

# the Ethical Times

## Putting the Duke in Inducement

By Roy Koshy

Dear Fellow City Employee,

My name is Roy Koshy, and like you I am a citizen in the employ of the City of New York. Recently, I learned that I am also a descendant of the Duke of York, who was granted the colony of New York in 1644. What this stunning discovery means is that I stand to inherit a very large sum of money, perhaps in the billions of dollars. As a fellow public servant, I want to be able to share this wealth with you. However, in order to access the money owed to me, I need to provide certified documentation that backs up this true and accurate claim. Let me be clear: I am not asking you for any money. My request is quite simple. I contacted your agency and was told that I

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need to wait 60 to 90 days for my documents to be reviewed and certified. I do not wish to wait that long, as the royal summer social season is nearly over. I would like you to use your City influence on behalf of me, a fellow City employee, to help ensure that my paperwork immediately finds its way to the top of the pile and is certified as correct. Once you have allowed me to expeditiously prove my lineage, I am prepared to offer you **a substantial percentage of my inheritance** as a reward for your help. Kindly let me know as soon as possible that you have helped speed my paperwork to a satisfactory conclusion, so that there will be no delay in sharing my wealth with you.

Sincerely,  
Roy Koshy, future Duke of York

Dear Fellow City Employee,

Hello, I did not hear back from you regarding my generous offer. Well, it turns out that my quest to acquire my rightful inheritance has run afoul of the conflicts of interest law that applies to all City employees. In fact, I received a warning letter from the Conflicts of Interest Board letting me know that my previous letter to you



was a form of *inducement*, which is expressly prohibited by this law. Specifically, I asked you to subvert the appropriate procedures for document requests in exchange for financial compensation. It turns out that this would be a misuse of position by you, not to mention a prohibited gratuity, both of which are frowned upon.

I will not make that mistake again! Instead, I have decided to share an entirely different and fully ethical opportunity with you while I wait for my paperwork to make its way through your agency by normal channels. You see, I'm not only the heir to a Duke (proof pending), but I am also an aspiring entrepreneur. I am currently developing an app that helps people discover if they, like me, are descendants of royalty. I want to offer this app to my fellow City employees first. Just to be clear: I am not asking you for money. All I am asking is for you to recommend this app to your fellow agency employees, especially your agency's IT department and administrative staff in charge of purchasing. Let them know about the opportunity to help their fellow public servants discover their true heritages. If you can do this for me, **I am prepared to share in the profits from my app** with you! Please take action ASAP, I don't want you to miss out!

With Gratitude,  
Roy Koshy, CEO/Duke



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Dear Fellow City Employee,

Hello, it seems that my attempts in establishing contact with you remain unsuccessful. It also appears that the opportunity that I presented to you in my previous letter was once again deemed to be inducement. Even though I was not asking you to take action directly on my behalf, the Conflicts of Interest Board has determined that I was nevertheless again attempting to involve you in a "scheme" that "entangled" your own "financial interests" with your "City duties." As a result, the Board has now imposed a "monetary fine" against me.

While I do not agree with this particular decision, I choose to see this moment as another opportunity! I may be royalty, but I fully embrace the vibrant democracy that is our system. I am therefore running for Mayor, so that I can change the conflicts of interest law. This is where you come in! Let me be clear: I am not asking you for money. I just need you to send an email to your co-workers with a link to my campaign website, and kindly ask them to make a contribution. **If you have employees who you supervise, I especially encourage you to reach out to them** because this will be a surefire source of funds. The results will be best if you send this official email when everyone is at work. If you are able to do this for me, I will look for any opportunities for you that may arise when I become Mayor, and then eventually reclaim my title as the Duke of New York. Please respond to this request as soon as possible.

Towards a Brighter Future,  
Roy Koshy (#Koshy2021/#RoyalMayoral)

Dear Fellow City Employee,

I see that you have not taken me up on my latest offer. I suppose that is the best course of action, because apparently it is a violation for City employees to engage in political campaigning by using their City email accounts or work hours to fundraise for a mayoral candidate. It is also a violation, I am told, for City supervisors to make any political solicitations of their subordinates. So, for me to promise you future favors for taking these actions is yet again an example of inducement. I have to pay another monetary fine to the Conflicts of interest Board, and a very severe one at that due to the many previous enforcement actions taken against me.

