

Confidentiality Confidential



By Roy Koshy

As the Private Eye for the City of New York, I've been everywhere and seen it all: the gritty garages of Sanitation, the sturdy structures of DDC, the tranquil trails of the Parks Department-- you get the idea. But here I was, working late at my corner office on Lafayette Street, my only company a couple of empty "Happy to Serve You" coffee cups and a half-eaten egg salad sandwich from the corner deli. Then she walked in.

Marielle Haywood, TV star turned aspiring public servant. Sure, like everyone else I'd read in the dailies that Ms. Haywood was planning to sacrifice her career as the lead of the hit show "Restaurant PD",

where she played a no-nonsense health inspector, to become a real Health Inspector for the City. Her fans were up in arms and she was hemorrhaging followers. She had issued strenuous denials, trying to manage the chaos, to no avail. What was she doing in my office?

"Mr. Koshy," Haywood said. "As you may have seen, the papers have been covering my impending career change."

"So the stories are true!" I gasped. What a scoop – to hear it from the lady herself. But, of course, I'd never be able to share that straight dope with the public – confidential information I had only by virtue of my City position. Keeping secrets like this

was a serious responsibility of the City Private Eye gig.

Ms. Haywood nodded curtly. "This was not supposed to be public yet. I've spent weeks putting out fires caused by the unauthorized disclosure of my personal information, and I believe it's the fault of someone at the Department of Exams."

"I'm certainly intrigued, Ms. Haywood, but they keep a tight lid on that kind of info over at Exams. And why would someone even want to leak it in the first place?"

"That's what I intend to find out -- with your help, of course," Ms. Haywood said, handing me an email printout. It was a mass mailing for "Bee Four" water, a high-end honey water subscription service with a logo of four bees flying around a waterfall. "But I'm sure it was an inside job. Shortly after the press got wind of my plans to enter public service, my private email – the one I used for exam registration because it was supposed to be kept confidential – ended up on this email list for Bee Four honey water. Why would I be on that list? As everyone knows, I make my own bespoke honey water, so I'd never sign up for a subscription for someone else's. Surely you can understand my suspicions here?"

I certainly could, because I can understand any suspicion, and I'd read several articles about Ms. Haywood's forays into the honey water hobby. This case was getting stickier by the second. "Well Ms. Haywood," I began.

"Please, call me Marielle," she interrupted.

"Okay, Marielle, I will look into this matter for you, first thing tomorrow."



And with that, she turned and walked out of my office, leaving behind the printout and the scent of her perfume. My office smelled of honey, public service, and impending justice: three of my favorite things.

The next morning, I arrived at the Department of Exams to meet with its honcho, Commissioner Corte. It was on the fourth floor of a building in the Financial District. A lone security guard wearing a grey uniform and a thick scowl sat at the front desk. "Commissioner Corte will see you now. He's in Suite B, just down the hall." He gestured at an ornate door behind me, which I opened.

"Ah, Mr. Koshy, so nice to meet you," Exams Commissioner Corte greeted me as I walked into his office, which offered a panoramic view of the East River. "Please, have a seat."

I sat in a leather chair opposite his opulent oak desk. Commissioner Corte was in a three-piece suit, a gold-plated monocle over his left eye. My rumpled ID lanyard suddenly felt tight around my throat.

"Thank you for seeing me, Commissioner Corte," I said, shifting in the leather chair. "I'll get right to it. Marielle Haywood came by my office last night. As you may know, she's planning to take the civil service exam to become a Health Inspector."

"I can't discuss it; we keep such information strictly confidential, of course."

"That's just it, Commissioner. Her registration was leaked to the press without her permission. There's reason to believe that someone employed here at the Department of Exams may be responsible."

"Well now, Mr. Koshy," Corte responded. "Our staff is dedicated to the security of all applicants, so I have a hard time believing that."

This wasn't working, so I tried a new play and pushed the "Bee Four" water email across his desk. "Anyone on your staff run a honey water company?"

He aimed his monocle at the printout and shrugged. "We require all our employees to disclose any outside employment, so if that were so, I surely would have known about this."

Commissioner Corte was clearly stonewalling me, but I had nothing on him. I was at an end so dead the Department of Transportation would have handed it off to the Office of Chief Medical Examiner. I headed back to my office in defeat, walk-

ing in just as the phone was ringing.

"City Private Eye, how can I help you?" I answered.

"Perhaps it is I who can help you, Mr. Koshy," a gravelly voice whispered.

"I need all the help I can get," I retorted. "Who is this?"

