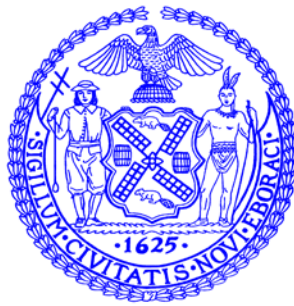


CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2011



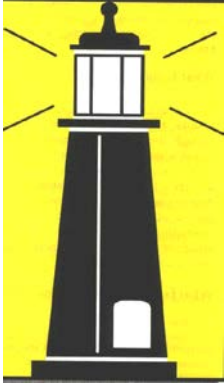
Steven B. Rosenfeld
Chair

Monica Blum
Andrew Irving
Burton Lehman
Members

Mark Davies
Executive Director

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

<http://nyc.gov/ethics>



ETHICS LIGHTS THE WAY TO GOOD GOVERNMENT

<http://nyc.gov/ethics>

The New York City Conflicts of Interest Board's Annual Report is designed and produced in-house at 2 Lafayette Street, Suite 1010, New York, New York 10007.

TABLE OF CONTENTS

	<i>Page</i>
Introduction.....	5
1. Members and Staff of the Conflicts of Interest Board.....	6
2. Proposed Amendments to Chapter 68.....	7
3. Training and Education.....	8
4. Requests for Guidance and Advice.....	13
5. Enforcement.....	17
6. Financial Disclosure.....	24
7. Administration and Information Technology.....	29
Exhibits and Appendices.....	30
Exhibit 1: Conflicts of Interest Board: 1993, 2001, 2010, 2011.....	31
Exhibit 2: COIB Members, Staff, and Former Members.....	34
Exhibit 3: Training and Education Classes on Chapter 68.....	36
Exhibit 4: COIB Training Classes by Agency.....	37
Exhibit 5: Recipients of Oliensis & Pierpoint Awards.....	38
Exhibit 6: Legal Advice Workload: 1993 to 2011.....	39
Exhibit 7: Written Requests for Advice on Chapter 68.....	40
Exhibit 8: Written Responses to Requests for Advice on Chapter 68.....	41

	<i>Page</i>
Exhibit 9: Chapter 68 Enforcement Cases.....	42
Exhibit 10: Enforcement Summary: 2003 to 2011.....	43
Exhibit 11: Enforcement Fines Imposed: 1993 to 2011.....	44
Exhibit 12: Financial Disclosure Reports.....	63
Advisory Opinions and Enforcement Cases of the Board – Summaries and Indexes.....	64
Advisory Opinion Summaries (2011).....	65
Cumulative Index to Advisory Opinions by Charter Chapter 68 Section – 1990-2011.....	69
Cumulative Index to Advisory Opinions by Subject – 1990-2011.....	76
Chapter 68 Enforcement Case Summaries (2011).....	83

INTRODUCTION

This Annual Report for 2011 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, Chapter 68 of the City Charter (http://www.nyc.gov/html/conflicts/downloads/pdf2/books/blu_bk.pdf), the ethics law applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

2011 was the first full year in which the Board operated under the three Charter amendments approved by the voters in November 2010 - increasing the maximum fine for ethics violations to \$25,000, authorizing disgorgement as a remedy for such violations, and making ethics training mandatory for all City public servants. Throughout 2011, the Board worked with the Administration and the City Council on numerous additional revisions to Chapter 68, which were proposed by the Board in a comprehensive report in August 2009. The Board looks forward to seeing many, if not all, of these long-overdue changes become law in 2012. 2011 was also a year in which the Board, ably represented by the City’s Law Department, successfully litigated a challenge to its ability to enforce the Conflicts of Interest Law against a large segment of public servants, resulting in a February 9, 2012, decision of the New York State Court of Appeals upholding the Board’s enforcement power.

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 Financial Disclosure Law contained in section 12-110 of the New York City Administrative Code (http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf).

This Report reviews the Board's accomplishments during 2011, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) the amendments to Chapter 68 proposed by the Board; (3) training and education; (4) requests for guidance and advice; (5) enforcement; (6) financial disclosure; 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 to serve staggered six-year terms, and eligible for reappointment to one additional six-year term. Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards."

The Board's Chair is Steven B. Rosenfeld, of counsel to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP. He was appointed to the Board in May 2002 and was named Chair in June 2002.

Angela Mariana Freyre, then Senior Vice President and Deputy General Counsel of The Nielsen Company, was appointed to the Board in October 2002 and reappointed in March 2005. Ms. Freyre resigned from the Board in May 2011 to become Senior Vice President and General Counsel of the Export-Import Bank of the United States. The Board anticipates that the vacancy thus created will be filled early in 2012.

Monica Blum, President of the Lincoln Square Business Improvement District, was appointed to the Board in August 2004 and reappointed in October 2006.

Andrew Irving, Senior Vice President and General Counsel of Independent Fiduciary Services, Inc., was appointed to the Board in March 2005.

Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, was appointed to the Board in July 2009.

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 20 is divided into six units: Training and Education, Legal Advice, Enforcement, Financial 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. PROPOSED AMENDMENTS TO CHAPTER 68

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, which had not been substantively amended since it was enacted almost 20 years earlier. That report reiterated a number of amendments to Chapter 68 that the Board had proposed over the years and added numerous other significant amendments to the provisions of Chapter 68, as well as many long-overdue technical and language changes needed to make the law internally consistent and intelligible, as well as in harmony with established Board practice and interpretation. All of the proposed amendments, together with comments on each provision and a summary of the amendments, may be found on the Board’s home page at <http://www.nyc.gov/html/conflicts/html/home/home.shtml>.

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.

In 2011, the Board continued to work with the Administration and the City Council to address many of the remaining proposed changes contained in the August 2009 report. Included in these proposals are: (a) expanding the definition of those “associated” with a public servant to add

grandchildren and grandparents of the public servant, parents, children, and siblings of the public servant's spouse or domestic partner, and certain step-relatives; (b) adding District Attorneys to the definition of "elected officials"; (c) permitting enforcement of Chapter 68 against non-public servants who induce, cause, or aid a public servant to violate Chapter 68 and permitting non-public servants subject to Chapter 68 to seek advice from the Board; (d) prohibiting any public servant from soliciting a gift of any size; and (e) making explicit that waivers may be granted for *conduct*, as well as for interests, otherwise prohibited under Chapter 68, and that the Board may impose conditions on granting a requested waiver. The package of proposed amendments also includes many technical and language changes needed to make the law internally consistent, as well as consistent with Board practice and interpretation. The Board hopes that these proposed amendments will be enacted in 2012.

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.

3. 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). The two-person Unit that shouldered this huge training responsibility throughout 2011 consisted of Training and Education Director Alex Kipp and Senior Trainer Philip Weitzman.

Training Sessions

In 2011, the Unit conducted 318 classes and undertook several training initiatives. The number of classes taught in 2011 represents a 14% increase over the preceding year, as reflected in Exhibit 3 to this Report.

During 2011, the Unit trained the entire staffs of several agencies, including the City Council, the Department of Buildings, the Department of Youth and Community Development, the Office of Administrative Trials and Hearings, and the School Construction Authority. Training at the Department of Education continued, with a total of 21 classes. In all, as summarized in Exhibit 4 to this Report, during 2011 the Unit presented classes at 41 City agencies and offices, reaching approximately 10,544 City employees. Still, that is far below the mandate of the 2010 Charter amendment requiring that all 300,000 public servants of the City *must* receive such training every two years

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or 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 20 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; one class for new assistant district attorneys in Brooklyn; several classes in Chapter 68 Enforcement geared to the disciplinary counsel of City agencies; and a "Chapter 68 at the Movies" class for the Practising Law Institute. The Unit also continued its cooperation with the Department of Citywide Administrative Services in offering Citywide CLE classes in Chapter 68, both general and specialized, sponsored by the Citywide Training Center.

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. Several agencies have reported that they distribute the newsletter electronically to their entire staff.

The Impact of Mandatory Training

As noted above, in November 2010, the voters of New York 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 clearly 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 the 2010 mandatory training 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 2011 continued hosting its Brown Bag Lunch series, a monthly lunchtime discussion group that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants included the training staffs of several agencies 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. In addition, the Training & Education Unit conducted refresher courses for the “Train the Trainer” program it established several years ago with the Department of Correction.

The Training & Education Unit’s plans to launch a pilot computer-based training (CBT) platform by the end of 2011 could not be realized because of budget constraints at the City agency whose existing CBT application the Board was attempting to leverage. The Board is currently working with the Department of Information Technology and Telecommunications (DoITT) to develop an alternative.

While the Board hopes that the mandatory training responsibility of the 2010 amendment can be met through the “Train the Trainer” program, and by use of the computer-based programs that the Training Unit is currently developing, it is apparent that budgetary authorization will be required to expand the Unit beyond its 2011 roster of two persons in order to fulfill this new mandate. Even with the hoped-for availability of computer-based training, an increased demand on the Training Unit is still anticipated, primarily in the provision of additional live classroom training (particularly for those public servants who do not have easy access to computers) and in the administration of the computer-based training platform for over 300,000 users. Candidates were interviewed to fill two new Junior Trainer positions. Unfortunately, in the middle of the process, funding for those two positions was eliminated. The Board has been informed, however, that funding will be restored and baselined for fiscal year 2013. It must be, if the statutory mandate approved by the voters in 2010 is to be met.

Website, Publications, and Media Outreach

The Internet remains an essential tool for Chapter 68 outreach. In 2011 the Board’s website (<http://nyc.gov/ethics>) had 1,243,543 page views – nearly *five times* the volume of two years ago. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links.

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 Financial Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available to be downloaded from the website at <http://www.nyc.gov/html/conflicts/html/law/law.shtml>, as well as from CityShare, the City’s Intranet. Recent articles by Board attorneys and installments of “Ask the City Ethicist” have also significantly added to the number of publications available online.

With the help of DoITT, the Training & Education Unit wrote and shot a new video Public Service Announcement to be aired in 2012.

Seminar

The Board's Seventeenth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 17, 2011, was a great success. More than 250 public servants attended, representing approximately fifty City agencies. At the event's opening plenary session, Mayor Bloomberg once again gave the keynote address, and Board Chair Steven B. Rosenfeld presented a "State of the Board" report of the Board's work in 2010. The Pierpoint Award for Outstanding Service to the Board was presented to former Board member Angela Freyre. A list of past recipients of that award, and of the Board's Sheldon Oliensis Ethics in Government Award (not awarded in 2011), may be found in Exhibit 5 to this Report.

The Board solicits nominees for both awards, to be conferred at its Eighteenth Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 22, 2012.

International Visitors and Government Ethics Associations

In 2011, Deputy General Counsel Sung Mo Kim and Assistant Counsel for Enforcement David Jaklevic 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 financial disclosure reports.

Having in 2010 chaired the Municipal Ethics Subcommittee of the New York State Bar Association Government Ethics Task Force, Executive Director Mark Davies participated on the panel of the Presidential Summit on Ethics at the New York State Bar Association's annual meeting in January 2011. Mr. 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, on 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. Similarly, in 2011, Director of Enforcement Carolyn Lisa Miller served as a

member of the Professional and Judicial Ethics Committee of the New York City Bar.

In July 2011, Steven B. Rosenfeld, Chair of the Board, and Alex Kipp, Director of Training and Education, served on a panel on government ethics at a Practising Law Institute seminar.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in updating and improving their ethics laws. Resources permitting, Board staff members attempt to respond to those requests, whenever possible by e-mail, although occasionally in person. Thus, in 2011, Board staff met with officials from Zhengzhou City, Fujian Province, Henan Province, Nanjing Municipal Government, as well as a delegation of local and national officials from throughout the People's Republic of China, and delegations from the China Academy of Social Sciences and the Korean Anticorruption and Civil Rights Commission, and officials and representatives of civil society (civic groups) from Russia.

Time permitting, Board staff also occasionally assists other jurisdictions seeking to revise their ethics laws. For example, Mr. Davies reviewed and commented upon drafts of ethics law for a county in upstate New York; and he and the Board Chair met in Washington with members of the District of Columbia General Counsel's office.

4. REQUESTS FOR GUIDANCE AND ADVICE

The Legal Advice Unit oversees the Board's responsibility under 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, and the enormous increase in that Unit's productivity. Exhibits 1 and 6 to this Report summarize the Unit's work in 2011 and prior years.

As shown in Exhibit 8 to this Report, in 2011, the Board responded in writing to 523 requests for its advice (identical to its 2010 output), consisting of 83 Board letters and orders reflecting Board action, 188 staff advice letters, 250 waiver letters signed by the Chair on behalf of the Board,¹ and two public Advisory Opinions.

In 2011 Board staff also answered 3,310 telephone requests for advice. 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 advice matters pending before it and drafting written advice and advisory opinions.

As detailed in Exhibit 7 to this Report, the Board in 2011 received 582 written requests for advice, a 3% decrease over 2010, but 4.4% more than in 2009. 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 2011 the Board's median response time to written requests for advice was 29 days.

The two public Advisory Opinions issued by the Board in 2011 were:

- (1) AO 2011-1 – Matters Involving a Client of a Law Firm with which a Public Servant Has a Direct or Indirect Affiliation

The Board responded to requests for advice from two public servants regarding their affiliations with law firms whose clients had a matter

¹ 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.

pending before the public servant's City agency. In both cases the public servants sought the Board's advice as to whether they could participate in their agency's consideration of the matter involving the client. To answer their questions, the Board first observed that the relevant legal question is whether it appeared reasonably likely that the public servant or a person or firm with whom or which the public servant is "associated" within the meaning of Charter § 2601(5) could materially benefit from the agency's action. Applying that standard to the request from the first public servant, a part-time member of a City commission and a partner in a private law firm, the Board held that the public servant would not be deemed "associated" with a client of the firm where (1) the public servant's law firm is not involved in the matter being considered by the public servant's City agency; (2) the public servant has not participated and does not participate in the law firm's representation of the client on *any* matter and has no expectation of doing so in the future; and (3) the client accounts for less than 5% of the firm's total annual billings and is not among the firm's top ten clients in revenues. Accordingly, the public servant was not required to be recused from participation in the agency's action

The second request asked whether a full-time City manager could participate in her agency's award of a contract to an organization that was represented, on matters unrelated to the potential City contract, by the public servant's father. The Board again addressed whether the matter before the City agency would materially benefit the public servant's father, a person with whom she is unquestionably "associated" within the meaning of Charter section 2601(5). The Board determined that, even though the matter before the agency was a substantial one for the organization (the client of the public servant's father), because the revenues that the client provided to the father's law firm made up an insubstantial portion of its total annual billings, any benefit to the father from the matter before the City agency was unlikely to be material, so that the public servant's participation in the matter would be permissible. Of course, the public servant's recusal would have been required if her father had himself been representing the client in the matter before her agency.

The Board concluded by observing that, because many of the conflicts of interest questions in this area are fact-dependent, any public servant who is in doubt about participating in a matter involving a client of a firm with which the public servant, or an associate of the public servant, has some affiliation should consult with the Board before participating in the matter.

(2) AO 2011-2 – Third Party Payment for Travel

The Board has received a number of requests in recent years from elected officials and high-ranking appointed public servants for advice on whether they could accept payment by a third party for travel, typically abroad, that the public servants asserted was for a City purpose. In an effort to bring some public clarity to this area, the Board's second 2011 Advisory Opinion summarized the advice that it had given in response to such requests. The Opinion stated that a public servant may accept a gift to cover the expenses of the public servant's own travel (but *not* of a spouse or guest) where all of the criteria of Board Rules § 1-01(h) are satisfied: first, the trip must further a City purpose – *i.e.*, it could be paid for with City funds - second, the trip is no longer than is reasonably necessary to accomplish that City purpose; and, finally, the travel arrangements are appropriate to the City purpose. The Opinion cautioned that public servants who seek the Board's advice as to whether they may accept a gift of travel, especially travel abroad, must do so well in advance of their scheduled departure date, and should include a detailed itinerary of the trip, reflecting the trip's City purpose; the identity of the trip's sponsor, including a description of any business dealings that the sponsor has with the City; a statement of the City purpose(s) of the trip; and a statement of the cost of the trip to be paid for by the non-City source. Finally, while Rule 1-01(h) simply *recommends* that appointed officials receive the prior, written approval of such travel from their agency head (or, in the case of agency heads, from their deputy mayor), the Board expects to receive that written approval as part of the official's request for advice, and will consider the presence or absence of such approval in reaching its determination of whether the trip serves a City purpose.

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 Training and Education Unit, the Legal Advice Unit has also 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 most City agencies. However, in an important cost-saving measure, the Board has discontinued the distribution of these materials by mail. Working in cooperation with New York Law School's Center for New York City Law, the Board has made its advisory opinions available on-line in full-text searchable form,

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

In order to help address 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, nine law student interns and two volunteer attorneys worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2, contributed substantially 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 Sung Mo Kim, Associate Counsel Karrie Ann Sheridan, and Assistant Counsel Jessie Beller.

5. ENFORCEMENT

Public servants at all levels occasionally violate the City's Conflicts of Interest Law, either intentionally or inadvertently. The Board's enforcement power under sections 2603(e)-(h) and 2606 of Chapter 68 addresses such violations, not only to promote compliance with the Conflicts of Interest Law, but also to foster public confidence in government and enhance government efficiency. This is best accomplished by preventing violations before they occur. By encouraging compliance, successful deterrence saves scarce City resources necessary to enforce the laws.

The Board's enforcement power includes the authority to receive complaints regarding alleged violations of the Conflicts of Interest Law, refer those complaints to the Department of Investigation (DOI) for investigation, pursue administrative enforcement actions against alleged violators, and sanction violators publicly, including imposition of monetary penalties sufficiently high to deter violations. Penalties persuade violators to take precautions against future non-compliance, as well as deter others from violating the law in the first place. The Board's Enforcement Unit is responsible for discharging these functions.

The Board relies on the public, current City employees and officials, and the media to bring to its attention possible violations of the Conflicts of Interest Law. Anyone may file a written complaint by mailing a letter to the attention of the Director of Enforcement or through the Board's website (www.nyc.gov/ethics). Exhibits 9 and 10 to this Report show that in 2011 the Board received 440 new complaints, closed 504 cases, and referred 65 matters to DOI for investigation.

2011 was again a productive year for the Enforcement Unit: there were 61 public dispositions involving payment of a fine and 18 dispositions involving public warning letters. As Exhibit 11 to this Report shows, the fines imposed in Board proceedings in 2011 amounted to \$127,769, reflecting a slight (\$18,081) decrease from 2010. Total civil fines imposed in Board and criminal proceedings for substantive violations of Chapter 68 from 1990, when the Board gained enforcement authority, through 2011 have amounted to \$1,918,588.75.

Of the 79 dispositions published in 2011, the following cases were particularly noteworthy:

(1) In *COIB v. Markowitz*, COIB Case No. 2009-181 (2011), the Board fined the Brooklyn Borough President \$20,000 for having violated Chapter 68 by accepting free foreign travel and related accommodations for his wife. For each of these trips, it was undisputed that the Brooklyn Borough President was conducting official business and thus could accept free airfare and related accommodations for himself. However, if the Borough President wished to have his wife accompany him, he was required to pay for her travel expenses himself, because her travel was not an expense that could have been properly paid for with City funds. As stated in the Board's Order, issued after a full trial on the merits at the New York City Office of Administrative Trials and Hearings (OATH), the Brooklyn Borough President had been advised by the Board in writing of this requirement prior to the first of the three trips at issue. Notwithstanding that prior notice from the Board, the Brooklyn Borough President accepted travel-related expenses for his wife from three foreign entities that had invited him to travel abroad in May 2007, March 2009, and November 2009. While none of these entities had business dealings with the City, and thus the acceptance of gifts from these entities was not proscribed by the Board's Valuable Gift Rule (found in Charter § 2604(b)(5)), the Board in its Order restated its long-

standing position that “a public servant may violate Charter § 2604(b)(3) by accepting a gift even if the donor does not have such business dealings, if the public servant is receiving the gift only because of his or her City position.” Here, as found by the Administrative Law Judge, “Respondent received these trips abroad because of his position as Borough President of Brooklyn and his wife went on all three trips because of her relationship to him. By accepting travel expenses for his wife for each trip, respondent used his position as a public servant for private or personal advantage.” The total fine of \$20,000 was apportioned by the Board more heavily upon the November 2009 trip, which came after the Brooklyn Borough President was most recently put on notice that it would be a violation of the Conflicts of Interest Law to accept payment for his wife’s expenses.

(2) In another significant matter involving a Borough President, the Board fined a former Bronx Borough President \$10,000 in connection with renovating his home with help from the architect of a major Bronx development project that was seeking the Borough President’s official approval. *COIB v. Carrión*, COIB Case No. 2009-159 (2011). In a negotiated disposition, the former Borough President admitted that, while he was in office, he hired the architect to design a porch and balcony for his home at a time when the architect was involved in a project that would require the Bronx Borough President’s official review and then caused a two-year delay in being billed for the architect’s work. The former Borough President admitted he did not have a written agreement with the architect and did not pay the architect until after the *Daily News* revealed this conflict of interest in March 2009 – more than two years after the job was done. Even though he was not certain of the architect’s involvement in the project when he hired him, the former Borough President knew the architect had been associated with similar projects that had come before the Borough President’s Office in the past, and was required to exercise reasonable care in ascertaining the relevant facts that could create a conflict of interest with his official duties. The former Borough President acknowledged his conduct violated the provision of the Conflicts of Interest Law that prohibits public servants from using, or attempting to use, their City positions to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for themselves or any individual or firm associated with them.

(3) *COIB v. LaBella*, COIB Case No. 2010-285a (2011), involved a novel application of Board Rules § 1-13(d)(1), which prohibits a City employee from aiding, inducing, or causing another City employee to violate the Conflicts of Interest Law. The Board fined a Supervising Communications Electrician at the New York City Fire Department (“FDNY”) \$1,500 for causing his father-in-law, who had been one of his supervisors at FDNY, to assign him overtime, which provided him with additional compensation over his regular FDNY salary. The respondent acknowledged that, by this conduct, his father-in-law had violated the provision of the Conflicts of Interest Law that prohibits a public servant from using his position to help a person “associated” with the public servant, which includes a son-in-law. By allowing himself to be supervised by his father-in-law, by requesting and accepting overtime assigned by his father-in-law, and by having his father-in-law sign his overtime sheets, the Supervising Communications Electrician had caused his father-in-law to violate the Conflicts of Interest Law, and thus himself violated Charter § 2604(b)(2), as construed in Board Rules § 1-13(d)(1) .

(4) In *COIB v. Glanz*, COIB Case No. 2010-831 (2011), the Board imposed a \$2,500 fine on a former Administrative Chaplain for the New York City Department of Correction for accepting a solid silver Kiddush cup and plate, estimated to cost \$500, for having arranged a private celebration of the Bar Mitzvah of an inmate’s son at the Manhattan Detention Complex. The former Administrative Chaplain acknowledged that his conduct violated section 2604(b)(13) of the Conflicts of Interest Law, which prohibits public servants from accepting gratuities from any person whose interests may be affected by the public servant’s official action. The Board reminded public servants that they are prohibited from accepting anything of value from any source other than the City for doing their City jobs.

The Enforcement Unit continued its use of the “three-way settlement” procedure in cases that overlap with disciplinary proceedings brought by a City agency. These settlements resolve both the agency disciplinary proceeding and the pending Board enforcement action at the same time, conserving resources of both the Board and City agencies and achieving finality for affected public servants. The importance of the three-way settlement to the Board’s enforcement practice is evidenced in the fact that

30 of the Board's 61 dispositions imposing fines in 2011 were concluded in conjunction with agencies, including the Administration for Children's Services, the Business Integrity Commission, the Department for the Aging, the Department of Citywide Administrative Services, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Housing Preservation and Development, the Environmental Control Board, the Fire Department, the Housing Authority, and the Human Resources Administration.

The Enforcement Unit also continued to prosecute former public servants for violations that occurred while they were public servants. Of the many such enforcement actions brought by the Board in 2011, one notable case was *COIB v. Tatum*, COIB Case No. 2009-467 (2011). Adopting the recommendation of an OATH Administrative Law Judge after a full trial on the merits, the Board fined a former Custodian for the New York City Department of Education \$20,000 for having hired a home improvement contractor with whom she had personal business dealings to work as a Custodial Cleaner at her school and then having authorized payments to him for work he never performed.

The prosecution of cases like this one serves as an important reminder to public servants that they cannot insulate themselves from enforcement action simply by leaving City service, either voluntarily or in the face of an investigation or charges, and that, under section 2603(h)(6) of the City Charter, the Board retains ultimate authority to pursue violations committed by current or former public servants, regardless of what action is taken by the public servant's agency – or a District Attorney's Office – concerning that violation.

The Board also prosecutes cases against former public servants for violations that occur *after* they leave City service. Thus, in six cases in 2011, the Board fined former public servants for violating the Charter's "post-employment provisions," which prohibit former public servants from appearing before 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 otherwise available to the public.

