 8,244 | 8,089 | 98.1% | 63 | 51 | \$17,250 | 0 | 67 | 0 | 92 |
| 2011* | 8,239 | 8,117 | 98.8% | 64 | 44 | \$15,250 | 0 | 63 | 0 | 68 |
| 2012* | 8,805 | 8,615 | 98.1% | 123 | 63 | \$24,500 | 0 | 83 | 0 | 73 |
| 2013 | 9,050 | 8,827 | 97.7% | 89 | 36 | \$13,000 | 10 | 122 | 10 | 80 |
| TOTALS | 50,125 | 49,087 | 98.2% | 523 | 297 | \$104,175 ⁴ | 10 | 452 | 10 | 408 |

¹ The reporting year is the year to which the annual disclosure report pertains; the report is submitted the following calendar year.

² Includes those individuals who have appealed their agency's determination that they were required filers.

³ "Act." indicates active City employees; "inact." indicates inactive City employees.

⁴ The total amount of fines collected since the Board assumed responsibility for annual disclosure in 1990 is \$621,448.

* The numbers reported in this chart have been updated to reflect activity since the 2013 annual report.

ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

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1990-2014**

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CHAPTER 68 ENFORCEMENT CASE SUMMARIES 2014

Note: Some of the following summaries include more than one case, and some cases appear in more than one category.

MOONLIGHTING WITH A FIRM ENGAGED IN CITY BUSINESS DEALINGS

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)¹

A now former managerial Administrative Public Health Nurse agreed to resign from the New York City Department of Health and Mental Hygiene (“DOHMH”) for two violations of the City’s conflicts of interest law: first, having a second job with North Shore-LIJ Health System, a firm with business dealings with the City; and, second, participating in the interview for a position at DOHMH of one of her subordinates at North Shore-LIJ without disclosing that association to anyone at DOHMH. A superior and a subordinate in a private business are considered “associated” under the City’s conflicts of interest law, and the law prohibits a City employee from being involved in any personnel matter concerning someone with who he/she is associated. *COIB v. Buenaventura*, COIB Case No. 2014-479 (2014).

A Sanitation Worker had a second job with Brooklyn Baseball, LLC, a firm with business dealings with the City, without authorization from the New York City Department of Sanitation (“DSNY”) and a waiver from the Board. The Sanitation Worker resigned from the second job and agreed to the publication of a letter warning him and other City employees that, prior to accepting any second job with a firm doing business with any City agency, agency head authorization and a waiver from the Board must be obtained. This matter was a joint settlement with DSNY. *COIB v. Cubeiro*, COIB Case No. 2014-287 (2014).

The Board and the New York City Administration for Children’s Services (“ACS”) concluded a joint settlement with a Congregate Care Specialist in the Division of Youth and Family Justice who agreed to pay a \$1,000 fine, split between the Board and ACS, for, from July 2011 until March 2014, having second job with Good Shepherd Services, a firm having substantial business dealings with ACS. *COIB v. Moore*, COIB Case No. 2013-460 (2014).

¹ City Charter § 2604(a)(1)(a) 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.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

The Board issued a public warning letter to the Director of Sign Language Services for the New York City Department of Education (“DOE”) who, since at least 2007, has had a paid position with a nonprofit organization that receives funding from the New York City Department of Cultural Affairs. On March 14, 2014, the Board, with the approval of DOE, issued a waiver to the Director of Sign Language Services allowing her to keep her outside position, thus ending her violation. In the public warning letter, the Board informed the Director of Sign Language Services that City Charter § 2604(a)(1)(b) prohibits a City employee from having a paid position with an entity that receives funding from another City agency. *COIB v. Prevor*, COIB Case No. 2013-859 (2014).

OWNERSHIP INTEREST IN A FIRM ENGAGED IN BUSINESS DEALINGS WITH THE CITY

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)²

A now former Associate Director for Ambulatory Care Services at the New York City Health and Hospital Corporation's Kings County Hospital Center (“KCHC”) paid a \$4,500 fine for multiple violations of the City’s conflicts of interest law. First, the former Associate Director held an 8.5% ownership interest in and a compensated position with a private commercial cleaning services company that did business with KCHC. The former Associate Director had sought an order from the Board to permit him to retain the ownership interest, but did not receive such an order, after which he continued to hold the interest in the commercial cleaning services company for nearly four years. The City’s conflicts of interest law prohibits a public servant from having a financial interest or a position in a firm that does business with the City. Second, the former Associate Director used two HHC subordinates to move his personal furniture during their City work hours. The City’s conflicts of interest law also prohibits public servants from using City resources, including City personnel, for a non-City purpose, and prohibits a public servant from soliciting his City subordinates to do work for his own private gain. *COIB v. G. Ellis*, COIB Case No. 2013-853 (2014).

The Board and the New York City Department of Design and Construction (“DDC”) concluded a settlement with a Deputy Budget Director in DDC’s Interfund Agreement Unit who owns a firm that owns a 10-unit apartment building in Manhattan for which he received a construction loan through the New York City Department of Housing Preservation and Development (“HPD”) and for which he receives payment for low-income housing units from HPD and the New York City Housing Authority (“NYCHA”), in violation of City Charter § 2604(a)(1)(b). In addition, the Deputy Budget Director used his City email account and his City

² City Charter § 2604(a)(1)(a) 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.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

telephone over a seven-year period to conduct private business related to his firm and communicated with and appeared in person before City agencies on behalf of his firm in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(6). The Deputy Budget Director agreed to pay a \$2,170 fine to the Board, to be suspended for seven days (valued at approximately \$2,170), and to forfeit seven days of annual leave (valued at approximately (\$2,170)). The Board issued an order permitting the Deputy Budget Director to retain his ownership interest in his firm and, with certain limitations, to continue to communicate with and receive payments from HPD and NYCHA for low-income housing in his building. *COIB v. F. Brown*, COIB Case No. 2013-305 (2014).

The Board issued public warning letters to two New York City Department of Education (“DOE”) teachers who owned Triple Challenge Test Prep & Learning Center Inc., in Brooklyn, through which the teachers submitted invoices to DOE and accepted a total of \$23,676.72 in payments from DOE for Special Education Teacher Support Services (“SETSS”) the teachers and their employees provided between October 2012 and June 2013 without complying with the requirements of the relevant mass waiver, thus violating City Charter § 2604(a)(1)(a). The Board took the opportunity of these public warning letters to remind public servants that, although the Board granted a mass waiver (COIB Case No. 2010-099) to allow DOE employees to be independent providers of certain special education-related services, including SETSS, the mass waiver is conditioned on compliance with certain procedures, and the mass waiver does not permit DOE employees to own a private company that provides special education-related services. *COIB v. LaBarbera*, COIB Case No. 2014-390 (2014); *COIB v. Man*, COIB Case No. 2014-390a (2014).

The Board issued a public warning letter to a former Mechanical Engineer for the New York City Housing Authority (“NYCHA”) who (1) owned, operated, and requested permits from the City on behalf of a private engineering company and (2) used his City email account and City computer to perform private engineering work. In 2003, the Mechanical Engineer obtained a waiver from the Board allowing him to own, operate, and request non-ministerial Planned Work 2 (“PW2”) permits from the New York City Department of Buildings (“DOB”) on behalf of a private engineering company. The waiver was specific to that company, but the Mechanical Engineer nonetheless requested hundreds of PW2 permits from DOB on behalf of a second private engineering company he also owned and operated. The Mechanical Engineer also sent thirteen emails from his NYCHA email account containing documents related to his private businesses and stored nine documents related to his private businesses on his NYCHA computer. *COIB v. Chaudhuri*, COIB Case No. 2013-676 (2014).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) teacher who owned Upper Manhattan SEIT Services Inc., through which the teacher received \$43,100.96 in payments from DOE from 2008 to 2010 for special education-related services provided by the teacher and her employees, without complying with the requirements of the relevant mass waiver, thus violating City Charter § 2604(a)(1)(a). The Board took the opportunity of this public warning letter to remind public servants that, although the Board granted a mass waiver to allow DOE employees to be independent providers of certain special education-related services (COIB Case No. 2010-099), the mass waiver is conditioned on compliance with certain procedures, and the mass waiver does not permit DOE employees to

own a private company that provides special education-related services. *COIB v. P. Trotman*, COIB Case No. 2013-565 (2014).

MISUSE OF CITY TIME

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(a)³

A former Physical Therapist for the New York City Department of Education (“DOE”) paid a \$2,250 fine for, during hours he was required to be performing work for DOE, using a DOE-issued laptop computer to perform work for his private karate studio, such as accessing class schedules and reviewing orders; the Physical Therapist also stored documents relating to his karate studio, such as lease agreements and order forms, on the laptop. The City’s conflicts of interest law prohibits the use of City time and City resources for any non-City purpose, in particular a second job or a private business. *COIB v. Kwon*, COIB Case No. 2014-307.

An Executive Administrative Staff Analyst for the New York City Employee Retirement System (“NYCERS”) agreed to pay an \$800 fine for four violations of the City’s conflicts of interest law related to her conducting an Avon business in her NYCERS office: first, using City time to receive and repackage Avon deliveries; second, using City resources, including a NYCERS fax machine, to submit and receive Avon orders; third, abusing her City position by soliciting sales from a subordinate; and fourth, entering into a prohibited superior-subordinate financial relationship by selling Avon products to that subordinate. *COIB v. Harish*, COIB Case No. 2014-414 (2014).

The Board issued an Order, after a full hearing, imposing a \$7,500 fine on a former Executive Agency Counsel at the New York City Taxi and Limousine Commission (“TLC”) for, during times he was required to be working for TLC, making numerous telephone calls related to his campaign for City Council. The City’s conflicts of interest law prohibits the use of City time or City resources for any non-City purpose, in particular a private business, a second job, or political activities. In determining the penalty, the Board considered the following aggravating factors: (1) the Respondent declined to accept responsibility for his conduct; (2) as an attorney, the Respondent is held to higher standard to comply with the conflicts of interest law; and (3) most significantly, the Respondent received both telephone and written advice from the Board and from the TLC attorney responsible for ethics matters that it would violate the City’s conflicts of interest law to use City time or City resources in connection with his political campaign, which advice he failed to follow. *COIB v. Oberman*, OATH Index No. 1657/14, COIB Case No. 2013-609 (Order Nov. 6, 2014).

³ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(a) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City.”

A Climber & Pruner for the New York City Department of Parks and Recreation (“DPR”) accepted a 15-day suspension, valued at \$4,952, for taking a DPR Log Loader without authorization to pick up and load wood from a private residence while DPR was paying him overtime. The City’s conflicts of interest law and the DPR Standards of Conduct prohibit using City equipment for any non-City purpose and also prohibit pursuing private activities on City time. This matter was a joint settlement with DPR. *COIB v. R. Williams*, COIB Case No. 2014-768a (2014).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Computer Aide in the DOHMH Bureau of Operations paid a \$1,350 fine – \$1,100 to DOHMH and \$250 to the Board – for doing work, using the DOHMH wireless network, related to her outside employment as a travel rewards sales representative during her City work hours on 51 days over a 57-work-day period. The City’s conflicts of interest law and the DOHMH Standards of Conduct prohibit the use of any City time or resources for a private business or second job. *COIB v. I. Ross*, COIB Case No. 2013-913 (2014).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a joint settlement with an Associate Staff Analyst who was also a writer of fiction and non-fiction books on a variety of topics, books that he offers for sale on his personal website. In 2012 and 2013, the Associate Staff Analyst used City time and City resources to work on these books, including working on drafts of the books and saving them to his DOHMH computer, using his DOHMH computer and e-mail account to send and receive e-mails containing drafts of the books, reading and storing research documents for the books on his DOHMH computer, and having the DOHMH librarian provide him with research materials for his books. The Associate Staff Analyst admitted that his use of City time and City resources to perform work on books he intended to publish for profit violated the DOHMH Standards of Conduct and the City’s conflicts of interest law. For these violations, the Associate Staff Analyst agreed to pay a \$3,000 fine, split evenly between DOHMH and the Board. *COIB v. Bediako*, COIB Case No. 2014-174 (2014).