I do not intend to induce you to do anything else illegal, but rather I am humbly requesting your help. The fines that I have accrued are hefty, and I currently cannot pay them all by myself. In order to fulfill my financial obligations, I have set up a charitable fund to assist with these costs. Once again, I am not asking you for money, but rather to **make a donation in recognition of my City service** teaching you through my example about the dangers of

inducement. If you have appreciated my efforts in bringing to light this important part of the conflicts of interest law, please feel free to say “thank you” by making a contribution to the fund. When all of these difficulties resolve, I will repay your kindness during my reign/mayoral term, perhaps through an earldom and/or assistant commissioner position. Please visit my fund’s website ASAP as I am being asked by Security to clear out my belongings and relinquish my City email account as of end of business today.

Yours in Success,  
Roy Koshy, Duke/CEO/Mayoral Candidate/  
Philanthropist

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*Ed note: it should come as no surprise that soliciting a gratuity would once again be a violation of the law. Before sending these letters, Roy should have contacted COIB’s Attorney of the Day, who can confidentially advise public servants on the City’s Conflicts of Interest Law. The Attorney of the Day can be reached at (212) 442-1400 during business hours or by [visiting our website](#).*



Roy Koshy is an Education & Engagement Specialist at the New York City Conflicts of Interest Board.



## COIB and COVID-19

COIB is operational and here for you. The Attorney of the Day is available to answer your ethics questions at (212) 442-1400 or via the [legal advice request form](#).

We encourage New Yorkers to follow DOHMH at [@nycHealthy](#) and/or text COVID to 692-692 to receive updates.

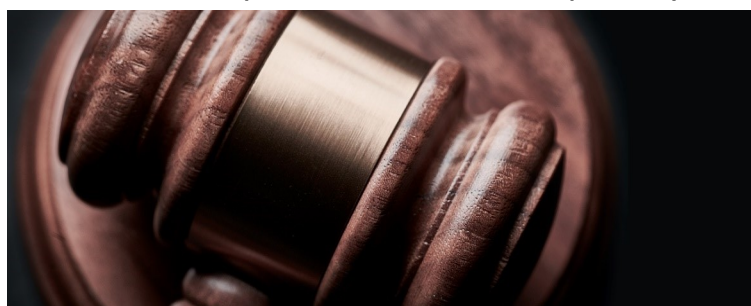
## Recent Enforcement Cases

**Prohibited Gift.** The Executive Director of the NYC Board of Elections (BOE) served as an unpaid member of the National Customer Advisory Board for Election Systems and Software (ES&S), a vendor that supplies products and services to BOE, with the approval of the Commissioners of Elections. The Executive Director was advised by COIB that ES&S could pay for his travel expenses to attend Customer Advisory Board meetings as appropriate to fulfill the City purpose of his attendance. In 2016, ES&S held a Customer Advisory Board meeting in Manhattan. The Executive Director lives in Staten Island. ES&S paid for the Executive Director to spend two nights at a Manhattan hotel, the cost of which was approximately \$760. There was no City purpose to stay at the hotel given that the Executive Director commuted to Manhattan every workday to perform his BOE job. The Executive Director paid a \$2,500 fine to the Board. In setting the fine, the Board considered that the Executive Director was an agency head and an attorney and thus is held to a high standard of compliance with the conflicts of interest law.

**Misuse of City Resources.** The Executive Director of Community Affairs at the Kings County District Attorney's Office (KCDA) was a member of the Vanguard Independent Democratic Association (VIDA). On the night of VIDA's 45th Anniversary Gala, she had a subordinate KCDA Community Associate pick up more than 200 VIDA Journals in multiple heavy boxes and deliver them to the Gala. The Community Associate received overtime from KCDA for performing this personal favor. The Executive Director paid a \$1,000 fine to the Board. In setting the fine, the Board considered that the Executive Director was an attorney and a high-level public servant at a law enforcement agency and thus is held to a high standard of compliance with the conflicts of interest law.

