

**IN THE MATTER OF MAGDY YOUSSEF  
COIB CASE NO. 2016-881  
DEP CASE NO. 0118-2016d  
MARCH 24, 2017**

**SUMMARY:** In a joint settlement with the Board and the New York City Department of Environmental Protection (“DEP”), a DEP Electrical Engineer agreed to resign his DEP employment for, without authorization, using a DEP vehicle on approximately nineteen occasions to run personal errands and to commute between his DEP office and his home. The Board accepted the Electrical Engineer’s resignation as sufficient penalty for his violations and imposed no additional penalty. *COIB v. Youssef*, COIB Case No. 2016-881 (2017).

**STIPULATION AND DISPOSITION:**

**WHEREAS**, the New York City Department of Environmental Protection (“DEP”) served disciplinary charges against Magdy Youssef (“Respondent”), pursuant to Section 75 of the New York Civil Service Law, alleging violations of Chapter 68 of the New York City Charter (“Chapter 68”), and the DEP Uniform Code of Discipline;

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

**WHEREAS**, the Board, DEP, and Respondent wish to resolve this matter 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 DEP since December 10, 2007, as an Assistant Electrical Engineer. As such, during this time, I have been and continue to be a “public servant” within the meaning of and subject to Chapter 68.
  - b. On approximately nineteen (19) occasions between July 26, 2016, and November 14, 2016, I used a DEP vehicle to run personal errands and to commute from my DEP office to my home, without authorization from DEP.
  - c. I acknowledge that, by using a City vehicle for personal, non-City purposes, I violated DEP Uniform Code of Discipline Rules E. 34 and E. 36, and the City’s conflicts of interest law (Chapter 68), specifically 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)]

2. DEP has determined that the appropriate penalty in this case is resignation. The Board, after reviewing prior cases involving City employees who misused City vehicles for personal purposes, has decided to accept Respondent's resignation and not to impose any additional penalty.

3. In recognition of the foregoing, Respondent agrees to the following:

- a. I agree that, for the remainder of my DEP employment, I will not use a DEP vehicle.
- b. I agree to retire on July 1, 2017, with my terminal leave beginning on May 11, 2017.
- c. I agree that if I do not retire on July 1, 2017, my irrevocable resignation from DEP will be effective July 1, 2017.
- d. I agree that this Disposition is a public and final resolution of the DEP charges and the Board's action against me.
- e. 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 DEP 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 DEP, or any members or employees thereof relating to or arising out of this Disposition or the matters recited herein.
- f. 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 DEP; and that I fully understand all the terms of this Disposition.

g. 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.

4. The Board and DEP 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 DEP against Respondent based upon the facts and circumstances set forth herein, except that the Board and DEP shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

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

Dated: February 10, 2017

\_\_\_\_\_/s/  
Magdy Youssef  
Respondent

Dated: February 10, 2017

\_\_\_\_\_/s/  
Uma Kutwal  
DC37 Union Representative for Respondent

Dated: February 15, 2017

\_\_\_\_\_/s/  
David M. Cohen  
Chief Administrative Officer  
NYC Department of Environmental Protection

Dated: March 24, 2017

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