

the Ethical Times

Hold Your Letterhead Up High ...Because It's an Important City Resource

By Gavin Kendall

You know computers, phones, copiers, printers, e-mail accounts, supplies, and equipment. But do you recall the most famous City resource of all? City letterhead! I say most famous because it seems the most recognizable. Even if I've never seen any official communications from the City, once that letter arrives and I open it. I definitely know what I'm looking at. It's got it all. The City seal. The name of the agency. The names of all the agency big shots. The official agency address, phone number, and website. The letterhead's purpose is to convey official communications from said agency. And according to the City's Conflicts of Interest Law, that should be its only purpose.



If you look at the [Frequently Asked Questions](#) section of our website, the page for City Letterhead only has two things to consider. (Hey, that's easy to remember.) One is that public servants may not use City letterhead for any personal purpose. And the other is that public servants may only use City letterhead to write a recommendation

IN THIS ISSUE

- 1 **Featured Article: City Letterhead**
- 2 **Public Service Puzzler**
- 3 **Recent Enforcement Cases**

letter for another public servant or intern when the letter writer is a superior (or former superior) of the recommendee, or is otherwise authorized by their agency to use City letterhead to write said letter.

Let's break that down a bit. Since City letterhead is to be used only for official City communications, using it for a personal purpose gives the appearance that the City has an interest in whatever the letter is advocating. Let's say I work at the Department of Buildings, and I send my landlord a letter on official DOB letterhead requesting that my lease be renewed for another two years. If the landlord decides to deny the "City's" request, will there be consequences? Or will the landlord renew my lease because they don't want any trouble? Regardless of the landlord's decision, it's not within the City's interest for my lease to be renewed or not, but using City letterhead sure makes it seem like it's in the City's interest.

Over the years we've had plenty of cases involving City letterhead being misused for personal purposes. In 1999 a former employee of the City Commission on Human Rights was fined \$500 for communicating with agencies such as the U.S. Veterans Administration and the U.S. Consulate on behalf of the clients of his private law practice. In 2007, a New York City Department of Education ("DOE") principal was fined \$5,000 for sending correspondence to parents on DOE letterhead thanking a Council Member and a State Senator for their support of the school and asking parents to support and endorse them in the future. In 2007 the Board issued 18 public warning letters to employees of the

New York City Department of Sanitation and one DOE Nurse for writing letters of support on City letterhead for a friend being sentenced on felony drug charges. If it's for a personal purpose, public servants shouldn't use City letterhead for it -- or they risk being fined by the Board for doing so.

Now, let's say I was trying to buy an apartment in a co-op building, and the co-op board needs me to submit a professional letter of reference -- what then? As some of you might already be painfully aware, co-ops routinely ask for these professional (and personal) letters. Could I ask my boss to write a letter for me, and could that letter be written on City letterhead? Yes and yes! A City employee who is authorized, whether explicitly or implicitly, to speak for his or her City agency with respect to the performance and/or character of another City employee will be permitted to use City letterhead for a reference letter for that employee. This person, most likely, will be the superior of the person requesting the letter, or someone authorized by agency leadership. In this way, the superior is not writing the letter in their personal capacity but on behalf of their agency. So, while it would be inappropriate for public servant to write a reference letter for a fellow City colleague on City letterhead, it's appropriate for a superior to use City letterhead in writing a reference letter for a subordinate in use on applications for co-op boards, adoptions, job applications, or college admissions.



Remember, nothing in Chapter 68 prevents us from creating our own stationery with our own personal seal. In that way, a co-worker could write as many recommendation letters for me as they want. They couldn't invoke the entire agency, but they could mention that they know me from work. For example,

"All of us here at COIB think Gavin is the best" would not be acceptable, but "as a fellow co-worker at COIB, Gavin is alright" would be fine.

Of course, with all things Chapter 68, this is the baseline that all public servants must follow. City agencies can have their own stricter rules, so be sure to check with your agency. And as always, you can call COIB's Attorney of the Day for confidential, even anonymous advice at 212-442-1400. Happy letters to all, and to all a good night!



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THE PUBLIC SERVICE PUZZLER



Hey devoted public servants! Have you set your Chapter 68-related New Year's Resolutions yet? If you need some inspiration, visit this month's [Puzzler](#) for our annual public service reverse word search challenge and get into tip-top ethical shape for 2024. Complete the search and **send us the secret message!**



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Recent Enforcement Cases

Misuse of City Position, City Resources & City Personnel.

An Associate Commissioner of Project Controls for the New York City Department of Design and Construction ("DDC") had a subordinate falsify DDC mileage sheets to enable him to retain a DDC parking permit for his personal vehicle; invoked his City title in communications with the company that managed his apartment in connection with renegotiating his lease; and had his assistant put a personal reference letter he had written for a friend on DDC letterhead. In a settlement, the Board imposed on the now-former Associate Commissioner a fine of \$5,000, of which all but \$250 was forgiven based on the now-former Associate Commissioner's documented showing of financial hardship.

Misuse of City Time & City Resources.

At times when he was required to be performing work for New York City Health + Hospitals, an Assistant Director of Community Affairs at Health + Hospitals/

Queens used his Health + Hospitals computer to perform work for his Master's Degree in Public Administration at Long Island University by accessing websites and editing 145 documents related to his degree. The now former Assistant Director of Community Affairs paid a \$2,000 fine to the Board.

Misuse of City Time.

At times when she was required to be performing work for DOE, a School Aide worked at least 360 hours for a car dealership at which she had a second job; she was paid approximately \$5,900 by DOE for those hours. In a settlement, the Board imposed on the now-former School Aide a fine of \$4,000, of which all but \$100 was forgiven based on the now-former School Aide's documented showing of financial hardship.

Visit our [search engine](#) for all COIB Enforcement Dispositions.



*Have a Happy &
Ethical New Year!*

- your friends at COIB