Summaries of the 83 dispositions of 2011, each of which is a matter of public record, are annexed to this Report. Summaries of all the Board's enforcement dispositions from 1990 to the present are available on the Enforcement page of the Board's website (http://www.nyc.gov/html/conflicts/downloads/pdf2/enf%20docs/Enforcement_Case_Summaries.pdf) for use by any interested party – City employees, members of the public or press, and individuals and attorneys appearing before the Board. The dispositions themselves, like the Board's advisory opinions, are available free of charge 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 its public dispositions with the imposition of fines, the Board also educates public servants about violations of the Conflicts of Interest Law through public and private warning letters carrying no fine. In 2011, the Board issued 18 public warning letters, as noted above, and 81 private warning letters, the latter reflecting a 6% increase from 2010, which already constituted a 49% increase from 2009. Furthermore, fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement 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. Nor do fines show the related savings when DOI's findings and Board enforcement actions lead to agency disciplinary proceedings that result in termination, demotion, suspension, and forfeiture of salary and/or leave time.

An important focus of the Board and its Enforcement Unit in 2011 was the litigation entitled *Rosenblum v. COIB*, which involved a challenge to the Board's power to enforce the Conflicts of Interest Law against a large segment of public servants. After four years of litigation, on February 9, 2012, the New York State Court of Appeals, the State's highest court, ruled that the Board has the power to impose civil fines on tenured teachers and principals for violations of Chapter 68.

The principals' union had argued that the New York State Education Law permitted only the Department of Education (DOE) to impose fines on tenured DOE staff for such violations. Two lower courts had ruled against the COIB and agreed with the union. If the highest court had affirmed the lower courts, independent ethics enforcement against tenured teachers and principals would have ceased. By extension, the

COIB could have lost the power to enforce the City's ethics law against all unionized employees of the City. Since 90% of the City's work force is unionized, a decision against the COIB could have insulated the vast majority of City workers from ethics enforcement, except for employee discipline by their agencies.

The Court of Appeals reversed the lower court decisions and held that the COIB can pursue its own actions based on violations of Chapter 68. The Court made it clear that, whatever an employee's agency does or does not do, the Board can independently prosecute an ethics violation. Throughout this protracted litigation, the Board was ably represented by attorneys from the City's Law Department, to whom the Board is very grateful.

In addition to prosecuting violations of Chapter 68, in 2011 the Enforcement Unit continued to assist the Legal Advice Unit in advising public servants and members of the public who call the Board daily. The Enforcement Unit also assisted the Training and Education Unit by conducting classes and seminars for public servants, including Enforcement Training Workshops to increase awareness of the Board's enforcement process among agency disciplinary counsel and investigators and to promote the use of three-way settlements in parallel disciplinary proceedings. The Enforcement Training Workshops, which are sponsored by the New York City Department of Citywide Administrative Services and held at the Citywide Training Center, offer Continuing Legal Education credits to attorneys at every City agency. The awareness of Chapter 68's enforcement procedures fostered by these workshops, and the Board's many other training, education, and outreach efforts, as well as reviews of financial disclosure reports for possible conflicts of interest, continue to feed the workload of the Enforcement Unit.

From these workshops and other outreach efforts, the Unit has developed a large e-mail distribution list to keep agency disciplinary counsel and other interested staff regularly informed of recent Board fines and other dispositions. This communication also serves to enable agency disciplinary counsel to identify Conflicts of Interest Law violations in their own agencies for referral to the Board. Anyone, whether a public servant or a member of the public, can be included in the Board's e-mail distribution list by contacting Director of Enforcement Carolyn Lisa Miller at miller@coib.nyc.gov.

This year, the Enforcement Unit staff underwent a staffing change. Its Deputy Director of Enforcement since November 2006, Dinorah S. Nuñez, left the Board in June 2011 to assume the role of Director of Employee Disciplinary Unit of the New York City Human Resources Administration. The Board wishes her much success in her new position. Bre Injeski, formerly Assistant Counsel for Enforcement, was promoted to fill the Deputy Director position, and the Board welcomed Dave Jaklevic, formerly with the Office of the Solicitor at the U.S. Department of Labor, as its new Assistant Counsel for Enforcement. That reassembled team, plus Carolyn Lisa Miller, Director of Enforcement, Vanessa Legagneur, Associate Counsel for Enforcement, and Maritza Fernandez, Litigation Coordinator, continued to uphold the benchmarks of professionalism and productivity set by the Enforcement Unit. The Board thanks the Enforcement Unit for all its hard work. The Board also extends its sincere thanks to DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District (SCI) Richard J. Condon, and their entire staffs for the invaluable work of DOI and SCI in investigating and reporting on complaints of violations of the Conflicts of Interest Law.

6. FINANCIAL 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 current law over 8,000 City public servants are required to file financial disclosure reports with the Board. Since 2005, all such reports are filed with the Board electronically, which is referred to as Electronic Financial Disclosure (EFD).

City employees continue to show an excellent compliance rate in filing their mandated annual financial disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Financial Disclosure Law, set forth in section 12-110 of the New York City Administrative Code (http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf), for the past six years has been 97.6%. This superb record must be attributed in large part to the excellent work of the Financial Disclosure Unit: Julia Davis, Director of Financial Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Financial Disclosure; Sung Mo Kim, EFD Project

Manager²; Holli Hellman, Associate EFD Project Manager and Supervising Financial Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Garay, Financial Disclosure Analyst and Agency Receptionist.

Filing and Review of Financial Disclosure Reports

The electronic financial disclosure application continued to make the filing of financial disclosure easier for filers, not only because the filing may be done remotely from home or other non-work computers during the four-week filing period but also because the electronic reporting form is “pre-populated” with the previous year’s responses. Filers merely review and update their prior year’s report, an effort that for most filers requires only a few minutes.

During the 2011 filing period, the Financial Disclosure Unit responded to 1,427 calls requesting assistance with filing, a decrease of 62 calls from the filing period in 2010. The Unit continued the financial disclosure liaison trainings commenced in late 2010 with two trainings in early 2011, which were attended by 27 liaisons.

Finally, the Financial Disclosure Unit, in conjunction with DoITT, continued to build a computer application to facilitate the Board’s review of filed reports. That application, which is scheduled to be implemented in 2012, will enable authorized Board staff to conduct searches of the information provided in financial disclosure reports, thus making reviews for possible conflicts of interest easier, quicker, and more efficient.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2011, the Unit conducted 7,443 reviews of the 2010 reports filed by non-terminating public servants. The Unit also reviewed Board waiver letters, issued pursuant to Charter § 2604(e) that granted permission for second jobs, to insure that these jobs were properly reported on the filer’s financial disclosure report. It also reviewed financial disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. These reviews resulted in 82 letters sent to filers, nine of which were requests to filers to amend their financial disclosure reports, 54 of which advised the

² Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

filer that it was necessary to obtain agency head permission and then a Board waiver pursuant to Charter § 2604(e) in order to retain their second, non-City positions, 16 of which requested the filer to address potential violations of the Conflicts of Interest Law, and three of which were requests for filers to obtain requisite permission from their respective agencies.³ As of year's end, six waivers, one advice letter, and one order had been issued, and 14 requests for waivers were pending. In addition, 29 filers responded by providing explanations to the Board addressing the matter of inquiry. For the first time, staff reviewed the financial disclosure reports of the Department of Finance Tax Assessors for potential conflicts of interest.

The Financial Disclosure Unit receives requests for the certification of compliance that departing City employees are required pursuant to section 12-110 (b)(3)(b) of the Administrative Code to obtain before they can receive their final paychecks and/or any lump sum payments. In 2011, 517 such certifications were issued, representing a 13% increase from 2010.

Financial Disclosure Appeals

In February 2011 the Board published Notice of Adoption of Rule 1-17, which sets forth a uniform procedure whereby a City employee who has been designated by his or her City agency as a person required to file a financial disclosure report with the Board may appeal that determination. The rule provides for input by the filer at every stage of the proceeding, including after a draft recommendation is prepared, and, in certain cases, for an evidentiary hearing. The new rule can be found on the Board's website at http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/final_financial_disclosure_appeals_rule.pdf. In response to the Board's action, District Council 37 filed an unfair labor practices petition with the City's Office of Collective Bargaining, arguing that financial disclosure appeals were a mandatory subject of collective bargaining. That proceeding was pending at year's end.

³ The 82 letters reflect a 10% decrease in the number of letters sent compared to the number sent concerning 2009 financial disclosure reports. The decrease may be attributed to filers correcting their failures to obtain waivers for, or to disclose, non-City jobs.

Financial Disclosure Enforcement

Section 12-110(g) of the City's Financial Disclosure Law empowers the Board to impose fines of up to \$10,000 for non-filing or late filing of a financial disclosure report. During 2011, the Board collected \$13,750 in late filing fines, \$13,000 from 2010 late filers, and \$750 from late filers for 2006 and 2009. Since the Board assumed responsibility for financial disclosure in 1990, the Board has collected \$560,698.00 in financial disclosure fines.

In two cases brought before ALJs at the City's Office of Administrative Trials and Hearings concerning filers who had failed to submit financial disclosure reports for multiple years, inquests were held because, despite receiving notice, the two filers failed to appear. On May 23, 2011, after those hearings, the Board issued Findings of Facts, Conclusions of Law, and Orders in the two cases, assessing a \$5,000 civil penalty against a former member of the Rent Guidelines Board for failing to file financial disclosure reports for 2008 and 2009, and a \$3,500 penalty against a former employee of the Department of Education for failing to file financial disclosure reports for 2008, 2009, and 2010. The press release, ALJ decisions, and Board orders in these cases appear on the Board's website at:

<http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/fdenforcementrelease.pdf>.⁴

Public Inspection of Financial Disclosure Reports

Section 12-110(e) of the City's Financial Disclosure Law provides that certain information contained in financial disclosure reports shall be made available for public inspection. In 2011 there were 1,967 requests to inspect filed reports, the highest in the Board's history. 1,501 of these requests were from the media, which resulted in the following newspaper articles discussing financial disclosure filings:

- The February 10, 2011, issue of the *New York Daily News* and the February 14, 2011, issue of the *Huffington Post* each contained an article discussing the Police Commissioner's amendment of his financial disclosure reports to include reimbursements from the Police Foundation for expenses incurred at the Harvard Club. The

⁴ The *Chief* reported the dispositions on June 17, 2011.

October 24, 2011, *NYPD Confidential* column also mentioned the Police Commissioner's amendment of his financial disclosure reports to include reimbursements by the Police Foundation.

- On March 20 and March 21, 2011, the *New York Daily News* ran a series of investigative articles that had examined, among other public documents, City Council members' financial disclosure reports.
- The June 8, 2011, issue of the *Wall Street Journal* contained an article discussing travel of City officials that was paid for by others.
- The July 20, 2011, issue of the *New York Post* contained an article discussing Council members' additional income and debts.
- The July 22, 2011, issue of the *Staten Island Advance* contained an article discussing the financial disclosure reports of officials from that borough.
- The July 30, 2011, issue of the *New York Post* contained an article discussing the Brooklyn Borough President's trips overseas and comparing his financial disclosure report with those of the other borough presidents.
- The August 3, 2011, issue of the *New York Daily News* contained an article discussing the former Schools Chancellor's finances, the car loan of the Transportation Commissioner, and the travel of various City officials.
- The August 5, 2011, issue of the *New York Post* contained an article discussing the financial relationship between the Brooklyn Borough President and a Brooklyn hospital that paid for one of his overseas trips.
- The November 13, 2011, issue of the *New York Daily News* contained an article discussing the financial disclosure reports of a Housing and Preservation Development Assistant Commissioner charged with bribery and alleging that the reports disclosed the alleged corruption.

- The November 30, 2011, issue of the *New York Times* contained an article about the trial of a Council Member that mentioned the financial disclosure reports that had been introduced into evidence.

Public Authorities Accountability Act

The Public Authorities Accountability Act (PAAA) requires officers and employees of certain City-affiliated entities to file financial disclosure reports with the local ethics board. As a result, 34 filers from the following four PAAA entities submitted financial disclosure reports to the Board in 2011: the Brooklyn Bridge Park Corporation, The Trust for Cultural Resources, The American Museum of Natural History Planetarium Authority, and the Trust for Governors Island. The Board anticipates that officers and staff of additional PAAA entities will file with the Board in the fall of 2012.

7. ADMINISTRATION AND INFORMATION TECHNOLOGY

The Board thanks its Director of Administration, Ute O'Malley, and Deputy Director of Administration, Varuni Bhagwant, 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 electronic financial disclosure filing and has supervised the implementation of upgrades to the Board's IT infrastructure.

EXHIBITS
AND
APPENDICES

EXHIBIT 1
CONFLICTS OF INTEREST BOARD: 1993, 2001, 2010, 2011

<i>Agencywide</i>	1993	2001	2010	2011
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,022,327 (FY11)	\$2,118,909 (FY12)
Staff (budgeted)	26	23 ^{3/5}	20	20
<i>Legal Advice</i>	1993	2001	2010	2011
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	4 attorneys
Telephone requests for advice	N/A	1,650	3,246	3,310
Written requests for advice	321	539	599	582
Issued opinions, letters, waivers, orders	266	501	523	523
Opinions, etc. per attorney	53	167	131	131
Pending requests at year end	151	40	162	166
Median time to respond to requests	N/A	23 days	24 days	29 days
<i>Enforcement</i>	1993	2001	2010	2011
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
New complaints received	29	124	523	440
Cases closed	38	152	522	504
Dispositions imposing fines	1	9	76	61
Public warning letters	0	2	36	18
Fines imposed	\$500	\$20,450	\$145,850	\$127,769
Referrals to DOI	19	49	70	65
Reports from DOI	N/A	43	132	121

Training and Education	1993	2001	2010	2011
Staff	1	4 ³ / ₅	2 ¹	2
Training sessions	10	190 24 agencies; CLE	279 37 agencies; Brown Bag Lunches; training for all employees of City Council; new presentation for Citywide seminar; new curriculum targeted at not-for-profits	318 41 agencies; Brown Bag Lunches; training for all employees of several agencies; new presentation for Citywide seminar
Dept. of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	9 training sessions	21
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> ; complete overhaul of all leaflets	Over 50 Continued monthly column in <i>The Chief</i>
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> continued
Videotapes	None	3 half-hour training films; 2 PSA's	Training video posted online	New PSA shot with the assistance of DoITT. Post-production to be completed in 2012.

<i>Training and Education (cont'd)</i>	1993	2001	2010	2011
Electronic training	None	Computer game show; Crosswalks appearances	Total overhaul of website completed, pilot electronic training program created; research conducted into e-learning content management systems	Researched available third-party platforms for interactive web-based training. COIB to work with DoITT in 2012 to develop application.
<i>Financial Disclosure</i>	1993	2001	2010	2011
Staff	12	5	5	5
6-year compliance rate	99%	98.6%	97.5%	97.6%
Fines collected	\$36,051	\$31,700	\$21,600	\$13,750
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	All	All
Reports reviewed for conflicts (mandated by law)	350	38	All	All
Filing by City-affiliated entities (e.g., not-for-profits) under PAAA	0	0	In process	Filing by 4 PAAA entities; additional entities to file in 2012
Electronic filing	None	In development	All filers file electronically	All filers file electronically

¹ For eight months during 2010 the Unit had a staff of only one.

EXHIBIT 2

COIB MEMBERS, STAFF, AND FORMER MEMBERS

Members

Steven B. Rosenfeld, Chair
Monica Blum
Angela Mariana Freyre (*until May 2011*)
Andrew Irving
Burton Lehman

Staff

Executive

Mark Davies, Executive Director

Legal Advice

Wayne G. Hawley, Deputy Executive Director & General Counsel
Sung Mo Kim, Deputy General Counsel
Karrie Ann Sheridan, Associate Counsel
Jessie Beller, Assistant Counsel

Enforcement

Carolyn Lisa Miller, Director of Enforcement
Dinorah S. Núñez, Deputy Director of Enforcement (*until July 2011*)
Bre Injeski, Deputy Director of Enforcement (*beginning July 2011*)
Vanessa Legagneur, Associate Counsel
David Jaklevic, Assistant Counsel (*beginning Oct. 2011*)
Maritza Fernandez, Litigation Coordinator

Training and Education

Alex Kipp, Director of Training and Education
Philip Weitzman, Senior Trainer

Financial Disclosure

Julia Davis, Director of Financial Disclosure & Special Counsel
Joanne Giura-Else, Deputy Director of Financial Disclosure
Sung Mo Kim, Electronic Financial Disclosure Project Manager*
Holli R. Hellman, Associate EFD Project Manager and Supervising Financial Disclosure Analyst
Veronica Martinez Garcia, Administrative Assistant
Daisy Garay, Financial Disclosure Analyst and Agency Receptionist

Administrative

Ute O'Malley, Director of Administration
Varuni Bhagwant, Deputy Director of Administration

Information Technology

Derick Yu, Director of Information Technology

* Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

Interns and Volunteers

Volunteer Attorneys

Cristine Delaney
Ellen Kanner

Law School Interns

Jacqueline Conahan
Michael Gordon
Cristina Grullon
Emery Lyon
Brian Malik
Asaf Naymark
Adam Pinto
Bhakti Shah
Katherine Smelas

College Interns

Michelle Cilien
Winston Higgins
Jen-Chen Lee
Catlin Link
Hannah Ogden
Elizabeth Rizk
Kia Widlo

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
Kevin J. Frawley	2006-2009
Angela Mariana Freyre	2002-2011

EXHIBIT 3
TRAINING AND EDUCATION CLASSES ON CHAPTER 68

<u>Year</u>	<u>Department of Ed Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes¹</u>
1995	0	24	24
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

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.

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.

2004	2005	2006 ¹	2007	2008	2009 ³	2010 ⁴	2011
Buildings DCAS Education DHS HRA <i>DCLA</i> <i>DFTA</i> <i>Finance</i> <i>DOHMH</i> <i>DOITT</i> <i>NYCERS</i>	Parks Finance DCA DYCD DOB Education <i>DDC</i> <i>HRA</i> <i>TLC</i> <i>DOITT</i> <i>DCAS</i> <i>Community</i> <i>Boards</i> <i>HHC</i> <i>HPD</i> <i>DOC</i> <i>DOHMH</i> <i>Comptroller</i>	Comptroller DCAS DDC DOB Education Finance Sanitation <i>Community</i> <i>Boards</i> <i>DOC</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>HHC</i> <i>Manhattan</i> <i>Borough Pres</i> <i>TLC</i>	Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA TLC <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCP</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>HPD</i> <i>HRA</i> <i>NYCERS</i> <i>NYPD</i> <i>Parks</i>	Buildings DCAS DDC Education OATH/ECB Health Sanitation TLC <i>ACS</i> <i>Aging</i> <i>City Council</i> <i>Community</i> <i>Boards</i> <i>Correction</i> <i>DoITT</i> <i>EDC</i> <i>Finance</i> <i>Fire Dept.</i> <i>Law</i> <i>MOCS</i> <i>NYCERS</i> <i>NYCHA</i>	Buildings City Council DCAS DoITT Education FISA NYCHA TLC <i>CCHR</i> <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCA</i> <i>DDC</i> <i>DOHMH</i> <i>DOF</i> <i>DOT</i> <i>DPR</i> <i>DSNY</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>NYCERS</i> <i>OATH</i> <i>SBS</i>	Buildings City Council DCAS DOF DOT HRA Not-for-profits Receiving Discretionary Grants <i>Bronx Borough</i> <i>President</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DOHMH</i> <i>DoITT</i> <i>DPR</i> <i>FDNY</i> <i>HHC</i> <i>HPD</i>	Buildings City Council DCAS DDC DOE DOF OATH SCA <i>Community</i> <i>Boards</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>Manhattan BP</i> <i>MOCS</i> <i>NYCERS</i> <i>Not-for-profits</i> <i>Receiving</i> <i>Discretionary</i> <i>Grants</i> <i>OEM</i> <i>SBS</i>
Agencies Holding One or Two Classes: 27	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 21	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
Total Classes: 288²	Total Classes: 242²	Total Classes: 194²	Total Classes: 416²	Total Classes: 535²	Total Classes: 286²	Total Classes: 279²	Total Classes: 318²

¹ From December 2005 to September 2006, the Training and Education Unit had a staff of one.

² 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.

³ For five months during 2009 the Unit had a staff of one.

⁴ For eight months during 2010 the Unit had a staff of one.

EXHIBIT 5
RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS

Sheldon Oliensis Ethics in City Government Award

2010	Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
2009	Ricardo Morales
2007	Department of Buildings
2005	The Center for New York City Law at New York Law School
2004	Saphora Lefrak
2003	Department of Investigation
2002	Department of Environmental Protection
2001	Department of Transportation
1999	Sheldon Oliensis (Ethics in City Government Award)

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

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 2011

	1993	2006 (Increase v. 2005)	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)
Staff	5 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys
Telephone requests for advice	N/A	2,895 (-1%)	3,326 (+15%)	3797 (+14%)	3277 (-14%)	3246 (-1%)	3310 (+2%)
Written requests for advice	321	568 (+10%)	613 (+8%)	624 (+2%)	557 (-11%)	599 (+8%)	582 (-3%)
Issued opinions, letters, waivers, orders	266	415 (-24%)	605 (+46%)	574 (-5%)	484 (-16%)	523 (+8%)	523
Opinions, etc. per attorney	53	172 (-5%)	151 (-12%)	144 (-5%)	121 (-16%)	131 (+8%)	131
Pending written requests at year end	151	225 (+77%)	178 (-21%)	161 (-10%)	138 (-14%)	162 (+17%)	166 (+2%)
Median time to respond to requests	N/A	31 days	30 days	26 days	24 days	24 days	29 days

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

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

EXHIBIT 9 CHAPTER 68 ENFORCEMENT CASES

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
New Complaints	29	31	29	50	64	63	81	148	124	221	346	307	370	328	465	509	443	523	440
Cases Closed	38	4	33	32	54	76	83	117	152	179	243	266	234	530	429	509	472	522	504
Dispositions Imposing Fines	1	2	1	1	2	9	4	10	9	6	3	6	11	19	61	135	98	76	61
Public Warning Letters	0	0	0	1	0	0	0	2	2	0	0	0	1	7	26	11	21	36	18

EXHIBIT 10
ENFORCEMENT SUMMARY: 2003 to 2011

	2003 (Increase v. 2002)	2004 (Increase v. 2003)	2005 (Increase v. 2004)	2006 (Increase v. 2005)	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increases v. 2009)	2011 (Increase v. 2010)
Staff	5 (4 attorneys)	5 (4 attorneys)	4 (3 attorneys ¹)	4 (2 attorneys ²)	5 (4 attorneys)	5 (4 attorneys ³)	5 (4 attorneys ⁴)	5 (4 attorneys)	5 (4 attorneys ⁵)
New complaints received	346 (+57%)	307 (-11%)	370 (+21%)	328 (-11%)	465 (+42%)	509 (+9%)	443 (-13%)	523 (+18%)	440 (-16%)
Cases closed	243 (+36%)	266 (+9%)	234 (-12%)	530 (+126%)	429 (-19%)	509 (+19%)	472 (-7%)	522 (+11%)	504 (-3%)
Dispositions imposing fines	3	6	11 (+83%)	19 (+73%)	61 (+221%)	135 (+121%)	98 (-27%)	76 (-22%)	61 (-20%)
Public warning letters	0	0	1	7	26 (+271%)	11 (-58%)	21 (+90%)	36 (+71%)	18 (-50%)
Fines imposed	\$6,500	\$8,450	\$37,050	\$30,460	\$87,100	\$155,350	\$161,050	\$145,850	\$127,769
Referrals to DOI	136 (+62%)	156 (+15%)	110 (-29%)	154 (+40%)	137 (-11%)	108 (-21%)	77 (-29%)	70 (-9%)	65 (-7%)
Reports from DOI	62 (-16%)	93 (+50%)	117 (+26%)	120 (+3%)	143 (+19%)	179 (+25%)	132 (-26%)	132 (0%)	121 (-8%)

¹ The Enforcement Unit lacked one attorney for almost 11 months in 2005.

² The Enforcement Unit had only two attorneys for several months in 2006.

³ The Enforcement Unit had one attorney on leave for several months in 2008.

⁴ The Enforcement Unit had one attorney on leave for several months in 2009.

⁵ The Enforcement Unit lacked one attorney for 3½ months in 2011.

