

**IN THE MATTER OF GERTRUDE AGBASONU**  
**COIB CASE NO. 2016-366**  
**ACS FILE NO. 66054-619-000**  
**JANUARY 27, 2017**

**SUMMARY:** In a three-way settlement with the Board and the New York City Administration for Children’s Services (“ACS”), a Juvenile Counselor agreed to serve a fifteen calendar-day suspension, valued at approximately \$2,019, for, after being involved in an automobile accident with another vehicle, identifying herself to the other driver as an ACS employee, pointing to the official uniform she was wearing, displaying her ACS-issued badge/identification card, and requesting that the other driver not call the police regarding the accident. The City’s conflicts of interest law prohibits public servants from using their City positions to benefit themselves and from using a City resource – which includes City badges and identification cards – for any personal, non-City purpose. *COIB v. Agbasonu*, COIB Case No. 2016-366 (2017).

**STIPULATION AND DISPOSITION:**

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

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

**WHEREAS**, the Board, ACS, and Respondent wish to resolve these matters on the following terms,

**IT IS HEREBY AGREED**, by and between the parties, as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:
  - a. I have been employed by the New York City Division of Juvenile Justice / Division of Youth and Family Justice – which merged with ACS on July 4, 2011 – since October 31, 2005, most recently as a Juvenile Counselor assigned to the Crossroads Juvenile Center. As such, I am a “public servant” within the meaning of and subject to Chapter 68.
  - b. On or about May 11, 2016, I was involved in an automobile accident with another vehicle. In my interactions with the other driver, I identified myself as an ACS employee, pointed to the Juvenile Counselor uniform that I was wearing, displayed my ACS-issued badge/identification card, and requested that the other driver not call the police regarding the accident.

- c. I acknowledge that by using my ACS badge/identification card, which is a City resource, for the personal, non-City purpose of requesting that another driver not call the police regarding an accident, I violated City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b), which state respectively:

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)(2)]

Except as provided in subdivision (c) of this section, 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. [Board Rules § 1-13(b)]

- d. I acknowledge that, by identifying myself as an ACS employee when requesting that another driver not call the police, I used my City position to obtain a personal benefit in violation of City Charter § 2604(b)(3), which states:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

- e. On or about August 23, 2016, ACS served me with disciplinary charges, pursuant to Section 75 of the Civil Service Law, relating to the above-described conduct and other conduct that does not implicate Chapter 68. I acknowledge that my above-described conduct violated the ACS Code of Conduct, as set forth in the disciplinary charges.

2. ACS has determined that a fifteen calendar-day suspension without pay, valued at approximately \$2,019, is the appropriate penalty to resolve this matter.

3. The Board accepts the agency-imposed suspension without pay as sufficient penalty for the violations of Chapter 68 cited above and imposes no additional penalty.

4. Respondent agrees to the following:

- a. I agree to serve a fifteen calendar-day suspension, valued at approximately \$2,019, on dates to be determined by ACS.
- b. I agree that this Disposition is a public and final resolution of the ACS charges and the Board's action against me.

- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board or ACS in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or ACS, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.
- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having been represented by the union representative of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board or ACS; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

3. The Board and ACS accept this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or ACS against Respondent based upon the facts and circumstances set forth herein, except that the Board and ACS shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

4. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: November 28, 2016

\_\_\_\_\_/s/  
Gertrude Agbasonu  
Respondent

Dated: December 1, 2016

\_\_\_\_\_/s/  
Darek Robinson  
Vice President of Grievances and Legal Services  
SSEU Local 371, DC 37  
Union Representative for Respondent

Dated: December 7, 2016

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

Dated: January 27, 2017

\_\_\_\_\_/s/  
Richard Briffault  
Chair  
NYC Conflicts of Interest Board