The Board and the New York City Comptroller’s Office concluded a settlement with an Administrative Accountant in the Comptroller Office’s Bureau of Asset Management who, from 1998 to 2014, used her City computer to create, modify, and/or store over 200 documents related to her private business as a Certified Public Accountant (“CPA”) and, from 2006 to 2012, used her City computer and e-mail account to send and receive e-mails related to her private business as a CPA, all done during hours she was required to be performing work for the Comptroller’s Office. As a penalty, the Administrative Accountant agreed to pay a fine equal to forty-five days’ pay, valued at \$13,891. *COIB v. Chien*, COIB Case No. 2014-458 (2014).

The Board and the New York City Comptroller’s Office concluded a settlement with a Staff Analyst Trainee in the Comptroller’s Office Bureau of Audits who also had a private business on eBay. On a handful of occasions in 2013 and 2014, during hours he was required to be performing work for the Comptroller’s Office, the Staff Analyst Trainee used his City computer to update his eBay sales ledger and used his City e-mail account to e-mail an updated ledger to his private e-mail account. As a penalty, the Administrative Accountant agreed to pay

a fine equal to two days' pay, valued at \$388. *COIB v. Avellino*, COIB Case No. 2014-498 (2014).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a settlement with a Supervising Special Officer who, on May 3, 2013, and July 20, 2013, during hours she was required to be working for DOHMH, drove a City vehicle to Housing Court to appear on a personal legal matter in that court. The Supervising Special Officer admitted that her use of City time and a City vehicle for purely personal activities violated the DOHMH Standards of Conduct and the City's conflicts of interest law. For these violations, the Supervising Special Officer agreed to be demoted to Special Officer, with an attendant reduction in annual salary of \$4,781. *COIB v. Nealy*, COIB Case No. 2013-829 (2014).

The Board and the New York City Department Citywide Administrative Services ("DCAS") jointly concluded a settlement with a Clerical Associate who used a DCAS computer and e-mail account during her City work hours to do work as an Adjunct Lecturer at Metropolitan College of New York. The DCAS Code of Conduct and the City's conflicts of interest law restricts City employees' use of the City's computers, e-mail, and internet to the City's business, and the Clerical Associate had no authority to use any of those DCAS resources for her outside employment. As a penalty, the Clerical Associate agreed to serve a two-week suspension, which is valued at approximately \$2,001. *COIB v. Sainbert*, COIB Case No. 2014-200 (2014).

The Board and the New York City Comptroller's Office concluded a settlement with the Director of the Community Action Center at the Comptroller's Office to resolve an agency disciplinary action that included two violations of the City's conflicts of interest law. First, the Director acknowledged that she had used her City position to address and resolve complaints on behalf of her block association, for which she was an active member and then its President. Second, the Director acknowledged that she had used an excessive amount of City time and City resources, including her Comptroller's Office computer and e-mail account, to perform volunteer work for a variety of not-for-profit organizations, such as the block association. For these violations and other conduct that does not implicate the City's conflicts of interest law, the Director agreed to retire from the Comptroller's Office on August 5, 2014, and forfeit annual leave valued at \$4,852. *COIB v. Martinez*, COIB Case No. 2014-240 (2014).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene ("DOHMH"), a Public Health Advisor II in the Bureau of Tuberculosis Control paid a \$4,000 fine – \$3,500 of which was paid to DOHMH and \$500 to the Board – for, on multiple occasions in July and August 2013, parking her personal vehicle, clocking in at work, and then taking out a City vehicle and driving her daughter, and on occasion her daughter with others, to school. The Public Health Advisor admitted that her use of City time and a City vehicle for purely personal activity violated the DOHMH Standards of Conduct and the City's conflicts of interest law. *COIB v. Akinboye*, COIB Case No. 2013-863 (2014).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with an HRA Computer Specialist who agreed to pay a twelve work-day pay

fine, valued at \$4,466, to be imposed by HRA, for using a City vehicle for a non-City purpose at a time when he was required to be performing work for the City. The Computer Specialist secured authorization to use a City vehicle from his supervisor under the guise that he would use it to drive between two HRA office locations to conduct City business. Instead, at a time he was required to be performing work for the City, the Computer Specialist drove the City vehicle to meet his brother to conduct personal business, which he was not authorized by HRA to do. The Computer Specialist then submitted a Daily Route Sheet in which he falsely stated that he had used the vehicle for City business. The Computer Specialist acknowledged that, in so doing, he violated City Charter § 2604(b)(2), pursuant to Board Rules §§ 1-13(a) and 1-13(b), which prohibits a public servant from using City time and any City resource, including a City vehicle, for any non-City purpose. *COIB v. Ivey*, COIB Case No. 2013-534 (2014).

The Board concluded a settlement with a former Agency Attorney at the New York City Administration for Children’s Services (“ACS”) who, on six dates between January 2010 and June 2011, performed paid work for a private document review company at times he was required to be working for ACS. As a penalty, the former Agency Attorney agreed to pay a \$3,000 fine to the Board; he also acknowledged that he had resigned from ACS while ACS disciplinary charges were pending against him for the same conduct. *COIB v. Gebbia*, COIB Case No. 2013-687 (2014).

In a joint disposition with the Board and the New York City Comptroller’s Office, a Public Records Officer agreed to pay a fine equal to ten days’ pay, valued at \$2,300, for, from March 2011 through November 2013, during hours she was required to be performing work for the Comptroller’s Office, using her City computer and e-mail account to perform work for her private jobs with Random House and Sentia Education. The Public Records Officer also failed to obtain permission from the Comptroller’s Office for her outside positions, or a waiver from the Board for her position with Random House, a firm having business dealings with the City. *COIB v. Yndigoyen*, COIB Case No. 2013-816 (2014).

MISUSE OF CITY RESOURCES

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(b)⁴

An Administrative Director for the New York City Department of Homeless Services (“DHS”) paid a \$750 fine to DHS for directing a subordinate DHS employee to review and edit resumes and cover letters for the Administrative Director and two of her relatives. The City’s conflicts of interest law and the DHS Code of Conduct prohibit using City personnel for any

⁴ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

Board Rules § 1-13(b) states in relevant part: “it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.”

non-City purpose. This matter was a joint settlement with DHS. *COIB v. M. Reid*, COIB Case No. 2014-751a (2014).

A former Physical Therapist for the New York City Department of Education (“DOE”) paid a \$2,250 fine for, during hours he was required to be performing work for DOE, using a DOE-issued laptop computer to perform work for his private karate studio, such as accessing class schedules and reviewing orders; the Physical Therapist also stored documents relating to his karate studio, such as lease agreements and order forms, on the laptop. The City’s conflicts of interest law prohibits the use of City time and City resources for any non-City purpose, in particular a second job or a private business. *COIB v. Kwon*, COIB Case No. 2014-307.

An Executive Administrative Staff Analyst for the New York City Employee Retirement System (“NYCERS”) agreed to pay an \$800 fine for four violations of the City’s conflicts of interest law related to her conducting an Avon business in her NYCERS office: first, using City time to receive and repackage Avon deliveries; second, using City resources, including a NYCERS fax machine, to submit and receive Avon orders; third, abusing her City position by soliciting sales from a subordinate; and fourth, entering into a prohibited superior-subordinate financial relationship by selling Avon products to that subordinate. *COIB v. Harish*, COIB Case No. 2014-414 (2014).

A now former Associate Director for Ambulatory Care Services at the New York City Health and Hospital Corporation's Kings County Hospital Center (“KCHC”) paid a \$4,500 fine for multiple violations of the City’s conflicts of interest law. First, the former Associate Director held an 8.5% ownership interest in and a compensated position with a private commercial cleaning services company that did business with KCHC. The former Associate Director had sought an order from the Board to permit him to retain the ownership interest, but did not receive such an order, after which he continued to hold the interest in the commercial cleaning services company for nearly four years. The City’s conflicts of interest law prohibits a public servant from having a financial interest or a position in a firm that does business with the City. Second, the former Associate Director used two HHC subordinates to move his personal furniture during their City work hours. The City’s conflicts of interest law also prohibits public servants from using City resources, including City personnel, for a non-City purpose, and prohibits a public servant from soliciting his City subordinates to do work for his own private gain. *COIB v. G. Ellis*, COIB Case No. 2013-853 (2014).

The Board imposed a \$10,000 fine on a now former Principal Administrative Associate (“PAA”) I at the New York City Human Resources Administration (“HRA”) for using her access to HRA’s Paperless Office System and the Welfare Management System to reroute six rent supplement payments intended for clients of HRA’s HIV/AIDS Services Administration totaling \$5,857 to pay her own rent and to provide herself with cash. The Board forgave that fine based on the PAA’s showing of financial hardship, including documentation of her continued unemployment, income, assets, expenses, and liabilities. The City’s conflicts of interest law prohibits a public servant from using City resources, such as rent supplement payments and other public assistance funds, for a non-City purpose and prohibits a public servant from using her City position for her personal gain. *COIB v. C. Parker*, COIB Case No. 2013-605 (2014).

The Board issued an Order, after a full hearing, imposing a \$7,500 fine on a former Executive Agency Counsel at the New York City Taxi and Limousine Commission (“TLC”) for, during times he was required to be working for TLC, making numerous telephone calls related to his campaign for City Council. The City’s conflicts of interest law prohibits the use of City time or City resources for any non-City purpose, in particular a private business, a second job, or political activities. In determining the penalty, the Board considered the following aggravating factors: (1) the Respondent declined to accept responsibility for his conduct; (2) as an attorney, the Respondent is held to higher standard to comply with the conflicts of interest law; and (3) most significantly, the Respondent received both telephone and written advice from the Board and from the TLC attorney responsible for ethics matters that it would violate the City’s conflicts of interest law to use City time or City resources in connection with his political campaign, which advice he failed to follow. *COIB v. Oberman*, OATH Index No. 1657/14, COIB Case No. 2013-609 (Order Nov. 6, 2014).

A Climber & Pruner for the New York City Department of Parks and Recreation (“DPR”) accepted a 15-day suspension, valued at \$4,952, for taking a DPR Log Loader without authorization to pick up and load wood from a private residence while DPR was paying him overtime. The City’s conflicts of interest law and the DPR Standards of Conduct prohibit using City equipment for any non-City purpose and also prohibit pursuing private activities on City time. This matter was a joint settlement with DPR. *COIB v. R. Williams*, COIB Case No. 2014-768a (2014).

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Computer Aide in the DOHMH Bureau of Operations paid a \$1,350 fine – \$1,100 to DOHMH and \$250 to the Board – for doing work, using the DOHMH wireless network, related to her outside employment as a travel rewards sales representative during her City work hours on 51 days over a 57-work-day period. The City’s conflicts of interest law and the DOHMH Standards of Conduct prohibit the use of any City time or resources for a private business or second job. *COIB v. I. Ross*, COIB Case No. 2013-913 (2014).

The Board and the New York City Department of Design and Construction (“DDC”) concluded a settlement with a Deputy Budget Director in DDC’s Interfund Agreement Unit who owns a firm that owns a 10-unit apartment building in Manhattan for which he received a construction loan through the New York City Department of Housing Preservation and Development (“HPD”) and for which he receives payment for low-income housing units from HPD and the New York City Housing Authority (“NYCHA”), in violation of City Charter § 2604(a)(1)(b). In addition, the Deputy Budget Director used his City email account and his City telephone over a seven-year period to conduct private business related to his firm and communicated with and appeared in person before City agencies on behalf of his firm in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(6). The Deputy Budget Director agreed to pay a \$2,170 fine to the Board, to be suspended for seven days (valued at approximately \$2,170), and to forfeit seven days of annual leave (valued at approximately \$2,170). The Board issued an order permitting the Deputy Budget Director to retain his ownership interest in his firm and, with certain limitations, to

continue to communicate with and receive payments from HPD and NYCHA for low-income housing in his building. *COIB v. F. Brown*, COIB Case No. 2013-305 (2014).