EXHIBIT 11
ENFORCEMENT FINES IMPOSED: 1993 to 2011

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
2011								
DECEMBER								
12/20/11	2010-548	Maldonado	2,500					
12/20/11	2010-285a	LaBella	1,500					
12/20/11	2010-285	Zerillo	12,500					
12/15/11	2011-726	Burgos	1,000			X		
12/15/11	2011-663	Williams		2,440		X		
12/08/11	2011-443	Akinoye		700		X		
12/06/11	2011-368	Raab	6,500					
12/05/11	2010-831	Glanz	2,500					
12/01/11	2009-159	Carrion	10,000					
NOVEMBER								
11/14/11	2011-329	Robertson				X	4 annual leave forfeited	596
SEPTEMBER								
09/28/11	2010-258a	Garvin				X	10 suspension & 5 annual leave forfeited	2,118.90
09/19/11	2011-361	Udeh	2,000		Demoted, resulting in 8% salary reduction	X		
09/19/11	2011-427	Capellan	2,000					
09/19/11	2011-003	Vielle			Resign & never return to DOHMH employment	X		
AUGUST								
08/29/11	2011-360	Marandi	1,269		1,268.97 restitution	X		
JULY								
07/25/11	2009-700	McNair**	7,500					
07/25/11	2009-181	Markowitz	20,000					
07/25/11	2011-343	Godfrey	1,000					
07/06/11	2008-880	Julien	2,000					
JUNE								
06/30/11	2010-723	Pizarro	600		111.92 restitution	X	3 annual leave forfeited	987.06
06/30/11	2010-276	Ennis	1,250					
06/30/11	2010-430	Mitchell				X	5	799.61

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
06/30/11	2010-063	Naidu-Walton	2,500			X		
06/30/11	2009-434	Hedrington	1,000					
06/30/11	2009-434a	Barthelemy	1,250					
06/29/11	2011-189	Olsen	4,000			X		
06/28/11	2011-084	Smolkin		5,000	764.03 restitution	X		
06/28/11	2010-406	Garcia				X	10	2,033.60
06/28/11	2010-830	Lee				X	30	3,403
06/28/11	2011-156	Andrews	2,000					
06/27/11	2011-015	Ruiz				X	40	7,616
06/27/11	2010-282	Baez ¹	500					
06/27/11	2010-156	Belle ²			345.02 restitution			
06/23/11	2011-230	Terracciano				X	3 annual leave forfeited	1,371
MAY								
05/25/11	2011-187	Shaffer ³	1,000		Demoted & transferred, resulting in 20% salary reduction	X		
05/19/11	2010-873	Arowolo			One year probation	X	10	3,013
05/09/11	2010-329	Barrington			277.28 restitution	X	20	2,423
05/09/11	2009-807	Solomon	1,000					
05/04/11	2010-842	Jordan			Transferred, resulting in 15,000 salary reduction			
05/02/11	2010-573	Lowe				X	30	3,352
APRIL								
04/21/11	2010-335	Diggs	1,250					
04/07/11	2009-553	Grant	300					
04/05/11	2009-467	Tatum	20,000					
04/04/11	2011-002	Ginty			Demoted & one year probation	X	30	3,772
MARCH								
03/29/11	2010-439	Paige*	2,500					
03/24/11	2009-436	Szot	3,250	2,500 Criminal restitution				
03/21/11	2008-963a	Concepcion	3,000					
03/10/11	2009-651	Tabaei	3,500					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
03/09/11	2010-165	Walker			Resign & never return to DOE employment	X		
03/07/11	2008-503	Armstead	4,000					
03/07/11	2008-747	James	1,500					
FEBRUARY								
02/15/11	2010-657	Lumpkins-Moses		7,500		X		
02/09/11	2010-492	Hall				X	30	3,695
02/09/11	2010-278	Wright				X	60	6,972
02/07/11	2009-849a	Scissura	1,100					
02/07/11	2009-849	Markowitz	2,000					
02/02/11	2010-540	Cadet					10	848.40
02/02/11	2010-742	Padilla	2,000					
02/01/11	2006-773	Koonce ⁴	1,500					
02/01/11	2010-521	Graham			One year probation	X	45	9,079
02/01/11	2010-442	Peruggia	12,500			X		
JANUARY								
01/31/11	2010-874	Mark		4,000		X	20 suspension & 20 annual leave forfeited	8,988.40
01/31/11	2010-893	Anderson			Transferred to another unit	X	30	7,303.96
2010								
DECEMBER								
12/27/10	2010-610	Rizzo	14,000					
12/22/10	2010-126	Acevedo			Resign	X		
12/22/10	2010-242	Karim				X	15	3,082
12/21/10	2010-014	Crispiano	1,500					
12/20/10	2010-234a	Angelidakis	2,250			X		
12/20/10	2010-234b	Halpern	1,500			X		
12/20/10	2010-234c	Nussbaum	1,500			X		
12/20/10	2010-768	Vazquez			Resign & never return to DOHMH employment	X		
NOVEMBER								
11/18/10	2010-296	Woods				X	20	2,490
11/18/10	2010-661	Orah				X	60	8,464.44
11/08/10	2009-307	McNeil**	2,000					
11/08/10	2008-397	Mitchell	6,000					
11/08/10	2010-035	Fischetti	20,000					
11/01/10	2010-338	Mendez			Resign &	X		

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
					never return to City employment			
11/01/10	2010-558	Bradley				X	3	571
11/01/10	2010-446	Bollera			Terminated			
OCTOBER								
10/20/10	2008-602	Jones	2,000					
10/19/10	2009-465	Yung				X	6	2,060
10/14/10	2009-514	Agbaje	1,500					
10/04/10	2010-491	Kayola	2,250					
10/04/10	2010-051	Currie	2,000					
SEPTEMBER								
09/30/10	2010-345	Griffen-Cruz				X	10	1,161
09/23/10	2010-433	Coward			Retire & never return to DSNY employment or City for 5 years	X		
09/01/10	2008-756	John			Resign & never return to City employment	X	22 suspension & 136 hours of annual leave forfeited	11,313.68
AUGUST								
08/26/10	2010-067	Chabot ⁵	900					
08/26/10	2009-466	Holder	2,400			X		
08/26/10	2010-245	Speranza				X	8	1,495
08/23/10	2010-299	King	1,000					
08/23/10	2010-424	Simpkins		2,500		X		
08/23/10	2010-432	Oates			Resign	X	19	2,371
08/09/10	2009-686	Romano	1,750			X		
JULY								
07/19/10	2010-315	Clare			2,938.88 Criminal restitution, resign & never return to DEP employment or City for 5 years	X		
07/13/10	2010-097	Simmons				X	7	1,083
07/12/10	2009-815	Beers				X	30	4,884
07/12/10	2010-005	Duncan	1,750					
07/06/10	2008-547	Reid	2,000					
JUNE								
06/29/10	2009-598b	Williams					75	7,515

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
06/29/10	2008-759	Macaluso	2,500					
06/29/10	2009-398	Rubin	2,500					
06/29/10	2009-265	Ingram					10	1,357
06/03/10	2007-773a	Gill	950					
06/02/10	2006-772	Kolowski	1,500			X		
06/02/10	2006-772a	Fisher	1,500			X		
06/02/10	2010-103	McKinney	800		801.95 restitution	X		
MAY								
05/19/10	2009-687	Siyabola			Resign	X		
05/19/10	2009-814	Jamal	250			X	3	903
05/11/10	2009-486	Aponte				X	5	612
05/11/10	2009-099	Tieku ⁶	7,500					
05/11/10	2009-403	Roberts	7,500					
05/04/10	2010-212	Eliopoulos				X	6	1,567.02
05/03/10	2010-077a	Cid	1,250					
05/03/10	2010-077	Piazza	3,000					
05/03/10	2008-648a	Dunn	1,000					
05/03/10	2008-346b	Stewart	1,250					
05/03/10	2010-035a	Eng	1,500					
APRIL								
04/15/10	2009-646	Wright	1,000			X	5 suspension & 5 annual leave forfeited	2,095.10
04/15/10	2009-852	Williams				X	20	2,714
04/15/10	2009-261	Hines	400			X	10	2,124.60
04/15/10	2007-695	Colbert ⁷	1,500					
04/13/10	2009-542	Velez Rivera	1,250			X		
04/13/10	2009-445	Maliaros	900					
04/08/10	2009-204	Paulk					6	1,144
MARCH								
03/05/10	2008-562	Roberts	1,000					
03/02/10	2009-600	Robinson	1,250					
03/02/10	2008-648	Ricciardi	13,500					
03/02/10	2008-246	Reid	2,500					
03/01/10	2009-723	Baker	1,750					
FEBRUARY								
02/02/10	2007-635	Holchandler	6,000					
02/02/10	2009-053a	Cohen-Brown		3,500		X		
02/01/10	2007-155	Dziekanowski ⁸	5,000					
02/01/10	2009-600	Keaney	2,500					
JANUARY								
01/28/10	2009-312	Avinger ⁹	500					
01/11/10	2009-062	Rosa	2,500			X		
01/06/10	2009-226a	Wierson	5,000					

2009

DECEMBER

12/22/09	2009-351	Wright ¹⁰	1,000					
12/22/09	2008-948	Gray ¹¹	750					
12/22/09	2008-805	Mateo ¹²	2,000					
12/16/09	2009-391	Paige			1,500 Loan repayment	X	5	1,136
12/15/09	2009-923a	Jack				X	9	2,412
12/15/09	2008-923	Coward				X	9	2,412
12/14/09	2009-048	Racicot		3,000		X		
12/14/09	2009-085	Hicks		750		X		
12/08/09	2008-861	Smart*	10,000					
12/02/09	2008-792	Bryant	1,250					
12/02/09	2009-381	Watts				X	5	870
12/02/09	2009-082	Winfrey ¹³				X	10	1,586
12/01/09	2008-911	Pettinato	6,000	1,500		X		

NOVEMBER

11/24/09	2008-271	Cuffy	1,500					
11/23/09	2006-045	Williams	1,500					
11/23/09	2008-390	Brewster	3,000					

OCTOBER

10/26/09	2007-588	Fox	1,000					
10/21/09	2004-220	Perez	12,500					
10/21/09	2009-416	Mason-Bell	1,250					
10/20/09	2009-140	Brown	1,500	1,300		X		
10/20/09	2009-024	Beza ¹⁴	7,500					
10/19/09	2009-479	Anthony		1,400		X		
10/15/09	2008-531	Maslin	1,000					
10/15/09	2009-576	King				X	60	6,100.33

SEPTEMBER

09/29/09	2007-626	Eisenberg	1,000					
09/29/09	2009-482	Pittman				X	5 suspension & 5 annual leave forfeited	1,523
09/29/09	2009-224	McNeil				X	10	1,420.08
09/29/09	2008-274	Proctor	1,000					
09/09/09	2009-481	Patrick				X	2 suspension & 3 annual leave forfeited	549.85
09/29/09	2009-144	DeSanctis				X	15	4,695
09/29/09	2008-303	Kundu	1,000					
09/29/09	2008-802	Baksh				X	15	1,644
09/29/09	2009-480	Ayinde				X	7	1,412.46
09/29/09	2007-847	Sirefman	1,500					
09/08/09	2009-122	Campbell				X	15 suspension & 10 annual leave forfeited	\$4,993

AUGUST								
08/27/09	2008-872	Cora ¹⁵	500					
08/27/09	2009-029	Finkenberg ¹⁶	900					
08/27/09	2008-729	Calvin				X	16	2,491.55
08/27/09	2008-582	Knowles	1,250					
08/27/09	2009-498	Purvis				X	10	1,433
08/10/09	2007-218 2008-530	Dorsinville	3,500					
JULY								
07/28/09	2008-881	Green	15,000					
07/28/09	2008-825	Byrne	1,000					
07/28/09	2008-910	Samuels ¹⁷	1,000					
07/23/09	2009-399	Spann				X	10	1,325
07/20/09	2008-348	Hall	2,000	1,500		X		
07/13/09	2007-565	Keeney	1,450					
07/13/09	2009-241	Vazquez				X	44	10,164
07/09/09	2009-227	Miller				X	6	1,597
07/09/09	2008-131	Edwards	2,500		Demoted & reassigned	X		
07/08/09	2009-177	Sheiner				X	5	1,274
07/07/09	2009-279	Belenky	2,000					
07/06/09	2008-260	Keene				X	30	2,300
07/06/09	2009-262	Fenves				X	12 annual leave forfeited	6,290
JUNE								
06/09/09	2008-962a	Lucks	1,500					
06/08/09	2008-355	Constantino	1,000					
06/01/09	2008-929	Hahn	600					
06/01/09	2009-192	Gabrielsen				X	7	1,492
MAY								
05/06/09	2008-237a	Core				X	30	7,904
05/05/09	2008-922	Guerrero				X	15	3,822
05/04/09	2008-960	O'Brien	20,000					
05/04/09	2008-527	Richardson	1,500					
05/04/09	2008-687	Purdie	400			X	11	1,671
05/04/09	2008-236	Tharasavat	6,000					
05/04/09	2008-744	Medal			41,035 Criminal restitution			
05/04/09	2008-635	Davey	2,750					
05/04/09	2005-612	Abiodun				X	13	1,466
APRIL								
04/16/09	2008-823	Winfield	2,000					
04/13/09	2007-565a	Horowitz	750					
04/08/09	2009-063	Pottinger				X	5	817
04/08/09	2008-688	Chen	500					
04/07/09	2008-478	Ribowsky	3,250					
04/06/09	2008-192	Forsythe	4,000					

04/06/09	2008-301	Smith	1,200					
04/06/09	2008-387	Candelario				X	21	3,074
04/06/09	2008-555	Borowiec	1,150					
04/06/09	2009-045	Bastawros				X	25	5,000
MARCH								
03/10/09	2007-745	Piscitelli	12,000					
03/05/09	2007-297	Benson	2,000					
03/04/09	2006-462	James ¹⁸	2,000					
03/03/09	2008-941	McFadzean				X	11	1,472
03/03/09	2008-943	Hayes				X	3	699
03/02/09	2008-006	Henry ¹⁹	6,626.04					
03/02/09	2008-760	Qureshi	1,000					
03/02/09	2008-504	Kwok	500					
FEBRUARY								
02/26/09	2008-326	Burgos				X	60	8,232
02/19/09	2008-681	King				X	3	562
02/18/09	2008-581	Alejandro	2,000					
02/10/09	2008-434	Tangredi				X	5	839
02/09/09	2008-368a	Geraghty				X	30	4,826
02/09/09	2008-481	Murrell ²⁰	1,000					
02/04/09	2008-719	Teriba				X	5 suspension & 10 annual leave forfeited	3,104.55
02/04/09	2008-921	Conton				X	3 suspension & 3 annual leave forfeited	676.62
02/04/09	2004-750	Buccigrossi	2,000					
02/03/09	2006-640	Leigh	500					
JANUARY								
01/29/09	2008-716	Brenner		11,000				
01/29/09	2007-330	Dodson	2,500					
01/12/09	2008-374	Santana	1,000					
2008								
DECEMBER								
12/30/08	2008-267a	Hubert				X	20	2,882
12/22/08	2005-748	Bryan*	7,500					
12/22/08	2008-604	Wiltshire				X	30 & restitution to ACS	3,495 290.80
12/18/08	2008-478b	Shaler	2,500					
12/17/08	2008-423b	Bradley	600					
12/17/08	2005-588	LaBush	750					
12/15/08	2007-813	Miraglia	2,000					
12/15/08	2007-686	Alfred	1,000			X		
12/10/08	2007-479	Valvo	800					
NOVEMBER								
11/24/08	2008-376	Rosado	3,000			X		
11/24/08	2007-431	Ballard	3,000					
11/24/08	2008-706	Bryk	1,800			X		

11/17/08	2008-077	Pittari	1,000					
11/05/08	2005-132	Okanome*	7,000					
11/05/08	2007-627	Ramsami	750					
OCTOBER								
10/30/08	2008-331	Elliott		1,000		X		
10/30/08	2007-442	Bourbeau	3,000		Resign	X		
10/29/08	2008-296	Salgado				X	44	11,020
10/29/08	2008-122	Geddes	250			X	3	561
10/28/08	2008-217	Ng-A-Qui				X	6	1,563
10/27/08	2007-261	Soto ²¹	1,500					
10/27/08	2007-680	DeFabbia	1,500					
10/22/08	2008-543	Adkins				X	8	1,003.76
10/21/08	2008-256	Proctor				X	10 suspension & 7 annual leave forfeited	1,499.50 770
10/20/08	2008-609	Grandt	500					
10/20/08	2008-624	Tsarsis	750					
SEPTEMBER								
09/29/08	2005-243	Byrne ²²	5,000					
09/24/08	2008-472	Nash-Daniel				X	8	1,496
09/24/08	2008-536	Miller				X	5	550
09/24/08	2008-585	Wordsworth				X	5	623
09/23/08	2008-423	Greco	2,000					
09/22/08	2007-777	Gray	2,500					
09/22/08	2008-421	Mir	11,500					
09/17/08	2007-672	Siegel	1,500					
09/16/08	2008-396	Solo	1,250					
09/16/08	2008-396a	Militano	1,250					
09/11/08	2007-436h	Carmenaty	1,500					
AUGUST								
08/25/08	2007-827	Heaney	1,500			X		
08/14/08	2008-436ss	Stephenson	1,500					
JULY								
07/28/08	2008-207	Berger	1,750					
07/28/08	2008-217	Passaretti				X	30	7,306
07/23/08	2008-295	Lowry				X	30	7,307.10
07/15/08	2007-436	Arzuza				X	5	1,172.09
07/15/08	2007-436a	Baerga				X	5	1,206.09
07/15/08	2007-436b	Baldi				X	20	4,940.40
07/15/08	2007-436c	Barone				X	5	862.50
07/15/08	2007-436d	Bellucci				X	5	1,172.09
07/15/08	2007-436e	Bostic				X	5	1,172.09
07/15/08	2007-436f	Bracone				X	5	1,223.81
07/15/08	2007-436g	Branaccio				X	15	2,587.50
07/15/08	2007-436i	Castro				X	15	3,705.30
07/15/08	2007-436j	Cato				X	5	1,189.33
07/15/08	2007-436k	Colorundo				X	5	1,206.57
07/15/08	2007-436l	Congimi				X	5	1,235.10

07/15/08	2007-436m	Cutrone			X	5	1,252.30
07/15/08	2007-436n	Damers			X	5	1,235.10
07/15/08	2007-436o	Desanctis			X	5	1,189.33
07/15/08	2007-436p	Dixon			X	5	1,252.30
07/15/08	2007-436q	Drogsler			X	5	829.31
07/15/08	2007-436r	Gallo			X	15	3,808.65
07/15/08	2007-436s	Garcia			X	5	1,217.85
07/15/08	2007-436t	Georgios			X	5	821.40
07/15/08	2007-436u	Grey			X	30	7,410.60
07/15/08	2007-436v	Harley			X	5	1,172.09
07/15/08	2007-436w	Hayden			X	5	1,189.33
07/15/08	2007-436x	Jaouen			X	5	1,252.30
07/15/08	2007-436y	Kane			X	5	1,217.85
07/15/08	2007-436z	Keane			X	5	1,206.57
07/15/08	2007-436aa	Kopczynski			X	4	1,223.81
07/15/08	2007-436bb	Lagalante			X	5	1,206.57
07/15/08	2007-436cc	Lampasona			X	5	959.70
07/15/08	2007-436dd	La Rocca			X	15	3,705.30
07/15/08	2007-436ee	La Salle	1,500				
07/15/08	2007-436ff	MacDonald			X	15	3,705.30
07/15/08	2007-436gg	Mann, A.			X	15	3,757.05
07/15/08	2007-436hh	Mann, C.			X	5	1,189.33
07/15/08	2007-436ii	Mastrocco			X	15	3,808.68
07/15/08	2007-436jj	McDermott			X	5	829.31
07/15/08	2007-436kk	McMahon			X	5	1,172.09
07/15/08	2007-436ll	Morales, A.			X	5	1,252.30
07/15/08	2007-436mm	Morales, J.			X	15	3,705.30
07/15/08	2007-436nn	Moscarelli			X	5	1,217.85
07/15/08	2007-436oo	Prendergrast			X	15	2,587.50
07/15/08	2007-436pp	Puhi			X	5	1,206.57
07/15/08	2007-436qq	Ruocco			X	5	1,269.55
07/15/08	2007-436rr	Smith, M.			X	5	1,217.85
07/15/08	2007-436tt	Sterbenz			X	5	2,217.85
07/15/08	2007-436uu	Taylor			X	4	1,189.33
07/15/08	2007-436vv	Torres			X	5	1,206.57
07/15/08	2007-436ww	Valerio			X	5	1,172.09

07/15/08	2007-436xx	Wallace				X	5	1,217.85
07/15/08	2007-436yy	Williams				X	15	3,705.30
07/15/08	2007-436zz	Zaborsky	1,500					
07/15/08	2007-436ab	Guifre				X	5	821.40
07/15/08	2007-436ac	Sullivan				X	5	821.40
07/15/08	2007-436ae	Pretakiewicz				X	5	1,252.30
07/08/08	2008-132	Hwang	1,250					
07/08/08	2007-015c	Klein	1,500					
07/08/08	2007-015	Montemarano	2,500					
07/07/08	2008-025	Harmon	7,500					
07/07/08	2007-237	Philemy	2,250			X		
07/07/08	2007-774	Harrington	1,000					
07/07/08	2004-746	Lemkin	500					
07/07/08	2004-746a	Renna	500					
07/07/08	2004746b	Schneider	500					
JUNE								
06/17/08	2002-325	Anderson ²³	7,100					
MAY								
05/22/08	2006-559a	Cross	500			X		
05/22/08	2006-559	Richards	500			X		
05/22/08	2007-433	Jafferalli				X	30	4,151
05/22/08	2007-433a	Edwards				X	21	3,872
05/22/08	2007-570	Mouzon		1,279.48		X	10	1,046
05/20/08	2007-636	Blundo	1,000			X		
05/09/08	2006-617	Johnson	300			X		
05/08/08	2008-037	Zigelman	1,500	1,500		X		
05/01/08	2006-775	Childs	500			X	5	1,795
APRIL								
04/30/08	2003-373k	Rider	1,000					
04/29/08	2007-873	Shaler	2,000					
04/29/08	2005-236	Mizrahi	2,000					
04/29/08	2007-744	Deschamps	1,500			X	5	892
MARCH								
03/20/08	2003-373a	Lee	3,000					
03/20/08	2003-373k	Gwiazdzinski	3,000					
03/06/08	2004-530	Murano	1,250					
03/05/08	2007-058	Saigbovo	750					
03/05/08	2007-157	Aldorasi	3,000	1,500		X		
03/04/08	2003-550	Amar	4,500					
03/03/08	2007-723	Namnum	1,250			X		
03/03/08	2005-665	Osindero	500			X	15	2,205.97
03/03/08	2007-825	Namyotova	1,000			X	15	1,952
FEBRUARY								
02/07/08	2001-566d	Moran	1,500			X		
02/07/08	2001-566c	Guarino	1,500			X		
02/07/08	2001-566b	Sender	5,000			X		

02/07/08	2001-566a	Diaz	1,500			X		
02/07/08	2001-566	Ferro	2,500			X		
JANUARY								
01/28/08	2004-610	Riccardi	1,500					
01/23/08	2006-350	Schlein	15,000					
2007								
DECEMBER								
12/17/07	2006-632	Blenman	2,000					
12/17/07	2006-233	Osagie	5,000			X		
12/04/07	2004-188	Pratt ²⁴	500		3,961 Restitution			
NOVEMBER								
11/29/07	2007-519	Tamayo	100		900 Loan repayment	X	Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	52,649
11/29/07	2006-562b	McLeod				X	5	1,105.62
11/27/07	2006-618	Hall	1,500					
11/27/07	2004-517	Williams	4,000					
11/05/07	2005-365	Norwood*	4,000					
OCTOBER								
10/29/07	2006-423	S. Fraser	2,000					
10/29/07	2003-785a	Speiller	1,000					
10/29/07	2007-138	Basile	2,000					
10/26/07	2007-039	Tulce				X	30	4,550
10/09/07	2003-200	Lastique	2,000			X	21 plus reassignment & probation	1,971.69
10/02/07	2007-441	Larson	1,000					
10/02/07	2006-423a	Russell	1,000					
SEPTEMBER								
09/26/07	2006-411	Allen*	5,000					
09/18/07	2004-246	Margolin	3,250					
09/12/07	2006-551	Davis	700					
09/04/07	2007-016	Graham					5	896
AUGUST								
08/30/07	2007-362	Lucido	500					
JULY								
07/31/07	2003-785	Gennaro	2,000					
07/23/07	2003-152a	Bergman	1,000					
07/18/07	1999-026	Pentangelo	1,500					
07/16/07	2006-706	Carlson	500	4,820.92		X		
07/12/07	2006-461	Greenidge	500					
07/11/07	2006-098	Barreto	2,500			X		
07/11/07	2005-244	Clair	6,500					

07/10/07	2007-056	Glover				X	30	7,742
JUNE								
06/29/07	2005-200	Cetera	2,000			X		
06/05/07	2005-442	Sanders	1,000					
06/04/07	2005-240	Mazer	2,000					
MAY								
05/31/07	2006-383	Ianniello	1,000			X		
05/31/07	2006-684	Cooper	2,500	2,500		X		
05/31/07	2006-684a	Reilly	750	750		X		
05/31/07	2006-460	Amofo-Danquah	3,000			X	5	1,273.25
05/30/07	2007-053	Cammarata	1,500					
05/30/07	2002-678	Murphy	750					
05/30/07	2004-556	Cagadoc	500					
05/02/07	2005-690	Cantwell	1,500					
APRIL								
04/30/07	2006-068	Henry	1,000					
04/30/07	2005-739a	Oquendo	500					
04/25/07	2004-570	Matos	1,000			X		
04/17/07	2006-562a	Wade	500					
MARCH								
03/28/07	2006-554	Bassy	500					
03/27/07	2006-349	Vale	2,250					
03/27/07	2005-240	Sahm	1,250					
FEBRUARY								
02/28/07	2005-505	Martino-Fisher	1,000					
02/28/07	2003-752	Kessock	500					
02/28/07	2006-519	Lepkowski	500					
02/28/07	2002-503	Maith	500					
02/05/07	2002-458	Aquino	500					
02/05/07	2006-064	Tarazona	2,000					
02/05/07	2001-494	Russo	2,000			X		
JANUARY								
01/29/07	2005-031	Marchuk	750					
01/29/07	2006-635	Bayer	1,000		Retire from DDC	X	18	1,000
01/24/07	2005-178	Davis	1,000			X		
01/24/07	2005-098	Rosenfeld	500					
01/05/07	2004-697	Della Monica	1,500					
01/03/07	2004-712	McHugh	2,000					
2006								
DECEMBER								
12/19/06	2005-685	Diaz	500					
12/15/06	2002-140	Fenster	500					
12/11/06	2006-562b	Jefferson				X	25	3,085
12/11/06	2006-562	Nelson				X	25	4,262
NOVEMBER								
11/10/06	2003-655	Sorkin	500					
11/10/06	2005-271a	Parlante	460			X		

