

Nep-BOO!-tism



By Roy Koshy

It's October, which means the Fall season is in full swing. My favorite part of the month is Halloween. While many of my fellow citizens engage in tricks and treats and costume parties, there's nothing I enjoy more than getting under my map of NYC blanket and watching scary movies! However, since I pride myself on being an upstanding public servant for the City of New York, in revisiting some of these films, I find myself haunted by actions that would be considered unethical and prohibited nepotism under our City's conflicts of interest law. So as I enjoy the thrills and chills of these classics, I see it as my duty to alert my fellow public servants to the horrors of misusing one's City position on behalf of close family members. Enjoy!

[Beware! This article contains some spooooooky spoilers of these horror classics, so proceed with caution!]

Rosemary's Baby – Rosemary and her husband Guy move into an old-fashioned yet luxurious Manhattan apartment, only to be taken in by suspiciously friendly neighbors

who turn out to belong to a Satanic coven. Without delving into too much detail, the Coven and Guy conspire to cause Rosemary to give birth to the spawn of Satan. At first she is horrified, but she embraces her role as a mother to this devilish offspring. This film has been heralded as a classic in the genre for its sinister tone and shocking twists, but I cannot in good conscience herald the unanswered questions left after the credits roll. What happens if Rosemary eventually lands a job with the City of New York and perhaps even a position where she must procure and oversee contracts on behalf of her City agency? And let's say Satan himself has their son submit a bid on behalf of the dark underworld to do business with that same agency. Rosemary certainly could NOT be involved in considering the bid, and should Satan win the contract, Rosemary cannot at all be involved in any of Hell's business dealings with her agency. Even if we assume the best of Rosemary in her public service and decision-making, it will always appear that the Prince of Darkness maintains business with the City only because of this familial connection. Per-

haps one day we'll see a sequel, "Rosemary's Recusal"?

Friday the 13th – A group of fresh-faced youngsters sets up camp at Crystal Lake, an abandoned summer camp, only to find themselves being offed one by one by an unseen killer. The long-running "Friday the 13th" franchise features "Jason" Vorhees as the enigmatic and relentless killer, but, in this first installment, the killer is Jason's mother Mrs. Vorhees, who is exacting revenge because many years ago camp counselors allowed Jason to drown in the lake. Certainly, she is committing criminal acts, but I can't help but feel that if Mrs. Vorhees was a City employee, she'd also face an enforcement action from COIB. Let's say she was a Parks inspector, and she was interacting with this camp in her official capacity. Is she offing mischievous and rowdy campers for the good of the municipality, or is she motivated by her understandable interest in her son? In fact, Mrs. Vorhees eventually explains that her actions are on behalf of her son, which confirms that she is using her position on behalf of a family member, which would be a violation of the conflicts of interest law. The best course of action would be for Mrs. Vorhees to disclose her personal interest in this camp to her Parks supervisor, so that the agency can send another slasher to interact with the campers!

The Texas Chainsaw Massacre – Five close friends find themselves in rural Texas when their van runs out of gas. They happen upon a seemingly abandoned house, only to find it's run by a family of blood-thirsty chainsaw-wielding cannibals. This year marks the 50th anniversary of this iconic horror film, but it also remains a classic case of taking a chainsaw to good government! This slasher family consists of a father, his two sons, and their grandfather. Throughout the film the father gives orders to his son "Leatherface," and the entire family works with each other on their dastardly projects. If this were a City agency, this family would be prohibited from supervising or being supervised by each other. Simply put, we cannot be certain whether these public servants are motivated in their decision-making by their familial relationships, or the greater good of their municipality. There are even

some agencies that have stricter prohibitions on family members working in the same bureau! I would certainly recommend a COIB training for the Leatherface clan, but it would probably be wiser to do it virtually. Additionally, I would recommend a visit from our Esteemed NYC Department of Health, but alas, this nefarious family is based in Texas and in the land of fiction.

The Omen – U.S. Ambassador Robert Thorne and his wife adopt a child after a familial tragedy, and it turns out that this child "Damien" is the Antichrist. Damien the Antichrist wants to use his adoptive father to advance his own power through political avenues. Well, I say good luck trying that in NYC, Damien! The City's conflicts of interest law prohibits public servants from using their City positions for the personal advantage of their close relatives, and this would also apply to their political advancement. This would apply to Robert if he were a government official for the City of New York, be it elected or appointed. Whatever Damien's political aspirations may be, Robert cannot even appear to be involved through his official position. His son may be the Antichrist, but Robert can choose to be anti-corruption!

Carrie – Shy, awkward teenager Carrie White is bullied relentlessly at school and is tormented at home by her fanatical mother. Lucky for her, Carrie possesses the powers of telekinesis, and she uses it to exact revenge on her classmates and anyone who has mistreated her on prom night. On a positive note, Carrie's mother does try to get involved in her life at school and prom, and Carrie very firmly prohibits her mother from being involved. Perhaps there is a deleted scene where Carrie gets advice from a local ethics agency? Either way, I think Carrie would be an ideal candidate for employment with the City of New York!