The Board and the New York City Department of Environmental Protection (“DEP”) jointly concluded a settlement with an Air Pollution Inspector who misused a City “Gas Card” to fuel his daughter’s car. The Air Pollution Inspector admitted to using the Gas Card on approximately ten occasions over the course of a year to purchase a total of approximately \$200 of gas for his daughter’s car. This conduct violated the DEP Uniform Code of Discipline and the City’s conflicts of interest law, which prohibit using City resources for any non-City purpose. As a penalty, the Air Pollution Inspector agreed to a 30 work-day suspension, valued at \$5,228, plus a two-year probationary period. *COIB v. Meloy*, COIB Case No. 2014-449 (2014).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a joint settlement with an Associate Staff Analyst who was also a writer of fiction and non-fiction books on a variety of topics, books that he offers for sale on his personal website. In 2012 and 2013, the Associate Staff Analyst used City time and City resources to work on these books, including working on drafts of the books and saving them to his DOHMH computer, using his DOHMH computer and e-mail account to send and receive e-mails containing drafts of the books, reading and storing research documents for the books on his DOHMH computer, and having the DOHMH librarian provide him with research materials for his books. The Associate Staff Analyst admitted that his use of City time and City resources to perform work on books he intended to publish for profit violated the DOHMH Standards of Conduct and the City’s conflicts of interest law. For these violations, the Associate Staff Analyst agreed to pay a \$3,000 fine, split evenly between DOHMH and the Board. *COIB v. Bediako*, COIB Case No. 2014-174 (2014).

The Board and the New York City Health and Hospitals Corporation (“HHC”) concluded joint settlements with a Supervising Electrician and his subordinate, an Electrician’s Helper, who co-owned an electrical business for approximately three years, in violation of the City’s conflicts of interest law, which prohibits a superior and subordinate from entering into a business or financial relationship. The Supervising Electrician further violated the conflicts of interest law by supervising the Electrician’s Helper, his business partner – someone with whom he was “associated” within the meaning of the conflicts of interest law. Finally, both the Supervising Electrician and the Electrician’s Helper admitted that they had stored documents related to their electrical business on their HHC computers, in violation of the City’s conflicts of interest law, which prohibits the use of City resources for any non-City purpose. In public dispositions, the Supervising Electrician and Electrician Helper’s admitted each of these violations and agreed to pay fines of \$6,000 and \$4,000, respectively, to the Board. *COIB v. LaRosa*, COIB Case No. 2012-518 (2014); *COIB v. S. Maldonado*, COIB Case No. 2012-518a (2014).

The Board and the New York Department of Education (“DOE”) concluded a joint settlement with the Principal of The Forward School in the Bronx who agreed to pay a \$2,400 fine to the Board for using three DOE subordinates to perform personal errands during their City work hours. The Principal admitted that he used his DOE subordinates to go to the bank to make personal deposits for him, go to the cleaners, pick up his breakfast and lunch, and do personal shopping for him at a wholesale club, a supermarket, and a liquor store, in violation of City

Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(3). *COIB v. Jean Paul*, COIB Case No. 2013-358 (2014).

The Board and the New York City Comptroller's Office concluded a settlement with an Administrative Accountant in the Comptroller Office's Bureau of Asset Management who, from 1998 to 2014, used her City computer to create, modify, and/or store over 200 documents related to her private business as a Certified Public Accountant ("CPA") and, from 2006 to 2012, used her City computer and e-mail account to send and receive e-mails related to her private business as a CPA, all done during hours she was required to be performing work for the Comptroller's Office. As a penalty, the Administrative Accountant agreed to pay a fine equal to forty-five days' pay, valued at \$13,891. *COIB v. Chien*, COIB Case No. 2014-458 (2014).

The Board and the New York City Comptroller's Office concluded a settlement with a Staff Analyst Trainee in the Comptroller's Office Bureau of Audits who also had a private business on eBay. On a handful of occasions in 2013 and 2014, during hours he was required to be performing work for the Comptroller's Office, the Staff Analyst Trainee used his City computer to update his eBay sales ledger and used his City e-mail account to e-mail an updated ledger to his private e-mail account. As a penalty, the Administrative Accountant agreed to pay a fine equal to two days' pay, valued at \$388. *COIB v. Avellino*, COIB Case No. 2014-498 (2014).

The Board and the New York City Department of Education concluded a joint settlement with a teacher at PS 86, in the Bronx, who made unauthorized duplicates of two official DOT parking placard and used them to park her personal vehicle without receiving parking tickets, in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). The teacher admitted that her conduct violated the City's conflicts of interest law, which prohibits the use of any City resource – which would include a City parking placard – for any personal, non-City purpose. The teacher paid a \$1,600 fine to the Board. *COIB v. Judin*, COIB Case No. 2013-439 (2014).

The Board issued an Order fining a former Clerical Associate at the Staten Island District Attorney's Office \$10,000 for two violations of City's conflicts of interest law. The Board's Order adopts the findings of fact, conclusions of law, and penalty from the Report and Recommendation of Administrative Law Judge ("ALJ") Kara J. Miller of the City's Office of Administrative Trials and Hearings. Judge Miller found, and the Board concurred, that the former Clerical Associate committed two violations of the City's conflicts of interest law. First, in January 2013, the former Clerical Associate exchanged messages with a convicted drug dealer, offering to provide him with confidential information as to whether he was under investigation or at risk of being arrested in the future if the drug dealer would provide the former Clerical Associate's husband with two units of crack cocaine on consignment. Second, in February 2013, when New York City Police Department detectives approached the former Clerical Associate's residence in pursuit of her husband, who had just been observed by the detectives purchasing crack cocaine, the former Clerical Associate verbally identified herself as an employee of the Staten Island District Attorney's Office and showed her official District Attorney's Office identification to the detectives in an attempt to prevent her husband's arrest. The Board concurred in the ALJ's determination that the former Clerical Associate violated the City's conflicts of interest law by (1) using her position at the District Attorney's Office to offer

to obtain confidential information for a convicted drug dealer for the purpose of obtaining drugs for her husband; and (2) using her official District Attorney's Office identification for the non-City purpose of impeding and preventing the arrest of her husband. The Board ordered the former Clerical Associate to pay a \$10,000 fine as a penalty. The former Clerical Associate failed to appear at the hearing of this matter. *COIB v. Collins*, OATH Index No. 556/14, COIB Case No. 2013-258 (Order July 30, 2014).

The Board imposed a \$25,000 fine on a Clerical/Receptionist Community Associate for the New York City Office of Emergency Management ("OEM") for her violations of the City's conflicts of interest law and forgave this fine based on her showing of financial hardship. The Community Associate prepared employment verification letters on OEM letterhead on which she underreported her OEM income and submitted the letters to the New York City Human Resources Administration as part of her application for public assistance. As a result of the fraudulent letters, the Community Associate received a total of \$23,722 in food stamp benefits and \$403.17 in Medicaid benefits to which she was not entitled. The Community Associate acknowledged that, by using City letterhead for the non-City purpose of committing welfare fraud, she violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b). *COIB v. Jenkins*, COIB Case No. 2013-607 (2014).

In a joint disposition with the Board and the New York City Department of Sanitation ("DSNY"), a Plumber agreed to resign from DSNY and pay a \$4,000 fine to the Board for taking 240 gallons of gasoline, over a six-month period in 2013 and 2014, from a DSNY garage for personal purposes. *COIB v. DiBerardino*, COIB Case No. 2014-321 (2014).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a settlement with a Supervising Special Officer who, on May 3, 2013, and July 20, 2013, during hours she was required to be working for DOHMH, drove a City vehicle to Housing Court to appear on a personal legal matter in that court. The Supervising Special Officer admitted that her use of City time and a City vehicle for purely personal activities violated the DOHMH Standards of Conduct and the City's conflicts of interest law. For these violations, the Supervising Special Officer agreed to be demoted to Special Officer, with an attendant reduction in annual salary of \$4,781. *COIB v. Nealy*, COIB Case No. 2013-829 (2014).

The Board issued a public warning letter to a former Mechanical Engineer for the New York City Housing Authority ("NYCHA") who (1) owned, operated, and requested permits from the City on behalf of a private engineering company and (2) used his City email account and City computer to perform private engineering work. In 2003, the Mechanical Engineer obtained a waiver from the Board allowing him to own, operate, and request non-ministerial Planned Work 2 ("PW2") permits from the New York City Department of Buildings ("DOB") on behalf of a private engineering company. The waiver was specific to that company, but the Mechanical Engineer nonetheless requested hundreds of PW2 permits from DOB on behalf of a second private engineering company he also owned and operated. The Mechanical Engineer also sent thirteen emails from his NYCHA email account containing documents related to his private businesses and stored nine documents related to his private businesses on his NYCHA computer. *COIB v. Chaudhuri*, COIB Case No. 2013-676 (2014).

The Board and the New York City Law Department reached a joint settlement with a Law Department Clerical Associate who agreed to be suspended for four days without pay, valued at approximately \$755.31, for using her Law Department email account to send an email with an attached letter to a Deputy Commissioner at the New York City Human Resources Administration (“HRA”) in which she identified herself as an employee of the Law Department and asked that the HRA Deputy Commissioner resolve her personal dispute with HRA regarding child support payments. The Clerical Associate admitted that she used her City email for a non-City purpose and used her City position for personal gain in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(3). *COIB v. Darwin*, COIB Case No. 2014-165 (2014).

The Board and the New York City Department Citywide Administrative Services (“DCAS”) jointly concluded a settlement with a Clerical Associate who used a DCAS computer and e-mail account during her City work hours to do work as an Adjunct Lecturer at Metropolitan College of New York. The DCAS Code of Conduct and the City’s conflicts of interest law restricts City employees’ use of the City’s computers, e-mail, and internet to the City’s business, and the Clerical Associate had no authority to use any of those DCAS resources for her outside employment. As a penalty, the Clerical Associate agreed to serve a two-week suspension, which is valued at approximately \$2,001. *COIB v. Sainbert*, COIB Case No. 2014-200 (2014).

The Board and the New York City Department of Homeless Services (“DHS”) jointly concluded a settlement with a Fraud Investigator who became involved in a motor vehicle accident while driving a DHS vehicle without authorization. The Fraud Investigator was off-duty at the time and was not authorized to drive the vehicle for personal purposes. The DHS Code of Conduct and the City’s conflicts of interest law both prohibit City employees from using City vehicles for unauthorized, non-City purposes. As a penalty, the Fraud Investigator agreed to fully reimburse the agency for the cost to repair the damage to the vehicle—\$2,502.54—and to pay a \$500 fine to the Board. *COIB v. Joseph*, COIB Case No. 2014-261 (2014).

The Board and the New York City Comptroller’s Office concluded a settlement with the Director of the Community Action Center at the Comptroller’s Office to resolve an agency disciplinary action that included two violations of the City’s conflicts of interest law. First, the Director acknowledged that she had used her City position to address and resolve complaints on behalf of her block association, for which she was an active member and then its President. Second, the Director acknowledged that she had used an excessive amount of City time and City resources, including her Comptroller’s Office computer and e-mail account, to perform volunteer work for a variety of not-for-profit organizations, such as the block association. For these violations and other conduct that does not implicate the City’s conflicts of interest law, the Director agreed to retire from the Comptroller’s Office on August 5, 2014, and forfeit annual leave valued at \$4,852. *COIB v. Martinez*, COIB Case No. 2014-240 (2014).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Public Health Advisor II in the Bureau of Tuberculosis Control paid a \$4,000 fine – \$3,500 of which was paid to DOHMH and \$500 to the Board – for, on

multiple occasions in July and August 2013, parking her personal vehicle, clocking in at work, and then taking out a City vehicle and driving her daughter, and on occasion her daughter with others, to school. The Public Health Advisor admitted that her use of City time and a City vehicle for purely personal activity violated the DOHMH Standards of Conduct and the City's conflicts of interest law. *COIB v. Akinboye*, COIB Case No. 2013-863 (2014).