11/10/06	2005-271	Marchesi	750			X		
AUGUST								
08/24/06	2004-324a	Neira	4,500					
08/24/06	2006-048	Tyner				X	45	6,224
JULY								
07/28/06	2004-700a	L. Golubchick	4,000					
07/28/06	2004-700	J. Golubchick	1,000					
JUNE								
06/30/06	2003-097	Kerik	10,000		5,000 FD & 206,000 Criminal			
06/20/06	2004-159	Goyol	2,500					
06/06/06	2005-155	Okowitz	1,250			X		
MAY								
05/10/06	2003-423a	Coppola	500					
MARCH								
03/28/06	2005-590	Whitlow		1,818		X		
FEBRUARY								
02/23/06	2005-238	Valsamedis				X	50 w/o pay plus 10 days annual leave	11,267.50
02/15/06	2005-146	Vance	1,500				Annual leave	1,122
02/03/06	2002-716	Green	2,500	1,500		X		
2005								
NOVEMBER								
11/16/05	2004-214	Guttman	2,800					
11/16/05	2004-418	Trica	4,000					
JULY								
07/23/05	2002-677y	Serra ²⁵	10,000					
JUNE								
06/22/05	2005-151	Carroll	3,000			X	Suspension w/out pay	3,000
06/07/05	2004-082a	Romano	4,000					
MAY								
05/25/05	2004-082	Hoffman	4,000					
MARCH								
03/29/05	2003-788	Asemota	500			X	Annual leave	1,000
03/29/05	2004-466	Powery	1,000					
FEBRUARY								
02/28/05	2004-515	Genao	1,000					
02/28/05	2004-321a	Vasquez	1,750			X	Annual leave	1,600
JANUARY								
01/31/05	2003-127	Thomas	2,000				Annual leave	3,915
01/31/05	2002-782	Bonamarte	3,000					
2004								
DECEMBER								
12/21/04	2004-180	Berkowitz	3,500					

OCTOBER								
10/30/04	2002-770	W. Fraser	500					
10/21/04	2004-305	McKen	450	450		X		
JUNE								
06/22/04	2003-359	Campbell	2,000					
MAY								
05/20/04	2002-528	Fleishman	1,000	5,000	1,300 Restitution			
MARCH								
03/05/04	2001-618	Andersson	1,000					
2003								
APRIL								
04/03/03	2002-304	Arriaga	1,000	2,500		X	30	
MARCH								
03/25/03	2002-088	Adams	1,500					
JANUARY								
01/07/03	2002-463	Mumford		2,500	5,000 for violation of Reg. C-110			
2002								
JULY								
07/18/02	2002-188	Blake-Reid	4,000				Annual leave	4,000
JUNE								
06/27/02	2001-593	Cottes	500			X		
06/21/02	2000-456	Silverman	500					
MARCH								
03/27/02	2000-192	Smith ²⁶			2,433 Restitution			
FEBRUARY								
02/27/02	2001-569	Kerik	2,500					
02/22/02	2000-407	Loughran	800					
2001								
DECEMBER								
12/13/01	1998-508	King	1,000			X		
NOVEMBER								
11/13/01	2000-581	Hill-Grier	700			X		
SEPTEMBER								
09/25/01	2000-533	Denizac		4,000		X		
AUGUST								
08/15/01	1998-437	Jones				X	5 annual leave	
08/15/01	1999-501	Moran					Annual leave (plus 30 days w/out pay and demoted)	2,500
JULY								
07/16/01	1999-157	Capetanakis	4,000					
JUNE								
06/25/01	2000-005	Rieue	2,000					

06/07/01	2000-231	Steinhandler	1,500			X		
MAY								
05/23/01	1999-121	Camarata	1,000					
MARCH								
03/08/01	1991-173	Peterson	1,500					
FEBRUARY								
02/26/01	1999-199	Finkel	2,250					
2000								
OCTOBER								
10/24/00	1999-200	Hoover	8,500					
10/16/00	1999-200	Turner	6,500					
AUGUST								
08/14/00	1999-511	Paniccia	1,500					
08/07/00	1999-500	Chapin	500					
JULY								
07/24/00	2000-254	Lizzio	250					
MAY								
05/24/00	1999-358	Rosenberg	1,000					
APRIL								
04/26/00	1998-169	Marrone	5,000					
MARCH								
03/26/00	1998-288	Sullivan	625			X		
03/10/00	1999-250	Carlin	800			X		
JANUARY								
01/06/00	1997-237d	Rene		2,500		X		
1999								
NOVEMBER								
11/23/99	1994-082	Davila	500					
11/22/99	1999-334	McGann	3,000			X		
JUNE								
06/29/99	1998-190	Sass	20,000					
FEBRUARY								
02/03/99	1997-247	Ludewig	7,500			X		
1998								
OCTOBER								
10/09/98	1997-247	Morello	6,000		Resign		Forfeited annual leave	93,105
SEPTEMBER								
09/17/98	1994-351	Katsorhis	84,000					
JULY								
07/14/98	1997-394	Weinstein	1,250			X	Annual leave	3,750
JUNE								
06/22/98	1996-404	Fodera	3,000		100 for late FD filing			
06/22/98	1995-045	Wills	1,500					
06/15/98	1998-102	Hahn	1,000			X		
MAY								
05/22/98	1997-368	Harvey ²⁷	200					

05/08/98	1997-247	Cioffi	100					
1997								
DECEMBER								
12/22/97	1997-076	N. Ross	1,000					
12/10/97	1997-225	M. Ross	1,000			X		
JUNE								
06/17/97	1997-060	Quennell	100					
1996								
APRIL								
04/03/96	1993-121	Holtzman	7,500					
MARCH								
03/08/96	1994-368	Matos ²⁸	1,000/250					
1995								
AUGUST								
08/04/95	1993-282a	Baer	5,000					
1994								
FEBRUARY								
02/11/94	1993-282	Bryson	500					
JANUARY								
01/24/94	1991-214	McAuliffe	2,500					
1993								
APRIL								
04/27/93	1991-223	Ubinas	500					
TOTALS			971,880.04	83,861.80	280,660.84			583,435.68

TOTAL: \$1,918,588.75

¹ This fine was reduced to \$500 from \$5,000 on proof of financial hardship, including significant outstanding balances on utility and medical bills.

² This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant outstanding balances on utility and credit card bills, but Belle was still required to pay restitution.

³ This fine was reduced to \$1,000 from \$7,500 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

⁴ This fine was forgiven by the Board on proof of financial hardship, including unemployment, depletion of savings, accumulation of significant debt, and overdue utility and credit card bills.

⁵ In setting the amount of this fine, the Board took into consideration proof of financial hardship, including exhaustion of savings and accumulation of significant debt, and the fact that for this conduct Chabot was suspended by his agency for thirty days, valued at approximately \$3,890.

⁶ This fine was forgiven by the Board on proof of financial hardship, including unemployment, receipt of public assistance, and significant outstanding balances on utility and credit card bills.

⁷ This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant unpaid rent balances.

- ⁸ In setting the amount of this fine, the Board took into consideration that for this conduct Dziekanowski was suspended by his agency for thirty days, valued at approximately \$6,747.
- ⁹ This fine was reduced to \$500 from \$3,000 on proof of financial hardship, including unemployment and depletion of savings as a result of court-ordered and voluntary child care expenses.
- ¹⁰ This fine was reduced to \$1,000 from \$3,000 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.
- ¹¹ In reducing this fine from \$1,500 to \$750, the Board took into consideration that for this conduct Gray was suspended by her agency for three days, valued at approximately \$500, and her showing of financial hardship, including her current unemployment and receipt of public assistance.
- ¹² This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.
- ¹³ In accepting the penalty imposed by the agency of \$1,586, instead of a Board fine of \$3,000, the Board took into consideration Winfrey's showing of financial hardship, including exhaustion of savings and accumulation of significant debt.
- ¹⁴ This fine was forgiven by the Board on proof of financial hardship, including unemployment, application for and receipt of multiple forms of public assistance, and outstanding rent and utility bills.
- ¹⁵ After Cora paid \$500, the Board forgave the remainder of the \$2,500 fine on proof of financial hardship, including unemployment, receipt of public assistance, and an outstanding balance on her rent.
- ¹⁶ After Finkenberg paid \$900, the Board forgave the remainder of the \$1,500 fine on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.
- ¹⁷ In setting the amount of this fine, the Board took into consideration that for this conduct Samuels was suspended by his agency for three days, valued at approximately \$586.
- ¹⁸ This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.
- ¹⁹ This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.
- ²⁰ This fine was reduced on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.
- ²¹ This fine was reduced to \$1,500 from \$3,500 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.
- ²² In setting the amount of this fine, the Board took into consideration that Byrne forfeited terminal leave valued at approximately \$37,000 as a result of departmental charges pending against him at the time of his retirement, which charges arose, in part, out of the same facts as in the Board's disposition.
- ²³ This fine was reduced to \$7,100 from \$20,000 on proof of financial hardship, including an injury, extended unemployment, exhaustion of savings, and accumulation of significant debt.
- ²⁴ The total fine was \$4,750, of which \$500 was paid to the Board upon signing of the Disposition. The remaining \$4,250 of this fine was forgiven when, by March 1, 2009, Pratt fully repaid his former subordinate the outstanding portion of the loan (in the amount of \$3,961).
- ²⁵ 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.

²⁶ The total fine was \$3,000, but was to be forgiven if, by March 1, 2004, Smith had fully paid the foster mother the outstanding portion of the loan (in the amount of \$2,433).

²⁷ This fine was reduced to \$200 on proof of financial hardship, including unemployment and receipt of public assistance.

²⁸ This fine was reduced to \$250 on proof of financial hardship one year following the settlement of the matter, pursuant to the terms of the settlement.

* As the respondent did not appear at the trial of this matter, the fine imposed by the Board has not yet been collected.

**Although the respondent did appear at the trial of this matter, the fine imposed by the Board has not yet been paid.

EXHIBIT 12 FINANCIAL DISCLOSURE REPORTS

Reporting Year ¹ (<u>"R.Y."</u>)	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.	
2005 ⁴	7,614	7,298	96.4%	226	12	\$ 3,050	0	196	0	17
2006	7,697	7,472	97.6%	300 ⁵	57	\$15,550	0	163	0	66
2007*	7,772	7,548	97.5%	93	75	\$21,250	0	157	0	89
2008*	7,856	7,659	97.9%	103	40	\$12,125	0	65	1	44
2009*	7,924	7,761	98.7%	67	59	\$18,300	0	61	1	53
2010	8,296	8,077	97.7%	63	40	\$13,000	3	67	9	90
TOTALS	47,159	45,815	97.6%	852	283	\$83,275⁶	3	709	11	359

¹ The reporting year is the year to which the financial 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 In 2006, virtually all reports were filed electronically for the first time, for reporting year 2005.

⁵ Reporting year 2006 was the first time the Department of Investigation EO 91 report was integrated into the electronic filing application.

⁶ The total amount of fines collected since the Board assumed responsibility for financial disclosure in 1990 is \$560,698.

* The numbers reported in this chart have been updated to reflect activity since the 2010 annual report.

ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

SUMMARIES AND INDEXES

A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.

OPINION SUMMARY

OPINION NO: 2011-1

DATE: 9/26/11

CHARTER SECTION(S) INTERPRETED:

2601(5)
2604(b)(3), (b)(4), (b)(6)
2604(e)

SUBJECT(S): Use of Position

OTHER OPINION(S) CITED: 94-24, 2002-1, 2008-2, 2008-5,
2009-2

SUMMARY: Where a matter before a public servant's City agency involves a client of a law firm with which a public servant or an associate of the public servant has some affiliation, the public servant may not participate in the consideration of the matter if it appears reasonably likely that the public servant or a person or firm with whom or which the public servant is "associated" within the meaning of Charter Section 2601(5) could materially benefit from the agency's action. But a part-time public servant who is also a partner in a private law firm will not be deemed "associated" with a client of the firm where (1) the public servant's law firm is not involved in the matter being considered by the public servant's City agency; (2) the public servant has not participated and does not participate in the law firm's representation of the client on *any* matter and has no expectation of doing so in the future; and (3) the client accounts for less than 5% of the firm's total annual billings and is not among the firm's top ten clients in revenues.

Also, a public servant who is “associated” with a lawyer (for example, a parent or sibling) who represents a client on a matter separate from the matter that the client has before the public servant’s City agency may participate in the agency’s consideration of that matter unless it appears reasonably likely that the matter will benefit not only the client but also the associated party. For example, even if the matter before the City agency is a substantial one for the client, where the revenues that the client provides to the associated party’s law firm make up an insubstantial portion of its total annual billings, any benefit to the associated party from the matter before the City agency is unlikely to be viewed as material, so that the public servant’s participation in the matter would be permissible. Of course, the public servant must recuse himself/herself if the associated person is representing the client in the matter before the public servant’s agency.

Although the above will provide substantial guidance to public servants who are lawyers (or other professionals), or who are associated with such lawyers or other professionals, many of the conflicts of interest questions in this area are fact-dependent. Accordingly, any public servant who is in doubt about participating in a matter involving a client of a firm with which the public servant, or an associate of the public servant, has some affiliation should consult with the Board before participating in such matter.

OPINION SUMMARY

OPINION NO: 2011-2

DATE: 10/13/11

CHARTER SECTION(S) INTERPRETED:

2603(c)(2)
2604(b)(3), (b)(5)
2606(b)

SUBJECT(S): Gifts
Travel

OTHER OPINION(S) CITED: 92-10, 92-23, 2000-4

SUMMARY: A public servant may accept a gift to cover the expenses of the public servant's own travel (but not that of a spouse or guest) where the criteria of Board Rules Section 1-01(h) are satisfied, namely, that the trip is for a City purpose and might therefore be paid for with City funds, that the trip is no longer than is reasonably necessary for its City purpose, and that the travel arrangements are appropriate to the City purpose. Public servants who seek the Board's advice as to whether their acceptance of a gift of travel, especially travel abroad, will conform to the provisions of the City's conflicts of interest law must do so well in advance of their scheduled departure date. These requests for the Board's advice should include a detailed itinerary of the trip, reflecting the trip's City purpose; the identity of the trip's sponsor, including a description of any business dealings that the sponsor has with the City; a statement of the City purpose(s) of the trip; and a statement of the cost of the trip to be paid for by the non-City source. Finally, while Rule 1-01(h) simply *recommends* that appointed officials receive the prior, written approval of their travel from their agency head (or, in the case of agency

heads, from their deputy mayor), the Board expects to receive that written approval as part of the official's request for advice, and will consider the presence or absence of such approval in reaching its determination of whether the trip serves a City purpose.

**CUMULATIVE INDEX TO ADVISORY OPINIONS
BY CHARTER CHAPTER 68 SECTION
1990-2011**

<u>CHARTER §</u>	<u>OPINION #</u>				
2601(1)	03-5	04-1	09-3	09-4	
2601(2)	90-2 03-1	91-3 08-5	91-12 09-3	93-11 09-6	01-2 10-1
2601(3)	90-7 96-1	90-8	91-14	93-11	93-19
2601(4)	91-8 92-38 01-3 08-5	92-13 93-12 03-6 09-5	92-17 93-18 05-2	92-32 94-5 08-1	92-36 00-2 08-4
2601(5)	90-4 92-4 00-2 07-2 09-1	90-5 92-7 01-3 07-4 09-2	90-6 92-14 02-1 08-2 09-7	91-3 93-21 03-7 08-3 11-1	91-15 98-1 04-2 08-6
2601(6)	91-3	94-18	03-7	07-4	
2601(8)	90-1 93-7 02-1	90-2 94-27 03-6	90-3 95-11 03-7	92-5 98-2 05-3	92-7 00-4 07-4
2601(9)	03-1	09-3	09-6		
2601(10)	03-1	09-2			
2601(11)	90-1 93-1 94-6 99-6	91-2 93-3 94-10 05-2	92-11 93-5 94-13 07-2	92-16 93-17 95-26 09-7	92-31 94-1 98-5
2601(12)	90-2 93-3 94-1 95-26 03-2 07-4	92-7 93-7 94-6 98-7 03-7 09-2	92-22 93-17 94-8 99-6 05-2 09-7	92-31 93-22 94-18 01-03 06-1	92-34 93-29 95-18 02-1 07-2

2601(15)	91-8 92-38 09-5	92-5 93-12	92-17 94-5	92-32 08-4	92-36 08-5
2601(16)	90-1 92-9 94-10 95-21 02-1 09-7	91-2 93-7 94-13 97-3 03-2	92-5 93-17 94-18 98-2 03-7	92-6 93-22 95-10 98-3 07-2	92-7 94-3 95-18 98-5 07-4
2601(17)	93-8	93-12	95-23	00-2	08-4
2601(18)	91-14 92-30 93-22 98-8	92-5 93-5 93-29 99-6	92-6 93-7 94-6 01-3	92-7 93-16 98-5 07-2	92-9 93-17 98-7 09-2
2601(19)	90-7 93-10 (Revised) 98-7 09-6	91-2 03-5 10-1	91-3 93-29 04-1	91-12 94-6 09-3	93-7 98-5 09-4
2601(20)	91-12 01-3	93-7 08-5	94-6 09-2	98-5	98-7
2603	07-2				
2603(a)	09-7				
2603(c)	90-2	92-19			
2603(c)(2)	11-2				
2603(c)(3)	92-6 08-3	92-9	02-1	03-7	07-4
2603(j)	03-1				
2604(a)	91-2	92-7	92-22		
2604(a)(1)	90-1	91-14	98-8		
2604(a)(1)(a)	91-2 93-3 93-19 95-8	91-3 93-7 93-22 95-12	92-5 93-10 (Revised) 93-29 95-18	92-31 93-32 95-26	93-2 93-17 94-6 96-4

	98-5	98-7	01-3	02-1	03-2
	06-1	07-1	07-2	07-1	07-4
	08-2	09-2	10-1		
2604(a)(1)(b)	90-2	91-7	92-6	92-9	92-11
	92-30	92-34	92-35	93-4	
	93-10 (Revised)		93-16	93-20	93-27
	94-1	94-3	94-8	94-10	94-11
	94-13	94-16	94-18	94-20	94-25
	94-26	94-27	95-3	95-8	95-10
	95-11	95-15	95-16	95-17	95-21
	95-25	95-26	96-2	97-3	98-2
	98-3	98-5	98-7	99-2	99-6
	00-1	01-3	03-6	03-7	05-2
	09-2	09-4	09-7		
2604(a)(3)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-01
	07-4				
2604(a)(4)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-1
	07-4				
2604(a)(5)(a)	02-1	07-4			
2604(a)(5)(b)	91-14				
2604(b)(1)(a)	92-22	94-28 (Revised)		05-3	08-3
	09-2				
2604(b)(1)(b)	91-3	93-2	93-3	95-18	96-4
	99-1	03-2	04-1	05-3	08-2
	10-1				
2604(b)(2)	90-2	90-4	90-5	90-7	91-1
	91-3	91-4	91-5	91-6	91-7
	91-10	91-11	91-16	91-18	92-7
	92-8	92-20	92-25	92-28	92-30
	92-34	92-36	93-1	93-5	93-9
	93-12	93-15	93-16	93-17	93-19
	93-21	93-24	93-25	93-26	93-28
	93-31	93-32	94-1	94-8	94-11

	94-13	94-14	94-16	94-24	94-25
	94-26	94-29	95-2	95-3	95-7
	95-9	95-11	95-12	95-16	95-17
	95-19	95-20	95-22	95-24	95-25
	95-26	95-27	95-28	95-29	96-2
	96-5	98-2	98-5	98-6	98-7
	98-8	98-10	98-12	98-13	98-14
	99-2	99-4	99-5	99-6	00-3
	01-2	01-3	02-01	03-1	03-3
	03-4	03-6	03-7	04-2	04-3
	05-1	05-2	06-2	06-3	06-5
	07-2	07-4	08-3	08-6	09-1
	09-2	09-3	09-7	10-1	
2604(b)(3)	90-4	90-5	90-6	90-9	91-1
	91-4	91-5	91-6	91-7	91-11
	91-15	91-16	91-18	92-3	92-4
	92-6	92-7	92-10	92-12	92-14
	92-23	92-25	92-28	92-30	92-31
	92-33	92-36	93-1	93-4	93-9
	93-10 (Revised)		93-12	93-14	93-16
	93-19	93-21	93-23	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-9	94-11
	94-12	94-13	94-16	94-17	94-20
	94-24	94-25	94-26	94-27	
	94-28 (Revised)		94-29	95-3	95-5
	95-9	95-11	95-12	95-14	95-16
	95-17	95-19	95-20	95-21	95-22
	95-24	95-25	95-26	95-27	95-28
	95-29	96-2	97-2	97-3	98-1
	98-2	98-3	98-5	98-7	98-8
	98-10	98-12	98-13	99-2	99-4
	99-5	99-6	00-3	00-4	01-1
	01-2	01-3	02-1	03-1	03-2
	03-3	03-4	03-6	03-7	04-2
	04-3	05-2	05-3	06-2	06-3
	06-4	06-5	07-2	07-4	08-2
	08-3	08-6	09-1	09-2	09-3
	09-7	11-1	11-2		
2604(b)(4)	91-11	92-30	92-34	92-36	
	93-10 (Revised)		93-16	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-11	94-13
	94-16	94-20	94-25	94-26	94-29
	95-3	95-9	95-12	95-16	95-17

	95-19	95-20	95-21	95-26	95-29
	96-2	97-3	98-1	98-3	98-5
	98-7	98-8	98-10	98-13	99-2
	99-4	99-5	99-6	01-2	01-3
	02-1	03-6	03-7	05-1	05-2
	07-4	11-1			
2604(b)(5)	90-3	92-19	92-33	93-10 (Revised)	
	94-4	94-9	94-23	95-28	96-3
	99-4	00-1	00-4	03-4	06-2
	06-3	06-4	06-5	07-3	09-4
	10-2	11-2			
2604(b)(6)	91-7	92-7	92-26 (Revised)		92-28
	92-36	93-10 (Revised)		93-32	94-24
	95-6	95-8	95-9	95-15	96-4
	96-5	98-2	98-9	98-10	00-1
	01-3	03-6	05-2	06-1	07-2
	08-1	08-5	11-1		
2604(b)(7)	90-7	91-7	92-18	92-28	
	93-10 (Revised)		93-23	95-8	98-10
	01-3	08-5			
2604(b)(8)	91-7				
2604(b)(9)	93-24	95-13	95-24	01-1	01-2
	03-1	03-6			
2604(b)(11)	93-24	95-13	01-1	01-2	03-1
	03-6				
2604(b)(12)	91-12	92-25	93-6	93-24	95-13
	01-1	01-2	03-1	03-5	03-6
	09-6				
2604(b)(13)	92-34	93-25	95-28	99-4	99-5
	99-6	00-4	05-1	06-3	06-4
	06-5	09-4	10-2		
2604(b)(14)	92-28	98-12	01-3	03-6	04-2
	04-3	06-3	08-3	09-3	
2604(b)(15)	91-12	91-17	93-20	03-1	03-5
2604(c)	93-10 (Revised)				

2604(c)(1)	90-6	91-10			
2604(c)(5)	98-4				
2604(c)(6)	92-22 94-18 98-8 07-2	92-24 94-25 99-1	93-9 94-26 00-1	93-26 95-7 01-3	94-13 95-12 05-2
2604(c)(6)(a)	92-25				
2604(c)(6)(b)	09-2				
2604(c)(7)	91-18				
2604(d)	89-1	90-8	92-37	93-13	
2604(d)(1)	92-37	93-8	93-18	93-31	95-4
2604(d)(1)(ii)	92-16	92-37			
2604(d)(2)	90-8 92-36 93-10 (Revised) 93-30 95-1 97-1 07-1 09-5	91-8 92-37 93-31 95-4 98-11 08-1	91-19 92-38 93-11 94-7 95-8 99-1 08-4	92-17 93-8 93-12 94-15 96-1 99-3 09-3	92-32 93-18 94-22 96-6 00-2 09-4
2604(d)(3)	92-13	94-19	94-21	98-11	99-1
2604(d)(4)	90-8 93-8 93-30 94-21 96-1 08-4	92-2 93-10 (Revised) 93-31 94-22 96-6 09-4	92-36 94-5 95-1 97-1	92-37 93-11 94-7 95-4 99-1	92-38 93-12 94-19 95-23 00-2
2604(d)(5)	92-38 95-4	93-8 96-6	93-11 00-2	93-30 08-4	94-5 09-4
2604(d)(6)	93-12 95-1 00-2	93-13 97-1 05-2	93-31 99-1 08-4	94-7 99-3	94-21 99-6
2604(d)(7)	93-11	08-4			

2604(e)	90-2	91-8	92-5	92-6	92-9
	92-17	92-30	92-31	92-34	92-37
	93-4	93-5	93-7	93-18	93-20
	93-22	93-26	93-27	93-30	94-1
	94-6	94-8	94-11	94-15	94-16
	94-19	94-22	95-1	95-3	95-15
	95-16	95-17	95-26	96-1	96-2
	98-5	98-7	98-8	98-9	99-1
	99-2	99-3	99-4	99-5	99-6
	00-1	00-2	01-3	03-6	05-1
	05-2	06-1	07-1	07-2	08-4
	09-2	09-4	10-2	11-1	
2605	94-28 (Revised)		09-2		
2606(b)	01-02	11-2			
2606(d)	01-2	02-1	04-2		
2607	09-6				
2700	03-3				
2800	91-3	03-2	03-3	04-1	
	08-2				
2800(d)(7)	91-12				
2800(c)(9)	92-27				
2800(f)	91-12	92-27	04-3		
2800(g)	04-3				