Psycho – This classic of the horror genre primarily takes place at the isolated and eerie Bates Motel, which is overseen by Norman Bates, a polite yet awkward young man who operates the Motel with his ill mother. As you can guess, I'm already yelling at the screen saying, "not in NYC government, pal!" In short, guests and visitors are murdered, and the killings are attributed to Norman's

mother. It turns out that Norman was impersonating his mother (who was long deceased) and that he was the killer all along. Quite frankly, I'm conflicted on this one, because if Norman was a public servant, impersonating his own mother doesn't really lead to a financial or personal gain for his deceased mother. It makes me wonder, if I was a manager in City government who was supervising my staff while posing as my own father, is that a violation? If I'm fulfilling my managerial obligations such as performing evaluations, assigning work, approving leave, etc. - maybe telling my employee "Yes, you can use that leave time, I'm approving this as THOMAS Koshy and totally NOT Roy Koshy!" - I'm not actually misusing my position towards the financial advantage of my father, or myself. It's certainly strange and perhaps frowned upon, and maybe my boss would have some words for me. If you do find yourself in special circumstances that may inspire you to impersonate a family member in your City employment, please call for advice before pursuing this course of action.

Of course, please contact the COIB Attorney of the Day with any questions you may have regarding *creepy* conflicts of interest issues, either via *eerie* email at aod@coib.nyc.gov or by *petrifying* phone call at 212-442-1400. Email anytime; call between 9am-5pm, Monday through Friday and ask to speak to the Attorney of the Day. All advice is confidential (and totally not scary). Happy Spooky Season!



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Recent Enforcement Cases

Use or Disclosure of Confidential Information. A New York City resident (the "Complainant") filed multiple complaints using the City's 311 system about the parking practices of New York City Police Department ("NYPD") employees. On six occasions, an NYPD Police Officer called the Complainant using the telephone number the Complainant provided in his complaints. When the Complainant did not answer, the Police Officer left six harassing voicemail messages, including recordings of animal noises. In a settlement with the Board, the Police Officer agreed to pay a \$500 fine to resolve his violations of the City's conflicts of interest law, a penalty that took into account that he had already agreed to the forfeiture of 60 vacation days, which has an approximate value of \$24,264, to resolve related disciplinary charges brought by NYPD.

Use or Disclosure of Confidential Information. A Child Protective Specialist at the New York City Administration for Children's Services ("ACS") accessed the confidential database CONNECTIONS to obtain information about an ACS investigation in which she was a subject. In a three-way settlement with the Board and ACS, the Child Protective Specialist agreed to serve an ACS-imposed four-day suspension, valued at approximately \$1,014. The Board accepted the suspension as a sufficient penalty for the Child Protective Specialist's violations and did not impose any additional penalty.

Recent Enforcement Cases

Misuse of City Time; Misuse of City Resources; Prohibited Appearances. A Probation Officer at the New York City Department of Probation ("DOP") had a second job as a Social Work Consultant performing court-appointed work. The Probation Officer performed more than 200 hours of this outside work at times she was required to be working for DOP; she also stored 87 documents on her DOP computer and used a DOP printer to scan documents related to her outside work. Finally, on behalf of her court-appointed clients, the Probation Officer communicated with employees of the ACS, NYPD, and the New York City Department of Education on more than 200 occasions. The now-former Probation Officer paid a \$7,250 fine to the Board.

Misuse of City Resources. A Family Assistant at the New York City Department of Education ("DOE") who worked with Students in Temporary Housing ("STH") took her three granddaughters, who were not STH, on a free trip intended to enrich the educations of STH to the Rocking Horse Ranch Resort in Highland, New York. The now-former Family Assistant paid a \$4,000 fine to the Board. In setting this fine, the Board considered that the now-former Family Assistant had been terminated by DOE for this conduct.

Misuse of City Position. Through emails and text messages, the Chief of the Crime Victims Assistance Bureau at the Bronx District Attorney's Office ("BXDA") repeatedly asked dozens of her subordinates to support her in a "Fab Over 40" contest for

which the prizes included \$40,000 in cash and a "spacation." Seventeen of her subordinates voted for her and four donated money to obtain extra votes. BXDA terminated the Chief for this and other misconduct. The now-former Chief agreed to a public disposition admitting to her violations. The Board accepted the now-former Chief's termination as a sufficient penalty for her violations and imposed no additional penalty.

Superior-Subordinate Financial Relationship; Misuse of City Resources. A Caseworker at the New York City Department of Homeless Services ("DHS") owns and operates a tax preparation business. For five years, the Caseworker was paid by his DHS supervisor to prepare her tax returns. In addition, the Caseworker used his DHS computer to store 20 documents related to his tax preparation business and his DHS email account to exchange 10 emails related to that business. In a three-way settlement with the Board and DHS, the Caseworker agreed to serve a DHS-imposed 45-day suspension, valued at approximately \$9,047, to resolve his violations. The Board accepted this suspension as a sufficient penalty for the Caseworker's violations and imposed no additional penalty.

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