

Do You Know Who I Am??



By Alex Kipp

One hot Friday night, I was tucking my kids into bed when blam! Blam! Blam! An angry fist on the door of my rental apartment demanded my immediate attention. The fist in question was attached to my furious upstairs neighbor, who immediately launched into a tirade against me and my boys for “conspiring to deprive her of the peaceful enjoyment of her apartment” (she’s a first-year law student, I think) by making too much noise “except,” now with dramatic Gen-Z air quotes, “miraculously, when my sister comes by to visit!” I wanted to ask her if she thought my 4- and 7-year-old kids were meticulously recording the comings and goings of this sister neither had ever seen, but I demurred.

She threatened to sue me for all the rent she has paid since moving in last year, as I was violating the terms of her lease. I not-so-politely informed her that it sounded like she had a dispute with her landlord, not me, and that maybe she needed to pay more attention in property class. Not very nice. But this was a lot nicer than the things I was

saying in my head. I felt attacked! I felt unfairly accused. I felt like I wanted to show her I am not a person to be trifled with! I wanted to misuse my City position. Just a tiny bit.

“Do you KNOW who you are messing with?” I started playing in my head. To which she responded, also in my head, “a jerk?” That was not what I expected her to say, but I countered: “This jerk works with a LOT of lawyers in City government!” To which she responded: “With that haircut? I don’t think so.”

“I’m serious!” I retorted, to the her in my head.

“What agency? The Jerk Department?” she asked incredulously in my head.

“I work for the Conflicts of Interest Board!” I said, threateningly in my head.

“Then you know that invoking your City position in a personal matter is a misuse of City

position..." she countered. I did know that.

"Of course! Which is why I would never do such a thing. I was just letting you know that I know lawyers, some of whom might be able to help you with your, erhm, issues." I was covering here. She didn't need a lawyer; she needed a white noise machine (and maybe some calming oils).

"What are you going to do, have one of your associates take my complaint and then give you favorable treatment? I don't think so."

"No, no, no, I promise you, I am not associated with any lawyers in City government. I might associate with them, but they are not 'associates' of mine."

"Don't gaslight me!"

"I'm not. For me to be 'associated' with someone, they either have to be my close relative or I have to be in some kind of financial relationship with them, like a tenant, a creditor, things like that. I am not 'associated' with anyone in City government. But you're right. If you submitted a complaint about my exceptional children—"

"—Exceptional! Heh! Exceptionally loud, maybe."

"And the complaint went to some City lawyer who was, say, my brother, he would not be able to handle the case."

"Because he's giving you special treatment!" she said. "Aha!"

"We are speaking in hypotheticals, so lower your voice! It's after 9 o'clock and I don't want to disrupt the peaceful enjoyment of the other tenants."

"Sorry."

"And actually 'special treatment' isn't the standard. If my brother gets assigned any kind of City task where I stand to benefit, he cannot take any action on that task, whether that action conveys special treatment or otherwise. This is why various City inspectors don't inspect their brothers' properties. It's why City procurement officials don't evaluate

bids submitted by the companies their spouses own. And it's why City officials don't hire their own children to work at their agencies."

"Especially not—"

"Don't say it!"

"I still don't like it. I submit the complaint, it goes to your brother's department. Sounds fishy to me."

"I think you mean, 'smells fishy.'"

"How DARE you! I think there has to be recusal on both sides."

"A recusal on..."

"Yes. Your brother must recuse from this matter and so should you!"

"You want me to recuse myself from the complaint you're filing against me?"

"Yes! Even without the brother. You're a City employee. You should recuse, if you care about your integrity."

"Look, I am entitled to all the same things anybody else gets from government: tax appeals, benefits (if I qualify), garbage collection, a speedy ambulance ride, hours of charm from the training staff of the Conflicts of Interest Board."

"Don't quit your day job," she snorted.

"That is, literally, my day job."

"Retracted."

"Now, if I have an associate who works in City government, I am not entitled to a better version of those services, but I'm certainly not entitled to a worse version, either."

"And how am I supposed to believe that your brother isn't doing something sneaky on the side to give you some sort of special treatment, eh??"

"Because there is no brother! The brother was purely hypothetical!"

“Sure, he is!”

“Whoo, boy...”

“I don’t trust you! Why would I? You started off this conversation by attempting to misuse your position...”