**CUMULATIVE INDEX TO ADVISORY OPINIONS
BY SUBJECT
1990-2011**

<u>SUBJECT</u>	<u>OPINION #</u>				
Advisory Board	90-9	92-1	98-8		
Agency Charging Fees	94-14				
Agency Heads	90-2 92-15	90-9 98-6	91-13 00-3	92-8	92-12
Agency Served	93-19	95-8			
Appearance Before City Agency	90-8 92-32 93-12 93-32 94-21 95-15	91-8 92-36 93-13 94-5 94-22 96-4	91-19 92-37 93-18 94-7 94-24 98-9	92-13 92-38 93-28 94-15 95-1	92-17 93-11 93-31 94-19 95-6
Appearance of Impropriety	90-3 91-4 91-16 92-10 92-23 93-15 94-28 (Revised) 95-17	90-4 91-5 91-18 92-14 92-25 93-22 98-6	90-5 91-7 92-3 92-15 92-28 94-2 95-7 00-3	90-8 91-10 92-4 92-17 92-33 94-17 95-10	91-1 91-15 92-6 92-21 93-14 95-11
Appearance on Matter Involving Public Servant's City Agency	96-5				
Awards – see Gifts					
Blind Trust	94-18	94-25	94-26		
Brooklyn Public Library	97-1				

Business Dealings with the City	90-1 91-14 92-11 92-26 (Revised) 92-33 93-22 94-16 95-16	90-2 92-5 92-22 92-34 93-27 94-20 95-17	90-3 92-6 92-24 92-28 93-9 94-6 94-29 95-21	91-4 92-7 92-25 92-30 93-16 94-9 95-3 96-2	91-10 92-9 92-31 93-20 94-13 95-15 98-2
Charitable Fundraising – see Fundraising					
Charter Schools	00-01	05-2			
City Planning Commissioners	07-2				
City Position, Use of	90-6 91-15 92-12 93-23 94-28 (Revised) 97-2	90-9 91-16 92-33 93-25 98-1	91-1 91-18 92-35 94-2 95-2 08-3	91-5 92-3 93-9 94-12 95-5 09-7	91-10 92-10 93-14 94-17 95-14 11-1
City Vehicles, Use of	09-1				
Commercial Discounts	06-4				
Community Boards	91-3 93-2 96-4 04-3	91-9 93-3 98-9 05-3	91-12 93-21 03-2 08-2	92-27 95-18 03-3 10-1	92-31 95-27 04-1
Community Education Councils	06-1	07-1	10-1		
Community School Boards	90-7	98-10	01-02		
Consulting	91-9 93-24	91-16 95-15	92-2 98-7	93-12	93-19
Contracts	91-2	91-15	92-2		
Cooperative Corporations	92-7 95-25	94-25	94-27	95-11	95-22

Council Discretionary Funding	09-2				
Dual City Employment	95-26				
Elected Officials	90-3 92-10 93-21	90-4 92-22 95-20	90-5 92-23 98-14	90-6 93-6 99-1	91-10 93-15
Endorsements	98-6	00-03			
Ex Officio	99-1				
Expert Witness	91-9	96-6			
Family Relationships	90-1 91-15 94-3	90-4 92-4 94-13	90-5 92-14 94-20	90-6 93-21 98-1	91-2 93-28
FOIL	91-19				
Franchises	90-4	90-5			
Frequent Flyer Miles	06-5				
Fundraising	91-10 93-15 98-14	92-15 93-26 01-01	92-25 94-29 01-02	92-29 95-7 03-4	93-6 95-27 08-6
Gifts	91-20 94-4 95-28 06-4	92-21 94-9 96-3 06-5	92-27 94-12 00-04 07-3	92-29 94-23 06-2 10-2	92-33 94-29 06-3 11-2
Gifts-Travel	90-3	92-10	92-19	92-23	11-2
Honoraria	91-4	91-6	94-29		
Labor Union Conventions	06-3				
Lectures	91-6				
Letterhead	90-9				
Lobbyists	07-3				

Local Development Corporation	93-1	93-3	93-13	94-7	
Mayor	90-4				
Ministerial Matters	92-32	92-36	94-5	95-6	
Moonlighting	90-2	91-7	91-9	91-13	91-16
	92-6	92-28	92-30	92-34	92-36
	93-4	93-5	93-24	93-25	94-1
	94-8	94-16	95-6	95-9	95-16
	95-17	95-19	95-20	95-22	96-2
	98-4	98-5	98-7	99-2	99-4
	99-5	99-6	00-1	01-3	06-1
Municipal Bonds, NYC	09-7				
Not-For-Profit Organizations	91-10	91-16	92-8	92-14	92-15
	92-22	92-24	92-25	92-28	92-31
	92-34	92-37	93-1	93-4	93-9
	93-14	93-15	93-26	94-6	94-13
	94-15	94-18	94-19	94-25	94-26
	95-2	95-5	95-7	95-12	98-8
	98-14	99-1			
Orders - see Waivers/Orders					
Outside Practice of Law	91-7	93-23	95-17	01-3	08-5
Ownership Interests	90-1	91-2	91-3	92-5	92-6
	92-7	92-9	92-11	92-26 (Revised)	
	92-30	92-35	93-7	93-16	93-22
	93-27	93-32	94-1	94-3	94-8
	94-10	94-11	94-13	94-20	94-25
	94-26	95-10	95-12	95-18	95-21
	97-3	98-2	98-3	02-01	03-7
	07-4	09-7			
Particular Matter	92-37	93-8	95-23		
Pension Funds	09-3				
Personnel Order 88/5	91-12	92-25			

Police Officers	97-2	98-4			
Political Activities	91-12 93-24	91-17 95-13	92-25 95-24	93-6 03-5	93-20 03-6
Political Fundraising	01-1	01-2	03-1	09-6	
Political Endorsements	09-5				
Post-Employment Restrictions	89-1 92-13 92-38 93-18 94-15 95-4 98-11 08-1	90-8 92-16 93-8 93-30 94-19 95-23 99-1 08-4	91-8 92-17 93-11 93-31 94-21 96-1 99-3 09-5	91-19 92-32 93-12 94-5 94-22 96-6 00-2	92-2 92-37 93-13 94-7 95-1 97-1 07-1
Practice of Law – see Outside Practice of Law					
Prizes – see Gifts					
Prohibited Interests	90-1 92-5 92-26 (Revised) 93-3 93-22 94-3 94-13 95-10 98-3	90-2 92-6 93-4 93-27 94-5 94-16 95-12 03-2	91-2 92-7 92-30 93-7 93-29 94-8 94-20 95-18	91-3 92-9 92-35 93-9 93-32 94-10 94-25 95-21	91-15 92-11 93-1 93-16 94-1 94-11 94-26 96-2
Public Benefit Corporation	93-17				
Public Servants	91-14 94-6	93-10 (Revised) 09-4		93-29	93-32
Real Property	93-16				
Recusal	90-4 92-5 92-20 92-30 93-19 94-18	90-5 92-6 92-25 93-1 93-31 94-24	91-3 92-8 92-26 (Revised) 93-4 94-6 96-2	91-11 92-9 93-7 94-11 98-1	91-15 92-18 92-28 93-17 94-17

Receipt of Prizes and Awards – see Gifts					
Regular Employees	93-10 (Revised)				95-8
Renting Property to Public Assistance Recipients	95-29	98-13			
Salary Supplements	05-1				
Sale of Products	98-12				
Savings Clubs	04-2				
School Boards	93-2				
Separation from City Service	98-11				
Sole Proprietorship	98-7				
Subcontractors	99-2				
Superior-Subordinate Relationship	98-12	04-2		04-3	
Tax Assessors	93-16				
Teaching	90-2 96-2	91-5 99-4	93-20 99-5	94-16 99-6	95-3
Temporary Employment	98-5				
Term Limits	08-3				
Tickets	00-4	06-2			
Travel – see Gifts, Travel					
Uncompensated Appearances	98-10				
Use of City Position – see City Position, Use of					
Use of City Vehicles – see City Vehicles, Use of					
Volunteer Activities	98-10				

Voting & Chairing Meetings	08-2				
Waivers/Orders	90-2	91-8	92-6	92-9	92-13
	92-17	92-37	93-18	93-20	93-22
	93-27	93-30	94-1	94-3	94-6
	94-8	94-11	94-15	94-16	94-19
	94-20	94-22	95-1	95-3	95-16
	95-17	96-1	96-2	98-8	98-9
	99-2	99-4	99-5	99-6	00-2
	06-1	07-1	08-4		
Water Board	09-6				

CHAPTER 68 ENFORCEMENT CASE SUMMARIES 2011

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

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Parent Coordinator for having a position with a firm doing business with the DOE and for appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-DOE employment. The former Parent Coordinator was employed by a firm as Program Director of an Afterschool Program at his school and, on behalf of the firm, he solicited other DOE schools to purchase the Program. The Afterschool Program was created to teach DOE students how to produce a magazine, for which the former Parent Coordinator obtained a trademark jointly with his DOE principal. The Parent Coordinator, his then DOE Principal, and the owner of the firm shared the trademark registration fee equally. During the course of the investigation into these allegations by the Special Commissioner of Investigation, the Parent Coordinator resigned from the DOE. Within one year of leaving City service, the former Parent Coordinator continued to communicate with the DOE by soliciting two schools and, the following school year, by acting as an instructor of the Afterschool Program at one. The Board informed the former Parent Coordinator that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having a position with a firm engaged in business dealings with his or her City agency; (b) using or attempting 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; (c) having a financial relationship with one’s City superior; (d) representing private interests before any City agency; and (e) appearing before his or her former agency within one year of terminating employment with that agency. In issuing the public warning letter, the Board took into consideration that the former Parent Coordinator’s DOE superior knew and approved of his operating the Afterschool Program at his school; as a result of that approval, the former Parent Coordinator was unaware that his conduct violated the City’s

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.”

conflicts of interest law; the DOE cancelled the Afterschool Program at those DOE schools that had contracted with the firm; and the Board was satisfied that the former Parent Coordinator was unable to pay a fine. *COIB v. A. Johnson*, COIB Case No. 2010-289a (2011).

The Board fined a New York City Department of Education (“DOE”) Principal \$1,000 (a) for being an unpaid Board Member of a not-for-profit organization doing business with the DOE *and* for participating in those business dealings; and (b) for, within one year of leaving City service, communicating with the DOE on behalf of that not-for-profit for compensation. The Principal first acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having a position, such as being an unpaid Board Member, at a not-for-profit organization engaged in business dealings with his or her agency without first obtaining permission from the head of his agency and further requires public servants to obtain a waiver from the Board in order to participate, on behalf of the not-for-profit, in any City-related matters. The Principal also admitted that, approximately three months after leaving his position at the DOE in summer 2008, he became the Interim Acting Executive Director of the not-for-profit, for which work he was compensated; between January and March 2009, he sent multiple e-mails and made two phone calls to the DOE on behalf of the not-for-profit. The Principal acknowledged that this conduct violated the conflicts of interest law’s prohibition on a former public servant “appearing” before his or her former agency within one year of terminating employment with the agency. In setting the amount of the fine, the Board took into consideration that, upon being informed of the possible post-employment conflict of interest, the Principal immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before DOE and reported his conduct to the Board. *COIB v. Solomon*, COIB Case No. 2008-807 (2011).

The Board and the New York City Fire Department (“FDNY”) concluded a three-way settlement with the former Chief of Operations for the Emergency Medical Service (“EMS”) at FDNY who paid a \$12,500 fine to the Board for obtaining a paid position with Masimo, Inc., a firm he was dealing with in his official capacity as the EMS Chief of Operations. Among Masimo’s products is RAD-57, a non-invasive carbon monoxide monitoring device used to determine the level of carbon monoxide in an individual’s bloodstream. In or around 2007, FDNY reached an agreement with Masimo to acquire approximately 30 RAD-57 devices for a trial period, after which FDNY contracted with Masimo for the purchase of RAD-57 devices for agency-wide use. The EMS Chief of Operations was a member of the FDNY committee charged with evaluating equipment purchases for EMS, including RAD-57, and he was one of the two most senior people in EMS supervising the use of RAD-57 in the field. During the trial phase, the EMS Chief of Operations traveled to California to speak at an internal corporate meeting of Masimo concerning the progress of the pilot program and the clinical evaluation of RAD-57 by FDNY. Masimo paid all of the EMS Chief of Operations’ travel-related expenses, including hotel and meals, during the trip. In March 2009, The EMS Chief of Operations signed a consulting agreement with Masimo, under the terms of which he agreed to make presentations on behalf of Masimo – primarily about the dangers of carbon monoxide and the importance of measuring carbon monoxide levels for emergency services workers – in return for Masimo’s payment of all his travel-related expenses, hotel, meals, and a \$1,500 honorarium for each presentation. Under the terms of this agreement, the EMS Chief of Operations spoke on behalf of Masimo at emergency services conferences in March 2009 in Baltimore, Maryland; in May

2009 in Evansville, Indiana; in August 2009 in Charleston, South Carolina; in August 2009 in Dallas, Texas; and in October 2009 in Atlanta, Georgia. The EMS Chief of Operations told no one at FDNY about the consulting agreement or his acceptance of travel-related expenses from Masimo. The EMS Chief of Operations acknowledged his conduct violated the City's conflicts of interest law, which prohibits a public servant from having a position with a firm engaged in business dealings with the public servant's own agency and from using or attempting 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 individual or firm "associated" with the public servant. *COIB v. Peruggia*, COIB Case No. 2010-442 (2011).

The Board issued a public warning letter to a New York City Administration for Children's Services ("ACS") Social Services Supervisor who self-reported to the Board that, since 1967, she had been an unpaid board member of a not-for-profit organization engaged in business dealings with ACS and that, for approximately 1½ yrs, she had been employed teaching a weekly parenting skills class at a firm doing business with ACS. The Social Services Supervisor represented to the Board that, as a board member of the not-for-profit, she had not been actively involved in any City-related matters. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City's conflicts of interest law prohibits public servants from having a volunteer position, including as an officer or director, with any not-for-profit corporation, association, or other such entity, that engages in business dealings with the City agency they serve without first obtaining the permission of their agency head or from being involved in the not-for-profit's City business dealings without a waiver from the Board or from having a paid position with any non-government entity, whether for-profit or not-for-profit, that engages in business dealings with the City without a waiver from the Board. *COIB v. Watler*, COIB Case No. 2009-830 (2011).

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

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Supervising Public Health Advisor in the DOHMH Division of Health Care Access and Improvement's Bureau of Correctional Health Services who, in resolution of her misconduct, agreed to resign from, and not seek future employment with, DOHMH. Since February 2008, the Supervising Public Health Advisor has owned a group day care center (the "Center"). The Supervising Public Health Advisor admitted

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."

that the Center receives money and food from the New York City Administration for Children's Services ("ACS"), which funding constitutes "business dealings with the City" within the meaning of the City's conflicts of interest law. The Supervising Public Health Advisor acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows, or should know, is engaged in business dealings with any City agency. The Supervising Public Health Advisor further admitted that she communicated with City agencies on behalf of the Center, specifically that she (1) attended inspections of the Center conducted by DOHMH employees; (2) submitted documentation to ACS to qualify the Center to accept ACS payment vouchers from parents for their children to attend the Center; (3) submitted documentation to ACS on behalf of each parent of a child at the Center who was using an ACS payment voucher; and (4) appeared in person at ACS to submit license renewal materials to facilitate the Center's continued acceptance of ACS payment vouchers. The Supervising Public Health Advisory acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from "appearing" before any City agency on behalf of a private interest. *COIB v. Vielle*, COIB Case No. 2011-003 (2011).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a former DOE Teacher who was fined \$4,000 by the Board for owning a firm doing business with the DOE and appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-City employment. The former Teacher admitted that he created a firm to market a software program he had developed, which firm engaged in business dealings with the DOE both by contracting with schools individually and by contracting with two DOE vendors, one of which vendors operated the school at which the former Teacher was employed. After resigning from the DOE, the former Teacher continued to communicate with those DOE schools that had purchased the software. The former Teacher admitted that his conduct violated the City's conflicts of interest law, which, among other things, prohibits a public servant from: (a) having an ownership interest in a firm engaged in business dealings with his or her City agency, including as a subcontractor where the firm has direct contact with, and responsibility to the City on, projects for which it was the subcontractor; (b) using or attempting 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; (c) representing private interests before any City agency; and (d) appearing before his or her former agency within one year of terminating employment with that agency. In setting the amount of the fine, the Board took into consideration that, upon learning of his possible conflict of interest, the former Teacher resigned from the DOE in an attempt to end his prohibited conduct and that, upon being informed of the possible post-employment conflict of interest, the former Teacher immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before the DOE and reported his conduct to the Board. *COIB v. Olsen*, COIB Case No. 2011-189 (2011).

**VOLUNTEERING FOR A NOT-FOR-PROFIT
ENGAGED IN BUSINESS DEALINGS WITH THE CITY**

- **Relevant Charter Sections:** Charter §§ 2604(a)(1)(a), 2604(a)(1)(b), 2604(c)(6)³

The Board fined a New York City Department of Education (“DOE”) Principal \$1,000 (a) for being an unpaid Board Member of a not-for-profit organization doing business with the DOE *and* for participating in those business dealings; and (b) for, within one year of leaving City service, communicating with the DOE on behalf of that not-for-profit for compensation. The Principal first acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having a position, such as being an unpaid Board Member, at a not-for-profit organization engaged in business dealings with his or her agency without first obtaining permission from the head of his agency and further requires public servants to obtain a waiver from the Board in order to participate, on behalf of the not-for-profit, in any City-related matters. The Principal also admitted that, approximately three months after leaving his position at the DOE in summer 2008, he became the Interim Acting Executive Director of the not-for-profit, for which work he was compensated; between January and March 2009, he sent multiple e-mails and made two phone calls to the DOE on behalf of the not-for-profit. The Principal acknowledged that this conduct violated the conflicts of interest law’s prohibition on a former public servant “appearing” before his or her former agency within one year of terminating employment with the agency. In setting the amount of the fine, the Board took into consideration that, upon being informed of the possible post-employment conflict of interest, the Principal immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before DOE and reported his conduct to the Board. *COIB v. Solomon*, COIB Case No. 2008-807 (2011).

³ 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.”

City Charter § 2604(c)(6) states: “This section shall not prohibit a public servant from acting as an attorney, agency, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or any other such entity which operates on a not-for-profit basis, interest in business dealings with the city, provided that:

- (a) such public servant takes no direct or indirect part in such business dealings;
- (b) such not-for-profit entity has no direct or indirect interest in any business dealings with the city agency in which the public servant is employed and is not subject to supervision, regulation or control by such agency, except where it is determined by the head of an agency, or by the mayor where the public servant is an agency head, that such activity is in furtherance of the purposes and interests of the city;
- (c) all such activities by such public servant shall be performed at times during which the public servant is no required to perform services for the city; and
- (d) such public servant receives no salary or other compensation in connection with such activities.”

The Board issued a public warning letter to a New York City Administration for Children’s Services (“ACS”) Social Services Supervisor who self-reported to the Board that, since 1967, she had been an unpaid board member of a not-for-profit organization engaged in business dealings with ACS and that, for approximately 1½ yrs, she had been employed teaching a weekly parenting skills class at a firm doing business with ACS. The Social Services Supervisor represented to the Board that, as a board member of the not-for-profit, she had not been actively involved in any City-related matters. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits public servants from having a volunteer position, including as an officer or director, with any not-for-profit corporation, association, or other such entity, that engages in business dealings with the City agency they serve without first obtaining the permission of their agency head or from being involved in the not-for-profit’s City business dealings without a waiver from the Board or from having a paid position with any non-government entity, whether for-profit or not-for-profit, that engages in business dealings with the City without a waiver from the Board. *COIB v. Watler*, COIB Case No. 2009-830 (2011).

MISUSE OF CITY TIME & CITY RESOURCES

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

The Board issued its Findings of Facts, Conclusions of Law, and Order fining an Inspector for the New York City Department of Buildings (“DOB”) who, on January 17, 2009, invoked his City position and used his Inspector’s badge in an effort to get special treatment for his incarcerated son. The Board’s Order adopts the Report and Recommendation of the Office of Administrative Trials and Hearings (“OATH”), issued after a full trial before Administrative Law Judge (“ALJ”) Kevin F. Casey. The Board found that the ALJ correctly determined that the Inspector called the New York City Police Department (“NYPD”) Transit District No. 12, where his son was being held for subway fare evasion, and identified himself as a City Inspector and asked that his son be treated with courtesy; the Inspector arrived at Transit District No. 12 later that night, again identified himself as a City Inspector, showed his DOB inspector shield, and demanded to see his son, that the charges against his son be dropped, and that his son be released. The ALJ found, and the Board adopted as its own findings, that the Inspector’s conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or any person or firm associated with the public servant and which also prohibits a public servant from using a City resource – which includes

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(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.”

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.”

one's City identification, badge, or shield – for any personal, non-City purpose, such as attempting to obtain a special advantage not available to a member of the general public. For these violations, the ALJ recommended, and the Board ordered, that the Inspector pay a fine of \$2,500. *COIB v. Maldonado*, COIB Case No. 2010-548 (2011).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Supervising Public Health Advisor in the DOHMH Bureau of STD Prevention and Control agreed to pay a \$1,000 fine to the Board, for, without permission from DOHMH, taking home the monitor from his DOHMH computer for his personal use because the monitor on his home computer was not working. The Supervising Public Health Advisor acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any personal, non-City purpose. *COIB v. B. Burgos*, COIB Case No. 2011-726 (2011).

The Board fined the former Chief Financial Officer for the New York City Department of Education (“DOE”) \$6,500 for using his DOE e-mail account to perform work related to (a) a private financial services firm at which he became employed upon leaving DOE; and (b) his private real estate investment business. The former Chief Financial Officer acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources to pursue private, non-City activities. *COIB v. Raab*, COIB Case No. 2011-368 (2011).

In a joint settlement with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), an Associate Public Health Sanitarian in the DOHMH Division of Environmental Health, Bureau of Veterinary and Pest Control Services, agreed to pay a \$2,000 fine to the Board and to be demoted from an Associate Public Health Sanitarian, Level III, to an Associate Public Health Sanitarian, Level II, resulting in an 8% salary reduction, or \$5,698.24 less per year, for, at times he was required to be performing work for DOHMH, engaging in a variety of personal, non-City activities. The Associate Public Health Sanitarian admitted using his DOHMH e-mail account to perform work related to his completion of his graduate degree and dissertation, his outside employment as an instructor at numerous collegiate institutions, his private tax preparation business, his private consulting business, and his work for multiple not-for-profit organizations of which he was the founder and president. The Associate Public Health Sanitarian acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. *COIB v. Udeh*, COIB Case No. 2011-361 (2011).

The Board imposed a \$2,000 fine on a former Community Associate for the New York City Department of Education (“DOE”) who prepared a letter on his school's letterhead falsely claiming that he did not get reimbursed for work-related expenses and then faxed that letter to his personal tax preparer in an attempt to obtain an unjustified tax deduction on his personal tax return. This purely personal use of DOE letterhead was done without the knowledge or consent of the school's Principal or the DOE Chancellor. The Community Associate acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, including City letterhead, for any non-City purpose. The amount of the fine would have been higher but for the

Community Associate's voluntary resignation from DOE during the pendency of the Board proceeding. *COIB v. Capellan*, COIB Case No. 2011-427 (2011).

In a joint settlement with the Board and the New York City Department of Environmental Protection ("DEP"), DEP's Chief of Water Quality Construction agreed to pay full restitution to DEP and to pay a \$1,269 fine to the Board for using a City E-ZPass to pay for \$1,268.97 of tolls he incurred during personal travel. DEP had issued the Water Quality Construction Chief an E-ZPass to pay for tolls incurred while travelling to perform the official duties of that position during the workday. In a public disposition, the Chief admitted that, even though he was not authorized to use the E-ZPass to commute between his home and DEP, he did so on multiple occasions in 2009, incurring \$1,268.97 in tolls that were charged to the City. The Chief acknowledged that this unauthorized use of City resources conflicted with the proper discharge of his official duties as a public servant, in violation of the DEP Uniform Code of Discipline and the City's conflicts of interest law. *COIB v. Marandi*, COIB Case No. 2011-360 (2011).

The Board fined a former Office Machine Aide at the New York City Department of Transportation ("DOT") \$2,000 for, during times he was required to be performing work for DOT, using his City e-mail account and City telephone to perform work related to his private home-based internet travel agency. The former Office Machine Aide admitted that he had used his DOT e-mail account to send or receive 182 e-mails and also used his DOT telephone to make 140 calls totaling over 21 hours, all related to his private travel agency. The former Office Machine Aide acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources for any non-City purpose. *COIB v. Julien*, COIB Case No. 2008-880 (2011).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with an Administrative Investigator who used his DOHMH-issued E-ZPass for personal purposes. The Administrative Investigator admitted that he was issued an E-ZPass by DOHMH for performing his official DOHMH duties and that he was prohibited from using the E-ZPass on purely personal trips. However, as the Administrative Investigator admitted, in 2009 and 2010 he used the E-ZPass 27 times for purely personal trips, at a cost to DOHMH of \$111.92. The Administrative Investigator acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using a City resource, such as a City-issued E-ZPass, for a personal, non-City purpose. For this misconduct, the Administrative Investigator agreed to pay restitution to DOHMH of \$111.92, pay a fine to DOHMH of \$600, and forfeit 3 days of annual leave, valued at \$987.06, for a total financial penalty of \$1,698.08. *COIB v. Pizarro*, COIB Case No. 2010-273 (2011).