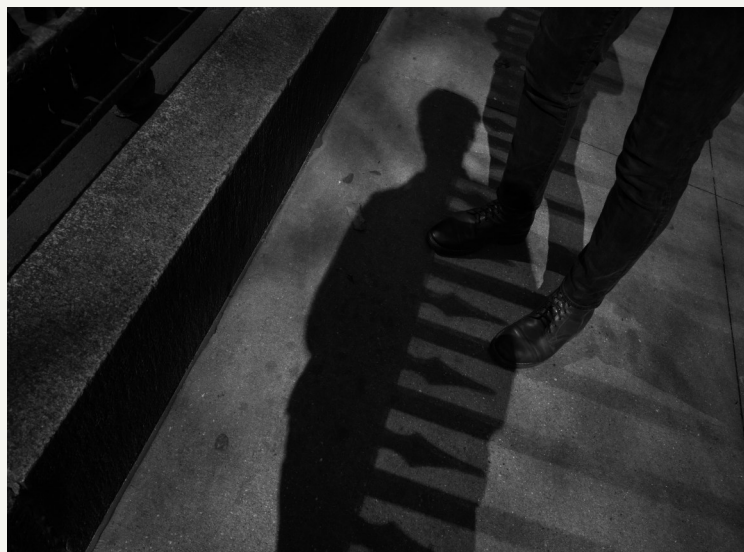
"This is Hal Brubeck. I used to be the Chief Procurement Officer at the Department of Karaoke, now retired."

"How's post-City life, Mr. Brubeck? Do you miss the warbled sounds of pop classics?"

Brubeck laughed and said, "If it's music you like, I will be singing some tunes in City Hall Park this evening around 9 pm. I can provide some information concerning this honey water/email registration/leak that you're looking into."

"What could you know about that? You're retired!"

Brubeck chuckled. "Which means I have nothing to lose. See you tonight, Mr. Koshy. It will all be clear then." And then he hung up.



As 9 pm approached and I made my way to City Hall Park, I turned over Hal's words in my head. He said that, as a retired public servant, he had nothing to lose. Suddenly, I realized that that's not true! He does have something to lose. If he's going to disclose confidential information, that's still prohibited by the City's conflicts of interest law...

At that moment, I arrived at City Hall Park to find a group of gawkers standing around. This being tourist season, I thought nothing of it, until I saw what they were gawking at: Hal Brubeck's body, lying face up on the ground with a beehive stuffed in his mouth. Next to his body was a karaoke machine blaring out the hit tune, "Wake Me Up Before You Go-Go." I ran back to my office.

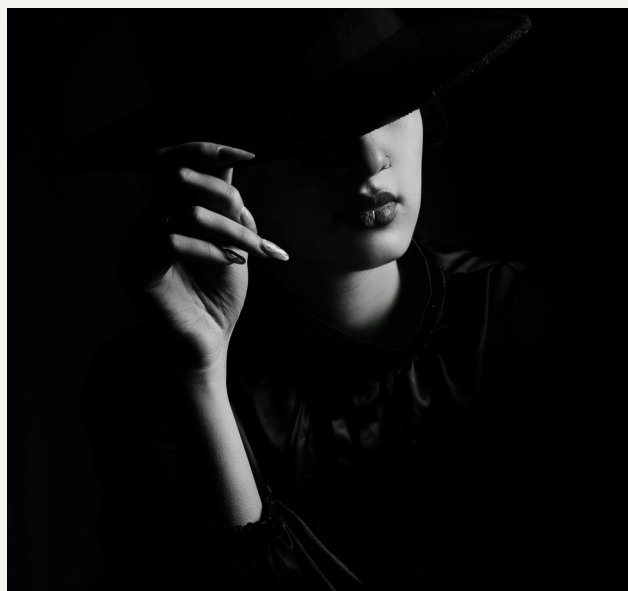
As I ran, those lyrics kept buzzing through my mind. Wake... before... be...fore ...Bee... Four? Something sinister was behind all of this, and I needed to blow the lid on it before I ended up with a mouthful of stingers. When I got to my office, I called Marielle Haywood. But as I heard the ring on the landline, I also heard a ring in my office.

"I let myself in, Mr. Koshy."

I turned around and saw Marielle standing in the corner. "Say, is breaking and entering part of the Health Inspector exam?" I quipped.

"Your droll jests won't help you, Mr. Koshy," Marielle said, ominously.

"Okay, how 'bout a serious question: did you ice Hal in the park?"



Marielle laughed, "Don't be silly, Mr. Koshy, I'm still a star, you know. That's more Gus's expertise." She signaled to the corner behind me, and it was Gus - the security guard at the Department of Exams, still wearing that scowl. Gus approached me, aiming my own desk mini-stapler at me. I put my hands up.

"Just what have you roped me into here?!"

A voice from the hallway answered, "It's bigger than you, Mr. Koshy."

The voice belonged to Commissioner Corte, who entered my office, holding a plastic knife from the Halal food cart out front. "You're merely a minor player."

"Player in what?!" I demanded.

"We were just about to close a lucrative contract with the City," Marielle explained. "We'd supply our brand of honey water to all City agencies; within a year we'd dominate the entire New York-area honey water market."

"But no such contract has been an-

nounced!" I objected.

"Precisely!" Marielle continued. "Commissioner Corte had the inside track, and he knew about my interest in honey water from the many press reports about it. So I quit my lousy actress job and we launched our company, Bee Four. We'd be ready to apply the moment the RFP was publicly announced. And since Corte would also see any other bids coming in, we'd be able to bid one dollar less than whatever our competitors offered."