In a joint settlement with the Board and the New York City Department of Environmental Protection ("DEP"), an Administrative Manager for DEP Reservoir Operations was penalized for using an agency E-ZPass to pay for \$775.13 of tolls on his regular commute. In a public settlement, the Administrative Manager acknowledged his conduct violated the DEP Uniform Code of Discipline and the City's conflicts of interest law, which prohibit using City resources for non-City purposes. As a penalty, he agreed to fully reimburse DEP for the cost of the tolls and to forfeit ten days of annual leave, worth approximately \$4,423. *COIB v. Rao*, COIB Case No. 2013-644 (2014).

The Board fined a New York City Department of Education ("DOE") teacher \$1,000 for disclosing his school's confidential School Safety Plan online in the course of conducting a webinar for a private company. Under the DOE Chancellor's Regulations, "the emergency response information of each School Safety Plan must be confidential and may not be posted online or disclosed in any fashion." The teacher also admitted to using his DOE classroom to conduct another webinar, which constituted a misuse of City resources for a private business purpose. *COIB v. Casal*, COIB Case No. 2013-307 (2014).

In a settlement with the Board and the New York City Department of Environmental Protection ("DEP"), a DEP Auditor was penalized for using a City-issued BlackBerry to send and receive 12,394 personal text messages over a six-month period, incurring \$3,089.97 in international text charges to the agency. In a public settlement, the Auditor acknowledged this conduct violated the DEP Uniform Code of Discipline and the City's conflicts of interest law, which prohibit using City resources for non-City purposes. As a penalty, he agreed to fully reimburse DEP for the cost of the texts and to forfeit five days of annual leave, worth approximately \$1,565. *COIB v. Saint-Louis*, COIB Case No. 2013-622 (2014).

The Board and the New York City Human Resources Administration ("HRA") concluded a joint settlement with an HRA Computer Specialist who agreed to pay a twelve work-day pay fine, valued at \$4,466, to be imposed by HRA, for using a City vehicle for a non-City purpose at a time when he was required to be performing work for the City. The Computer Specialist secured authorization to use a City vehicle from his supervisor under the guise that he would use it to drive between two HRA office locations to conduct City business. Instead, at a time he was required to be performing work for the City, the Computer Specialist drove the City vehicle to meet his brother to conduct personal business, which he was not authorized by HRA to do. The Computer Specialist then submitted a Daily Route Sheet in which he falsely stated that he had used the vehicle for City business. The Computer Specialist acknowledged that, in so doing, he violated City Charter § 2604(b)(2), pursuant to Board Rules §§ 1-13(a) and 1-13(b), which prohibits a public servant from using City time and any City resource, including a City vehicle, for any non-City purpose. *COIB v. Ivey*, COIB Case No. 2013-534 (2014).

In a joint disposition with the Board and the New York City Comptroller's Office, a Public Records Officer agreed to pay a fine equal to ten days' pay, valued at \$2,300, for, from March 2011 through November 2013, during hours she was required to be performing work for the Comptroller's Office, using her City computer and e-mail account to perform work for her private jobs with Random House and Sentia Education. The Public Records Officer also failed to obtain permission from the Comptroller's Office for her outside positions, or a waiver from the Board for her position with Random House, a firm having business dealings with the City. *COIB v. Yndigoyen*, COIB Case No. 2013-816 (2014).

A Chief Information Officer ("CIO") for the New York City Department of Homeless Services ("DHS") was fined for having an IT consultant use time billable to DHS to diagnose problems on a laptop computer belonging to his child and by having a subordinate take City time to tell his other child about a career in the IT field. In a public disposition of the Board's charges, the now-former CIO agreed to make full restitution to the City for the cost of the IT consultant (\$575) and to pay a \$1,000 fine to the Board for misusing City resources and his City position. *COIB v. Zima*, COIB Case No. 2013-627 (2014).

MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)⁵

The Board issued warning letters to two Firefighters who accepted roundtrip airfare to New Zealand and three nights of hotel accommodations to participate in 9/11 memorial events in New Zealand in September 2014. The Firefighters did not have authorization from the Fire Commissioner to attend these events in their official capacities nor did they have authorization from the New York City Fire Department ("FDNY") to accept the free air travel and hotel accommodations. Had the trip had been sanctioned and approved by FDNY prior to their travel, the acceptance of travel expenses would have been considered a permissible gift to the City instead of impermissible gifts to the Firefighters as individuals. The Board has issued this warning letter jointly with FDNY to advise all public servants that, where free travel related to the public servant's City position is offered, the travel should be approved in advance, preferably in writing, by the public servant's agency head. *COIB v. Barber*, COIB Case No. 2014-735 (2014); *COIB v. Mills*, COIB Case No. 2014-735a (2014).

An Executive Administrative Staff Analyst for the New York City Employee Retirement System ("NYCERS") agreed to pay an \$800 fine for four violations of the City's conflicts of interest law related to her conducting an Avon business in her NYCERS office: first, using City time to receive and repackage Avon deliveries; second, using City resources, including a NYCERS fax machine, to submit and receive Avon orders; third, abusing her City position by

⁵ City Charter § 2604(b)(2) states: "No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties."

City Charter § 2604(b)(3) 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."

soliciting sales from a subordinate; and fourth, entering into a prohibited superior-subordinate financial relationship by selling Avon products to that subordinate. *COIB v. Harish*, COIB Case No. 2014-414 (2014).

The Board imposed a \$10,000 fine on a now former Principal Administrative Associate (“PAA”) I at the New York City Human Resources Administration (“HRA”) for using her access to HRA’s Paperless Office System and the Welfare Management System to reroute six rent supplement payments intended for clients of HRA’s HIV/AIDS Services Administration totaling \$5,857 to pay her own rent and to provide herself with cash. The Board forgave that fine based on the PAA’s showing of financial hardship, including documentation of her continued unemployment, income, assets, expenses, and liabilities. The City’s conflicts of interest law prohibits a public servant from using City resources, such as rent supplement payments and other public assistance funds, for a non-City purpose and prohibits a public servant from using her City position for her personal gain. *COIB v. C. Parker*, COIB Case No. 2013-605 (2014).

A now former Associate Director for Ambulatory Care Services at the New York City Health and Hospital Corporation's Kings County Hospital Center (“KCHC”) paid a \$4,500 fine for multiple violations of the City’s conflicts of interest law. First, the former Associate Director held an 8.5% ownership interest in and a compensated position with a private commercial cleaning services company that did business with KCHC. The former Associate Director had sought an order from the Board to permit him to retain the ownership interest, but did not receive such an order, after which he continued to hold the interest in the commercial cleaning services company for nearly four years. The City’s conflicts of interest law prohibits a public servant from having a financial interest or a position in a firm that does business with the City. Second, the former Associate Director used two HHC subordinates to move his personal furniture during their City work hours. The City’s conflicts of interest law also prohibits public servants from using City resources, including City personnel, for a non-City purpose, and prohibits a public servant from soliciting his City subordinates to do work for his own private gain. *COIB v. G. Ellis*, COIB Case No. 2013-853 (2014).

A now former managerial Administrative Public Health Nurse agreed to resign from the New York City Department of Health and Mental Hygiene (“DOHMH”) for two violations of the City’s conflicts of interest law: first, having a second job with North Shore-LIJ Health System, a firm with business dealings with the City; and, second, participating in the interview for a position at DOHMH of one of her subordinates at North Shore-LIJ without disclosing that association to anyone at DOHMH. A superior and a subordinate in a private business are considered “associated” under the City’s conflicts of interest law, and the law prohibits a City employee from being involved in any personnel matter concerning someone with who he/she is associated. *COIB v. Buenaventura*, COIB Case No. 2014-479 (2014).

A Senior Associate Director in the Patient Accounts Unit at Elmhurst Hospital Center paid a \$1,000 fine for accepting the birthday gift of a Coach bag from her subordinate, a Hospital Care Investigator; the Director later gave her subordinate a check for the cost of the bag, including tax (\$431.33) but she failed to ensure that her subordinate deposited the check, and he never did. The City’s conflicts of interest law prohibits a superior from accepting a gift from

his/her City subordinate, except on special occasions, like a wedding or the birth or adoption of a child. *COIB v. Amato*, COIB Case No. 2009-376 (2014).

A now former Commissioner of the New York City Board of Elections (“BOE”) paid a \$5,500 fine for using her BOE position to help her sister get a job at BOE by submitting her sister’s resume to the other Commissioners of Election for consideration for hiring during a September 2008 Commissioner’s Meeting. The Commissioners voted to approve the hire. The City’s conflicts of interest law prohibits public servants from having any involvement in City personnel actions involving close relatives. *COIB v. Dent*, COIB Case No. 2014-061 (2014).

The New York City Board of Elections (“BOE”) Queens Democratic Commissioner paid a \$10,000 fine to the Board, the maximum fine possible, for misusing his BOE position to obtain a financial gain for himself and for his wife by hiring his wife in February 2010 to work in the BOE Queens Borough Office in order to obtain health insurance for their family. *COIB v. Araujo*, COIB Case No. 2013-426 (2014).

A Borough Manager for the New York City Board of Elections (“BOE”) Queens Office paid a \$1,500 fine to the Board for directly supervising her daughter’s employment in the same Borough Office for a period of time between 2009 to 2014. As part of the settlement agreement, the Borough Manager acknowledged that her participation in BOE personnel and employment matters that affected her daughter’s interests amounted to a misuse of her position as Borough Manager. *COIB v. Conacchio*, COIB Case No. 2014-060 (2014).

A Borough Manager for the New York City Board of Elections (“BOE”) Bronx Office paid a \$1,500 fine to the Board for misusing his BOE position in connection with the supervision and promotion of his brother within the same Borough office. The Bronx Borough Manager admitted that, from March 2010 to February 2014, he supervised his brother’s employment in the same Borough Office and that he had discussions with the Bronx Commissioners regarding promoting his brother to a supervisor position. *COIB v. Ribustello*, COIB Case No. 2014-059 (2014).

A Deputy Director for Operations in the Brooklyn Field Office of the New York City Administration for Children’s Services (“ACS”) paid a \$2,500 fine to the Board for using her ACS position to intervene in an ACS investigation involving her sister’s family. *COIB v. Rogers*, COIB Case No. 2013-817 (2014).

The Board and the New York City Housing Authority (“NYCHA”) concluded a joint settlement with a NYCHA Housing Assistant who agreed to serve a twenty-day suspension without pay, valued at approximately \$4,194, for entering into a financial relationship with a resident of a NYCHA property on whose tenancy matters she worked. Specifically, the Housing Assistant co-signed a retail installment contract to purchase a vehicle with a NYCHA resident, making that resident “associated” with the Housing Assistant within the meaning of Chapter 68. The Housing Assistant served as the “annual reviewer” for the resident, reviewing his financial paperwork as part of the process of determining how much rent each resident must pay to NYCHA; by taking this official action involving someone with whom she was associated, the Housing Assistant violated City Charter § 2604(b)(3). When the resident could no longer make

payments on the vehicle, the Housing Assistant took possession of the vehicle, on which the resident had made a \$3,000 down payment. *COIB v. A. King*, COIB Case No. 2013-525 (2014).

The Board fined a now-former Advisor for Hispanic Affairs to the Queens Borough President's Office ("QBPO") \$2,000 for using his position to get a free trip to Colombia. In a public disposition of the Board's charges, the QBPO employee admitted that, while working for the former Queens Borough President, he was tasked with selecting a dance group to represent Queens in the "30th International Week of Bolivarian Culture" in Colombia, and that he selected himself to be a member of the delegation that would travel, for free, to Colombia. He then travelled with the dance group on the seven-day trip at the expense of the Colombian government and without the knowledge or authorization of the Queens Borough President. *COIB v. P. Romano*, COIB Case No. 2011-659 (2014).