The Board and the New York City Department of Housing Preservation and Development ("HPD") concluded a three-way settlement with the HPD Director for Labor Relations and Discipline and head of the HPD Disciplinary Unit who agreed to pay a \$2,500 to the Board for using two HPD subordinates to run a personal errand during their City work hours while using a City vehicle and for using a City vehicle without authorization to commute to and from work. The Director acknowledged that, in or around May 2009, she asked two HPD subordinates to pick up 25 custom-made t-shirts she ordered for a family cruise. The Director acknowledged that her two subordinates used an HPD vehicle during their City work hours to

travel from 100 Gold Street in Manhattan to Church Avenue in Brooklyn to pick up the t-shirts for her. The Director further acknowledged that, in or around 2006 or 2007, she used the City vehicle assigned to the HPD Disciplinary Unit without authorization from HPD to commute to and from work for one year. The Director admitted that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose and from using or attempting to use his or her position to obtain any personal benefit or financial gain, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Naidu-Walton*, COIB Case No. 2010-063 (2011).

The Board fined the former Vice-Chairman of the New York City Housing Authority ("NYCHA") \$2,000 for using NYCHA letterhead and his NYCHA subordinate for personal, non-City purposes. The former Vice-Chairman admitted using NYCHA letterhead on two occasions for purely personal purposes: once to write a letter to the Executive Director of Prudential Douglas Elliman praising the Prudential broker who handled the sale of his apartment, and who was also a personal friend of thirty-five years, and then to write a letter to a federal judge seeking leniency for a family friend about to be sentenced on one count of distribution of child pornography. Neither use of NYCHA letterhead was done with the knowledge or consent of the NYCHA Chairman. Additionally, the former Vice-Chairman admitted to using his NYCHA Subordinate, an Administrative Manager, to type both personal letters for him, as well as to create an e-mail list and address list for a private social organization of which he has been a member. The former Vice-Chairman acknowledged that this conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from using City resources, which include City letterhead and City personnel, for any non-City purpose. *COIB v. Andrews*, COIB Case No. 2011-156 (2011).

The Board and the New York City Business Integrity Commission ("BIC") concluded a three-way settlement with a BIC Market Agent who agreed to be suspended for 30 days without pay, valued at \$3,403, for using BIC letterhead to write and send a letter for a personal non-City purpose. The Market Agent acknowledged that, on March 1, 2010, he used BIC letterhead to write a personal letter, which he then sent, from a fictitious person at BIC to the New York State Department of Taxation and Finance falsely stating that BIC does not have a reimbursement policy for work-related expenses and supplies in an attempt to obtain a personal tax deduction. The Market Agent further acknowledged that his use of BIC letterhead was done without the knowledge or consent of the Chair of BIC and served no City purpose. The Market Agent admitted that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as agency letterhead, for any non-City purpose. *COIB v. A. Lee*, COIB Case No. 2010-830 (2011).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a DOE Principal who agreed to pay DOE a \$5,000 fine and restitution in the amount of \$764.03 for using his DOE secretary to proofread and edit his essays for his personal doctoral degree and for authorizing the payment of per-session hours for her to do this work. Per-session hours are compensation given to DOE employees for DOE-related activities performed outside of their normal DOE work hours, such as before school, after school, on the weekend, on holidays, or during the summer. The Principal acknowledged that, from September 15, 2009, to April 12, 2010, he had his DOE secretary proofread and edit eighteen essays for his doctoral degree at New York University and authorized the payment to her of 39 per-session

hours, for a total payment to her of \$764.03, for that work. The Principal admitted that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as City personnel and money, for any non-City purpose. *COIB v. Smolkin*, COIB Case No. 2011-084 (2011).

The Board and the New York City Housing Authority ("NYCHA") concluded a three-way settlement with a Procurement Analyst who agreed to be suspended for 40 days without pay, valued at \$7,616, for using his City computer, telephone, and e-mail account during his City work hours to do work for his private business as a running coach. The Procurement Analyst admitted that, between January 2007 and December 2010, he used City office resources during his City work hours to: (a) send and receive approximately 450 e-mail messages; (b) store 86 documents; and (c) make 19 calls using his City telephone, all for his private business as a running coach. The Procurement Analyst acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose and from using City time to pursue non-City activities, in particular a private business or outside employment. *COIB v. Ruiz*, COIB Case No. 2011-015 (2011).

In a joint settlement with the Board and the New York City Department of Environmental Protection ("DEP"), a DEP Administrative Accountant forfeited three days of annual leave as a penalty for his immoderate and unauthorized personal use of City office and technology resources. In a public disposition, the DEP Administrative Accountant admitted to using his DEP email account to send and receive, over an 18-month period, 1,202 messages relating to a Jaguar car club to which he belongs. The Administrative Accountant served as the club's president during the same time period and allowed his DEP email address to be posted on the club's website as a way to contact him. The Administrative Accountant acknowledged that this unauthorized use of City resources conflicted with the proper discharge of his official duties as a public servant, in violation of the DEP Uniform Code of Discipline and the City's conflicts of interest law. *COIB v. Terracciano*, COIB Case No. 2011-230 (2011).

In a joint settlement with the Board and the New York City Department for the Aging ("DFTA"), a former Assistant Commissioner at DFTA admitted that she repeatedly inaccurately entered the hours she worked at DFTA to reflect that she was at DFTA when, in fact, she was not. Specifically, between March 27, 2009, and August 16, 2010, the former Assistant Commissioner inaccurately reported working at DFTA a total of 291 hours and 59 minutes when she was not at DFTA. The former Assistant Commissioner acknowledged that, by inaccurately claiming she was physically at DFTA during hours she was required to be working there, she violated the City of New York's conflicts of interest law, which prohibits City employees from engaging in personal activities during hours they are required to be performing services for the City. For this violation, the former Assistant Commissioner agreed to: (1) be demoted from Assistant Commissioner, resulting in a 20% reduction in her annual salary; (2) be transferred to another City agency; (3) use a hand scanner to record her work hours at the new City agency; and (4) pay a \$1,000 fine to the Board. The Board reduced its fine from \$7,500 to \$1,000 based on the former Assistant Commissioner's documented showing of financial hardship. *COIB v. Shaffer*, COIB Case No. 2011-187 (2011).

In a joint settlement with the New York City Housing Authority (“NYCHA”), a NYCHA Construction Project Manager admitted to using his NYCHA email account and office phone to communicate about his private business interests in Nigeria and New Jersey and to storing a document on his NYCHA computer related to these same interests. The Construction Project Manager acknowledged that this use of City resources during his City work day conflicted with the proper discharge of his official duties as a public servant, in violation of the NYCHA General Regulations of Behavior and the City’s conflicts of interest law. As a penalty, the Construction Project Manager agreed to serve a 10-day suspension (valued at approximately \$3,013) and a one-year probationary period at NYCHA. *COIB v. Arowolo*, COIB Case No. 2010-873 (2011).

The Board concluded a settlement with a former Deputy Inspector General at the New York City Department of Investigation (“DOI”) concerning his multiple violations of the City of New York’s conflicts of interest law. The former Deputy Inspector General admitted that, in addition to working for DOI, he also worked as a representative for ACN. ACN is a multi-level marketing company in which ACN representatives sell a variety of telecommunications products and services – such as videophones, digital phone service, and high-speed internet service – directly to consumers, for which sales they earn a commission, as well as earning a percentage of the commission earned by representatives whom they sign up to work for ACN. The former Deputy Inspector General admitted that, at times he was required to be working for DOI, he had multiple conversations with his subordinates about ACN, in an effort to get them to purchase an ACN videophone or to become an ACN representative. As part of his ACN-related marketing efforts, the Deputy Inspector General used a DOI computer to show a subordinate the ACN website and used DOI IT resources in order to demonstrate to his subordinates how an ACN videophone worked. He also used his DOI computer and DOI e-mail account to send five e-mails to his DOI subordinate about ACN. The former Inspector General acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting 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; prohibits a public servant from using City resources, such as a City computer or other IT resources or the public servant’s City e-mail account, for non-City purposes; and prohibits using City time for non-City purposes. The former Deputy Inspector General also admitted that he purchased a laptop computer from his DOI subordinate for \$300. The former Deputy Inspector General acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship, which would include the sale of an item greater than \$25, with the public servant’s City superior or subordinate. For his misconduct, the former Deputy Inspector General was removed by DOI from that position and transferred out of the investigative division to an administrative unit. In his new position, his salary was reduced by \$15,000 and he has no supervisory responsibility. The former Deputy Inspector General was also removed by DOI from its peace officer program. In consideration of these agency-imposed penalties, the Board did not impose any separate fine. *COIB v. Jordan*, COIB Case No. 2010-842 (2011).

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a former Custodian for the New York City Department of Education (“DOE”) who, in 2006, hired a home improvement contractor with whom she was engaged in personal business dealings to work as a Custodial Cleaner at her school and then authorized payments to him for work he never performed. The Board’s Order adopts in substantial part the Report and Recommendation of the Office of Administrative Trials and Hearings (“OATH”), issued after a full trial before

Administrative Law Judge (“ALJ”) Alessandra Zorgniotti. The Board found that the ALJ correctly determined that the former Custodian hired her associate; paid this associate approximately \$14,494 in City funds for work he never performed at the school; and facilitated the payment of such funds by punching her associate’s DOE timecard for him and approving his payroll documents. The ALJ found, and the Board adopted as its own findings, that the former Custodian’s conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his or her position to benefit an associated person. The former Custodian and the construction worker were “associated” within the meaning of the conflicts of interest law because, at the time she hired him to work at the school, he had been performing home improvements for pay on her private properties. The former Custodian misused her City position to hire her associate and to punch his timecard and falsify payroll documents. The former Custodian also violated the conflicts of interest law by using City resources for non-City purposes by paying her associate with DOE funds for work at the school he never performed. For these violations, the ALJ recommended, and the Board ordered, that the former Custodian pay a fine of \$20,000. *COIB v. Tatum*, COIB Case No. 2009-467 (2011).

The Board concluded a joint settlement with the New York City Department of Environmental Protection (“DEP”) and an Environmental Police Sergeant who abused the authority of his City position to intimidate car wash employees in order to avoid paying for services they had performed on his personal car. In a public disposition, the DEP Police Sergeant admitted that he left his assigned DEP work location, while on duty and in his DEP Police uniform, and travelled in a DEP Police vehicle to a car wash and lube business, which was outside of his assigned patrol area, to contest a bill for repairs made to his personal vehicle. The Sergeant admitted that, through the use of intimidation and threats, he received services on his personal vehicle for which he did not pay. The Police Sergeant acknowledged that his conduct violated the City’s conflicts of interest law, specifically the provision prohibiting public servants from using, or attempting to use, their City positions to obtain any financial gain and the provision prohibiting use of City resources and City time for any non-City purpose. As a penalty, the Sergeant agreed to be demoted to the position of Environmental Police Officer, to serve a 30-day suspension without pay (valued at approximately \$3,772), and to serve a one-year probationary period at DEP. *COIB v. Ginty*, COIB Case No. 2011-002 (2011).

The Board issued a public warning letter to a New York City Department of Health and Mental Hygiene (“DOHMH”) Day Care Inspector who, while speaking to a Regional Office Manager for the New York State Office of Children and Family Services (“OCFS”) concerning an enforcement action taken by OCFS against a day care facility owned and operated by his mother-in-law, identified himself as a DOHMH Day Care Inspector, challenged the validity of the citations issued by OCFS to his mother-in-law’s day care facility, and informed the OCFS Regional Officer Manager that, if its enforcement action proceeded, he would represent his mother-in-law. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that they are prohibited from using their City titles (a City resource) to advocate on behalf of their private interests, such one’s mother-in-law’s private business dealings with a state agency. *COIB v. A. Richards*, COIB Case No. 2010-113 (2011).

The Board fined the former Senior Associate Executive Director of the Southern Manhattan Health Care Network and Director of Facilities Management of the Bellevue Hospital Center

("Bellevue"), a facility of the New York City Health and Hospital Corporation ("HHC"), in which settlement the former Director of Facilities Management \$3,500 for her violations of Chapter 68 of the New York City Charter, the City's conflicts of interest law. The former Director of Facilities Management acknowledged that she asked her Bellevue subordinate to prepare, and then revise, plans for the repair of the bulkhead at her personal residence for submission to the New York State Department of Environmental Conservation. In order to accommodate the Director of Facilities Management, the subordinate who drafted the plans gave them to another subordinate of the Director of Facilities Management so that the second subordinate could sign and affix his State of New York Licensed Professional Engineer stamp to the plans. The former Director of Facilities Management further acknowledged that she used Bellevue letterhead that she created – which letterhead included a hospital logo that she designed, the hospital's name, and her position at the hospital – to write letters to three different employees at the New York State Department of Environmental Conservation to obtain an emergency permit to perform the bulkhead repair work at her personal residence. The former Director of Facilities Management admitted that in so doing she violated the City's conflicts of interest law, which prohibits the use of City resources – which includes City personnel and letterhead – for any non-City purpose and prohibits a public servant from using or attempting 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. *COIB v. Tabaei*, COIB Case No. 2009-651 (2011).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a DOE Secretary assigned to Paul Robeson High School who agreed to pay a \$7,500 fine to DOE for using a DOE computer to perform work related to her private real estate business at times when she was supposed to be doing work for DOE. The DOE Secretary acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. *COIB v. Lumpkins Moses*, COIB Case No. 2010-657 (2011).

The Board concluded a settlement with a School Aide at P.S. 181 who misused her New York City Department of Education ("DOE") position and DOE resources to benefit an afterschool program run by her sister. The School Aide admitted that she successfully solicited P.S. 181 parents to enroll their children in the program. The School Aide acknowledged that her conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from using or attempting 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, which includes a public servant's sibling. The School Aide also admitted that she changed the bus assignments of P.S. 181 students who were enrolled in the afterschool program to facilitate their arrival at the program. The School Aide acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as a school bus, for non-City purposes. For this conduct, the School Aide was suspended for two weeks without pay by DOE, valued at \$848.40. In consideration of the agency-imposed penalty, the Board did not impose any separate fine. *COIB v. Cadet*, COIB Case No. 2010-540 (2011).

The Board concluded a settlement with the Special Assistant to the Network Senior Vice President/Executive Director of Bellevue Hospital Center, a facility of the New York City Health and Hospitals Corporation ("HHC"), in which she agreed to pay a fine of \$2,000 for violating Chapter 68, the City of New York's conflicts of interest law, related to her work at her private travel agency. The

Special Assistant admitted that, in August 2008, she sought an opinion from the Board as to what Chapter 68 rules she was required to follow concerning her private travel agency in light of her position at HHC. The Board advised the Special Assistant, in writing, that she could own the travel agency, provided that, among other things, she not use any City time or resources for work related to the travel agency. Despite these specific written instructions from the Board, the Special Assistant misused City time and resources. Specifically, from 2008 through 2010, the Special Assistant used her HHC computer and e-mail account, at times she was required to be performing work for HHC, to send and receive e-mails related to her travel agency and to create and store a number of travel-related documents, including itineraries for various trips and invoices for agency-related merchandise. The Special Assistant admitted that she also communicated using her HHC telephone with co-workers at Bellevue and HHC to make their personal travel arrangements. The Special Assistant acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. *COIB v. Padilla*, COIB Case No. 2010-742 (2011).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement with an ACS Community Coordinator who was suspended by ACS for forty-five calendar days without pay, valued at \$9,079, and placed on one-year probation, for using his City computer during his City work hours to do work for his private financial services business. The Community Coordinator admitted that, between August 2009 and April 2010, he used his City computer during his City work hours to modify and store 13 documents and to access numerous websites concerning his private financial services business. The Community Coordinator acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose and from using City time to pursue non-City activities. In setting the amount of the fine, ACS took into account that the Community Coordinator was previously suspended for five days without pay, valued at \$896, in a joint disposition with the Board, for violating Chapter 68 by using an ACS conference room to hold a meeting on behalf of his private business. *COIB v. A. Graham*, COIB Case No. 2010-521 (2011).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with an Associate Public Health Sanitarian in the DOHMH Bureau of Food Safety and Community Sanitation who admitted that, at times when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to perform work related to his private entertainment business. Specifically, the Associate Public Health Sanitarian used his DOHMH computer and e-mail account to create, store, and send event flyers, business proposals, and budgetary information; to solicit business; to schedule events; and to send and receive thousands of e-mails related to his private entertainment business. The Associate Public Health Sanitarian acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. For this misconduct, the Associate Public Health Sanitarian agreed to pay a \$4,000 fine to DOHMH, be suspended for twenty days without pay, valued at approximately \$4,494.20, and forfeit twenty days of annual leave, valued at approximately \$4,494.20, for a total financial penalty of \$12,988.40. *COIB v. Mark*, COIB Case No. 2010-874 (2011).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with an Associate Staff Analyst in the DOHMH Division of Finance and Planning, Bureau of the Comptroller, for, without authorization from DOHMH, accessing the City’s Payroll Management System (“PMS”) to obtain salary information about a DOHMH employee to provide to her friend, who was applying for a job at another City agency in a similar salary range as the DOHMH employee whose records were accessed. The Associate Staff Analyst acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using a City resource, such as PMS, for a personal, non-City purpose. For this misconduct, the Associate Staff Analyst agreed to be suspended for 30 work days without pay, valued at \$7,303.96, and to be transferred to another division within DOHMH where she will not have access to confidential or sensitive information. *COIB v. D. Anderson*, COIB Case No. 2010-893 (2011).

The Board issued a public warning letter to a New York City Fire Department Architect for using his City e-mail address and telephone number to conduct business on behalf of his teaching position at the City University of New York (“CUNY”) and for co-authoring a book that was published by a firm doing business with the City. While not pursuing further enforcement action, the Board took the opportunity of the public warning letter to remind public servants that, while they are not required to obtain waivers in order to work at CUNY, they are nevertheless prohibited from using City resources on behalf of their CUNY jobs. The Board also informed the Architect that he had an on-going financial relationship with the firm that published his book and that, as such, he should have sought a waiver before he contracted with the firm to publish his book. *COIB v. Dabby*, COIB Case No. 2010-155 (2011).

AIDING OR INDUCING A VIOLATION OF THE CONFLICTS OF INTEREST LAW

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(d)⁵

The Board fined a former Senior Supervising Communications Electrician at the New York City Fire Department (“FDNY”) \$12,500 for supervising his son-in-law from at least 2007, when his son-in-law was a Communications Electrician, until the father-in-law’s retirement in 2010. The former Senior Supervising Communications Electrician admitted that, in 2009 and 2010, he approved overtime hours for his son-in-law. This overtime work provided the son-in-law with additional compensation over his regular FDNY salary. The former Senior Supervising Communications Electrician acknowledged that, both by supervising his son-in-law and by approving overtime for his son-in-law, he violated the City’s conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or a person or firm with which he is associated. The former Senior Supervising Communications Electrician admitted that his son-in-law was “associated” with him

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.”

Board Rules § 1-13(d)(1) states in relevant part: “It shall be a violation of City Charter § 2604(b)(2) for any public servant to intentionally or knowingly solicit, request, command, importune, aid, induce or cause another public servant to engage in conduct that violates any provision of City Charter § 2604.”

within the meaning of the City’s conflicts of interest law. The Board fined the son-in-law, currently a Supervising Communications Electrician at FDNY, \$1,500. The son-in-law admitted that his father-in-law had been one of his supervisors soon after the son-in-law was hired by FDNY in 2001 until the father-in-law retired from FDNY in 2010. The son-in-law further admitted that his father-in-law assigned him overtime in 2009 and through April 2010, which provided him with additional compensation over his regular FDNY salary. The son-in-law acknowledged that, by this conduct, his father-in-law had violated the City’s conflicts of interest law, and that, by being under the supervision of his father-in-law, by requesting and accepting overtime assigned to him by his father-in-law, and by having his overtime sheets signed off on by his father-in-law, the son-in-law caused his father-in-law to violate the City’s conflicts of interest law, and thus himself violated the City’s conflicts of interest law, which prohibits a public servant from soliciting, requesting, commanding, aiding, inducing, or causing another public servant to violate the City’s conflicts of interest law. *COIB v. Zerillo*, COIB Case No. 2010-285 (2011); *COIB v. LaBella*, COIB Case No. 2010-285a (2011).

MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)⁶

The Board issued its Findings of Facts, Conclusions of Law, and Order fining an Inspector for the New York City Department of Buildings (“DOB”) who, on January 17, 2009, invoked his City position and used his Inspector’s badge in an effort to get special treatment for his incarcerated son. The Board’s Order adopts the Report and Recommendation of the Office of Administrative Trials and Hearings (“OATH”), issued after a full trial before Administrative Law Judge (“ALJ”) Kevin F. Casey. The Board found that the ALJ correctly determined that the Inspector called the New York City Police Department (“NYPD”) Transit District No. 12, where his son was being held for subway fare evasion, and identified himself as a City Inspector and asked that his son be treated with courtesy; the Inspector arrived at Transit District No. 12 later that night, again identified himself as a City Inspector, showed his DOB inspector shield, and demanded to see his son, that the charges against his son be dropped, and that his son be released. The ALJ found, and the Board adopted as its own findings, that the Inspector’s conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or any person or firm associated with the public servant and which also prohibits a public servant from using a City resource – which includes one’s City identification, badge, or shield – for any personal, non-City purpose, such as attempting to obtain a special advantage not available to a member of the general public. For these violations, the ALJ recommended, and the Board ordered, that the Inspector pay a fine of \$2,500. *COIB v. Maldonado*, COIB Case No. 2010-548 (2011).

The Board fined a former Senior Supervising Communications Electrician at the New York City Fire Department (“FDNY”) \$12,500 for supervising his son-in-law from at least 2007, when his

⁶ 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.”

son-in-law was a Communications Electrician, until the father-in-law's retirement in 2010. The former Senior Supervising Communications Electrician admitted that, in 2009 and 2010, he approved overtime hours for his son-in-law. This overtime work provided the son-in-law with additional compensation over his regular FDNY salary. The former Senior Supervising Communications Electrician acknowledged that, both by supervising his son-in-law and by approving overtime for his son-in-law, he violated the City's conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or a person or firm with which he is associated. The former Senior Supervising Communications Electrician admitted that his son-in-law was "associated" with him within the meaning of the City's conflicts of interest law. The Board fined the son-in-law, currently a Supervising Communications Electrician at FDNY, \$1,500. The son-in-law admitted that his father-in-law had been one of his supervisors soon after the son-in-law was hired by FDNY in 2001 until the father-in-law retired from FDNY in 2010. The son-in-law further admitted that his father-in-law assigned him overtime in 2009 and through April 2010, which provided him with additional compensation over his regular FDNY salary. The son-in-law acknowledged that, by this conduct, his father-in-law had violated the City's conflicts of interest law, and that, by being under the supervision of his father-in-law, by requesting and accepting overtime assigned to him by his father-in-law, and by having his overtime sheets signed off on by his father-in-law, the son-in-law caused his father-in-law to violate the City's conflicts of interest law, and thus himself violated the City's conflicts of interest law, which prohibits a public servant from soliciting, requesting, commanding, aiding, inducing, or causing another public servant to violate the City's conflicts of interest law. *COIB v. Zerillo*, COIB Case No. 2010-285 (2011); *COIB v. LaBella*, COIB Case No. 2010-285a (2011).

The Board issued a Public Warning Letter to a New York City Department of Education ("DOE") Teacher for asking two students in her class to pass out flyers on behalf of a daycare center with which the Teacher was associated, for which work she paid the students \$35. The Public Warning Letter advised the Teacher that, by this conduct, she violated City Charter § 2604(b)(3). In issuing a Public Warning Letter, the Board took into consideration that the Teacher agreed to pay a \$10,000 fine to the DOE in resolution of disciplinary proceedings connected with this and other conduct. *COIB v. Inovlotska*, COIB Case No. 2011-751 (2011).

The Board fined a former Bronx Borough President \$10,000 in connection with renovating his home with help from the architect of a development project that sought his official approval. The former Borough President admitted to hiring an architect to design a porch and balcony for his City Island home sometime in 2006 when the architect was involved in a project that would require the Borough President's official review and to causing a two-year delay in being billed for the architect's work. The former Bronx Borough President admitted that hiring the architect created a conflict of interest between his public duties and personal interests because, at the time of the hiring, the architect was part of a team seeking the City's approval of a Bronx development, known as "Boricua Village," and, as the affected Borough President, he would play an official role in that approval process. Even though he was not certain of the architect's involvement in Boricua Village when he hired him, the former Borough President knew the architect was associated with similar projects that had come before the Borough President's Office and was chargeable with exercising reasonable care in ascertaining the relevant facts that could create a conflict of interest with his official duties. The former Bronx Borough President further admitted that, even though the initial construction work on the porch was finished in March 2007 and he paid the builders at that time, he did not receive a bill from

the architect until after the *New York Daily News* contacted him in March 2009 about the architect's services, at which time he paid the architect for his work. The former Borough President acknowledged his conduct violated the provision of the City's conflicts of interest law that prohibits the City's elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any individual or firm associated with the public servant. *COIB v. Carrión*, COIB Case No. 2009-159 (2011).