"Ah, the Price is Right gambit," I said, not amused. "It violates several provisions of the conflicts of interest law, but I see you don't care. And the email printout you handed me when we first met?"

"We sent it to everyone who took a civil service test," Marielle answered. "Even if only a handful of people sign up, it'll be enough to fund our operations until that City contract pays out."

"Another violation. And why did you come to me in the first place?"

"As cover, Mr. Koshy. While you were busy chasing down all these inconsequential breaches of confidentiality on our behalf, we could move on our bigger plan."

"Breaches of confidentiality are important!" I replied. "And they are certainly not to be tolerated, whether from an aspiring civil servant or an Exams Commissioner!"

Corte laughed. "Why, Mr. Koshy, there is no Department of Exams, because we run the Department of Corruption!"

"Department of Corruption?!" I scoffed. "Funny, I've never heard of it!"

"Yes, Mr. Koshy; that's how corrupt it is!" Corte shouted. "No transparency, no accountability!"

I fell back in my chair, as shocked by this revelation as I was by the mission statement. Marielle, Corte, and Gus advanced towards me. "Thank you for your service, Mr. Koshy," Marielle purred. "We'll help you with your... early retirement."

All of a sudden, "Wake Me Up Before You Go-Go" started blaring from the hallway, stopping the three rogues in their tracks. While Gus was momentarily distracted, I grabbed my now-hardened egg salad sandwich and threw it at his head, knocking him out cold. As I dove under my desk, a swarm of bees filled the room, sending Corte and Marielle into paroxysms of screaming. I crawled out of my office and ran for the stairwell.

"Quite a close call there, Mr. Koshy." Hal Brubeck, alive and well, was waiting for me on the landing!

"Hal! But I saw you lying—"

Hal winked. "Ah, these louts didn't anticipate that one of the activities I took up in my retirement was beekeeping. I know bees quite well, and they'd never hurt me."

I finally relaxed. As we walked down the stairs, Hal explained how his involvement in the beekeeping community had allowed him to hear of Marielle and Corte's devious plot. That's why he had leaked the story of Marielle taking the civil service exam to the press.

I stopped him there. “Hal, thank you for saving me, but unfortunately you did violate the post-employment confidentiality provision of the conflicts of interest law, so I’m obligated to report you.”

Hal sighed, but was still smiling, “Fair enough, Mr. Koshy, but you’re driving on a two-way street. We both know there is no ‘Private Eye of the City of New York,’ and that you are in fact an Education and Engagement Specialist with the Conflicts of Interest Board.”

I had to hand it to him: Hal had me dead to rights.

“Well, at least we can agree that the Department of Corruption should be abolished,” I said, and we both laughed as we arrived at the lobby. Sure, in my one-man mission to root out vice, I had misused my City position, time, and resources. And I still had to email DCAS to clear that swarm of bees out of the COIB offices.

But that’s another story.

Remember, readers! While there’s no such thing as the Private Eye of the City of New York, the Conflicts of Interest Board is quite real. Our Advice attorneys can answer your questions about confidentiality, as well as all other provisions of Chapter 68. Just reach out by email anytime at aod@coib.nyc.gov (or [online](#)), or by phone at 212-442-1400 Monday to Friday, 9 to 5. All advice is, yes, confidential.



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Recent Enforcement Cases

Misuse of City Time & City Resources.

In addition to her City job, an Executive Project Manager for the New York City Campaign Finance Board ("CFB") had paid positions with two not-for-profit organizations and contracted to perform paid work for a third organization. The Executive Project Manager performed extensive work for these organizations at times she was required to be performing work for CFB, including attending a two-day out-of-state conference, a two-day "team retreat," a daylong "team meeting," and a half-day meeting. The Executive Project Manager also used her CFB computer to store three documents related to her outside work. The Executive Project Manager was terminated by CFB and paid a \$15,000 fine to the Board.

Misuse of City Position. A Child Protective Specialist at the New York City Administration for Children's Services ("ACS") directed a mother whose children's case he was supervising to communicate with him on a non-ACS phone number. He then engaged in a coercive text message exchange with the mother in which she provided him with sexual photographs. In a joint settlement with ACS and the Board, the Child Protective Specialist agreed to resign from ACS and not seek employment with ACS in the future.

Misuse of City Position. A Carpenter at the New York City Department of Citywide Administrative Services ("DCAS") created a fake parking placard that contained the seal of the City of New York and the words "DCAS Carpenter Shop, City of New York."

The Carpenter placed the fake placard in the windshield of his personal vehicle on one occasion when he illegally parked his personal vehicle on the sidewalk to avoid receiving parking fines or parking fees. In a joint agreement with the Board and DCAS, the Carpenter agreed to serve a three-day suspension, valued at approximately \$1,196. The Board determined that the penalty imposed by DCAS was sufficient and imposed no additional penalty.

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