The Board and the New York City Health and Hospitals Corporation ("HHC") concluded joint settlements with a Supervising Electrician and his subordinate, an Electrician's Helper, who co-owned an electrical business for approximately three years, in violation of the City's conflicts of interest law, which prohibits a superior and subordinate from entering into a business or financial relationship. The Supervising Electrician further violated the conflicts of interest law by supervising the Electrician's Helper, his business partner – someone with whom he was "associated" within the meaning of the conflicts of interest law. Finally, both the Supervising Electrician and the Electrician's Helper admitted that they had stored documents related to their electrical business on their HHC computers, in violation of the City's conflicts of interest law, which prohibits the use of City resources for any non-City purpose. In public dispositions, the Supervising Electrician and Electrician Helper's admitted each of these violations and agreed to pay fines of \$6,000 and \$4,000, respectively, to the Board. *COIB v. LaRosa*, COIB Case No. 2012-518 (2014); *COIB v. S. Maldonado*, COIB Case No. 2012-518a (2014).

The Board fined an Office of School Food Supervisor for the New York City Department of Education \$500 for supervising the employment of her daughter, with whom she lived. The Office of School Food Supervisor admitted that, for seven months, she indirectly supervised her daughter, with whom she is associated by familial relationship and cohabitation, in violation of City Charter § 2604(b)(3). She further admitted that, through living with her daughter, she entered into a financial relationship with her subordinate in violation of City Charter § 2604(b)(14). *COIB v. Osei-Boateng*, COIB Case No. 2013-815 (2014).

The Board and the New York Department of Education ("DOE") concluded a joint settlement with the Principal of The Forward School in the Bronx who agreed to pay a \$2,400 fine to the Board for using three DOE subordinates to perform personal errands during their City work hours. The Principal admitted that he used his DOE subordinates to go to the bank to make personal deposits for him, go to the cleaners, pick up his breakfast and lunch, and do personal shopping for him at a wholesale club, a supermarket, and a liquor store, in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(3). *COIB v. Jean Paul*, COIB Case No. 2013-358 (2014).

The Board and the New York City Department of Education ("DOE") concluded a joint settlement with an Assistant Principal who agreed to pay a \$7,000 fine to the Board for changing

eleven course and exam grades issued to his son from failing to unearned passing scores. These changes were made without the knowledge of or authorization from anyone at DOE. The Assistant Principal acknowledged that, by using his administrator identification and password to provide his son, a person with whom he is associated, with the benefit of unearned passing grades, he violated City Charter § 2604(b)(3). *COIB v. Ali*, COIB Case No. 2013-607 (2014).

The Board and the New York City Department of Housing Preservation and Development (“HPD”) concluded settlements with the now retired Chief of the HPD Code Enforcement in the Bronx and with an Associate Inspector (Housing), who was also a supervisor in that Office. The Chief admitted that he had paid \$200 to an Inspector who was his subordinate to change the air valves in the radiators in his home and paid that same Inspector \$500 to assist with the removal of the plumbing in the bathroom in the basement of his home. The Associate Inspector admitted that he had paid \$20 to \$40 to an Inspector who was his subordinate to assist him with the renovation of the bathroom in the basement of his home and that he had borrowed the personal vehicle of a second Inspector for one to two weeks, for which he did not pay that Inspector. The Chief and the Associate Inspector acknowledged that, by asking a subordinate to perform personal repairs or to borrow the subordinate’s personal car, respectively, they had used their City positions to obtain a personal benefit in violation of the City’s conflicts of interest law. The Chief and the Associate Inspector also acknowledged that, by paying a subordinate to perform personal repairs, they had entered into a financial relationship with that subordinate in violation of the City’s conflicts of interest law. For their violations, the Chief agreed to pay a \$2,500 fine and the Associate Inspector agreed to pay a \$2,000 fine, each split evenly between HPD and the Board. *COIB v. V. Ruiz*, COIB Case No. 2013-188 (2014); *COIB v. Mas*, COIB Case No. 2014-188a (2014).

The Board concluded a settlement with a Borough Coordinator in the Mayor’s Street Activity Permit Office who agreed to pay a \$2,000 fine both for using her City position to solicit two complimentary food tickets and for accepting the tickets, valued at \$40 each, at a City-permitted neighborhood association event on which permitting she had worked in her City position, in violation of City Charter §§ 2604(b)(3) and 2604(b)(5). The Borough Coordinator solicited and accepted the complimentary tickets despite being warned by a neighborhood association volunteer at the event that, as a City employee, she could not accept the tickets, valued in excess of \$50. *COIB v. Luong*, COIB Case No. 2013-714 (2014).

The Board issued a public warning letter to a former School Aide for the New York City Department of Education (“DOE”) who used her DOE position to ask for and receive a \$500 loan from the parent of a student the former School Aide supervised during the student’s lunch hour. The former School Aide repeatedly called the mother in May and June 2013 until the mother agreed to the loan. The mother provided the loan in June 2013 and the former School Aide repaid the loan in full in January 2014. *COIB v. H. Richardson*, COIB Case No. 2014-289 (2014).

The Board issued an Order fining a former Clerical Associate at the Staten Island District Attorney’s Office \$10,000 for two violations of City’s conflicts of interest law. The Board’s Order adopts the findings of fact, conclusions of law, and penalty from the Report and Recommendation of Administrative Law Judge (“ALJ”) Kara J. Miller of the City’s Office of

Administrative Trials and Hearings. Judge Miller found, and the Board concurred, that the former Clerical Associate committed two violations of the City's conflicts of interest law. First, in January 2013, the former Clerical Associate exchanged messages with a convicted drug dealer, offering to provide him with confidential information as to whether he was under investigation or at risk of being arrested in the future if the drug dealer would provide the former Clerical Associate's husband with two units of crack cocaine on consignment. Second, in February 2013, when New York City Police Department detectives approached the former Clerical Associate's residence in pursuit of her husband, who had just been observed by the detectives purchasing crack cocaine, the former Clerical Associate verbally identified herself as an employee of the Staten Island District Attorney's Office and showed her official District Attorney's Office identification to the detectives in an attempt to prevent her husband's arrest. The Board concurred in the ALJ's determination that the former Clerical Associate violated the City's conflicts of interest law by (1) using her position at the District Attorney's Office to offer to obtain confidential information for a convicted drug dealer for the purpose of obtaining drugs for her husband; and (2) using her official District Attorney's Office identification for the non-City purpose of impeding and preventing the arrest of her husband. The Board ordered the former Clerical Associate to pay a \$10,000 fine as a penalty. The former Clerical Associate failed to appear at the hearing of this matter. *COIB v. Collins*, OATH Index No. 556/14, COIB Case No. 2013-258 (Order July 30, 2014).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a settlement with a City Research Scientist to resolve agency disciplinary charges that included a violation of the City's conflicts of interest law. The City Research Scientist admitted that he had identified himself by his DOHMH title and position for the publication of personal articles without having received authorization from DOHMH, although he was aware that the agency required such authorization and had a process for the vetting of employee-authored articles prior to publication. The City Research Scientist acknowledged that his use of his DOHMH position to obtain a personal advantage violated the DOHMH Standards of Conduct and the City's conflicts of interest law. To resolve this violation and other conduct that does not implicate Chapter 68, the City Research Scientists agreed to serve a thirteen work-day suspension, valued at approximately \$4,202. *COIB v. Rosal*, COIB Case No. 2013-474 (2014).

The Board imposed a \$6,000 fine on a former Associate Job Opportunity Specialist for the New York City Human Resources Administration ("HRA") for soliciting and accepting loans totaling approximately \$6,740 from eight of his HRA subordinates, in violation of City Charter §§ 2604(b)(3) and 2604(b)(14). In many instances, the former Associate Job Opportunity Specialist asked to borrow money after calling the subordinate into his office, in some instances under the guise of a false work-related complaint. The former Associate Job Opportunity Specialist has repaid some but not all of the loans. The Board's Order adopts the Report and Recommendation of the City's Office of Administrative Trials and Hearings. *COIB v. Oni*, OATH Index No. 458/14, COIB Case No. 2013-299 (Order May 14, 2014).

The Board and the New York City Department of Education concluded a joint settlement with a teacher for the New York City Department of Education to resolve an agency disciplinary action that included a violation of the conflicts of interest law. The teacher acknowledged that

she used her City position to benefit her daughter, with whom she is associated, by soliciting babysitting work for the daughter from the parents of students assigned to the teacher's class. For this violation and other misconduct that does not implicate the conflicts of interest law, the teacher agreed to pay DOE a \$6,000 fine, attend a three-hour course addressing classroom management, and be reassigned to another DOE school. *COIB v. Shlansky*, COIB Case No. 2014-067 (2014).

The Board and the New York City Law Department reached a joint settlement with a Law Department Clerical Associate who agreed to be suspended for four days without pay for using her Law Department email account to send an email with an attached letter to a Deputy Commissioner at the New York City Human Resources Administration ("HRA") in which she identified herself as an employee of the Law Department and asked that the HRA Deputy Commissioner resolve her personal dispute with HRA regarding child support payments. The Clerical Associate admitted that she used her City email for a non-City purpose and used her City position for personal gain in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(3). *COIB v. Darwin*, COIB Case No. 2014-165 (2014)

In a public disposition, a former Maintenance Worker at the New York City Housing Authority ("NYCHA") admitted that, in November 2012, he was assigned as part of his official duties to repair a water leak in a tenant's apartment. While in the apartment, he informed the tenant that he would need \$30 to fix the leak, which the tenant gave him. The Maintenance Worker acknowledged that his conduct violated two provisions of the City's conflicts of interest law: first, by soliciting money from a NYCHA resident to perform a repair, the Maintenance Worker misused his City position to obtain a personal benefit; second, by accepting that money, the Maintenance Worker improperly accepted compensation from a source other than the City for doing his City job. For these violations, the Maintenance Worker paid a \$1,300 fine to the Board. He also acknowledged that he had retired from NYCHA while agency disciplinary charges were pending against him for this conduct. *COIB v. G. Washington*, COIB Case No. 2013-001 (2014).

In a public disposition of the Board's charges, the Senior Director of the Process and Information Management Department at the New York City Housing Authority ("NYCHA") admitted that, in September 2001, her husband on her behalf asked one of her subordinates to help with the installation of a new roof at her home and that, in October 2001, that subordinate helped with the roof installation for approximately five and one-half hours, without being compensated. The Senior Director acknowledged that, by having a subordinate help install a new roof on her home, she had used her City position to obtain a personal benefit in violation of the City's conflicts of interest law and agreed to pay a \$1,250 fine. *COIB v. I. Shapiro*, COIB Case No. 2014-286 (2014).

The Board and the New York City Comptroller's Office concluded a settlement with the Director of the Community Action Center at the Comptroller's Office to resolve an agency disciplinary action that included two violations of the City's conflicts of interest law. First, the Director acknowledged that she had used her City position to address and resolve complaints on behalf of her block association, for which she was an active member and then its President. Second, the Director acknowledged that she had used an excessive amount of City time and City

resources, including her Comptroller's Office computer and e-mail account, to perform volunteer work for a variety of not-for-profit organizations, such as the block association. For these violations and other conduct that does not implicate the City's conflicts of interest law, the Director agreed to retire from the Comptroller's Office on August 5, 2014, and forfeit annual leave valued at \$4,852. *COIB v. Martinez*, COIB Case No. 2014-240 (2014).

In a joint disposition with the Board and the New York City Fire Department ("FDNY"), a Deputy Chief who is the head of Haz-Mat Operations at FDNY agreed to pay a \$7,000 fine (\$5,500 to the Board and \$1,500 to FDNY) for violating two separate provisions of the City's conflicts of interest law. First, the Deputy Chief admitted that he had accepted gifts from Lion Apparel, Inc., the manufacturer of a specialized protective suit worn by FDNY firefighters, in the form of meals and drinks on 17 occasions between June 2010 and April 2012, the total value of which was \$875.67. The Deputy Chief acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. The Board's Valuable Gift Rule prohibits the acceptance of two or more gifts if valued in the aggregate at \$50.00 or more during any twelve-month period from the same person or firm. Second, the Deputy Chief admitted that he had solicited from Lion, a firm with which he regularly dealt as part of his official FDNY duties, a charitable donation for his sons' baseball team. Lion donated \$500. The Deputy Chief acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using his City position to obtain a personal benefit for himself or someone "associated" with the public servant, which would include a child. *COIB v. Del Re*, COIB Case No. 2013-222 (2014).