At this point, I realized I probably wasn’t going to get the intimidation I wanted with an unlawful invocation of my incredibly powerful City position. And even if I did manage to get her to back off of her threatened legal action, it wouldn’t be right. Aside from being a violation of the conflicts of interest law, it also feels wrong invoking the power of our multi-billion dollar City government against a misguided law student with dim prospects in mediating disputes. So I let it go.

Did doing the right thing solve my problem? Nope! Eventually we got the landlord involved. That seems to have bought us an uneasy détente for now.

In the heat of the moment, it can be tempting to invoke our City positions in the pursuit of (what we perceive as) fairness, or a small advantage, or expediency. It’s sure happened to me. But in dealing with the personal crisis right in front of us, let’s not forget our responsibilities to uphold trust and integrity in the way we serve the public. A few words said in anger could’ve made me look a bully, and a guy who didn’t take the responsibilities of his City job very seriously.

If you have any questions about when you can and can’t invoke your title, start with this test: if the invocation starts with, “Do you know who I am?!!” probably keep that to yourself. But if you have other questions involving use of title, like in speaking engagements, or authorship, or in identifying yourself in some other way, you can always get legal advice from us. Just email COIB’s Attorney of the Day at aod@coib.nyc.gov or call 212-442-1400 between 9-5, Monday through Friday and as to speak to the Attorney of the Day. All advice is confidential.



Alex Kipp is the Director of Education & Engagement at the New York City Conflicts of Interest Board.

Would YOU trust this guy?

The City inspector in this picture is supposed to be serving the public interest. But some might say he looks more interested in hooking himself up. And that’s a violation of the law. If you work for the City of New York, there are rules you should know about accepting gifts from vendors, moonlighting jobs, financial interests, political activities, jobs you may hold after leaving City service, and more.

Learn more by visiting the NYC Conflicts of Interest Board at www.nyc.gov/ethics, or call the Board during business hours and ask to speak to the Attorney of the Day: 212.442.1400
The Conflicts of Interest Board: Protecting the Public Trust in New York City Government



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Phone: (212) 442-1400
Fax: (212) 437-0705

Recent Enforcement Cases

Misuse of City Resources. The Chief Investigator for the Torts Division at the New York City Law Department used her Law Department email account to: get her co-op's maintenance office to perform repairs at her apartment; dispute maintenance charges with her co-op's management company; and seek from her co-op's management company a reduction in the apartment application fee for a friend. The now-former Chief Investigator agreed to pay a \$2,000 fine. In setting the amount of the fine, the Board took into account that the Chief Investigator had been penalized previously by the Board for engaging in substantially similar conduct.

Misuse of City Resources, Misuse of City Time & Misuse of City Position.

The Executive Deputy Director of the Sidewalk Program at the New York City Department of Transportation ("DOT") used her DOT email account to receive 17 emails from her husband containing content related to his work; edit this content; and send her edits back to her husband; Twelve of those edits were done during her City work hours. The Executive Deputy Director also used her City position to provide her husband with internal, though not confidential, information concerning DOT contracts that was relevant to his future employer. The Executive Deputy Director agreed to a joint settlement with the Board and DOT in which she paid a \$750 fine to the Board.

Misuse of City Position. While auditing a construction site, a Quality Assurance Auditor at the New York City Department

of Design and Construction ("DDC") told a Site Supervisor that he would not report the ten issues he had found at the site if the Site Supervisor purchased clothing from the Quality Assurance Auditor's eBay page; the Site Supervisor then purchased \$99.96 worth of items. During an official visit to another site run by a second contractor, the Quality Assurance Auditor asked the Site Inspector to pay him \$3,000 for study notes for a certification exam. When the Site Inspector said he could not afford \$3,000, the Quality Assurance Auditor agreed to accept \$500. The Quality Assurance Auditor never provided the study materials. The Quality Assurance Auditor paid a \$6,000 fine to the Board.

Misuse of City Resources. A Family Assistant at the New York City Department of Education ("DOE") who worked with Students in Temporary Housing ("STH") took her two daughters, who were not STH, on two free excursions intended to enrich the educations of STH: to Washington, D.C. and to a performance of "Wicked" on Broadway. The Board imposed on the now-former Family Assistant a fine of \$3,000, of which she was required to pay only \$1,200 as a result of her proven financial hardship.

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