In a joint settlement with the Board and the New York City Office of Administrative Trials and Hearings ("OATH"), an OATH Clerical Associate forfeited four annual leave days, valued at approximately \$596, for allowing a process server unauthorized access to secure, non-public areas of the Environmental Control Board office where she worked to serve a summons and complaint in furtherance of a civil lawsuit she had filed against her City co-workers. OATH's security rules allow process servers to attempt service only from the public areas of the agency's offices and facilities. In a public disposition, the Clerical Associate acknowledged that her conduct violated the OATH Code of Conduct and the City's conflicts of interest law provision prohibiting City employees from using their City positions for personal or private advantage. *COIB v. Robertson*, COIB Case No. 2011-392 (2011).

The Board adopted the Report and Recommendation of an Administrative Law Judge ("ALJ") of the New York City Office of Administrative Trials and Hearings ("OATH") fining, after a full trial, the Brooklyn Borough President \$20,000 for accepting free foreign travel and related accommodations for his wife on three occasions: a trip to Turkey in May 2007, a trip to the Netherlands in March 2009, and a second trip to Turkey in November 2009. For each of these trips, it was undisputed that the Brooklyn Borough President was conducting official business and thus could accept free airfare and related accommodations for himself. However, at no time was the Brooklyn Borough President's wife an employee of the Borough President's Office or of any other City agency. Therefore, her travel was not an expense that could have been properly paid for with City funds; and, thus, if the Borough President wished to have his wife accompany him, he was required to pay for her travel expenses himself. As stated in the Board's Order, the Brooklyn Borough President was so advised by the Board in writing of this requirement prior to the first of the three trips at issue. Notwithstanding that prior notice from the Board, the Brooklyn Borough President accepted travel-related expenses for his wife from the Republic of Turkey for a trip in May 2007, from the Kingdom of the Netherlands in March 2009, and from the Federation of Turkish American Associations in November 2009. While none of these entities has business dealings with the City, and thus the acceptance of gifts from these entities is not prescribed by the Board's Valuable Gift Rule (found in Charter Section 2604(b)(5)), the Board in its Order restated is long-standing advice that "a public servant may violate Charter Section 2604(b)(3) by accepting a gift even if the donor does not have such business dealings, if the public servant is receiving the gift only because of his or her City position." Here, the ALJ made a finding, which the Board adopted, that "Respondent received these trips abroad because of his position as Borough President of Brooklyn and his wife went on all three trips because of her relationship to him. By accepting travel expenses for his wife for each trip, respondent used his position as a public servant for private or personal advantage. Simply put, his wife was able to travel with him abroad – for free." As a penalty, the ALJ recommended, and the Board imposed, a total fine of \$20,000, apportioned by the Board follows:

\$3,000 for the 2007 Turkey trip, \$7,000 for the 2009 Netherlands trip, and \$10,000 for the 2009 Netherlands trip, which came after the Brooklyn Borough President was most recently on notice that it would be a violation to accept such expenses on behalf of his wife. *COIB v. Markowitz*, COIB Case No. 2009-181 (2011).

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Parent Coordinator for having a position with a firm doing business with the DOE and for appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-DOE employment. The former Parent Coordinator was employed by a firm as Program Director of an Afterschool Program at his school and, on behalf of the firm, he solicited other DOE schools to purchase the Program. The Afterschool Program was created to teach DOE students how to produce a magazine, for which the former Parent Coordinator obtained a trademark jointly with his DOE principal. The Parent Coordinator, his then DOE Principal, and the owner of the firm shared the trademark registration fee equally. During the course of the investigation into these allegations by the Special Commissioner of Investigation, the Parent Coordinator resigned from the DOE. Within one year of leaving City service, the former Parent Coordinator continued to communicate with the DOE by soliciting two schools and, the following school year, by acting as an instructor of the Afterschool Program at one. The Board informed the former Parent Coordinator that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having a position with a firm engaged in business dealings with his or her City agency; (b) using or attempting 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; (c) having a financial relationship with one’s City superior; (d) representing private interests before any City agency; and (e) appearing before his or her former agency within one year of terminating employment with that agency. In issuing the public warning letter, the Board took into consideration that the former Parent Coordinator’s DOE superior knew and approved of his operating the Afterschool Program at his school; as a result of that approval, the former Parent Coordinator was unaware that his conduct violated the City’s conflicts of interest law; the DOE cancelled the Afterschool Program at those DOE schools that had contracted with the firm; and the Board was satisfied that the former Parent Coordinator was unable to pay a fine. *COIB v. A. Johnson*, COIB Case No. 2010-289a (2011).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with a former DOE Teacher who was fined \$4,000 by the Board for owning a firm doing business with the DOE and appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-City employment. The former Teacher admitted that he created a firm to market a software program he had developed, which firm engaged in business dealings with the DOE both by contracting with schools individually and by contracting with two DOE vendors, one of which vendors operated the school at which the former Teacher was employed. After resigning from the DOE, the former Teacher continued to communicate with those DOE schools that had purchased the software. The former Teacher admitted that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having an ownership interest in a firm engaged in business dealings with his or her City agency, including as a subcontractor where the firm has direct contact with, and responsibility to the City on, projects for which it was the subcontractor; (b) using or attempting 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; (c) representing private interests before any City agency; and (d) appearing before his or her former agency within one year of terminating employment with that agency. In setting the amount of the fine, the Board took into consideration that, upon learning of his possible conflict of interest, the former Teacher resigned from the DOE in an attempt to end his prohibited conduct and that, upon being informed of the possible post-employment conflict of interest, the former Teacher immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before the DOE and reported his conduct to the Board. *COIB v. Olsen*, COIB Case No. 2011-189 (2011).

The Board issued a Public Warning Letter to a New York City Department of Education Teacher at P. 9 at P.S. 268 in Queens who had a second job as a representative for Primerica – a multi-level marketing company that sells life insurance as well as other types of insurance (home, car, long-term care), financial products like mutual funds, and home loans – for placing his Primerica business card and a gift certificate for a free Primerica “Financial Needs Analysis” inside the envelopes of the holiday greeting cards being sent home to the parents of P. 9 students. (The materials were later removed by other P. 9 staff and the Teacher before the holiday cards went home.) The Board advised the Teacher that, by using his access to the parents of P. 9 student to seek clients for Primerica, he attempted to use his City position to obtain a private financial benefit for himself and Primerica, in violation of the City’s conflicts of interest law, which prohibits a public servant from using his or her City position to obtain a personal or private advantage for himself or herself or for any person or firm associated with the public servant, including a private firm that employs the public servant. *COIB v. Cooks*, COIB Case No. 2011-250 (2011).

The Board imposed a \$5,000 fine and \$345.02 in restitution on a former Supervisor at the New York City Human Resources Administration (“HRA”) who used the Electronic Benefit Transfer Card (“EBT card”) of an HRA client to make personal purchases. EBT is the method by which the New York State Office of Temporary and Disability Assistance delivers cash and food stamp benefits to New York State's recipient population. Cash and food stamp benefits are deposited into electronic benefit accounts which can be accessed using an EBT Card and a Personal Identification Number (“PIN”). The former Supervisor acknowledged that, in September 2008, she asked an HRA client to give her his EBT card and PIN and then, without authorization, used the HRA client’s EBT card to make personal purchases totaling \$345.02. The former Supervisor admitted that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position 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. The Board forgave the \$5,000 fine, after taking into consideration the former Supervisor’s extraordinary financial hardship, but still required her to make full restitution. *COIB v. Belle*, COIB Case No. 2010-156 (2011).

The Board issued its Findings and Facts, Conclusions of Law, and Order fining a former City Planner of the New York City Department of Housing Preservation and Development (“HPD”) \$2,000 for sending an email to the owner of the building where she had been subleasing

an apartment identifying herself as an HPD employee and requesting that the owner of the building intervene on her behalf to help her obtain her security deposit back from the sublessor. In her email, the City Planner implied that HPD was involved in the City Planner's efforts to obtain her security deposit. The Board's Order adopted the Report and Recommendation of the New York City Office of Administrative Trials and Hearings ("OATH"), issued after a full trial before OATH Administrative Law Judge ("ALJ") Alessandra F. Zoragniotti. The Board found that the ALJ correctly determined that the former City Planner attempted to use her position to obtain her security deposit back by identifying herself as an HPD employee and implying that HPD was involved in her efforts to obtain her security deposit back from the sublessor. The ALJ found, and the Board adopted as its own findings, that the former City Planner's conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to benefit himself or herself or someone with whom he or she is associated. For this violation, the ALJ recommended, and the Board ordered, that the former City Planner pay a fine of \$2,000. *COIB v. C. Dixon*, COIB Case No. 2009-792 (2011).

The Board and the New York City Department of Citywide Administrative Services ("DCAS") concluded a joint settlement with a DCAS Security Aide who had two contract security officers clean his son-in-law's automotive repair shop for free. The Security Aide acknowledged that he asked two Security Guards employed by Allied Barton Security Services, who provide security at a DCAS building to which he is assigned, to clean his son-in-law's automotive repair shop, for which work he did not compensate them. The Security Aide acknowledged that his conduct violated the City of New York's conflict of interest law, which prohibits a public servant from using or attempting 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. The Security Aide was suspended for 20 days by DCAS (valued at approximately \$2,423) and agreed to pay the two Allied Barton Security Guards a total of \$277.28 for their work at his son-in-law's repair shop. *COIB v. Barrington*, COIB Case No. 2010-329 (2011).

The Board concluded a settlement with a former Deputy Inspector General at the New York City Department of Investigation ("DOI") concerning his multiple violations of the City of New York's conflicts of interest law. The former Deputy Inspector General admitted that, in addition to working for DOI, he also worked as a representative for ACN. ACN is a multi-level marketing company in which ACN representatives sell a variety of telecommunications products and services – such as videophones, digital phone service, and high-speed internet service – directly to consumers, for which sales they earn a commission, as well as earning a percentage of the commission earned by representatives whom they sign up to work for ACN. The former Deputy Inspector General admitted that, at times he was required to be working for DOI, he had multiple conversations with his subordinates about ACN, in an effort to get them to purchase an ACN videophone or to become an ACN representative. As part of his ACN-related marketing efforts, the Deputy Inspector General used a DOI computer to show a subordinate the ACN website and used DOI IT resources in order to demonstrate to his subordinates how an ACN videophone worked. He also used his DOI computer and DOI e-mail account to send five e-mails to his DOI subordinate about ACN. The former Inspector General acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting 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; prohibits a public servant from using City resources, such as a City computer or other IT resources or the public servant's City e-mail account, for non-City purposes; and prohibits using City time for non-City purposes. The former Deputy Inspector General also admitted that he purchased a laptop computer from his DOI subordinate for \$300. The former Deputy Inspector General acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship, which would include the sale of an item greater than \$25, with the public servant's City superior or subordinate. For his misconduct, the former Deputy Inspector General was removed by DOI from that position and transferred out of the investigative division to an administrative unit. In his new position, his salary was reduced by \$15,000 and he has no supervisory responsibility. The former Deputy Inspector General was also removed by DOI from its peace officer program. In consideration of these agency-imposed penalties, the Board did not impose any separate fine. *COIB v. Jordan*, COIB Case No. 2010-842 (2011).

The Board concluded a joint settlement with the New York City Administration for Children's Services/Department of Juvenile Justice ("ACS/DJJ") and an ACS/DJJ Juvenile Counselor who abused the power of her position for personal gain. In a public disposition, the Juvenile Counselor admitted to refusing to allow a female resident of Horizon Juvenile Center, who was then 32-weeks pregnant, to use the restroom facility unless the resident wrote a statement in favor of the Juvenile Counselor. The Juvenile Counselor acknowledged that this conduct violated the City's conflicts of interest law provision prohibiting City employees from using their City positions to obtain any personal and private advantage. As a penalty, the Juvenile Counselor agreed to serve a 30-day suspension (valued at approximately \$3,352). *COIB v. Lowe*, COIB Case No. 2010-573 (2011).

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a former Custodian for the New York City Department of Education ("DOE") who, in 2006, hired a home improvement contractor with whom she was engaged in personal business dealings to work as a Custodial Cleaner at her school and then authorized payments to him for work he never performed. The Board's Order adopts in substantial part the Report and Recommendation of the Office of Administrative Trials and Hearings ("OATH"), issued after a full trial before Administrative Law Judge ("ALJ") Alessandra Zorgniotti. The Board found that the ALJ correctly determined that the former Custodian hired her associate; paid this associate approximately \$14,494 in City funds for work he never performed at the school; and facilitated the payment of such funds by punching her associate's DOE timecard for him and approving his payroll documents. The ALJ found, and the Board adopted as its own findings, that the former Custodian's conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her position to benefit an associated person. The former Custodian and the construction worker were "associated" within the meaning of the conflicts of interest law because, at the time she hired him to work at the school, he had been performing home improvements for pay on her private properties. The former Custodian misused her City position to hire her associate and to punch his timecard and falsify payroll documents. The former Custodian also violated the conflicts of interest law by using City resources for non-City purposes by paying her associate with DOE funds for work at the school he never performed. For these violations, the ALJ recommended, and the Board ordered, that the former Custodian pay a fine of \$20,000. *COIB v. Tatum*, COIB Case No. 2009-467 (2011).

The Board concluded a joint settlement with the New York City Department of Environmental Protection (“DEP”) and an Environmental Police Sergeant who abused the authority of his City position to intimidate car wash employees in order to avoid paying for services they had performed on his personal car. In a public disposition, the DEP Police Sergeant admitted that he left his assigned DEP work location, while on duty and in his DEP Police uniform, and travelled in a DEP Police vehicle to a car wash and lube business, which was outside of his assigned patrol area, to contest a bill for repairs made to his personal vehicle. The Sergeant admitted that, through the use of intimidation and threats, he received services on his personal vehicle for which he did not pay. The Police Sergeant acknowledged that his conduct violated the City’s conflicts of interest law, specifically the provision prohibiting public servants from using, or attempting to use, their City positions to obtain any financial gain and the provision prohibiting use of City resources and City time for any non-City purpose. As a penalty, the Sergeant agreed to be demoted to the position of Environmental Police Officer, to serve a 30-day suspension without pay (valued at approximately \$3,772), and to serve a one-year probationary period at DEP. *COIB v. Ginty*, COIB Case No. 2011-002 (2011).

The Board fined a former Steamfitter Supervisor for the New York City Department of Education (“DOE”) \$3,250 for using his City position for personal financial gain. The former Steamfitter admitted that, while employed by the DOE Division of School Facilities, he obtained a personal financial gain from copper pipe and associated materials that he had ordered for repairs at DOE school facilities. The former Steamfitter Supervisor acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits City employees from using, or attempting to use, their City position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any individual or firm associated with the public servant. The amount of the Board’s fine takes into consideration that the former Steamfitter previously paid \$2,500 in restitution to DOE. *COIB v. Szot*, COIB Case No. 2009-436 (2011).

The Board issued a Public Warning Letter to a New York City Department of Education School Aide at P.S. 055X who had a second job recruiting P.S. 055X students to attend a private summer camp for which she worked. The Board advised the School Aide that, by using her access to and familiarity with the students and parents at P.S. 055X to recruit participants for a private summer camp, she used her City position to benefit her private employer, in violation of the City’s conflicts of interest law, which prohibits a public servant from using his or her City position to obtain a personal or private advantage for any person or firm associated with the public servant, which would include a private firm employing the public servant. *COIB v. Gooden*, COIB Case No. 2010-773 (2011).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with an Assistant Principal who agreed to irrevocably resign from DOE and to not seek future employment with DOE for attempting to sell and selling pocketbooks to her DOE subordinates and borrowing money from one of those subordinates. The Assistant Principal acknowledged that she invited several subordinates to a “pocketbook party” she was hosting at her home on October 30, 2009, for which, as host, the Assistant Principal would receive free pocketbooks. The Assistant Principal acknowledged that she sold a pocketbook to one subordinate during the pocketbook party. The Assistant Principal also acknowledged that, in

June 2009, she solicited and obtained a \$300 loan from a subordinate. The Assistant Principal admitted that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position 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, and from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Walker*, COIB Case No. 2010-165 (2011).

The Board fined the Director of Field Operations for the New York City Board of Correction \$4,000 for using the authority and power of his City position to circumvent New York City Department of Correction ("DOC") procedures to expedite and accommodate his incarcerated nephew's after-hours funeral request. The Director admitted to making a request to DOC around 9:00 p.m. on July 12, 2008, for his nephew to attend a funeral scheduled to begin at 9:00 a.m. the next morning. Due to time constraints, the Director of Field Operations circumvented certain procedures and then used his unquestioned, unrestricted access to all DOC facilities to personally usher his nephew's funeral request through each phase of the DOC approval process until final approval. The Director of Field Operations involved himself in his nephew's funeral request after the Director's sister asked for his help. The Director of Field Operations acknowledged that his conduct violated the City's conflicts of interest law, which prohibits City employees from using, or attempting to use, their City position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any individual or firm "associated" with the public servant. *COIB v. Armstead*, COIB Case No. 2008-503 (2011).

The Board issued a Public Warning Letter to a New York City Department of Education School Secretary who was involved in hiring her son to work as a substitute teacher at her school, in violation of City Charter § 2604(b)(3). The School Secretary worked for the school's Assistant Principal for Organization, who delegated to her the task of contacting specific substitute teachers to work at the school. Among the substitute teachers whom the School Secretary contacted was her son, who accepted teaching assignments at her school. The Board advised the School Secretary that, in so doing, she violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position to obtain a personal or private advantage for an associated person, such as a child. *COIB v. Carnevali*, COIB Case No. 2008-837 (2011).

The Board concluded a settlement with a School Aide at P.S. 181 who misused her New York City Department of Education ("DOE") position and DOE resources to benefit an afterschool program run by her sister. The School Aide admitted that she successfully solicited P.S. 181 parents to enroll their children in the program. The School Aide acknowledged that her conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from using or attempting 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, which includes a public servant's sibling. The School Aide also admitted that she changed the bus assignments of P.S. 181 students who were enrolled in the afterschool program to facilitate their arrival at the program. The School Aide acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as a

school bus, for non-City purposes. For this conduct, the School Aide was suspended for two weeks without pay by DOE, valued at \$848.40. In consideration of the agency-imposed penalty, the Board did not impose any separate fine. *COIB v. Cadet*, COIB Case No. 2010-540 (2011).

The Board and the New York City Fire Department (“FDNY”) concluded a three-way settlement with the former Chief of Operations for the Emergency Medical Service (“EMS”) at FDNY who paid a \$12,500 fine to the Board for obtaining a paid position with Masimo, Inc., a firm he was dealing with in his official capacity as the EMS Chief of Operations. Among Masimo’s products is RAD-57, a non-invasive carbon monoxide monitoring device used to determine the level of carbon monoxide in an individual’s bloodstream. In or around 2007, FDNY reached an agreement with Masimo to acquire approximately 30 RAD-57 devices for a trial period, after which FDNY contracted with Masimo for the purchase of RAD-57 devices for agency-wide use. The EMS Chief of Operations was a member of the FDNY committee charged with evaluating equipment purchases for EMS, including RAD-57, and he was one of the two most senior people in EMS supervising the use of RAD-57 in the field. During the trial phase, the EMS Chief of Operations traveled to California to speak at an internal corporate meeting of Masimo concerning the progress of the pilot program and the clinical evaluation of RAD-57 by FDNY. Masimo paid all of the EMS Chief of Operations’ travel-related expenses, including hotel and meals, during the trip. In March 2009, The EMS Chief of Operations signed a consulting agreement with Masimo, under the terms of which he agreed to make presentations on behalf of Masimo – primarily about the dangers of carbon monoxide and the importance of measuring carbon monoxide levels for emergency services workers – in return for Masimo’s payment of all his travel-related expenses, hotel, meals, and a \$1,500 honorarium for each presentation. Under the terms of this agreement, the EMS Chief of Operations spoke on behalf of Masimo at emergency services conferences in March 2009 in Baltimore, Maryland; in May 2009 in Evansville, Indiana; in August 2009 in Charleston, South Carolina; in August 2009 in Dallas, Texas; and in October 2009 in Atlanta, Georgia. The EMS Chief of Operations told no one at FDNY about the consulting agreement or his acceptance of travel-related expenses from Masimo. The EMS Chief of Operations acknowledged his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having a position with a firm engaged in business dealings with the public servant’s own agency and from using or attempting 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 individual or firm “associated” with the public servant. *COIB v. Peruggia*, COIB Case No. 2010-442 (2011).

The Board issued a public warning letter to a former public servant who had used his position as the Director of the New York City Department of Environmental Protection (“DEP”) Collections Division to hire his half-sister for an entry-level position in that DEP division. The Director indirectly supervised his half-sister’s employment, which included signing off on a DEP personnel form in which his half-sister reported that, to the best of her knowledge, she had no relatives employed by DEP. While not pursuing further enforcement action, the Board took the opportunity of this letter to remind public servants that hiring a sibling, which would include one’s half-sister or half-brother, for a position in their City agency or supervising a sibling’s City employment is inconsistent with the basic principles of the City’s conflicts of interest law and creates a real conflict with respect to the proper discharge of their official duties. *COIB v. R. Hernandez*, COIB Case No. 2009-294c (2011).

USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

- **Relevant Charter Sections:** City Charter § 2604(b)(4)⁷

In a joint disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Motor Vehicle Operator for the DOHMH Bureau of Facilities, Planning and Administrative Services agreed to pay a fine to DOHMH equal to 15 days’ pay, valued at \$2,440, for violating the City’s conflicts of interest law. While in the course of performing his official DOHMH duties, which include delivering to and picking up specimens and mail from various DOHMH clinics and facilities in the Bronx, the Motor Vehicle Operator saw the girlfriend of his friend in the lobby of DOHMH’s Morrisannia STD Clinic. The Motor Vehicle Operator then told his friend that he had seen the friend’s girlfriend at the STD Clinic. The Motor Vehicle Operator acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant *either* from *disclosing* confidential information obtained as a result of the public servant’s official duties *or* from *using* for any financial or other private interest such confidential information, regardless of whether the public servant also disclosed the confidential information. The Motor Vehicle Operator acknowledged that the names of patients at DOHMH clinics are confidential. *COIB v. An. Williams*, COIB Case No. 2011-663 (2011).

The Board entered into a joint settlement with the New York City Human Resources Administration (“HRA”) and an HRA Eligibility Specialist who agreed to pay HRA a fine equivalent to five days’ pay, valued at approximately \$700, for accessing the Welfare Management System (“WMS”) to view the public assistance records of a person with whom he was associated. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Eligibility Specialist acknowledged that, on two occasions between August 10 and August 24, 2009, and without authorization from HRA, he accessed confidential information concerning a friend to whom he owed money, for his own personal, non-City purposes. The Eligibility Specialist admitted that his 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 or any person associated with him or her or disclosing that information for any purpose. *COIB v. Akinoye*, COIB Case No. 2011-443 (2011).

The Board adopted the Report and Recommendation of an Administrative Law Judge (“ALJ”) of the New York City Office of Administrative Trials and Hearings (“OATH”), issued

⁷ 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.”

after a full trial, fining a former Eligibility Specialist for the New York City Human Resources Administration (“HRA”) \$7,500 for impermissibly using and disclosing confidential information of the City to harass and threaten a woman who she thought was having an affair with her husband. The Eligibility Specialist suspected her husband was having an affair with another woman and gained unauthorized access to HRA’s electronic databases of confidential public assistance records to obtain information and documents concerning the other woman’s extended family. The Eligibility Specialist then used the confidential records to harass the woman and threatened to post confidential documents on the internet. The Eligibility Specialist also disclosed some of the confidential documents to her husband. The Board determined that the Eligibility Specialist’s conduct constitutes serious violations of the City’s conflicts of interest law, which prohibits public servants from impermissibly disclosing confidential information of the City or using it to advance the public servant’s private interests. *COIB v. McNair*, COIB Case No. 2009-700 (2011).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with an HRA Fraud Investigator who agreed to pay HRA a fine equivalent to five days’ pay, valued at \$799.61 for accessing the Welfare Management System (“WMS”) to view the public assistance records of her son for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Fraud Investigator acknowledged that from August 19, 2009, through January 29, 2010, without authorization from HRA, she accessed her son’s public assistance records on WMS on 4 occasions to ascertain when her son would receive his shelter benefits since the Fraud Investigator had been receiving rent payments from HRA on behalf of her son. The 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 or any person associated with him or her and from disclosing that information for any purpose. *COIB v. V. Mitchell*, COIB Case No. 2010-430 (2011).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with a Principal Administrative Associate who agreed to pay HRA a fine equivalent to ten days’ pay, valued at \$2,033.60, for accessing the Welfare Management System (“WMS”) to view the public assistance records of her tenant for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Principal Administrative Associate acknowledged that from May 10, 2002, through January 7, 2009, without authorization from HRA, she accessed her tenant’s public assistance records on WMS on 73 occasions to ascertain when her tenant would receive her shelter benefits since the Principal Administrative Associate had been receiving rent payments from HRA on behalf of her tenant. The Principal Administrative Associate 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 or any person associated with him

or her and from disclosing that information for any purpose. *COIB v. P. Garcia*, COIB Case No. 2010-406 (2011).