The Board issued a public warning letter to a New York City Department of Education substitute teacher who, while substitute teaching at Juan Morel Campos Secondary School (K 71) in Brooklyn, attempted to recruit several students to pay \$20 each to try out for his private basketball program, asked the students for their home telephone numbers, and called their parents at home to continue his recruiting effort, in violation of City Charter §§ 2604(b)(3) and 2604(b)(4). The Board took the opportunity of this public warning letter to remind public servants that they may not use their City positions or City confidential information for their own private gain. *COIB v. J. Simmons*, COIB Case No. 2013-818 (2014).

In a joint settlement with the Board and the New York City Administration for Children's Services ("ACS"), a Child Protective Specialist Supervisor II agreed to pay a fine equal to 6 days' pay to ACS, valued at \$1,821.06, for soliciting and accepting a \$4,000 loan from her subordinate, a Child Protective Specialist Supervisor I. The supervisor paid back the loan approximately one month later. The Child Protective Specialist Supervisor II acknowledged that her conduct violated the ACS Code of Conduct and the City's conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit and prohibits a City superior from entering into a financial relationship with his or her subordinate. *COIB v. M. Vazquez*, COIB Case No. 2013-870 (2014).

The Board and the New York Department of Education concluded a joint settlement with the Principal of The Forward School in the Bronx who agreed to pay a \$2,500 fine to the Board for using her subordinate to perform personal errands during her subordinate's City work hours. The Principal admitted that she used her subordinate to transport her niece three to four times a week, to pick up lunch for her niece, and to wash her personal vehicle, in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(3). *COIB v. Phifer*, COIB Case No. 2013-424 (2014).

In a joint disposition with the Board and the New York City Administration for Children's Services ("ACS"), an ACS employee agreed to pay a \$1,250 fine, split evenly between the Board and ACS, for using his City position to benefit his brother, an individual "associated" with him, in violation of the City's conflicts of interest law. The ACS employee admitted that, in July 2013, while serving as a Child Protective Manager in the Bronx Field Office, he learned that his brother's wife was the subject of an ACS investigation and contacted the Child Protective Specialist who was handling that investigation, as well as that Child Protective Specialist's supervisor, to complain about how the investigation was being conducted. *COIB v. Cotto*, COIB Case No. 2013-669 (2014).

The Board entered into a settlement with a former Assistant Principal who admitted that, while working for the New York City Department of Education ("DOE"), he had committed multiple violations of the City's conflicts of interest law. For the violations admitted by the former Assistant Principal in the public disposition, the Board imposed a \$12,500 fine. However, after reviewing the former Assistant Principal's documented claim of financial hardship, the Board accepted a reduced fine of \$2,500. In the public disposition of the charges, the former Assistant Principal first admitted that he accepted, for a personal trip, a two-night hotel stay and two days of breakfast for two (for himself and his wife) from Glen Cove Mansion Hotel and Conference Center, a firm having business dealings with DOE. The former Assistant Principal had previously communicated with Glen Cove when planning a professional development meeting for his school's faculty. The former Assistant Principal acknowledged that he had violated the Valuable Gift Rule, which prohibits City employees from accepting a gift valued at \$50 or more from a firm doing business or seeking to do business with any City agency. Second, the former Assistant Principal admitted that he directed four teachers who were his subordinates to complete, unbeknownst to them, examinations for the Assistant Principal's high-school-aged son in order to enable his son to qualify for a merit-based scholarship to college. Third, the former Assistant Principal admitted that he asked a subordinate teacher to tutor his son on three occasions, for which he did not compensate the teacher. Fourth, the former Assistant Principal admitted that he approached a subordinate teacher about a "real estate opportunity" in Florida and then drove that teacher to his brother's real estate office to discuss that opportunity. The former Assistant Principal acknowledged that he thereby violated the conflicts of interest law provision that prohibits City employees from using their City positions to benefit a person "associated" with the employee, which includes the employee's son and brother. *COIB v. Hinds*, COIB Case Nos. 2012-321 and 2012-827 (2014).

The Board fined a former Brooklyn Borough Code Enforcement Chief for the New York City Department of Housing Preservation and Development for soliciting and entering into financial relationships with two of his subordinates. First, he asked one subordinate on two

occasions to purchase gold bracelets for him, which the subordinate did on one occasion (at a cost of \$366), and for which purchase the Code Enforcement Chief reimbursed him. Second, the Code Enforcement Chief asked another subordinate to perform home improvement work on the Code Enforcement Chief's home, installing floor tiles and a door, for which work the Code Enforcement Chief gave him approximately \$200 in cash and some food. In a public disposition of the Board's charges, the former Code Enforcement Chief agreed to pay a \$2,400 fine to the Board for misusing his City position by asking his subordinates to perform personal tasks for him and entering into financial relationships with these subordinates. *COIB v. Simpson*, COIB Case No. 2013-623 (2014).

The Board issued a public warning letter to a Supervisor I at the New York City Administration for Children's Services ("ACS") assigned to the Child Care Support Services Unit ("CCSS") who attempted to sell costume jewelry items to her CCSS subordinates and did sell costume jewelry items to at least one subordinate. From 2008 to 2010, the Supervisor I periodically made announcements from a central location in the CCSS office to inform her CCSS coworkers and subordinates that she would be selling costume jewelry and other accessories in the office during lunch. She then sold costume jewelry and other accessories to her CCSS coworkers and to at least one of her CCSS subordinates. The total cost of the subordinate's purchases was minimal. The public warning letter informed the Supervisor I that she violated City Charter § 2604(b)(3) by asking her subordinates to purchase items from her and City Charter § 2604(b)(14) by entering into a financial relationship with the subordinate who purchased items from her. *COIB v. Womble*, COIB Case No. 2013-773 (2014).

In a joint disposition with the Board and the New York City Department of Education, a Principal admitted that he traveled abroad twice with his subordinate, a School Aide: to Greece in 2011, and to Italy, Greece, Turkey, and Croatia in 2012. The School Aide paid in full for both trips, a total of \$10,829.90. The Principal admitted that, by accepting two free international trips from his subordinate, he used his City position to obtain a personal benefit in violation of City Charter § 2604(b)(3), for which he paid a \$4,500 fine to the Board. *COIB v. Kwait*, COIB Case No. 2013-296 (2014).

A Chief Information Officer ("CIO") for the New York City Department of Homeless Services ("DHS") was fined for having an IT consultant use time billable to DHS to diagnose problems on a laptop computer belonging his child and by having a subordinate take City time tell his other child about a career in the IT field. In a public disposition of the Board's charges, the now-former CIO agreed to make full restitution to the City for the cost of the IT consultant (\$575) and to pay a \$1,000 fine to the Board for misusing City resources and his City position. *COIB v. Zima*, COIB Case No. 2013-627 (2014).

The Board issued a public warning letter to a Director of Child Care Support Services ("CCSS") at the New York City Administration for Children's Services who asked his subordinates to purchase items for a fundraiser to benefit his children's school. On two occasions between November 2011 and December 2012, the Director conducted fundraisers in the CCSS office by asking his subordinates to purchase items from a catalogue when the subordinates came into his office on CCSS business. The Director sold approximately \$100 in items to his subordinates. In the public warning letter, the Board informed the Director that City

Charter § 2604(b)(3) prohibits a City employee from using his position to obtain any “privilege or other private or personal advantage” for himself or anyone with whom he is associated, and that children are associated with their parents under City Charter § 2601(5). The letter further stated that, as the Board explained in Advisory Opinion No. 98-12, City Charter § 2604(b)(3) prohibits City employees from soliciting for fundraisers from subordinates even where the solicitations do not directly benefit the City employee or anyone associated with him or her. *COIB v. Angus*, COIB Case No. 2013-773a (2014).

USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

- **Relevant Charter Sections:** City Charter § 2604(b)(4)⁶

In a joint disposition with the Board and the New York City Department of Housing Preservation and Development (“HPD”), a Community Associate in the HPD Tenants Resources Unit paid a \$750 fine – \$500 to the Board and \$250 to HPD – for accessing her own confidential case records in HPD’s Section 8 case management database on 40 occasions to learn whether her Section 8 benefits had been recertified. The City’s conflicts of interest law prohibits a City employee from using confidential information to advance his or her private interest. *COIB v. R. Thomas*, COIB Case No. 2014-561 (2014).

In a joint disposition with the Board and the New York City Human Resources Administration (“HRA”), an HRA Job Opportunity Specialist agreed to serve a thirty-day suspension without pay, valued at approximately \$3,164, for accessing confidential public assistance records of an HRA client to obtain her telephone number to call and send text messages to her on a personal matter without authorization from HRA or the client. The Job Opportunity Specialist admitted that, in so doing, he used confidential City information to advance his private interest, in violation of City Charter § 2604(b)(4). *COIB v. Morris*, COIB Case No. 2014-280 (2014).

The Board issued a public warning letter to a New York City Department of Education substitute teacher who, while substitute teaching at Juan Morel Campos Secondary School (K 71) in Brooklyn, attempted to recruit several students to pay \$20 each to try out for his private basketball program, asked the students for their home telephone numbers, and called their parents at home to continue his recruiting effort, in violation of City Charter §§ 2604(b)(3) and 2604(b)(4). The Board took the opportunity of this public warning letter to remind public servants that they may not use their City positions or City confidential information for their own private gain. *COIB v. J. Simmons*, COIB Case No. 2013-818 (2014).

⁶ City Charter § 2604(b)(4) states: “No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.”

The Board and the New York City Human Resources Administration (“HRA”) concluded a joint settlement with an HRA Fraud Investigator who agreed to be suspended from work for seven calendar days without pay, valued at approximately \$950, for accessing the Welfare Management System to view the public assistance records of her half-brother, to whom she rents living space and who receives public assistance shelter payments from HRA. The HRA Fraud Investigator admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee. *COIB v. Ortiz-Melendez*, COIB Case No. 2012-687 (2014).

The Board fined a now former high-level official in the New York City Department of Education (“DOE”) Division of Financial Operations \$1,000 for disclosing confidential information regarding a DOE contract to the contractor, Future Technology Associates, LLC (“FTA”). The official, who had significant oversight of DOE’s contracts with FTA, forwarded one of FTA’s owners confidential internal emails regarding the DOE’s concerns about FTA without an official reason to do so. The fine in this case would have been substantially higher had the respondent not demonstrated financial hardship, including that she suffered the loss of her job, income, and reputation in the aftermath of the investigation that surrounded this matter, the findings of which were previously made public by the Special Commissioner of Investigation for the New York City School District. *COIB v. Hederman*, COIB Case No. 2011-700 (2014).

The Board fined a New York City Department of Education (“DOE”) teacher \$1,000 for disclosing his school’s confidential School Safety Plan online in the course of conducting a webinar for a private company. Under the DOE Chancellor’s Regulations, “the emergency response information of each School Safety Plan must be confidential and may not be posted online or disclosed in any fashion.” The teacher also admitted to using his DOE classroom to conduct another webinar, which constituted a misuse of City resources for a private business purpose. *COIB v. Casal*, COIB Case No. 2013-307 (2014).

In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist Supervisor agreed to serve a five work-day suspension, valued at \$1,472, for accessing the New York State Central Register’s confidential database, CONNECTIONS, to view the confidential records of the sister-in-law of her former subordinate and friend to obtain the home address of the sister-in-law. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist Supervisor then provided the confidential information she obtained to her former subordinate and friend to enable her to locate her sister-in-law. *COIB v. Lebron*, COIB Case No. 2014-017 (2014).

The Board issued a public warning letter to a former Associate Director at Coney Island Hospital who, in April 2010, disclosed a confidential bid provided to him by one vendor to a second vendor, for which disclosure the Associate Director had no legitimate City purpose. The Board determined that no further enforcement action was warranted in this case because the former Associate Director had resigned from the New York City Health and Hospitals Corporation (“HHC”) in the face of pending HHC disciplinary action related to this and other

misconduct. Nonetheless, the Board took the occasion of this public warning letter to remind public servants who have access to confidential information to perform their official duties that they are responsible for ensuring that this information is not disclosed except for an authorized City purpose. *COIB v. Chapman*, COIB Case No. 2011-428 (2014).

