



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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IN THE MATTER OF CAROL BELL COIB CASE NO. 2016-877 MARCH 24, 2017

SUMMARY: On at least ten occasions during her New York City Department of Education (“DOE”) work hours and on DOE premises, a DOE Principal Administrative Associate accepted money from parents for notarizing DOE enrollment paperwork. (Her official DOE duties did not include notarizing documents.) The Board issued a public warning letter to the Principal Administrative Associate for conducting her private business using City time and resources. In not imposing a fine, the Board took into account the small amount of City time and resources the Principal Administrative Associate used for her notary business and that she ceased accepting money from parents for her notary services upon learning of her conflict; but, in issuing a public warning letter, the Board sought to make clear to all public servants that any use of City time or resources for their private enterprises is strictly prohibited. *COIB v. Bell*, COIB Case No. 2016-877 (2017).

Re: COIB Case No. 2016-877

Dear Ms. Bell:

The New York City Conflicts of Interest Board (the “Board”) is issuing this letter to you in connection with your performing private notary services for compensation on New York City Department of Education (“DOE”) premises during your DOE workday. You have agreed to make this letter public in order to provide guidance to other public servants.

The facts of this matter, which you do not dispute, are stated briefly as follows. You have been employed by DOE as a Principal Administrative Associate since April 9, 1984. You are also a notary public, although you do not perform notary services as part of your official DOE duties. On at least ten occasions from September 2014 through September 2016, during your DOE work hours and while on DOE premises, you accepted payment of \$2 each from parents for notarizing DOE enrollment paperwork.

Under the City's conflicts of interest law, City employees may not use any time when they are being paid to perform services for the City nor use City resources, in this case City premises, to further their private business. Such activity violates Charter § 2604(b)(2), pursuant to Board Rules §§ 1-13(a) and 13(b), which state in relevant part:

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. [Charter § 2604(b)(2)]

It shall be a violation of City Charter §2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City. [Board Rules § 1-13(a)]

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)]

Under City Charter § 2606, the Board may impose civil fines of up to \$25,000 and other penalties on a person who violates the City's conflicts of interest law. However, the Board has determined that no such sanctions are necessary in this case under the particular circumstances presented here, taking into account the minimal amount of time and resources involved and that, upon being alerted to your conflict, you promptly ceased accepting money from parents for your notary services.

This letter should be regarded as a formal reminder of the importance of strict compliance with Chapter 68 and the Rules of the Board. Precise compliance with these regulations avoids even the appearance of impropriety and helps to strengthen public confidence in City officials.

If you have any questions regarding the conflicts of interest law, please contact the Conflicts of Interest Board staff at (212) 442-1400.

Very truly yours,

/s/

Richard Briffault
Chair

I, Carol Bell, hereby waive any right I may have to confidentiality and thereby permit the Board to make this document public. I represent that I have entered into this agreement freely, knowingly, and intentionally without coercion or duress and that I have had a full opportunity to consult with counsel of my choice.

Dated: 3/1/17

/s/

Carol Bell