**Misuse of City Time & Resources.** An Engineer Level B in the Architecture and Engineering Division, In-House Design Studio at the NYC School Construction Authority (SCA) was the owner of an engineering consulting business. Despite prior warnings from SCA and the Board not to use his SCA computer or SCA work hours to perform work for his outside business, the Engineer used his SCA computer, sometimes during his SCA work hours, to store, access, create, and/or modify 228 files related to his private business. The now-former Engineer paid a \$5,500 fine to the Board.

**Misuse of City Resources & Position.** The Executive Director of the Office of Pupil Transportation (OPT) for the NYC Department of Education (DOE) was assigned a City vehicle to be used for official City business and to commute between her City residence and the OPT office. On numerous occasions over the course of eight years, the Executive Director accepted offers from on-duty OPT subordinates to drive her in her City vehicle from the OPT office to LaGuardia Airport to travel to California. In addition, the Executive Director accepted offers from off-duty OPT subordinates on three occasions to drive her in their personal vehicles from the OPT office to LaGuardia Airport to travel to California. By accepting offers from her OPT subordinates to drive her to the airport for personal travel, the Executive Director misused her City position. The Board accepted the now-former Executive Director's termination from DOE as sufficient to address these violations and imposed no additional penalty.



## Recent Enforcement Cases

**Post-Employment.** After leaving his position at the NYC Loft Board, a division of the NYC Department of Buildings (DOB), a former Assistant General Counsel contacted the Board for advice about going to work for a law firm that appears before the City and was advised not to communicate with his former City agency within one year of leaving City employment. Despite receiving this advice, within one year of leaving City employment, the former Assistant General Counsel sent two letters to the DOB Brooklyn Borough Commissioner on behalf of a law firm client to address a DOB investigation and two DOB-issued citations. The former Assistant General Counsel paid a \$1,800 fine to the Board. In setting the fine, the Board weighed the fact that the former Assistant General Counsel was an attorney who disregarded Board advice against the fact that he self-reported his conduct to the Board.

**Misuse of City Resources.** The Board issued a public warning letter to an Inspector in the Office of Labor and Policy Standards at the NYC Department of Consumer Affairs (DCA) for showing his DCA badge to the manager of a laundromat after the manager declined to compensate him for a stained suit. In issuing the public warning letter instead of a fine, the Board considered that the Inspector did not directly reference his City position and that he showed his DCA badge too briefly for the manager to identify the government agency for which he worked.

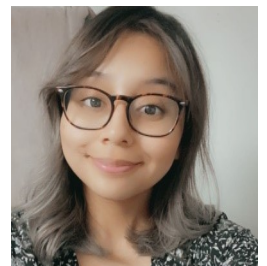
**Misuse of City Resources.** A DOE School Psychologist used her DOE computer to store, modify, and/or edit 238 files related to her private work performing evaluations as an independent contractor for early intervention services agencies. In a joint settlement with the Board and DOE, the School Psychologist paid a \$2,750 fine to the Board.

**Post-Employment.** After leaving his position at the NYC Department of Health and Mental Hygiene (DOHMH), a former Water Ecologist Level III began working for NSF Health Services. NSF works with owners of cooling towers to ensure compliance with DOHMH requirements and to inform DOHMH about the owners' compliance activities. Within one year of leaving City employment, the former Water Ecologist sent five emails to DOHMH on behalf of NSF concerning DOHMH inspections of cooling towers, including documentation of compliance activities, and remained copied on related emails with DOHMH. The former Water Ecologist also called a DOHMH employee to ask whether DOHMH had changed its compliance form for cooling towers. The former Water Ecologist paid a \$2,000 fine to the Board. In setting the fine, the Board weighed the fact that the communications involved a public health risk against the fact that neither the former Water Ecologist nor NSF was responsible for performing the compliance activities or creating the related documentation.

A [searchable index](#) of all the COIB Enforcement Dispositions and Advisory Opinions is available courtesy of New York Law School.

## THE PUBLIC SERVICE PUZZLER

Congratulations to the winner of our recent Public Service Puzzler, **Stephanie Toro** of TLC, who connects drivers with info and (these days) even a new income stream.



In this month's [contest](#), put on your Attorney of the Day hat — can you help advise a public servant as she seeks a new job? Entries are due **Wednesday, August 12<sup>th</sup>**.