In a joint disposition with the Board and the New York City Administration for Children’s Services (“ACS”), a Child Protective Specialist agreed to serve a five work-day suspension, valued at \$995, for accessing the New York State Central Register’s confidential database, CONNECTIONS, on two occasions to view confidential information concerning a complaint filed against the friend of her mother. CONNECTIONS is a confidential database of child abuse and maltreatment investigations and is used by ACS and other child protective services throughout New York State. The Child Protective Specialist then used the confidential information she obtained to assist her mother in evaluating whether she should serve as the caretaker of her friend’s children after they were removed by ACS from the friend’s home. *COIB v. N. Brown*, COIB Case No. 2013-711 (2014).

The Board issued a public warning letter to the Criminal Justice Coordinator at the New York City Administration for Children’s Services (“ACS”) for his unauthorized disclosure of confidential information without any legitimate City purpose. The Criminal Justice Coordinator was asked by another ACS employee to run a license plate; the Criminal Justice Coordinator ran the plate and provided the ACS employee with the confidential results, including the full name and home address of the individual to whom the license plate was assigned. There was no legitimate City purpose for the employee’s request. The Board determined that no further enforcement action was warranted in this case in part because ACS had not provided the Criminal Justice Coordinator with any guidelines as when he should question the validity of a given request. Nonetheless, the Board took the occasion of this public warning letter to remind public servants who have access to confidential information to perform their official duties that they are responsible for ensuring that this information is not disclosed except for an authorized City purpose. *COIB v. Alexander*, COIB Case No. 2013-580 (2014).

GIFTS

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)⁷

⁷ City Charter § 2604(b)(5) states: “No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.”

Board Rules § 1-01(a) defines “valuable gift” to mean “any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. Two or more gifts to a public servant shall be deemed to be a single gift for the purposes of this subdivision and Charter § 2604(b)(5) if they are given to the public servant within a twelve-month period under one or more of the following circumstances (1) they are given by the same person; and/or (2) they are given by persons who the public servant knows or should

The Board concluded a settlement with a Borough Coordinator in the Mayor’s Street Activity Permit Office who agreed to pay a \$2,000 fine both for using her City position to solicit two complimentary food tickets and for accepting the tickets, valued at \$40 each, at a City-permitted neighborhood association event on which permitting she had worked in her City position, in violation of City Charter §§ 2604(b)(3) and 2604(b)(5). The Borough Coordinator solicited and accepted the complimentary tickets despite being warned by a neighborhood association volunteer at the event that, as a City employee, she could not accept the tickets, valued in excess of \$50. *COIB v. Luong*, COIB Case No. 2013-714 (2014).

In a joint disposition with the Board and the New York City Fire Department (“FDNY”), a Lieutenant in the Haz-Mat Operations Unit at FDNY admitted that he had accepted gifts from Lion Apparel, Inc., the manufacturer of a specialized protective suit worn by FDNY firefighters, in the form of meals and drinks on 14 occasions between May 2010 and May 2013, the total value of which was \$598. The Lieutenant acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. The Board’s Valuable Gift Rule prohibits the acceptance of two or more gifts if valued in the aggregate at \$50.00 or more during any twelve-month period from the same person or firm. For these violations, the Lieutenant agreed to pay a \$750 fine to the Board, a \$750 fine to FDNY, and forfeiture 6 days of annual leave, valued at \$1,897.80, for a total financial penalty of \$3,397.80. *COIB v. Cassidy*, COIB Case No. 2013-222a (2014).

In a joint disposition with the Board and the New York City Fire Department (“FDNY”), a Deputy Chief who is the head of Haz-Mat Operations at FDNY agreed to pay a \$7,000 fine (\$5,500 to the Board and \$1,500 to FDNY) for violating two separate provisions of the City’s conflicts of interest law. First, the Deputy Chief admitted that he had accepted gifts from Lion Apparel, Inc., the manufacturer of a specialized protective suit worn by FDNY firefighters, in the form of meals and drinks on 17 occasions between June 2010 and April 2012, the total value of which was \$875.67. The Deputy Chief acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything that has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a person or firm the City employee knows or should know is, or intends to be, engaged in business dealings with any City agency. The Board’s Valuable Gift Rule prohibits the acceptance of two or more gifts if valued in the aggregate at \$50.00 or more during any twelve-month period from the same person or firm. Second, the Deputy Chief admitted that he had solicited from Lion, a firm with which he regularly dealt as part of his official FDNY duties, a charitable donation for his sons’ baseball team. Lion donated \$500. The Deputy Chief acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his City position to obtain a

have know are (i) relatives or domestic partners of one another; or (ii) are directors, trustees, or employees of the same firm or affiliated firm.”

personal benefit for himself or someone “associated” with the public servant, which would include a child. *COIB v. Del Re*, COIB Case No. 2013-222 (2014).

The Board entered into a settlement with a former Assistant Principal who admitted that, while working for the New York City Department of Education (“DOE”), he had committed multiple violations of the City’s conflicts of interest law. For the violations admitted by the former Assistant Principal in the public disposition, the Board imposed a \$12,500 fine. However, after reviewing the former Assistant Principal’s documented claim of financial hardship, the Board accepted a reduced fine of \$2,500. In the public disposition of the charges, the former Assistant Principal first admitted that he accepted, for a personal trip, a two-night hotel stay and two days of breakfast for two (for himself and his wife) from Glen Cove Mansion Hotel and Conference Center, a firm having business dealings with DOE. The former Assistant Principal had previously communicated with Glen Cove when planning a professional development meeting for his school’s faculty. The former Assistant Principal acknowledged that he had violated the Valuable Gift Rule, which prohibits City employees from accepting a gift valued at \$50 or more from a firm doing business or seeking to do business with any City agency. Second, the former Assistant Principal admitted that he directed four teachers who were his subordinates to complete, unbeknownst to them, examinations for the Assistant Principal’s high-school-aged son in order to enable his son to qualify for a merit-based scholarship to college. Third, the former Assistant Principal admitted that he asked a subordinate teacher to tutor his son on three occasions, for which he did not compensate the teacher. Fourth, the former Assistant Principal admitted that he approached a subordinate teacher about a “real estate opportunity” in Florida and then drove that teacher to his brother’s real estate office to discuss that opportunity. The former Assistant Principal acknowledged that he thereby violated the conflicts of interest law provision that prohibits City employees from using their City positions to benefit a person “associated” with the employee, which includes the employee’s son and brother. *COIB v. Hinds*, COIB Case Nos. 2012-321 and 2012-827 (2014).

APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(6)⁸

The Board and the New York City Department of Design and Construction (“DDC”) concluded a settlement with a Deputy Budget Director in DDC’s Interfund Agreement Unit who owns a firm that owns a 10-unit apartment building in Manhattan for which he received a construction loan through the New York City Department of Housing Preservation and Development (“HPD”) and for which he receives payment for low-income housing units from HPD and the New York City Housing Authority (“NYCHA”), in violation of City Charter §

⁸ City Charter § 2604(b)(2) states: “No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.”

City Charter § 2604(b)(6) states: “No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.”

2604(a)(1)(b). In addition, the Deputy Budget Director used his City email account and his City telephone over a seven-year period to conduct private business related to his firm and communicated with and appeared in person before City agencies on behalf of his firm in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), and City Charter § 2604(b)(6). The Deputy Budget Director agreed to pay a \$2,170 fine to the Board, to be suspended for seven days (valued at approximately \$2,170), and to forfeit seven days of annual leave (valued at approximately (\$2,170)). The Board issued an order permitting the Deputy Budget Director to retain his ownership interest in his firm and, with certain limitations, to continue to communicate with and receive payments from HPD and NYCHA for low-income housing in his building. *COIB v. F. Brown*, COIB Case No. 2013-305 (2014).

The Board issued a public warning letter to a former Mechanical Engineer for the New York City Housing Authority (“NYCHA”) who (1) owned, operated, and requested permits from the City on behalf of a private engineering company and (2) used his City email account and City computer to perform private engineering work. In 2003, the Mechanical Engineer obtained a waiver from the Board allowing him to own, operate, and request non-ministerial Planned Work 2 (“PW2”) permits from the New York City Department of Buildings (“DOB”) on behalf of a private engineering company. The waiver was specific to that company, but the Mechanical Engineer nonetheless requested hundreds of PW2 permits from DOB on behalf of a second private engineering company he also owned and operated. The Mechanical Engineer also sent thirteen emails from his NYCHA email account containing documents related to his private businesses and stored nine documents related to his private businesses on his NYCHA computer. *COIB v. Chaudhuri*, COIB Case No. 2013-676 (2014).

The Board issued a public warning letter to a Chief Engineer for the New York City Department of Parks and Recreation who communicated with New York City Department of Buildings (“DOB”) personnel on behalf of a private client regarding an appeal of a DOB Construction Code determination. The Chief Engineer was hired as an engineering consultant to help with the appeal and, in furtherance of that work, called the DOB Brooklyn Borough Commissioner for his opinion on whether an appeal would be successful and then later called a DOB Zoning & Code Specialist to inquire about the reason for DOB’s delay in issuing a decision on the appeal. The Board imposed no fine and the Chief Engineer agreed to publication of the Board’s letter to provide guidance to other City workers that DOB Construction Code determinations and appeals thereof are not routine and require DOB to exercise substantial discretion and, therefore, invoke the prohibitions of City Charter § 2604(b)(6). In this case, the better course of action would have been to have a filing representative communicate with DOB regarding his client’s appeal. *COIB v. Natoli*, COIB Case No. 2013-795 (2014).

ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY

- **Relevant Charter Sections:** City Charter § 2604(b)(13)⁹

⁹ City Charter § 2604(b)(13) states: “No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose interests may be affected by the public servant’s official action.”

A now former member of Manhattan Community Board 2 paid a \$10,660 fine for accepting ten years of free membership to Soho House, an entity with matters before Community Board 2. Soho House provided the complimentary membership for reasons related to the Respondent's position on the community board. The amount of the fine represents the total value of the membership, estimated to be \$8,160, plus a \$2,500 penalty. The City's conflicts of interest law prohibits a public servant from accepting a gratuity from any person whose interests may be affected by the public servant's official action. *COIB v. Hamilton*, COIB Case No. 2013-374a (2014).

In a public disposition, a former Maintenance Worker at the New York City Housing Authority ("NYCHA") admitted that, in November 2012, he was assigned as part of his official duties to repair a water leak in a tenant's apartment. While in the apartment, he informed the tenant that he would need \$30 to fix the leak, which the tenant gave him. The Maintenance Worker acknowledged that his conduct violated two provisions of the City's conflicts of interest law: first, by soliciting money from a NYCHA resident to perform a repair, the Maintenance Worker misused his City position to obtain a personal benefit; second, by accepting that money, the Maintenance Worker improperly accepted compensation from a source other than the City for doing his City job. For these violations, the Maintenance Worker paid a \$1,300 fine to the Board. He also acknowledged that he had retired from NYCHA while agency disciplinary charges were pending against him for this conduct. *COIB v. G. Washington*, COIB Case No. 2013-001 (2014).

The Board imposed a \$5,000 fine on a former Community Associate for the New York City Administration for Children's Services ("ACS") for accepting \$100 to \$300 on three occasions from a source other than the City for performing services as a City employee, in violation of City Charter § 2604(b)(13). The payments all came from an individual acting on behalf of private day care centers. In return, the Community Associate processed applications for day care subsidies in the ACS Transitional Child Care Unit. The Board's Order adopts the Report and Recommendation of the City's Office of Administrative Trials and Hearings. *COIB v. Salce*, OATH Index No. 2379/13, COIB Case No. 2011-387 (Order Mar. 27, 2014).