The Board imposed a \$5,000 fine on a former Eligibility Specialist at the New York City Human Resources Administration (“HRA”) who accessed the Welfare Management System (“WMS”) for personal, non-City purposes. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The former Eligibility Specialist acknowledged that, between July 2009 and January 2010, on at least 41 occasions and without authorization from HRA, she accessed confidential information on WMS concerning her daughter’s father, his two ex-wives, the mother of two of his children, his four children, his grandchild, and the father of that grandchild for her personal benefit and disclosed that confidential information to the father of her daughter. The former Eligibility Specialist 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 or any person associated with him or her and from disclosing that information for any purpose. The Board reduced its fine from \$5,000 fine to \$500 after taking into consideration the former Eligibility Specialist’s extraordinary financial hardship, including a number of outstanding debts, on all of which she is in default. *COIB v. L. Baez*, COIB Case No. 2010-282 (2011).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with a Clerical Associate who agreed to be suspended for 30 days without pay, valued at \$3,695, for accessing the Welfare Management System (“WMS”) to view the public assistance records of her daughter for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Clerical Associate acknowledged that, between November 7, 2008, and September 9, 2009, without authorization from HRA, she accessed her daughter’s public assistance records on WMS on 147 occasions to ascertain how much her daughter could contribute for rent since her daughter and her five children were living with the Clerical Associate in her apartment at the time. The Clerical Associate admitted that her conduct violated the City’s conflicts of interest law, which prohibits a City employee from disclosing or 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 or any person associated with him or her. *COIB v. S. Hall*, COIB Case No. 2010-492 (2011).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with a Job Opportunity Specialist who agreed to be suspended for 60 days without pay, valued at \$6,972, for accessing the Welfare Management System (“WMS”) to view the public assistance records of her nephew and tenant for her personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance (“OTDA”) containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory

responsibility. The Job Opportunity Specialist acknowledged that, between October 14 and November 20, 2009, without authorization from HRA, she accessed her nephew's public assistance records on WMS on 5 occasions to ascertain when he would receive his shelter benefits since her nephew lived with her and paid her rent in the amount of \$277.00 per month. The Job Opportunity Specialist also acknowledged that, on November 18, 2009, without authorization from HRA, she accessed her tenant's public assistance records on WMS to ascertain when he would receive his shelter benefits. The Job Opportunity Specialist admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing or 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 or any person associated with him or her. *COIB v. B. Wright*, COIB Case No. 2010-278 (2011).

GIFTS

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)⁸

The Board fined a former Principal Administrative Associate at the New York City Administration for Children's Services ("ACS") \$3,000 for accepting a gift of five free tickets to the Broadway show "The Lion King" from a firm doing business with ACS. The former Principal Administrative Associate admitted that she was aware of the firm's business dealings with ACS through her work at ACS Head Start Facilities, where she was responsible for sending out bid packages, preparing contracts, and forwarding payment requests to the ACS Fiscal Unit. The former Principal Administrative Associate acknowledged that her 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 firm doing business with the City. *COIB v. Concepcion*, COIB Case No. 2008-963a (2011).

⁸ 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 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."

APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(6)⁹

The Board and the New York City Administration for Children’s Services (“ACS”) entered into a three-way settlement with an ACS Clerical Associate who served as Chair of the Board of Directors and Executive Director of Administration for a not-for-profit organization. On behalf of the not-for-profit, the Clerical Associate submitted a bid for a contract with New York City Department of Youth and Community Development. The Clerical Associate acknowledged that, in so doing, she violated the City’s conflicts of interest law, which prohibits public servants from appearing for compensation before any City agency. The Clerical Associate also admitted that, at times she was required to be performing work for ACS, she used her ACS e-mail account to send or receive 46 messages relating to the not-for-profit. The Clerical Associate acknowledged that this unauthorized use of City resources violated the City’s conflicts of interest law, which prohibits public servants from using City time or City resources for non-City purposes. For this misconduct, the Clerical Associate agreed to serve a ten-day suspension, valued at \$1,412.60, and to forfeit 5 days of annual leave, valued at \$706.30, for a total financial penalty of \$2,118.90. *COIB v. Garvin*, COIB Case No. 2010-258 (2011).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a Supervising Public Health Advisor in the DOHMH Division of Health Care Access and Improvement’s Bureau of Correctional Health Services who, in resolution of her misconduct, agreed to resign from, and not seek future employment with, DOHMH. Since February 2008, the Supervising Public Health Advisor has owned a group day care center (the “Center”). The Supervising Public Health Advisor admitted that the Center receives money and food from the New York City Administration for Children’s Services (“ACS”), which funding constitutes “business dealings with the City” within the meaning of the City’s conflicts of interest law. The Supervising Public Health Advisor acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows, or should know, is engaged in business dealings with any City agency. The Supervising Public Health Advisor further admitted that she communicated with City agencies on behalf of the Center, specifically that she (1) attended inspections of the Center conducted by DOHMH employees; (2) submitted documentation to ACS to qualify the Center to accept ACS payment vouchers from parents for their children to attend the Center; (3) submitted documentation to ACS on behalf of each parent of a child at the Center who was using an ACS payment voucher; and (4) appeared in person at ACS to submit license renewal materials to facilitate the Center’s continued acceptance of ACS payment vouchers. The Supervising Public Health Advisory acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from “appearing”

⁹ 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.”

before any City agency on behalf of a private interest. *COIB v. Vielle*, COIB Case No. 2011-003 (2011).

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Parent Coordinator for having a position with a firm doing business with the DOE and for appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-DOE employment. The former Parent Coordinator was employed by a firm as Program Director of an Afterschool Program at his school and, on behalf of the firm, he solicited other DOE schools to purchase the Program. The Afterschool Program was created to teach DOE students how to produce a magazine, for which the former Parent Coordinator obtained a trademark jointly with his DOE principal. The Parent Coordinator, his then DOE Principal, and the owner of the firm shared the trademark registration fee equally. During the course of the investigation into these allegations by the Special Commissioner of Investigation, the Parent Coordinator resigned from the DOE. Within one year of leaving City service, the former Parent Coordinator continued to communicate with the DOE by soliciting two schools and, the following school year, by acting as an instructor of the Afterschool Program at one. The Board informed the former Parent Coordinator that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having a position with a firm engaged in business dealings with his or her City agency; (b) using or attempting 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; (c) having a financial relationship with one’s City superior; (d) representing private interests before any City agency; and (e) appearing before his or her former agency within one year of terminating employment with that agency. In issuing the public warning letter, the Board took into consideration that the former Parent Coordinator’s DOE superior knew and approved of his operating the Afterschool Program at his school; as a result of that approval, the former Parent Coordinator was unaware that his conduct violated the City’s conflicts of interest law; the DOE cancelled the Afterschool Program at those DOE schools that had contracted with the firm; and the Board was satisfied that the former Parent Coordinator was unable to pay a fine. *COIB v. A. Johnson*, COIB Case No. 2010-289a (2011).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with a former DOE Teacher who was fined \$4,000 by the Board for owning a firm doing business with the DOE and appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-City employment. The former Teacher admitted that he created a firm to market a software program he had developed, which firm engaged in business dealings with the DOE both by contracting with schools individually and by contracting with two DOE vendors, one of which vendors operated the school at which the former Teacher was employed. After resigning from the DOE, the former Teacher continued to communicate with those DOE schools that had purchased the software. The former Teacher admitted that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having an ownership interest in a firm engaged in business dealings with his or her City agency, including as a subcontractor where the firm has direct contact with, and responsibility to the City on, projects for which it was the subcontractor; (b) using or attempting 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; (c) representing private interests before any City agency; and (d) appearing before his or her former agency within one year of terminating employment with that agency. In setting the amount of the fine, the Board took into consideration that, upon learning of his possible conflict of interest, the former Teacher resigned from the DOE in an attempt to end his prohibited conduct and that, upon being informed of the possible post-employment conflict of interest, the former Teacher immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before the DOE and reported his conduct to the Board. *COIB v. Olsen*, COIB Case No. 2011-189 (2011).

ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY

- **Relevant Charter Sections:** City Charter § 2604(b)(13)¹⁰

The Board fined a former Administrative Chaplain for the New York City Department of Correction (“DOC”) \$2,500 for accepting a solid silver Kiddush cup and plate as a gift from an inmate as a token of appreciation for arranging a private event at the Manhattan Detention Complex to celebrate the Bar Mitzvah of inmate’s son. The former Administrative Chaplain obtained special authorization from his DOC superiors for the December 30, 2008, celebration. During the event, the inmate and his family presented the then Administrative Chaplain with a Kiddush cup and plate, estimated to cost \$500, which he accepted. The former Administrative Chaplain acknowledged his conduct violated the gratuities provision of the City’s conflicts of interest law, which prohibits public servants from accepting gratuities from any person whose interests may be affected by the public servant’s official action. *COIB v. Glanz*, COIB Case No. 2010-831 (2011).

The Board fined a former New York City Department of Education (“DOE”) Elevator Operator \$300 for accepting free cases of bottled water from Poland Spring, a vendor to his school. The former Elevator Operator acknowledged that, as part of his official duties at DOE, he dealt directly with Poland Spring and that, over the course of nineteen months, he accepted a free case of bottled water each time Poland Spring delivered water to his school, approximately twice per month, for a total value of approximately \$300. The former Elevator Operator acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from accepting or receiving any gratuity from any person whose interests may be affected by the public servant’s official action. In setting the amount of the fine, the Board took into consideration the former Elevator Operator’s financial hardship, including his current unemployment. *COIB v. Grant*, COIB Case No. 2009-553 (2011).

¹⁰ 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.”

SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

- **Relevant Charter Sections:** City Charter § 2604(b)(14)¹¹

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Parent Coordinator for having a position with a firm doing business with the DOE and for appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-DOE employment. The former Parent Coordinator was employed by a firm as Program Director of an Afterschool Program at his school and, on behalf of the firm, he solicited other DOE schools to purchase the Program. The Afterschool Program was created to teach DOE students how to produce a magazine, for which the former Parent Coordinator obtained a trademark jointly with his DOE principal. The Parent Coordinator, his then DOE Principal, and the owner of the firm shared the trademark registration fee equally. During the course of the investigation into these allegations by the Special Commissioner of Investigation, the Parent Coordinator resigned from the DOE. Within one year of leaving City service, the former Parent Coordinator continued to communicate with the DOE by soliciting two schools and, the following school year, by acting as an instructor of the Afterschool Program at one. The Board informed the former Parent Coordinator that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having a position with a firm engaged in business dealings with his or her City agency; (b) using or attempting 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; (c) having a financial relationship with one’s City superior; (d) representing private interests before any City agency; and (e) appearing before his or her former agency within one year of terminating employment with that agency. In issuing the public warning letter, the Board took into consideration that the former Parent Coordinator’s DOE superior knew and approved of his operating the Afterschool Program at his school; as a result of that approval, the former Parent Coordinator was unaware that his conduct violated the City’s conflicts of interest law; the DOE cancelled the Afterschool Program at those DOE schools that had contracted with the firm; and the Board was satisfied that the former Parent Coordinator was unable to pay a fine. *COIB v. A. Johnson*, COIB Case No. 2010-289a (2011).

The Board fined the Director of the New Day Domestic Violence Shelter (“New Day”) and the New Day Director of Social Services of the New York City Human Resources Administration (“HRA”) \$1,250 and \$1,000, respectively, for participating in a “sou-sou” savings club that included their subordinates at New Day. The Board issued the two subordinates who participated in the sou-sou Public Warning Letters for their respective involvement. A “sou-sou” is an informal savings club, in which the participants pay a certain amount of money at regularly scheduled intervals and, at each interval, all the money collected from the group is dispersed to one participant. The payment schedule continues until all members of the sou-sou have received a lump-sum payment. The New Day Director admitted that, in 2009, she participated in a sou-sou with three of her HRA subordinates at New Day, including the Director of Social Services. The New Day Director is the Director of Social Services’ direct supervisor. The Director of Social Services admitted that she also participated in

¹¹ 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.”

the 2009 sou-sou with her superior, the Director of New Day, and two of her subordinates, who are indirectly supervised by the New Day Director. The Director and Director of Social Services acknowledged that their conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Hedrington*, COIB Case No. 2009-434 (2011); *COIB v. Barthelemy*, COIB Case No. 2009-434a (2011); *COIB v. Cespedes*, COIB Case No. 2009-434b (2011); *COIB v. Cintron*, COIB Case No. 2009-434c (2011).

The Board fined a New York City Department of Education ("DOE") Paraprofessional \$1,250 for preparing the tax returns of her supervisor, an Assistant Principal, for years 2004 to 2007, for which the Assistant Principal paid her approximately \$250 per year. The Paraprofessional acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a subordinate from entering into a business or financial relationship with his or her superior. *COIB v. Ennis*, COIB Case No. 2010-276a (2011).

The Board concluded a settlement with a former Deputy Inspector General at the New York City Department of Investigation ("DOI") concerning his multiple violations of the City of New York's conflicts of interest law. The former Deputy Inspector General admitted that, in addition to working for DOI, he also worked as a representative for ACN. ACN is a multi-level marketing company in which ACN representatives sell a variety of telecommunications products and services – such as videophones, digital phone service, and high-speed internet service – directly to consumers, for which sales they earn a commission, as well as earning a percentage of the commission earned by representatives whom they sign up to work for ACN. The former Deputy Inspector General admitted that, at times he was required to be working for DOI, he had multiple conversations with his subordinates about ACN, in an effort to get them to purchase an ACN videophone or to become an ACN representative. As part of his ACN-related marketing efforts, the Deputy Inspector General used a DOI computer to show a subordinate the ACN website and used DOI IT resources in order to demonstrate to his subordinates how an ACN videophone worked. He also used his DOI computer and DOI e-mail account to send five e-mails to his DOI subordinate about ACN. The former Inspector General acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting 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; prohibits a public servant from using City resources, such as a City computer or other IT resources or the public servant's City e-mail account, for non-City purposes; and prohibits using City time for non-City purposes. The former Deputy Inspector General also admitted that he purchased a laptop computer from his DOI subordinate for \$300. The former Deputy Inspector General acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship, which would include the sale of an item greater than \$25, with the public servant's City superior or subordinate. For his misconduct, the former Deputy Inspector General was removed by DOI from that position and transferred out of the investigative division to an administrative unit. In his new position, his salary was reduced by \$15,000 and he has no supervisory responsibility. The former Deputy Inspector General was also removed by DOI from its peace officer program. In consideration of these agency-imposed penalties, the Board did not impose any separate fine. *COIB v. Jordan*, COIB Case No. 2010-842 (2011).

The Board fined a New York City Department of Parks and Recreation Manager \$1,250 for entering into a financial relationship with several of her Parks subordinates by participating in a “sou-sou” savings club with them. The Board also issued seven of those subordinate Parks employees Public Warning Letters for their respective involvement in a financial relationship with a superior. According to the terms of the sou-sou, the participants agreed that they would each contribute \$50 every pay period and one participant would receive all the money contributed for that pay period (\$1,300). The Manager acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits public servants from entering into a financial relationship with a superior or subordinate City employee. While not pursuing further enforcement action against the subordinate Parks employees, the Board took the opportunity of these Public Warning Letters to remind public servants that a “sou-sou” or other informal savings club is a “financial relationship” within the meaning of the City’s conflicts of interest law and that such a financial relationship between superiors and subordinates is prohibited. *COIB v. Diggs*, COIB Case No. 2010-335 (2011); *COIB v. A. Williams*, COIB Case No. 2010-335f (2011); *COIB v. Ricketts*, COIB Case No. 2010-335g (2011); *COIB v. Dockery*, COIB Case No. 2010-335h (2011); *COIB v. Serrano*, COIB Case No. 2010-335i (2011); *COIB v. Llopiz*, COIB Case No. 2010-335k (2011); *COIB v. Britt*, COIB Case No. 2010-335l (2011); *COIB v. Alston*, COIB Case No. 2010-335m (2011).

The Board issued its Findings of Facts, Conclusions of Law, and Order fining a Lieutenant in the Emergency Medical Service (“EMS”) in the New York City Fire Department (“FDNY”) \$2,500 for borrowing \$3,000 from her subordinate, an FDNY Emergency Medical Technician. The Board’s Order adopted in substantial part the Report and Recommendation of the Office of Administrative Trials and Hearings (“OATH”), issued after a full trial before Administrative Law Judge (“ALJ”) Faye Lewis. The Board found that the ALJ correctly determined that the EMS Lieutenant accepted a \$3,000 loan from her subordinate in 2005, which she did not pay it back for five years, until 2010, after she was interviewed by the New York City Department of Investigation regarding these allegations. The ALJ found, and the Board adopted as its own findings, that the Lieutenant’s conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship, such as giving or receiving a loan, with another public servant who is a superior or subordinate of such public servant. For this violation, the ALJ recommended, and the Board ordered, that the Lieutenant pay a fine of \$2,500, even though the Lieutenant had repaid the loan prior to the commencement of the Board’s enforcement action. *COIB v. L. Paige*, COIB Case No. 2010-439 (2011).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with an Assistant Principal who agreed to irrevocably resign from DOE and to not seek future employment with DOE for attempting to sell and selling pocketbooks to her DOE subordinates and borrowing money from one of those subordinates. The Assistant Principal acknowledged that she invited several subordinates to a “pocketbook party” she was hosting at her home on October 30, 2009, for which, as host, the Assistant Principal would receive free pocketbooks. The Assistant Principal acknowledged that she sold a pocketbook to one subordinate during the pocketbook party. The Assistant Principal also acknowledged that, in June 2009, she solicited and obtained a \$300 loan from a subordinate. The Assistant Principal

admitted that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position 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, and from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Walker*, COIB Case No. 2010-165 (2011).

The Board fined the Brooklyn Borough President \$2,000 and his Chief of Staff, his direct subordinate at the Brooklyn Borough President's Office, \$1,100 for the legal representation provided by the Chief of Staff and his law firm to the Borough President in connection with the Borough President's purchase of a house. As both the Borough President and his Chief of Staff admitted, in 2009, the Borough President sought to purchase a house and spoke to his Chief of Staff, an attorney, for a recommendation for legal representation. The Chief of Staff recommended an attorney who works at the law firm owned by the Chief of Staff and that attorney proceeded to represent the Borough President in the name of the firm. That attorney gave birth approximately three weeks prior to the closing on the house so the Chief of Staff personally represented the Borough President at the closing. The Chief of Staff was not compensated for handling the closing, and the attorney at his law firm did not bill the Borough President for her legal work until after the New York City Department of Investigation conducted interviews in this matter. The Borough President and his Chief of Staff both acknowledged that their conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the public servant's superior or subordinate. The Board has previously stated, in its Advisory Opinion No. 92-28, that a public servant's provision of legal representation to a superior or subordinate, even if not compensated and even if the superior and subordinate are personal friends, would be a violation of this provision of the City's conflicts of interest law. *COIB v. Markowitz*, COIB Case No. 2009-849 (2011); *COIB v. Scissura*, COIB Case No. 2009-849a (2011).

ONE-YEAR POST-EMPLOYMENT APPEARANCES

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

The Board fined a former City Research Scientist IV for the New York City Department of Health and Mental Hygiene (“DOHMH”) Office of Emergency Preparedness and Response \$1,000 for appearing before DOHMH within one year of the termination of his DOHMH employment. The former Research Scientist acknowledged that, within one year after leaving DOHMH, he sent an e-mail on behalf of his new employer to the Deputy Director of the DOHMH Office of Emergency Preparedness and Response with a proposal for expanding emergency preparedness capacity development to community and residential health care providers. The former Research Scientist admitted that his conduct violated the City’s conflicts of interest law, which prohibits a former public servant from appearing before that public servant’s former agency within one year of terminating employment with the agency. *COIB v. Godfrey*, COIB Case No. 2011-343 (2011).

The Board issued a public warning letter to a former New York City Department of Education (“DOE”) Parent Coordinator for having a position with a firm doing business with the DOE and for appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-DOE employment. The former Parent Coordinator was employed by a firm as Program Director of an Afterschool Program at his school and, on behalf of the firm, he solicited other DOE schools to purchase the Program. The Afterschool Program was created to teach DOE students how to produce a magazine, for which the former Parent Coordinator obtained a trademark jointly with his DOE principal. The Parent Coordinator, his then DOE Principal, and the owner of the firm shared the trademark registration fee equally. During the course of the investigation into these allegations by the Special Commissioner of Investigation, the Parent Coordinator resigned from the DOE. Within one year of leaving City service, the former Parent Coordinator continued to communicate with the DOE by soliciting two schools and, the following school year, by acting as an instructor of the Afterschool Program at one. The Board informed the former Parent Coordinator that his conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from: (a) having a position with a firm engaged in business dealings with his or her City agency; (b) using or attempting 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; (c) having a financial relationship with one’s City superior; (d) representing private interests before any City agency; and (e) appearing before his or her former agency within one year of terminating employment with that agency. In issuing the public warning letter, the Board took into consideration that the former Parent Coordinator’s DOE

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.”

superior knew and approved of his operating the Afterschool Program at his school; as a result of that approval, the former Parent Coordinator was unaware that his conduct violated the City's conflicts of interest law; the DOE cancelled the Afterschool Program at those DOE schools that had contracted with the firm; and the Board was satisfied that the former Parent Coordinator was unable to pay a fine. *COIB v. A. Johnson*, COIB Case No. 2010-289a (2011).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a former DOE Teacher who was fined \$4,000 by the Board for owning a firm doing business with the DOE and appearing before the DOE on behalf of the firm while employed at the DOE and during his first year of post-City employment. The former Teacher admitted that he created a firm to market a software program he had developed, which firm engaged in business dealings with the DOE both by contracting with schools individually and by contracting with two DOE vendors, one of which vendors operated the school at which the former Teacher was employed. After resigning from the DOE, the former Teacher continued to communicate with those DOE schools that had purchased the software. The former Teacher admitted that his conduct violated the City's conflicts of interest law, which, among other things, prohibits a public servant from: (a) having an ownership interest in a firm engaged in business dealings with his or her City agency, including as a subcontractor where the firm has direct contact with, and responsibility to the City on, projects for which it was the subcontractor; (b) using or attempting 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; (c) representing private interests before any City agency; and (d) appearing before his or her former agency within one year of terminating employment with that agency. In setting the amount of the fine, the Board took into consideration that, upon learning of his possible conflict of interest, the former Teacher resigned from the DOE in an attempt to end his prohibited conduct and that, upon being informed of the possible post-employment conflict of interest, the former Teacher immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before the DOE and reported his conduct to the Board. *COIB v. Olsen*, COIB Case No. 2011-189 (2011).

The Board fined a New York City Department of Education ("DOE") Principal \$1,000 (a) for being an unpaid Board Member of a not-for-profit organization doing business with the DOE *and* for participating in those business dealings; and (b) for, within one year of leaving City service, communicating with the DOE on behalf of that not-for-profit for compensation. The Principal first acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from having a position, such as being an unpaid Board Member, at a not-for-profit organization engaged in business dealings with his or her agency without first obtaining permission from the head of his agency and further requires public servants to obtain a waiver from the Board in order to participate, on behalf of the not-for-profit, in any City-related matters. The Principal also admitted that, approximately three months after leaving his position at the DOE in summer 2008, he became the Interim Acting Executive Director of the not-for-profit, for which work he was compensated; between January and March 2009, he sent multiple e-mails and made two phone calls to the DOE on behalf of the not-for-profit. The Principal acknowledged that this conduct violated the conflicts of interest law's prohibition on a former public servant "appearing" before his or her former agency within one year of terminating

employment with the agency. In setting the amount of the fine, the Board took into consideration that, upon being informed of the possible post-employment conflict of interest, the Principal immediately contacted the DOE Ethics Officer and, at her request, took steps to end all his post-employment appearances before DOE and reported his conduct to the Board. *COIB v. Solomon*, COIB Case No. 2008-807 (2011).

The Board fined a former Tobacco Media Manager for the New York City Department of Health and Mental Hygiene (“DOHMH”) \$1,500 for appearing before DOHMH on behalf of private interests during his first year of post-City employment. The former Tobacco Media Manager admitted that, seven or eight months after leaving his position in the DOHMH Communications Bureau, he contracted with an advertising agency to consult on a DOHMH anti-smoking campaign and then communicated with a person in the DOHMH Communications Bureau about the campaign. Shortly after that communication, the former Media Manager was alerted to the conflict of interest created by his consulting on a DOHMH media campaign, and he stopped immediately. The former Media Manager admitted that his conduct violated the City’s conflicts of interest law, which prohibits a former public servant from “appearing” before his or her former agency within one year of terminating employment with the agency. *COIB v. K. James*, COIB Case No. 2008-747 (2011).

The Board imposed, and then forgave based on demonstrated financial hardship, a \$1,500 fine on a former New York City Department of Housing Preservation and Development (“HPD”) Secretary in the HPD Tax Incentive Unit who communicated with HPD on behalf of her private client within one year of her termination from HPD. The former Secretary acknowledged that, within one year after leaving HPD, she twice called the HPD Housing Development Specialist for the Tax Incentive Unit and once called an HPD Processor for the Tax Incentive Unit, all concerning her client’s tax exemption application. The former Secretary admitted that her conduct violated the City’s conflicts of interest law, which prohibits a former public servant from “appearing” before that public servant’s former agency within one year of terminating employment with the agency. *COIB v. Koonce*, COIB Case No. 2006-773 (2011).