In a joint disposition with the Board and the New York City Department of Sanitation ("DSNY"), a Sanitation Worker agreed to retire immediately from DSNY and pay a \$1,500 fine to the Board for accepting \$20 from a Queens resident to collect the resident's garbage. *COIB v. L. Dixon*, COIB Case No. 2013-782a (2014).

SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

- **Relevant Charter Sections:** City Charter § 2604(b)(14)¹⁰

An Executive Administrative Staff Analyst for the New York City Employee Retirement System ("NYCERS") agreed to pay an \$800 fine for four violations of the City's conflicts of interest law related to her conducting an Avon business in her NYCERS office: first, using City time to receive and repackage Avon deliveries; second, using City resources, including a

¹⁰ City Charter § 2604(b)(14) states: "No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant."

NYCERS fax machine, to submit and receive Avon orders; third, abusing her City position by soliciting sales from a subordinate; and fourth, entering into a prohibited superior-subordinate financial relationship by selling Avon products to that subordinate. *COIB v. Harish*, COIB Case No. 2014-414 (2014).

A teacher for the New York City Department of Education (“DOE”) paid a \$2,000 fine to the Board for living with and purchasing a home with her supervisor, the school’s principal. The City’s conflicts of interest law prohibits superiors and subordinates from entering into a financial relationship with each other, which includes living together. *COIB v. Shin*, COIB Case No. 2014-201a (2014).

The Board and the New York City Health and Hospitals Corporation (“HHC”) concluded joint settlements with a Supervising Electrician and his subordinate, an Electrician’s Helper, who co-owned an electrical business for approximately three years, in violation of the City’s conflicts of interest law, which prohibits a superior and subordinate from entering into a business or financial relationship. The Supervising Electrician further violated the conflicts of interest law by supervising the Electrician’s Helper, his business partner – someone with whom he was “associated” within the meaning of the conflicts of interest law. Finally, both the Supervising Electrician and the Electrician’s Helper admitted that they had stored documents related to their electrical business on their HHC computers, in violation of the City’s conflicts of interest law, which prohibits the use of City resources for any non-City purpose. In public dispositions, the Supervising Electrician and Electrician Helper’s admitted each of these violations and agreed to pay fines of \$6,000 and \$4,000, respectively, to the Board. *COIB v. LaRosa*, COIB Case No. 2012-518 (2014); *COIB v. S. Maldonado*, COIB Case No. 2012-518a (2014).

The Board fined an Office of School Food Supervisor for the New York City Department of Education \$500 for supervising the employment of her daughter, with whom she lived. The Office of School Food Supervisor admitted that, for seven months, she indirectly supervised her daughter, with whom she is associated by familial relationship and cohabitation, in violation of City Charter § 2604(b)(3). She further admitted that, through living with her daughter, she entered into a financial relationship with her subordinate in violation of City Charter § 2604(b)(14). *COIB v. Osei-Boateng*, COIB Case No. 2013-815 (2014).

The Board and the New York City Department of Housing Preservation and Development (“HPD”) concluded settlements with the now retired Chief of the HPD Code Enforcement in the Bronx and with an Associate Inspector (Housing), who was also a supervisor in that Office. The Chief admitted that he had paid \$200 to an Inspector who was his subordinate to change the air valves in the radiators in his home and paid that same Inspector \$500 to assist with the removal of the plumbing in the bathroom in the basement of his home. The Associate Inspector admitted that he had paid \$20 to \$40 to an Inspector who was his subordinate to assist him with the renovation of the bathroom in the basement of his home and that he had borrowed the personal vehicle of a second Inspector for one to two weeks, for which he did not pay that Inspector. The Chief and the Associate Inspector acknowledged that, by asking a subordinate to perform personal repairs or to borrow the subordinate’s personal car, respectively, they had used their City positions to obtain a personal benefit in violation of the City’s conflicts of interest law. The Chief and the Associate Inspector also acknowledged that, by paying a subordinate to perform personal repairs, they had entered into a financial

relationship with that subordinate in violation of the City's conflicts of interest law. For their violations, the Chief agreed to pay a \$2,500 fine and the Associate Inspector agreed to pay a \$2,000 fine, each split evenly between HPD and the Board. *COIB v. V. Ruiz*, COIB Case No. 2013-188 (2014); *COIB v. Mas*, COIB Case No. 2014-188a (2014).

The Board imposed a \$6,000 fine on a former Associate Job Opportunity Specialist for the New York City Human Resources Administration ("HRA") for soliciting and accepting loans totaling approximately \$6,740 from eight of his HRA subordinates, in violation of City Charter §§ 2604(b)(3) and 2604(b)(14). In many instances, the former Associate Job Opportunity Specialist asked to borrow money after calling the subordinate into his office, in some instances under the guise of a false work-related complaint. The former Associate Job Opportunity Specialist has repaid some but not all of the loans. The Board's Order adopts the Report and Recommendation of the City's Office of Administrative Trials and Hearings. *COIB v. Oni*, OATH Index No. 458/14, COIB Case No. 2013-299 (Order May 14, 2014).

The Board fined a Supervisor for the New York City Department of Sanitation ("DSNY") and his superior, a Deputy Chief at DSNY, \$1,500 each for entering into a financial relationship with each other when the Supervisor acted as the Deputy Chief's real estate salesperson and agent in showing the Deputy Chief a house, for which services the Supervisor received a \$1,937.50 commission when the Deputy Chief purchased the house. *COIB v. Nichilo*, COIB Case No. 2014-038 (2014); *COIB v. Malloy*, COIB Case No. 2014-038/a (2014).

In a joint settlement with the Board and the New York City Administration for Children's Services ("ACS"), a Child Protective Specialist Supervisor II agreed to pay a fine equal to 6 days' pay to ACS, valued at \$1,821.06, for soliciting and accepting a \$4,000 loan from her subordinate, a Child Protective Specialist Supervisor I. The supervisor paid back the loan approximately one month later. The Child Protective Specialist Supervisor II acknowledged that her conduct violated the ACS Code of Conduct and the City's conflicts of interest law, which prohibits a City employee from using his or her City position to obtain a personal benefit and prohibits a City superior from entering into a financial relationship with his or her subordinate. *COIB v. M. Vazquez*, COIB Case No. 2013-870 (2014).

The Board fined a former Brooklyn Borough Code Enforcement Chief for the New York City Department of Housing Preservation and Development for soliciting and entering into financial relationships with two of his subordinates. First, he asked one subordinate on two occasions to purchase gold bracelets for him, which the subordinate did on one occasion (at a cost of \$366), and for which purchase the Code Enforcement Chief reimbursed him. Second, the Code Enforcement Chief asked another subordinate to perform home improvement work on the Code Enforcement Chief's home, installing floor tiles and a door, for which work the Code Enforcement Chief gave him approximately \$200 in cash and some food. In a public disposition of the Board's charges, the former Code Enforcement Chief agreed to pay a \$2,400 fine to the Board for misusing his City position by asking his subordinates to perform personal tasks for him and entering into financial relationships with these subordinates. *COIB v. Simpson*, COIB Case No. 2013-623 (2014).

The Board issued a public warning letter to a former New York City Health and Hospitals Corporation (“HHC”) maintenance worker who, while employed at HHC’s Jacobi Medical Center, accepted compensation from his HHC supervisor for constructing a bathroom and a deck at his supervisor’s home. The public warning letter informed the maintenance worker that he violated City Charter § 2604(b)(14) by entering into a financial relationship with his HHC superior and reminded City employees that such superior-subordinate financial relationships are prohibited by Chapter 68. *COIB v. Gore*, COIB Case No. 2010-621b (2014).

The Board issued a public warning letter to a Supervisor I at the New York City Administration for Children’s Services (“ACS”) assigned to the Child Care Support Services Unit (“CCSS”) who attempted to sell costume jewelry items to her CCSS subordinates and did sell costume jewelry items to at least one subordinate. From 2008 to 2010, the Supervisor I periodically made announcements from a central location in the CCSS office to inform her CCSS coworkers and subordinates that she would be selling costume jewelry and other accessories in the office during lunch. She then sold costume jewelry and other accessories to her CCSS coworkers and to at least one of her CCSS subordinates. The total cost of the subordinate’s purchases was minimal. The public warning letter informed the Supervisor I that she violated City Charter § 2604(b)(3) by asking her subordinates to purchase items from her and City Charter § 2604(b)(14) by entering into a financial relationship with the subordinate who purchased items from her. *COIB v. Womble*, COIB Case No. 2013-773 (2014).

JOB-SEEKING VIOLATIONS

- **Relevant Charter Sections:** City Charter § 2604(d)(1)¹¹

A former Children’s First Network Leader agreed to pay a \$2,000 fine to the Board for accepting an offer to work at Urban Assembly, which was made while he was employed by the New York City Department of Education (“DOE”) in a position of direct authority over DOE schools operated by Urban Assembly. The offer of employment was extended in 2012 when the Network Leader oversaw the DOE Partnership Support Organization (“PSO”) that provided operational support to Urban Assembly’s schools. The position was contingent upon DOE approving Urban Assembly’s proposal to become a private vendor PSO. In furtherance of that, the Network Leader assisted Urban Assembly with preparing its PSO proposal. In a public disposition of the Board’s charges, the former Network Leader admitted his conduct violated the City’s conflicts of interest law, which prohibits City employees from accepting an employment offer, or even seeking a job, from a private firm that the City employee is actively dealing with on behalf of the City. He also acknowledged that his work on Urban Assembly’s RFP submission to DOE violated the conflicts of interest law provision that prohibits City employees from communicating with the City on behalf of a private employer. *COIB v. J. Green*, COIB Case No. 2013-072 (2014).

¹¹ City Charter § 2604(d)(1) states: “No public servant shall solicit, negotiate for or accept any position (i) from which, after leaving city service, the public servant would be disqualified under this section, or (ii) with any person or firm who or which is involved in a particular matter with the city, while such public servant is actively considering, or is directly concerned or personally participating in such particular matter on behalf of the city.”

ONE-YEAR POST-EMPLOYMENT APPEARANCES

- **Relevant Charter Sections:** City Charter § 2604(d)(2)¹²

The Board fined the former General Counsel and Deputy Commissioner for the New York City Mayor’s Office for People with Disabilities \$1,000 for communicating with a Junior State Affairs Representative at the Mayor’s Office of Legislative Affairs three months after leaving City service to request an introduction to an employee of the New York State Governor’s Office so as to gain assistance from the Governor’s Office in obtaining a waiver to allow his private firm to be a vendor for the Metropolitan Transportation Authority, in violation of City Charter § 2604(d)(2). *COIB v. Mischel*, COIB Case No. 2014-310 (2014).

The Board fined a former Director of Audit Operations for the New York City Department of Finance (“DOF”) \$5,000 for appearing before DOF on behalf of his new employer within one year of leaving City service. The former Director of Audit Operations admitted that, during his first post-employment year, he contacted his former DOF subordinates on eight occasions on matters related to the clients of his new employer, a private accounting and tax firm, in violation of City Charter § 2604(d)(2). *COIB v. Rabinowitz*, COIB Case No. 2013-279 (2014).

LIFETIME POST-EMPLOYMENT PARTICULAR MATTER BAN

- **Relevant Charter Sections:** City Charter § 2604(d)(4)¹³

The Board fined a former New York City Housing Authority (“NYCHA”) employee \$3,000 for representing private parties in relation to four particular capital construction projects in which she had participated personally and substantially as a Project Administrator in the Capital Projects Division of NYCHA. The former Project Administrator worked as a litigation consultant in a lawsuit against NYCHA concerning one project; she also attempted to assist a NYCHA contractor resolve non-payment issues on the other three projects. *COIB v. Massuridis*, COIB Case No. 2012-807 (2014).

¹² City Charter § 2604(d)(2) states: “No former public servant shall, within a period of one year after termination of such person’s service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant’s service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.”

¹³ City Charter § 2604(d)(4) states: “No person who has served as a public servant shall appear, whether paid or unpaid, before the city, or receive compensation for any services rendered, in relation to any particular matter involving the same party or parties with respect to which particular matter such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities.”

